# <sup>114TH CONGRESS</sup> 2D SESSION **S. 2533**

To provide short-term water supplies to drought-stricken California and provide for long-term investments in drought resiliency throughout the Western United States.

#### IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2016

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

## A BILL

- To provide short-term water supplies to drought-stricken California and provide for long-term investments in drought resiliency throughout the Western United States.
  - 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 "California Long-Term Provisions for Water Supply and
6 Short-Term Provisions for Emergency Drought Relief
7 Act".

8 (b) TABLE OF CONTENTS.—The table of contents of9 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Findings.
- Sec. 4. Definitions.

#### TITLE I—LONG-TERM IMPROVEMENTS FOR WESTERN STATES SUBJECT TO DROUGHT

#### Subtitle A—Assistance for Drought-Stricken Communities

- Sec. 101. Assistance for drought-stricken communities and WaterSMART reauthorization.
- Sec. 102. Utilizing State revolving funds for areas with inadequate water supplies.

#### Subtitle B—Storage Provisions

- Sec. 111. Definitions.
- Sec. 112. Water storage project construction.
- Sec. 113. Reservoir operation improvement.
- Sec. 114. Findings.
- Sec. 115. Studies.
- Sec. 116. Losses caused by construction and operation of water storage projects.

#### Subtitle C-Desalination, Water Reuse and Recycling, and Conservation

- Sec. 121. Water recycling and desalination projects.
- Sec. 122. Reauthorization of Water Desalination Act.
- Sec. 123. New water recycling and reuse projects.
- Sec. 124. Promoting water efficiency with WaterSense.

#### Subtitle D—Reclamation Infrastructure Finance and Innovation

- Sec. 131. Purposes.
- Sec. 132. Definitions.
- Sec. 133. Authority to provide assistance.
- Sec. 134. Applications.
- Sec. 135. Eligibility for assistance.
- Sec. 136. Determination of eligibility and project selection.
- Sec. 137. Secured loans.
- Sec. 138. Program administration.
- Sec. 139. State and local permits.
- Sec. 140. Regulations.
- Sec. 141. Funding.

#### TITLE II—LISTED SPECIES AND WILDLIFE

- Sec. 201. Actions to benefit endangered fish populations.
- Sec. 202. Actions to benefit refuges.
- Sec. 203. Non-Federal program to protect native anadromous fish in Stanislaus River.
- Sec. 204. Pilot projects to implement CALFED invasive species program.

#### TITLE III—CALIFORNIA EMERGENCY DROUGHT RELIEF AND OPERATIONAL FLEXIBILITY

- Sec. 301. Taking into account increased real-time monitoring and updated science.
- Sec. 302. Emergency operations.
- Sec. 303. Temporary operational flexibility to capture peak flows from winter storms.
- Sec. 304. Emergency environmental reviews.
- Sec. 305. Level of detail required for analysis.

#### TITLE IV—WATER RIGHTS

- Sec. 401. Offset for State Water Project.
- Sec. 402. Area of origin and water rights protections.
- Sec. 403. No redirected adverse impacts.
- Sec. 404. Allocations for Sacramento Valley water service contractors.

#### TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Authorized service area.
- Sec. 502. Oversight over and public input into Restoration Fund activities.
- Sec. 503. Basin studies.
- Sec. 504. Technical and modeling assistance.
- Sec. 505. Report on results of water usage.
- Sec. 506. Additional storage at New Melones.
- Sec. 507. Contracting authorities.
- Sec. 508. Voluntary open water data system.
- Sec. 509. Single annual report.

#### TITLE VI—OFFSETS

- Sec. 601. Deauthorization of inactive projects.
- Sec. 602. Accelerated revenue, repayment, and surface water storage enhancement.

#### TITLE VII—DURATION AND EFFECT ON EXISTING OBLIGATIONS

Sec. 701. Savings clause. Sec. 702. Termination.

#### 1 SEC. 2. PURPOSES.

- 2 The purposes of this Act are—
- 3 (1) to help communities most at risk of running
- 4 out of clean water;
- 5 (2) to provide funding and support for long6 term solutions including water storage, desalination
  7 and recycling;
- and recycling;
- 8 (3) to protect threatened and endangered spe-
- 9 cies; and

	_
1	(4) to facilitate the movement of water to com-
2	munities most in need while adhering to all environ-
3	mental laws.
4	SEC. 3. FINDINGS.
5	Congress finds that—
6	(1) California is experiencing one of the most
7	severe droughts on record, with the snowpack at the
8	lowest levels in 500 years;
9	(2) Governor Jerry Brown declared a drought
10	state of emergency on January 17, 2014, and subse-
11	quently imposed strict water reductions on commu-
12	nities throughout the State;
13	(3) the drought constitutes a serious emergency
14	that poses immediate and severe risks to—
15	(A) human health and safety;
16	(B) economic security; and
17	(C) the environment;
18	(4) wells that provide households with clean
19	water have dried up due to 4 consecutive years of
20	drought, with approximately 2,591 domestic wells
21	statewide identified as critical or dry, affecting an
22	estimated 12,955 residents, many in the Central
23	Valley;
24	(5) rural and disadvantaged communities have
25	been hardest hit, placing great strain on drinking

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3 (A) 69 communities in Southern San Joa4 quin Valley have reported significant water sup5 ply and quality issues; and

6 (B) East Porterville is particularly hard
7 hit, with 40 percent, or 3,000, of its residents,
8 without running water;

9 (6) the State of California's water supplies are 10 at record-low levels, as indicated by the fact that 11 major Central Valley Project reservoir levels were 12 anywhere from 30 percent to 79 percent of their his-13 torical average as of February 8, 2016;

(7) while storage levels are below their historical averages, snowpack is the deepest it's been since
2005, the State of California's Department of Water
Resources found in its survey conducted on February 2, 2016, that the snow-water equivalent (the
amount of water in the snowpack) was 130 percent
above the February average;

(8) the drought has resulted in many lost jobs
including more than 21,000 seasonal and part-time
agricultural jobs—resulting in a 10.9 percent unemployment rate in the Central Valley, double the

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1	statewide unemployment rate of 5.7 percent, as of
2	December 15, 2015;
3	(9) thousands of families have been affected,
4	placing ever greater demands on food banks and
5	other relief organizations, and as of December 21,
6	2015—
7	(A) the California Department of Social
8	Services Drought Food Assistance Program has
9	provided more than 1,000,000 boxes to food
10	banks in affected communities with high levels
11	of unemployment; and
12	(B) nearly 72 percent of the food distribu-
13	tions have occurred in the Tulare Basin coun-
14	ties of Fresno, Kern, Kings, and Tulare;
15	(10) 2015 statewide economic costs are esti-
16	mated at \$2,700,000,000, including but not limited
17	to—
18	(A) the loss of \$900,000,000 in crop rev-
19	enue;
20	(B) the loss of $350,000,000$ in dairy and
21	other livestock value; and
22	(C) an increase of \$590,000,000 in
23	groundwater pumping costs;

1	(11) 1,032,508 acres in California's Central
2	Valley were fallowed in 2015, a 626,512 acre in-
3	crease from 2011;
4	(12) the drought is imperiling California's for-
5	ests, which provide important ecological, economic,
6	and cultural benefits to the State, and among the ef-
7	fects of the drought—
8	(A) loss of 50,000,000 large trees due to
9	stress from lack of water;
10	(B) 888,000,000 trees, covering
11	26,000,000 acres of California forest land, ex-
12	perienced losses of canopy cover since 2011,
13	threatening ecosystem destruction and loss of
14	animal habitat; and
15	(C) $6,337$ fires covering $307,598$ acres oc-
16	curred in 2015;
17	(13) fish continue to be threatened by the ex-
18	tended drought, compounding effects on two endan-
19	gered species, further reducing river flows and in-
20	creasing water temperatures—
21	(A) Delta smelt abundance are at a his-
22	toric low, as evidenced by long-term monitoring
23	surveys; and
24	(B) the abundance of the last remaining
25	population of wild Sacramento River winter run

1	Chinook salmon continue to decline, with mor-
2	tality rates between 95 percent and 97 percent
3	over the past 2 years, according to the National
4	Oceanic and Atmospheric Administration;
5	(14) wildlife has also been affected, with Level
6	2 water deliveries to wildlife refuges under the Cen-
7	tral Valley Project Improvement Act reduced by 25
8	percent in the north-of-Delta region and 35 percent
9	in the south-of-Delta region, and delivery schedules
10	shortened to only the winter months, and—
11	(A) these reduced water supplies have con-
12	tributed to a decline of the Pacific Flyway, a
13	migratory route for waterfowl that spans from
14	Alaska to South America;
15	(B) the reduction in water supplies has led
16	to a significant decline in flooded rice fields, a
17	vital habitat for migratory birds. Only one-third
18	of the usual acres of rice fields were flooded in
19	2015; and
20	(C) the reduction of available habitat for
21	migratory waterfowl contributed to a decreased
22	food availability in wildlife refuges and an in-
23	creased risk of disease due to overcrowding of
24	birds;

1	(15) subsidence in California is occurring at
2	more than 12 inches per year, caused in part by an
3	increase in groundwater pumping of more than
4	6,000,000 acre feet, some areas in the Central Val-
5	ley have sunk as much as 2 inches per month, and
6	the damage from subsidence is wide-ranging—
7	(A) roads, bridges, building foundations,
8	pipelines, canals, dams, and other infrastruc-
9	ture has been damaged;
10	(B) vital aquifers have been depleted;
11	(C) vital levees have sustained cracks and
12	ruptures; and
13	(D) shallow aquifers have become vulner-
14	able to contamination as surface water infil-
15	trates through fissures in the soil;
16	(16) the California Department of Water Re-
17	sources identified 21 groundwater basins where ex-
18	cessive groundwater pumping has resulted in over-
19	draft, 11 of which are in the San Joaquin Valley;
20	(17) California homes, cities, wildlife, busi-
21	nesses and farming need more water than is avail-
22	able today, particularly in the San Joaquin Valley;
23	(18) Congress recognizes that providing more
24	water to those who need it most will require science-

based management of water supplies and fish and
 wildlife resources, including—

3  $(\mathbf{A})$ alternative management strategies, 4 such as removing nonnative species, enhancing habitat, monitoring fish movement and location 5 6 in real-time, and improving water quality in the 7 Delta, which could contribute significantly to 8 protecting and recovering those endangered fish 9 species, and at potentially lower costs to water 10 supplies than solely focusing on restrictions on 11 water exports; and

12 (B) updated science and improved moni-13 toring tools that provide Federal and State 14 agencies with better information about condi-15 tions and operations that may or may not lead 16 to high salvage events that jeopardize fish pop-17 ulations; and

(19) given the dire effects outlined above and
the potential for continued harm, this emergency requires—

21 (A) immediate and credible action that
22 takes into account the complexity and impor23 tance of the water system to the State; and

24 (B) policies that do not position stake-25 holders against one another, which in the past

1	has led to costly litigation that benefits no one
2	and prevents any real solutions.
3	SEC. 4. DEFINITIONS.
4	In this Act:
5	(1) Assistant administrator.—The term
6	"Assistant Administrator" means the Assistant Ad-
7	ministrator for Fisheries of the National Oceanic
8	and Atmospheric Administration.
9	(2) CENTRAL VALLEY PROJECT.—The term
10	"Central Valley Project" has the meaning given the
11	term in section 3403 of the Central Valley Project
12	Improvement Act (Public Law 102–575; 106 Stat.
13	4707).
14	(3) COMMISSIONER.—The term "Commis-
15	sioner" means the Commissioner of Reclamation.
16	(4) Delta.—The term "Delta" means the Sac-
17	ramento-San Joaquin Delta and the Suisun Marsh
18	(as defined in section 12220 of the California Water
19	Code and section 29101 of the California Public Re-
20	sources Code (as in effect on the date of enactment
21	of this Act)).
22	(5) Delta smelt.—The term "Delta smelt"
23	means the fish species with the scientific name
24	Hypomesus transpacificus.

1	(6) DIRECTOR.—The term "Director" means
2	the Director of the United States Fish and Wildlife
3	Service.
4	(7) LISTED FISH SPECIES.—The term "listed
5	fish species" means—
6	(A) any natural origin steelhead, natural
7	origin genetic spring run Chinook, or genetic
8	winter run Chinook salmon (including any
9	hatchery steelhead or salmon population within
10	the evolutionary significant unit or a distinct
11	population segment); and
12	(B) Delta smelt.
13	(8) OMR.—The term "OMR" means the Old
14	and Middle River in the Delta.
15	(9) OMR FLOW.—The term "OMR flow"
16	means Old and Middle River flow of any given meas-
17	urement, expressed in cubic feet per second, as de-
18	scribed in—
19	(A) the smelt biological opinion; and
20	(B) the salmonid biological opinion.
21	(10) Reclamation state.—The term "Rec-
22	lamation State" means any of the States of—
23	(A) Arizona;
24	(B) California;
25	(C) Colorado;

1	(D) Idaho;
2	(E) Kansas;
3	(F) Montana;
4	(G) Nebraska;
5	(H) Nevada;
6	(I) New Mexico;
7	(J) North Dakota;
8	(K) Oklahoma;
9	(L) Oregon;
10	(M) South Dakota;
11	(N) Texas;
12	(O) Utah;
13	(P) Washington; and
14	(Q) Wyoming.
15	(11) SALMONID BIOLOGICAL OPINION.—
16	(A) IN GENERAL.—The term "salmonid bi-
17	ological opinion" means the biological and con-
18	ference opinion of the National Marine Fish-
19	eries Service dated June 4, 2009, regarding the
20	long-term operation of the Central Valley
21	Project and the State Water Project, and suc-
22	cessor biological opinions.
23	(B) INCLUSIONS.—The term "salmonid bi-
24	ological opinion" includes the operative inci-

1	dental take statement of the opinion described
2	in subparagraph (A).
3	(12) Smelt biological opinion.—
4	(A) IN GENERAL.—The term "smelt bio-
5	logical opinion" means the biological opinion
6	dated December 15, 2008, regarding the coordi-
7	nated operation of the Central Valley Project
8	and the State Water Project, and successor bio-
9	logical opinions.
10	(B) INCLUSIONS.—The term "smelt bio-
11	logical opinion" includes the operative inci-
12	dental take statement of the opinion described
13	in subparagraph (A).
14	(13) STATE WATER PROJECT.—The term
15	"State Water Project" means the water project de-
16	scribed in chapter 5 of part 3 of division 6 of the
17	California Water Code (sections 11550 et seq.) (as
18	in effect on the date of enactment of this Act) and
19	operated by the California Department of Water Re-
20	sources.

1	TITLE I-LONG-TERM IMPROVE-
2	MENTS FOR WESTERN
3	STATES SUBJECT TO
4	DROUGHT
5	Subtitle A—Assistance for Drought-
6	<b>Stricken Communities</b>
7	SEC. 101. ASSISTANCE FOR DROUGHT-STRICKEN COMMU-
8	NITIES AND WATERSMART REAUTHORIZA-
9	TION.
10	(a) FINDINGS.—Congress finds that—
11	(1) across the United States, more than 90 per-
12	cent of the community water systems serve popu-
13	lations of less than 10,000 individuals;
14	(2) the number of dry wells continues to in-
15	crease as the State of California entered the fourth
16	consecutive summer of drought, with approximately
17	2,591 wells statewide identified as critical or dry,
18	which affected an estimated 12,955 residents, with
19	2,444 of the $2,502$ of the dry wells concentrated in
20	the inland regions within the Central Valley;
21	(3) many areas of the State of California are
22	disproportionately impacted by drought because the
23	areas are heavily dependent or completely reliant on
24	groundwater from basins that are in overdraft and

1	in which the water table declines year after year or
2	from basins that are contaminated; and
3	(4) those communities throughout the State of
4	California have been impacted by the presence of
5	naturally occurring arsenic in the groundwater
6	among other contaminants, as a result of higher
7	concentration of contaminants in the water.
8	(b) Amendment.—Section 9504 of the Omnibus
9	Public Land Management Act of 2009 (42 U.S.C. 10364)
10	is amended—
11	(1) by redesignating subsections (b) through (e)
12	as subsections (d) through (f), respectively;
13	(2) by inserting after subsection (b) the fol-
14	lowing:
15	"(c) WATER STORAGE, INTEGRATED REGIONAL
16	WATER MANAGEMENT, RECLAMATION, AND RECYCLING
17	Projects.—
18	"(1) IN GENERAL.—The Secretary of the Inte-
19	rior is authorized to enter into cost shared financial
20	assistance and other long-term agreements with non-
21	Federal participants to advance the planning, de-
22	sign, and construction of non-Federal permanent
23	water storage and conveyance facilities, projects for
24	the reclamation and reuse of municipal, industrial,
25	domestic and agricultural wastewater, and naturally

1	impaired ground and surface waters, groundwater
2	recharge, and other water management improvement
3	projects for which the Secretary of the Interior is
4	authorized under this subtitle to assist an applicant
5	in the planning, design, and construction.
6	"(2) AUTHORITY TO PROVIDE ASSISTANCE.—
7	The Secretary of the Interior may provide financial
8	assistance under this subtitle to carry out projects
9	within—
10	"(A) any Reclamation State, including—
11	''(i) Arizona;
12	''(ii) California;
13	''(iii) Colorado;
14	"(iv) Idaho;
15	''(v) Kansas;
16	"(vi) Montana;
17	''(vii) Nebraska;
18	''(viii) Nevada;
19	"(ix) New Mexico;
20	''(x) North Dakota;
21	''(xi) Oklahoma;
22	''(xii) Oregon;
23	"(xiii) South Dakota;
24	''(xiv) Texas;
25	"(xv) Utah;

1	"(xvi) Washington; and
2	"(xvii) Wyoming; and
3	"(B) the States of Alaska and Hawaii.
4	"(3) PRIORITY.—In providing financial assist-
5	ance under this section, the Secretary of the Interior
6	shall give priority to storage, conveyance, and water
7	management improvement projects that—
8	"(A) ensure the efficient and beneficial use
9	of water or reuse of recycled water;
10	"(B) use integrated and coordinated water
11	management on a watershed or regional scale;
12	"(C) increase the availability of usable
13	water supplies in a watershed or region to ben-
14	efit individuals, the economy, and the environ-
15	ment and include adaptive measures needed to
16	address climate change and future demands;
17	"(D) where practicable, provide flood con-
18	trol or recreation benefits and include the devel-
19	opment of incremental hydroelectric power gen-
20	eration; and
21	"(E) generate environmental benefits, such
22	as benefits to fisheries, wildlife and habitat,
23	water quality, water-dependent ecological sys-
24	tems, and water supply benefits to agricultural
25	and urban water users.

1	"(4) FEDERAL COST SHARE.—The Federal
2	share of the cost of a project under this subsection
3	shall be—
4	"(A) an amount equal to the lesser of—
5	"(i) 25 percent of total costs; and
6	"(ii) \$20,000,000 (adjusted for infla-
7	tion); and
8	"(B) nonreimbursable.
9	"(5) IN-KIND CONTRIBUTIONS.—The non-Fed-
10	eral share of the cost of a project under this sub-
11	section may include in-kind contributions to the
12	planning, design, and construction of the project.
13	"(6) TITLE; OPERATION AND MAINTENANCE
14	COSTS.—The non-Federal entity entering into a fi-
15	nancial assistance agreement under this subsection
16	shall—
17	"(A) hold title in and to all facilities con-
18	structed under this subsection; and
19	"(B) be solely responsible for the costs of
20	operating and maintaining those facilities.";
21	and
22	(3) in subsection (f) (as redesignated by para-
23	graph $(1)$ ), by striking "\$350,000,000" and insert-
24	ing ''\$500,000,000''.

(c) AMENDMENT.—Section 9508 of the Omnibus
 Public Land Management Act of 2009 (42 U.S.C. 10368)
 is amended—

4 (1) by redesignating subsections (b) through (e)
5 as subsections (c) through (f), respectively; and
6 (2) by inserting after subsection (a) the fol7 lowing:

8 "(b) Additional Assistance for Communities9 Without Access to Adequate Water.—

10 "(1) IN GENERAL.—To assist disadvantaged 11 communities that have experienced a significant de-12 cline in quantity or quality of drinking water, and to 13 obtain or maintain adequate quantities of water that 14 meet the standards set by the Federal Water Pollu-15 tion Control Act (33 U.S.C. 1251 et seq.), the Sec-16 retary of the Interior is authorized to provide grants 17 for communities—

18 "(A) that are unable to meet the primary19 water quality standards under that Act; or

20 "(B) the local private or public water sup21 ply of which has been lost or severely dimin22 ished due to drought conditions.

23 "(2) ELIGIBLE COMMUNITIES.—To be eligible
24 to receive a grant under this subsection, a commu-

1	nity shall carry out a project described in paragraph
2	(3), the service area of which—
3	"(A) shall not be located in any city or
4	town with a population of more than 60,000
5	residents; and
6	"(B) has a median household income of
7	less than 100 percent of the nonmetropolitan
8	median household income of the State.
9	"(3) ELIGIBLE PROJECTS.—Projects eligible for
10	this program may be used for—
11	"(A) emergency water supplies;
12	"(B) point of use treatment and point of
13	entry systems;
14	"(C) distributed treatment facilities;
15	"(D) construction of new water source fa-
16	cilities including wells and connections to exist-
17	ing systems;
18	"(E) water distribution facilities;
19	"(F) connection fees to existing systems;
20	"(G) assistance to households to connect to
21	water facilities; and
22	"(H) any combination of activities de-
23	scribed in subparagraphs (A) through (G).

1	"(4) PRIORITIZATION.—In determining prior-
2	ities for funding projects, the Secretary of the Inte-
3	rior shall take into consideration—
4	"(A) where water outages—
5	"(i) are most serious; and
6	"(ii) pose the greatest threat to public
7	health and safety; and
8	"(B) whether the applicant has the ability
9	to qualify for alternative funding sources.
10	"(5) MAXIMUM AMOUNT.—The amount of a
11	grant provided under this section may be made up
12	to 100 percent of costs, including—
13	"(A) initial operation costs incurred for
14	start-up and testing of project facilities;
11	
15	"(B) components to ensure such facilities
	"(B) components to ensure such facilities and components are properly operational; and
15	
15 16	and components are properly operational; and
15 16 17	and components are properly operational; and "(C) costs of operation or maintenance in-
15 16 17 18	and components are properly operational; and "(C) costs of operation or maintenance in- curred subsequent to placing the facilities or
15 16 17 18 19	and components are properly operational; and "(C) costs of operation or maintenance in- curred subsequent to placing the facilities or components into service.".
15 16 17 18 19 20	<ul> <li>and components are properly operational; and</li> <li>"(C) costs of operation or maintenance incurred subsequent to placing the facilities or components into service.".</li> <li>SEC. 102. UTILIZING STATE REVOLVING FUNDS FOR AREAS</li> </ul>
15 16 17 18 19 20 21	<ul> <li>and components are properly operational; and "(C) costs of operation or maintenance incurred subsequent to placing the facilities or components into service.".</li> <li>SEC. 102. UTILIZING STATE REVOLVING FUNDS FOR AREAS WITH INADEQUATE WATER SUPPLIES.</li> </ul>
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	<ul> <li>and components are properly operational; and "(C) costs of operation or maintenance incurred subsequent to placing the facilities or components into service.".</li> <li>SEC. 102. UTILIZING STATE REVOLVING FUNDS FOR AREAS WITH INADEQUATE WATER SUPPLIES.</li> <li>(a) IN GENERAL.—For the 5-year period beginning</li> </ul>

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Control Act (33 U.S.C. 1381 et seq.) and the Drinking 1 2 Water State Revolving Fund established under section 3 1452 of the Safe Drinking Water Act (42 U.S.C. 300j– 4 12) for any project eligible to receive assistance under sec-5 tion 603 of the Federal Water Pollution Control Act (33) U.S.C. 1383) or section 1452(a)(2) of the Safe Drinking 6 7 Water Act (42 U.S.C. 300j-12(a)(2)), respectively, that 8 the State of California determines will provide additional 9 water supplies most expeditiously to areas that are at risk 10 of having an inadequate supply of water for public health 11 and safety purposes or to improve resiliency to drought, 12 the Administrator of the Environmental Protection Agen-13 cy shall—

14 (1) require the State of California to review and15 prioritize funding;

(2) make a finding on any request for a waiver
received from the State of California by not later
than 30 days after the date of conclusion of the informal public comment period pursuant to section
436(c) of division G of Public Law 113–76 (128
Stat. 347); and

(3) authorize, at the request of the State of
California, 40-year financing for assistance under
section 603(d)(2) of the Federal Water Pollution
Control Act (33 U.S.C. 1383(d)(2)) or section

1452(f)(2) of the Safe Drinking Water Act (42
 U.S.C. 300j-12(f)(2)), as applicable.

3 (b) EFFECT OF SECTION.—Nothing in this section 4 authorizes the Administrator of the Environmental Pro-5 tection Agency to modify any funding allocation, funding criteria, or other requirement relating to State water pol-6 lution control revolving funds established under title VI 7 8 of the Federal Water Pollution Control Act (33 U.S.C. 9 1381 et seq.) or the State drinking water treatment re-10 volving loan funds established under section 1452 of the 11 Safe Drinking Water Act (42 U.S.C. 300j–12) for any State other than California. 12

### 13 Subtitle B—Storage Provisions

#### 14 SEC. 111. DEFINITIONS.

#### 15 In this subtitle:

16 (1) FEDERALLY OWNED STORAGE PROJECT.—
17 The term "federally owned storage project" means
18 any project involving a surface water storage facility
19 in a Reclamation State—

20 (A) to which the United States holds title;21 and

(B) that was authorized to be constructed,
operated, and maintained pursuant to the reclamation laws.

1	(2) STATE-LED STORAGE PROJECT.—The term
2	"State-led storage project" means any project in a
3	Reclamation State that—
4	(A) involves a groundwater or surface
5	water storage facility constructed, operated, and
6	maintained by any State, department of a
7	State, subdivision of a State, or public agency
8	organized pursuant to State law; and
9	(B) provides a benefit in meeting any obli-
10	gation under Federal law (including regula-
11	tions).
12	SEC. 112. WATER STORAGE PROJECT CONSTRUCTION.
13	(a) Federally Owned Storage Projects.—
14	(1) AGREEMENTS.—On the request of any
15	State, any department, agency, or subdivision of a
16	State, or any public agency organized pursuant to
17	State law, the Secretary of the Interior may nego-
18	tiate and enter into an agreement on behalf of the
19	United States for the design, study, and construc-
20	tion or expansion of any federally owned storage
21	project in accordance with this section.
22	(2) FEDERAL COST SHARE.—Subject to the re-
• •	
23	quirements of this subsection, the Secretary of the

project in an amount equal to not more than 50 per-

25

1

2	project.
3	(3) COMMENCEMENT.—The construction of a
4	federally owned storage project that is the subject of
5	an agreement under this subsection shall not com-
6	mence until the Secretary of the Interior—
7	(A) determines that the proposed federally
8	owned storage project is feasible in accordance
9	with the reclamation laws;
10	(B) secures an agreement providing up-
11	front funding as is necessary to pay the non-
12	Federal share of the capital costs; and
13	(C) determines that, in return for the Fed-
14	eral cost-share investment in the federally
15	owned storage project, at least a proportionate
16	share of the project benefits are Federal bene-
17	fits, including water supplies dedicated to spe-
18	cific purposes such as environmental enhance-
19	ment and wildlife refuges.
20	(4) Environmental laws.—In participating
21	in a federally owned storage project under this sub-
22	section, the Secretary of the Interior shall comply
23	with all applicable environmental laws, including the
24	National Environmental Policy Act of 1969 (42

25 U.S.C. 4321 et seq.).

1	(b) STATE-LED STORAGE PROJECTS.—
2	(1) IN GENERAL.—Subject to the requirements
3	of this subsection, the Secretary of the Interior may
4	participate in a State-led storage project in an
5	amount equal to not more than 25 percent of the
6	total cost of the State-led storage project.
7	(2) Request by governor.—Participation by
8	the Secretary of the Interior in a State-led storage
9	project under this subsection shall not occur un-
10	less—
11	(A) the participation has been requested by
12	the Governor of the State in which the State-
13	led storage project is located;
14	(B) the State or local sponsor determines,
15	and the Secretary of the Interior concurs,
16	that—
17	(i) the State-led storage project is
18	technically and financially feasible;
19	(ii) sufficient non-Federal funding is
20	available to complete the State-led storage
21	project; and
22	(iii) the State-led storage project
23	sponsors are financially solvent;
24	(C) the Secretary of the Interior deter-
25	mines that, in return for the Federal cost-share

1	investment in the State-led storage project, at
2	least a proportional share of the project benefits
3	are the Federal benefits, including water sup-
4	plies dedicated to specific purposes such as en-
5	vironmental enhancement and wildlife refuges;
6	and
7	(D) the Secretary of the Interior submits
8	to Congress a written notification of these de-
9	terminations.
10	(3) Environmental laws.—When partici-
11	pating in a State-led storage project under this sub-
12	section, the Secretary shall comply with all applica-
13	ble environmental laws, including the National Envi-
14	ronmental Policy Act of 1969 (42 U.S.C. 4321 et
15	seq.).
16	(4) INFORMATION.—When participating in a
17	State-led storage project under this subsection, the
18	Secretary of the Interior—
19	(A) may rely on reports prepared by the
20	sponsor of the State-led storage project, includ-
21	ing feasibility (or equivalent) studies, environ-
22	mental analyses, and other pertinent reports
23	and analyses; but

1	(B) shall retain responsibility for making
2	the independent determinations described in
3	paragraph (2).
4	(c) Authority To Provide Assistance.—The Sec-
5	retary of the Interior may provide financial assistance
6	under this subtitle to carry out projects within any Rec-
7	lamation State, including—
8	(1) Arizona;
9	(2) California;
10	(3) Colorado;
11	(4) Idaho;
12	(5) Kansas;
13	(6) Montana;
14	(7) Nebraska;
15	(8) Nevada;
16	(9) New Mexico;
17	(10) North Dakota;
18	(11) Oklahoma;
19	(12) Oregon;
20	(13) South Dakota;
21	(14) Texas;
22	(15) Utah;
23	(16) Washington; and
24	(17) Wyoming.

1 (d) RIGHTS TO USE CAPACITY.—Subject to compliance with State water rights laws, the right to use the 2 3 capacity of a federally owned storage project or State-led 4 storage project for which the Secretary of the Interior has 5 entered into an agreement under this subsection shall be allocated in such manner as may be mutually agreed to 6 7 by the Secretary of the Interior and each other party to 8 the agreement.

9 (e) COMPLIANCE WITH CALIFORNIA WATER 10 Bond.—

11 (1) IN GENERAL.—The provision of Federal 12 funding for construction of a State-led storage 13 project in the State shall be subject to the condition 14 that the California Water Commission shall deter-15 mine that the State-led storage project is consistent 16 with the California Water Quality, Supply, and In-17 frastructure Improvement Act, approved by Cali-18 fornia voters on November 4, 2014.

(2) APPLICABILITY.—This subsection expires
on the date on which State bond funds available
under the Act referred to in paragraph (1) are expended.

23 (f) PARTNERSHIP AND AGREEMENTS.—The Sec24 retary of the Interior, acting through the Commissioner,
25 may partner or enter into an agreement regarding the

water storage projects identified in section 103(d)(1) of
 the Water Supply, Reliability, and Environmental Im provement Act (Public Law 108–361; 118 Stat. 1688)
 with local joint powers authorities formed pursuant to
 State law by irrigation districts and other local water dis tricts and local governments within the applicable hydro logic region, to advance those projects.

8 (g) CALFED AUTHORIZATION.—Title I of Public
9 Law 108–361 (the Calfed Bay-Delta Authorization Act)
10 (118 Stat. 1681; 123 Stat. 2860; 128 Stat. 164; 128 Stat.
11 2312) (as amended by section 207 of Public Law 114–
113) is amended by striking "2017" each place it appears
13 and inserting "2019".

14 (h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be
appropriated to carry out this section \$600,000,000
to remain available until expended.

(2) ELIGIBILITY.—Only a federally owned storage project or State-led storage project that has
been determined by the Secretary of the Interior to
meet the eligibility criteria described in subsections
(a) and (b) shall be eligible to receive funding under
this section.

(i) SUNSET.—This section shall apply only to feder-ally owned storage projects and State-led storage projects

that the Secretary of the Interior determines to be feasible
 before January 1, 2021.

3 (j) CONSISTENCY WITH STATE LAW.—Nothing in
4 this section preempts or modifies any obligation of the
5 United States to act in conformance with applicable State
6 law.

#### 7 SEC. 113. RESERVOIR OPERATION IMPROVEMENT.

8 (a) REPORT.—Not later than 180 days after the date 9 of enactment of this Act, the Secretary of the Army shall 10 submit to the Committees on Appropriations and Environment and Public Works of the Senate and the Committees 11 12 on Appropriations and Transportation and Infrastructure 13 of the House of Representatives a report describing, with respect to any State under a gubernatorial drought dec-14 15 laration during water year 2015, the following:

- (1) A list of Corps of Engineer projects and
  non-Federal projects operated for flood control in
  accordance with rules prescribed by the Secretary of
  the Army pursuant to section 7 of the Act of December 22, 1944 (commonly known as the "Flood
  Control Act of 1944" (58 Stat. 890, chapter 665)).
- (2) The year during which the original watercontrol manual was approved.

1	(3) The year during which any subsequent revi-
2	sions to the water control plan and manual of the
3	project are proposed to occur.
4	(4) A list of projects for which operational devi-
5	ations for drought contingency have been requested,
6	and the status of the request.
7	(5) The means by which water conservation and
8	water quality improvements were addressed.
9	(6) A list of projects for which permanent or
10	seasonal changes to storage allocations have been re-
11	quested, and the status of the request.
12	(b) Project Identification.—Not later than 60
13	days after the date of completion of the report under sub-
14	section (a), the Secretary of the Army shall identify any
15	projects described in the report that meet the following
16	criteria:
17	(1) The project is located in a State in which
18	a drought emergency has been declared or was in ef-
19	fect during the 1-year period preceding the date of
20	final review by the Secretary.
21	(2) The water control manual and
22	hydrometeorological information establishing the
23	flood control rule curves of the project are consid-
24	ered out of date as a result of not being updated for
25	a period of 20 years.

1 (3) A non-Federal sponsor of a Corps of Engi-2 neers project, or owner of a non-Federal project, as 3 applicable, has submitted to the Secretary a written 4 request to revise water operations manuals, includ-5 ing flood control rule curves, based on the use of im-6 proved weather forecasting or run-off forecasting 7 methods, new watershed data, changes to project op-8 erations, or structural improvements.

9 (c) PILOT PROJECTS.—

10 (1) IN GENERAL.—Not later than 1 year after 11 the date of identification of projects under sub-12 section (b), if any, the Secretary of the Army shall 13 carry out not more than 15 pilot projects, including 14 not less than 6 non-Federal projects (within the 15 meaning of subsection (a)(1), if any are identified under subsection (b), to implement revisions of 16 17 water operations manuals, including flood control 18 rule curves, based on the best available science, 19 which may include—

- 20 (A) forecast-informed operations;
- 21 (B) new watershed data; and

(C) if applicable, in the case of non-Fed-eral projects, structural improvements.

24 (2) CONSULTATION.—In implementing the pilot
25 projects pursuant to this subsection, the Secretary of

1	the Army shall consult with all affected interests, in-
2	cluding—
3	(A) non-Federal entities responsible for op-
4	erations and maintenance costs of a Corps of
5	Engineers facility;
6	(B) affected water rights holders;
7	(C) individuals and entities with storage
8	entitlements; and
9	(D) local agencies with flood control re-
10	sponsibilities downstream of a Corps of Engi-
11	neers facility.
12	(d) Coordination With Non-Federal Project
13	ENTITIES.—Before carrying out an activity under this
14	section, if a project identified under subsection (b) is—
15	(1) a non-Federal project, the Secretary of the
16	Army shall—
17	(A) consult with the non-Federal project
18	owner; and
19	(B) enter into a cooperative agreement,
20	memorandum of understanding, or other agree-
21	ment with the non-Federal project owner de-
22	scribing the scope and goals of the activity and
23	the coordination among the parties; or
24	(2) owned and operated by the Corps of Engi-
25	neers, the Secretary of the Army shall—

1	(A) consult with each non-Federal entity
2	(including a municipal water district, irrigation
3	district, joint powers authority, or other local
4	governmental entity) that currently—
5	(i) manages (in whole or in part) a
6	Corps of Engineers dam or reservoir; or
7	(ii) is responsible for operations and
8	maintenance costs; and
9	(B) enter into a cooperative agreement,
10	memorandum of understanding, or other agree-
11	ment with each the entity describing the scope
12	and goals of the activity and the coordination
13	among the parties.
14	(e) Consideration.—In designing and imple-
15	menting a forecast-informed reservoir operations plan, the
16	Secretary of the Army shall work closely with the National
17	Oceanic and Atmospheric Administration and may con-
18	sider—
19	(1) the relationship between ocean and atmos-
20	pheric conditions, including the El Niño and La
21	Niña cycles, and the potential for above-normal, nor-
22	mal, and below-normal rainfall for the coming water
23	year, including consideration of atmospheric river
24	forecasts;
1	(2) the precipitation and runoff index specific
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2	to the basin and watershed of the relevant dam or
3	reservoir, including incorporating knowledge of
4	hydrological and meteorological conditions that influ-
5	ence the timing and quantity of runoff;
6	(3) improved hydrologic forecasting for precipi-
7	tation, snowpack, and soil moisture conditions;
8	(4) an adjustment of operational flood control
9	rule curves to optimize water supply storage and re-
10	liability, hydropower production, environmental bene-
11	fits for flows and temperature, and other authorized
12	project benefits, without a reduction in flood safety;
13	and
14	(5) proactive management in response to
15	changes in forecasts.
16	(f) FUNDING.—
17	(1) DEFINITION OF OPERATIONAL DOCU-
18	MENT.—In this subsection, the term "operational
19	document" means—
20	(A) a water control plan;
21	(B) a water control manual;
22	(C) a water control diagram;
23	(D) a release schedule;
24	(E) a rule curve;

1	(F) an operational agreement with a non-
2	Federal entity; and
3	(G) any environmental documentation as-
4	sociated with a document described in any of
5	subparagraphs (A) through (F).
6	(2) Acceptance and use.—The Secretary of
7	the Army may accept and expend amounts from
8	non-Federal entities to fund all or a portion of the
9	cost of carrying out a review or revision of oper-
10	ational documents for any reservoir that is either op-
11	erated or maintained by the Secretary, or for which
12	the Secretary is authorized to prescribe regulations
13	or otherwise advise or consult concerning the use of
14	storage allocated for flood risk management or navi-
15	gation.
16	(g) Effect of Manual Revisions and Other
17	PROVISIONS.—
18	(1) MANUAL REVISIONS.—In accordance with
19	all applicable laws, a revision of a manual shall not
20	interfere with—
21	(A) the authorized purposes of a Corps of
22	Engineers project; or
23	(B) the existing purposes of a non-Federal
24	project that is regulated for flood control by the
25	Secretary of the Army.

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$1 \qquad (2) \text{ EFFECT.}$	
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2	(A) ACT.—Nothing in this Act authorizes
3	the Secretary of the Army to carry out, at a
4	Corps of Engineers or non-Federal dam or res-
5	ervoir, any project or activity for a purpose not
6	otherwise authorized as of the date of enact-
7	ment of this Act.
8	(B) SECTION.—Nothing in this section—
9	(i) affects or modifies any obligation
10	of the Secretary of the Army under State
11	law; or
12	(ii) authorizes the diversion or use of
13	water in a manner that is inconsistent with
14	State water rights law.
15	(3) BUREAU OF RECLAMATION PROJECTS EX-
16	CLUDED.—This section shall not apply to any dam
17	or reservoir owned by the Bureau of Reclamation.
18	(h) Modifications to Manuals and Curves.—
19	Not later than 180 days after the date of completion of
20	a modification to an operations manual or flood control
21	rule curve, the Secretary of the Army shall submit to Con-
22	gress a report regarding the components of the forecast-
23	based reservoir operations plan incorporated into the
24	change.

## 1 SEC. 114. FINDINGS.

2	Congress finds that—
3	(1) the record drought conditions being experi-
4	enced in the State of California as of the date of en-
5	actment of this Act are—
6	(A) expected to recur in the future; and
7	(B) likely to do so with increasing fre-
8	quency;
9	(2) water storage is an indispensable and inte-
10	gral part of any solution to address the long-term
11	water challenges of the State of California;
12	(3) Congress has authorized relevant feasibility
13	studies for 5 water storage projects in the State of
14	California, including projects for—
15	(A) enlargement of Shasta Dam in Shasta
16	County under section 2(a) of Public Law 96–
17	375 (94 Stat. 1506), as reaffirmed under sec-
18	tion $103(d)(1)(A)(i)(I)$ of Public Law 108–361
19	(118 Stat. 1684);
20	(B) enlargement of Los Vaqueros Res-
21	ervoir in Contra Costa County under section
22	215 of Public Law 108-7 (117 Stat. 147), as
23	reaffirmed under section $103(d)(1)(A)(i)(II)$ of
24	Public Law 108–361 (118 Stat. 1684);
25	(C) construction of North-of-Delta
26	Offstream Storage (Sites Reservoir) in Colusa

	11
1	County under section 215 of Public Law 108–
2	7 (117 Stat. 147), as reaffirmed under section
3	103(d)(1)(A)(ii)(I) of Public Law 108–361
4	(118 Stat. 1684);
5	(D) construction of the Upper San Joaquin
6	River storage (Temperance Flat) in Fresno and
7	Madera Counties under section 215 of Public
8	Law $108-7$ (117 Stat. 147), as reaffirmed
9	under section 103(d)(1)(A)(ii)(II) of Public
10	Law 108–361 (118 Stat. 1684); and
11	(E) expansion of San Luis Reservoir under
12	section $103(f)(1)(A)$ of Public Law $108-361$
13	(118 Stat. 1694);
14	(4) as of the date of enactment of this Act,
15	more than 10 years have elapsed since the author-
16	ization of the feasibility studies referred to in para-
17	graph (3), but for a variety of reasons the slow pace
18	of work on completion of the feasibility studies for
19	those 5 water storage projects is unjustified and of
20	deep concern; and
21	(5) there is significant public interest in, and
22	urgency with respect to, completing all feasibility
23	studies and environmental reviews for the water
24	storage projects referred to in paragraph (3), given
25	the critical need for that infrastructure to address

current and future water challenges of the State of
 California.

## 3 SEC. 115. STUDIES.

4 The Secretary of the Interior, acting through the5 Commissioner, shall—

6 (1) complete the Upper San Joaquin River 7 (Temperance Flat) feasibility study described in 8 clause (ii)(II) of section 103(d)(1)(A) of Public Law 9 108–361 (118 Stat. 1684) and submit the study to 10 the appropriate committees of the House of Rep-11 resentatives and the Senate not later than March 12 31, 2016;

(2) complete the Los Vaqueros Reservoir feasibility study described in clause (i)(II) of section
103(d)(1)(A) of Public Law 108–361 (118 Stat.
1684) and submit the study to the appropriate committees of the House of Representatives and the
Senate not later than November 30, 2016;

(3) complete the North-of-Delta Offstream
Storage (Sites Reservoir) feasibility study described
in clause (ii)(I) of section 103(d)(1)(A) of Public
Law 108–361 (118 Stat. 1684) and submit the
study to the appropriate committees of the House of
Representatives and the Senate not later than November 30, 2017;

1	(4) complete the San Luis Reservoir feasibility
2	study described in section $103(f)(1)(A)$ of Public
3	Law $108-361$ (118 Stat. 1694) and submit the
4	study to the appropriate Committees of the House
5	of Representatives and the Senate not later than De-
6	cember 31, 2017;
7	(5) provide a progress report on the status of
8	the feasibility studies referred to in paragraphs (1)
9	through (3) to the appropriate committees of the
10	House of Representatives and the Senate not later
11	than 90 days after the date of enactment of this Act
12	and every 180 days thereafter until December 31,
13	2017, as applicable, which report shall include
14	timelines for study completion, draft environmental
15	impact statements, final environmental impact state-
16	ments, and records of decision;

17 (6) document, delineate, and publish costs di-18 rectly relating to the engineering and construction of 19 a water storage project separately from the costs re-20 sulting from regulatory compliance or the construc-21 tion of auxiliary facilities necessary to achieve regu-22 latory compliance if the Secretary of the Interior de-23 termines in any feasibility study required under this 24 subsection, reclamation laws, the Central Valley 25 Project Improvement Act (Public Law 102–575; 106

1	Stat. 4706), the Fish and Wildlife Coordination Act
2	(16 U.S.C. 661 et seq.), the Endangered Species Act
3	of 1973 (16 U.S.C. 1531 et seq.), and other applica-
4	ble law, that the project is not feasible;
5	(7) include information required in paragraph
6	(7) in the feasibility studies issued pursuant para-
7	graphs $(1)$ through $(5)$ , as applicable; and
8	(8) communicate, coordinate, and cooperate
9	with public water agencies that—
10	(A) contract with the United States for
11	Central Valley Project water; and
12	(B) are expected to participate in the cost
13	pools that will be created for the projects pro-
14	posed in the feasibility studies under this sec-
15	tion.
16	SEC. 116. LOSSES CAUSED BY CONSTRUCTION AND OPER-
17	ATION OF WATER STORAGE PROJECTS.
18	The Secretary of the Interior, in consultation with
19	other appropriate agencies, shall establish a process to ad-
20	dress direct and substantial impacts caused by any storage
21	projects identified under section 115.

1	Subtitle C—Desalination, Water
2	Reuse and Recycling, and Con-
3	servation
4	SEC. 121. WATER RECYCLING AND DESALINATION
5	PROJECTS.
6	(a) FINDINGS.—Congress finds that—
7	(1) Federal funding to support water recycling
8	and desalination projects in recent years has been
9	insufficient to address water supply needs in many
10	regions across the United States;
11	(2) climate variability and drought resiliency re-
12	quire additional water supply projects to cope with
13	higher probabilities of longer, more intense droughts;
14	(3) the historic drought in the State of Cali-
15	fornia highlights the necessity of long-term projects
16	to address a changing climate;
17	(4) the California Water Plan and surveys con-
18	ducted by the National Association of Clean Water
19	Agencies, the Water Reuse Association, the Associa-
20	tion of California Water Agencies, the Western Re-
21	cycled Water Coalition, and the California Associa-
22	tion of Sanitation Agencies led to the identification
23	of 137 water recycling and desalination projects ca-
24	pable of producing 1,412,799 acre-feet of new water

1	supplies if sufficient funding or financing tools ex-
2	isted to facilitate development of the projects;
3	(5) there exists a Federal interest in the
4	projects referred to in paragraph (4) to the extent
5	that the projects can—
6	(A) diversify water supplies;
7	(B) reduce conflicts hindering existing
8	Federal reclamation efforts on the Colorado
9	River and around the Delta; and
10	(C) advance technologies which reduce the
11	cost and improve the efficiency of water desali-
12	nation projects; and
13	(6) this Act will enable Federal support for de-
14	salination projects, including the projects referred to
15	in paragraph (4) and others by providing Federal
16	cost-share grants, through the Water Desalination
17	Act of 1996 (42 U.S.C. 10301 note; Public Law
18	104–298), the Reclamation Wastewater and Ground-
19	water Study and Facilities Act (43 U.S.C. 390h et
20	seq.), and the WaterSMART program of the Depart-
21	ment of the Interior, and by making low-cost loans
22	or loan guarantees available under subtitle D.
23	(b) WATER RECYCLING PROJECTS.—On submission
24	of a completed feasibility report in accordance with Bu-
25	reau of Reclamation standards, the Secretary of the Inte-

1	rior shall review requests for water recycling project fund-
2	ing assistance and, subject to the availability of appropria-
3	tions, award funding, on a competitive basis, for projects
4	that meet the eligibility requirements of this title, subject
5	to the condition that the Secretary shall include among
6	the projects reviewed watercycling projects sponsored by
7	any of the following:
8	(1) Bear Valley Community Services District.
9	(2) Beaumont Cherry Valley Water District.
10	(3) Burbank Water and Power.
11	(4) Cambria Community Services District.
12	(5) Central Contra Costa Sanitary District.
13	(6) City of American Canyon.
14	(7) City of Benicia.
15	(8) City of Brentwood.
16	(9) City of Camarillo.
17	(10) City of Carlsbad (Municipal Water Dis-
18	trict).
19	(11) City of Corona Department of Water and
20	Power.
21	(12) City of Daly City.
22	(13) City of Del Mar.
23	(14) City of Escondido.
24	(15) City of Fresno.
25	(16) City of Hayward.

1	(17) City of Los Angeles (Bureau of Sanitation
2	and Department of Water and Power).
3	(18) City of Modesto.
4	(19) City of Morro Bay.
5	(20) City of Mountain View.
6	(21) City of Oceanside.
7	(22) City of Palo Alto.
8	(23) City of Paso Robles.
9	(24) City of Pismo Beach.
10	(25) City of Pleasanton.
11	(26) City of Poway.
12	(27) City of Redwood City.
13	(28) City of Riverside.
14	(29) City of Roseville.
15	(30) City of Sacramento.
16	(31) City of San Bernardino.
17	(32) City of San Diego.
18	(33) City of San Luis Obispo.
19	(34) City of Santa Barbara.
20	(35) City of Santa Rosa.
21	(36) City of Shasta Lake.
22	(37) City of Sunnyvale.
23	(38) City of Turlock.
24	(39) City of Vacaville.
25	(40) City of Ventura.

10
(41) City of Visalia.
(42) Clear Creek Community Services District.
(43) Coachella Valley Water District.
(44) Cucamonga Valley Water District.
(45) Delta Diablo Sanitation District.
(46) Desert Water Agency.
(47) Dublin San Ramon Services District.
(48) East Bay Municipal Utility District.
(49) East Valley Water District.
(50) Eastern Municipal Water District.
(51) El Dorado Irrigation District.
(52) Fallbrook Public Utility District.
(53) Goleta Water District.
(54) Helendale Community Services District.
(55) Hi-Desert Water District.
(56) Idyllwild Water District.
(57) Inland Empire Utilities Agency.
(58) Ironhouse Sanitary District.
(59) Irvine Ranch Water District.
(60) Las Virgenes Municipal Water District.
(61) Leucadia Wastewater District.
(62) Long Beach Water Department.
(63) Los Carneros Water District.
(64) Marin Municipal Water District.

1	(65) Metropolitan Water District/Los Angeles
2	Sanitation District.
3	(66) Monterey Regional Water Pollution Con-
4	trol Agency.
5	(67) Napa County Department of Public
6	Works.
7	(68) North Bay Water Reuse Authority.
8	(69) North Marin Water District.
9	(70) Novato Sanitary District.
10	(71) Olivenhain Municipal Water District.
11	(72) Orange County Sanitation District.
12	(73) Orange County Water District.
13	(74) Otay Water District.
14	(75) Padre Dam Municipal Water District.
15	(76) Pajaro Valley Water Management Agency.
16	(77) Paradise Irrigation District.
17	(78) Pebble Beach Community Services Dis-
18	triet.
19	(79) Rainbow Municipal Water District.
20	(80) Ramona Municipal Water District.
21	(81) Rancho California Water District.
22	(82) Rincon Del Diablo Municipal Water Dis-
23	triet.
24	(83) Sacramento Regional County Sanitation
25	District.

1	(84) San Bernardino County Special Districts.
2	(85) San Francisco Public Utilities Commis-
3	sion.
4	(86) San Jose Water Company.
5	(87) San Luis Obispo County.
6	(88) Santa Clara Valley Water District.
7	(89) Santa Clarita Valley Sanitation District.
8	(90) Santa Fe Irrigation District.
9	(91) Santa Margarita Water District.
10	(92) Sausalito-Marin City Sanitary District.
11	(93) Sonoma County Water Agency.
12	(94) South Orange County Wastewater Author-
13	ity.
14	(95) South Tahoe Public Utility District.
15	(96) Sunnyslope County Water District.
16	(97) Town of Yountville.
17	(98) Tuolumne Utilities District.
18	(99) Upper San Gabriel Valley Municipal Water
19	District.
20	(100) Valley Center Municipal Water District.
21	(101) Valley Sanitary District.
22	(102) Ventura County Waterworks District No.
23	8.
24	(103) Victor Valley Wastewater Reclamation
25	Authority.

1	(104) Water Replenishment District of South-
2	ern California.
3	(105) West Basin Municipal Water District.
4	(106) West Bay Sanitary District.
5	(107) West County Wastewater District.
6	(108) Western Municipal Water District of Riv-
7	erside County.
8	(109) Western Riverside County Regional
9	Wastewater Authority.
10	(110) Yucaipa Valley Water District.
11	(c) FEDERAL SUPPORT FOR WATER RECYCLING
12	PROJECTS.—Water recycling and reuse projects described
13	in subsection (b) may compete for funding authorized
14	under the following sections of this title if the projects
15	meet applicable eligibility requirements, subject to the con-
16	dition that no particular project receive Federal grant
17	funding from more than one Federal grant program:
18	(1) Section 101, which amends section $9504$
19	(WaterSMART) of the Omnibus Public Land Man-
20	agement Act of 2009 (42 U.S.C. 10364) and author-
21	izes \$200,000,000 in additional Federal assistance
22	for water storage and conveyance facilities, inte-
23	grated regional water management, reclamation and
24	recycling projects, and groundwater recharge.

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(2) Section 123, which amends the Reclamation 2 Wastewater and Groundwater Study and Facilities 3 Act (43 U.S.C. 390h) and authorizes \$150,000,000 4 in Federal assistance for water recycling and reuse 5 projects. 6 (3) Subtitle D, which authorizes the Secretary 7 of the Interior to provide Federal assistance to fi-8 nance the development of critical water resource in-9 frastructure through loans and loan guarantees to 10 qualified applicants. 11 (d) FEDERAL SUPPORT FOR DESALINATION 12 PROJECTS.— 13 (1) ELIGIBILITY.—On submission of a com-14 pleted feasibility report in accordance with Bureau 15 of Reclamation standards, the Secretary of the Inte-16 rior shall review requests for water desalination 17 funding assistance and, subject to the availability of 18 appropriations, award funding on a competitive basis 19 for projects that meet the eligibility requirements of 20 this title, subject to the condition that the Secretary 21 shall include among the projects reviewed the fol-22 lowing desalination projects referred to in the 2013 23 California Water Plan or in an integrated regional 24 water management plan accepted by the State of 25 California:

1	(A) Cambria Desalination Project.
2	(B) Camp Pendleton Seawater Desalina-
3	tion Project.
4	(C) Chino Basin Desalter 3.
5	(D) Doheny Ocean Desalination Project.
6	(E) GREAT Program Groundwater Desali-
7	nation Facility Expansion.
8	(F) Huntington Beach Seawater Desalina-
9	tion Project.
10	(G) Irvine Non-Potable Shallow Ground-
11	water Unit Desalter.
12	(H) Irvine Ranch Water District Wells 51,
13	52, 53, 21, and 22 Potable (Non-exempt)
14	Desalter Plant.
15	(I) Long Beach Seawater Desalination
16	Project.
17	(J) Marina Desalination Facility Expan-
18	sion.
19	(K) Mission Valley Brackish Groundwater
20	Recovery Project.
21	(L) Monterey Bay Regional Water Project
22	Desalination Facility (Moss Landing).
23	(M) Monterey Peninsula Water Supply
24	Project.

1	(N) Monterey Peninsula Water Supply
2	Project (Ocean Desalination/Groundwater Re-
3	plenishment).
4	(O) Moorpark Groundwater Desalter.
5	(P) North Pleasant Valley Groundwater
6	Desalter.
7	(Q) Oceanside Ocean Desalination Project
8	(San Luis Rey Basin).
9	(R) Perris II Desalter.
10	(S) Ramona Desalting Facility.
11	(T) San Diego Formation/Balboa Park
12	Groundwater Desalination Facility.
13	(U) San Elijo Valley Groundwater Project.
14	(V) Bay Area Regional Desalination
15	Project.
16	(W) San Pasqual Brackish Groundwater
17	Recovery Project.
18	(X) Santa Cruz/Soquel Creek Water Dis-
19	trict Desalination Plant.
20	(Y) South Orange Coastal Ocean Desalina-
21	tion Project.
22	(Z) West Basin Seawater Desalination Re-
23	gional Project.
24	(AA) West Simi Valley Desalter.

1 (2) FUNDING.—Desalination projects described 2 in subsection (1) may compete for funding author-3 ized under the following sections of this title if the 4 projects meet applicable eligibility requirements, sub-5 ject to the condition that no particular project re-6 ceive Federal grant funding from more than one 7 Federal program:

8 (A) Section 101, which amends section 9 9504 (WaterSMART) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10 11 10364) and authorizes \$200,000,000 in addi-12 tional Federal assistance for water storage and 13 conveyance facilities, integrated regional water 14 reclamation recycling management, and 15 projects, and groundwater recharge.

16 (B) Section 122, which reauthorizes the 17 Water Desalination Act of 1996 (42 U.S.C. 18 10301; Public Law 104–298) as amended, and 19 authorizes \$100,000,000 in Federal assistance 20 for desalination research, demonstration 21 projects, and desalination project feasibility and 22 design.

23 (C) Section 123, which amends the Rec24 lamation Wastewater and Groundwater Study
25 and Facilities Act (43 U.S.C. 390h) and au-

1	thorizes \$150,000,000 in Federal assistance for
2	water recycling and reuse projects.
3	(D) Subtitle D, which authorizes the Sec-
4	retary of the Interior to provide Federal assist-
5	ance to finance the development of critical
6	water resource infrastructure through loans and
7	loan guarantees to qualified applicants.
8	SEC. 122. REAUTHORIZATION OF WATER DESALINATION
9	ACT.
10	(a) Authorization of Research and Studies.—
11	(1) IN GENERAL.—Section 3 of the Water De-
12	salination Act of 1996 (42 U.S.C. 10301 note; Pub-
13	lic Law 104–298) is amended by adding at the end
14	the following:
15	"(e) PRIORITIZATION.—In carrying out this section,
16	the Secretary of the Interior shall prioritize funding for
17	research—
18	((1) to reduce energy consumption and lower
19	the cost of seawater and brackish water desalination;
20	((2) to reduce the environmental impacts of
21	seawater desalination, including subsurface intakes
22	and other technological improvements, and develop
23	technology and strategies to mitigate those impacts;
24	"(3) to improve existing reverse osmosis and
25	membrane technology;

"(4) to carry out basic and applied research on
next generation desalination technologies, including
graphene membranes, forward osmosis, hybrid membrane-thermal desalination, improved energy recovery systems, and renewable energy-powered desalination systems that could significantly reduce desalination costs;

8 "(5) to develop portable or modular desalina-9 tion units capable of providing temporary emergency 10 water supplies for domestic or military deployment 11 purposes; and

12 "(6) to encourage development of desalination 13 siting plans, including maps of preferred and pri-14 ority locations, by States that consider local and re-15 gional water supply needs and sources, potential im-16 pacts on coastal and ocean resources and fisheries, 17 the effects of sea level rise and other factors that af-18 fect project siting.".

(b) DESALINATION DEMONSTRATION AND DEVELOP20 MENT.—Section 4 of the Water Desalination Act of 1996
21 (42 U.S.C. 10301 note; Public Law 104–298) is amend22 ed—

23 (1) in subsection (a)—

24 (A) by redesignating paragraphs (2) and
25 (3) as paragraphs (3) and (4), respectively; and

1	(B) by inserting after paragraph $(1)$ the
2	following:
3	"(2) FEASIBILITY AND DESIGN.—Award grants
4	and enter into contracts with non-Federal project
5	sponsors to provide financial assistance to study the
6	feasibility and support the design of desalination fa-
7	cilities (including associated water distribution infra-
8	structure) that provide usable water."; and
9	(2) by adding at the end the following:
10	"(c) PRIORITIZATION.—In carrying out demonstra-
11	tion and development activities under subsection (a), the
12	Secretary of the Interior shall prioritize projects—
13	"(1) in drought-stricken States and commu-
13	"(1) in drought-stricken States and commu-
13 14	"(1) in drought-stricken States and commu- nities;
13 14 15	<ul><li>"(1) in drought-stricken States and commu- nities;</li><li>"(2) in States for which funding has been au-</li></ul>
13 14 15 16	<ul><li>"(1) in drought-stricken States and commu- nities;</li><li>"(2) in States for which funding has been au- thorized for desalination demonstration and develop-</li></ul>
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> </ol>	<ul> <li>"(1) in drought-stricken States and communities;</li> <li>"(2) in States for which funding has been authorized for desalination demonstration and development projects; and</li> </ul>
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> </ol>	<ul> <li>"(1) in drought-stricken States and communities;</li> <li>"(2) in States for which funding has been authorized for desalination demonstration and development projects; and</li> <li>"(3) that can reduce reliance on imported water</li> </ul>
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> </ol>	<ul> <li>"(1) in drought-stricken States and communities;</li> <li>"(2) in States for which funding has been authorized for desalination demonstration and development projects; and</li> <li>"(3) that can reduce reliance on imported water supplies that have an impact on species listed under</li> </ul>
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	<ul> <li>"(1) in drought-stricken States and communities;</li> <li>"(2) in States for which funding has been authorized for desalination demonstration and development projects; and</li> <li>"(3) that can reduce reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C.</li> </ul>
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>"(1) in drought-stricken States and communities;</li> <li>"(2) in States for which funding has been authorized for desalination demonstration and development projects; and</li> <li>"(3) that can reduce reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).</li> </ul>

1	based on the ability of the projects to provide regional
2	water supply benefits, including—
3	((1) improving water supply reliability in re-
4	gions subject to frequent and severe drought;
5	"(2) enhancement of public health, safety, eco-
6	systems, and watershed sustainability;
7	"(3) preservation of groundwater through re-
8	duction of withdrawals from aquifers;
9	"(4) offsetting demand for water conveyed from
10	environmentally sensitive areas outside service area
11	of the project; and
12	"(5) mitigation of saltwater intrusion to
13	aquifers.".
14	(c) COST SHARING.—Section 7 of the Water Desali-
15	nation Act of 1996 (42 U.S.C. 10301 note; Public Law
16	104–298) is amended—
17	(1) in the first sentence, by striking "The Fed-
18	eral share" and inserting the following:
19	"(a) Maximum.—
20	"(1) IN GENERAL.—Except as provided in para-
21	graph (2) and subsection (b) and limited to the $5$
22	years following the date of enactment of the Cali-
22	
23	fornia Emergency Drought Relief Act, the Federal

1	(2) in the second sentence, by striking "A Fed-
2	eral" and inserting the following:
3	"(b) FEASIBILITY DETERMINATION.—A Federal";
4	(3) in the third sentence, by striking "The Sec-
5	retary" and inserting the following:
6	"(c) PROCEDURES.—The Secretary";
7	(4) in the fourth sentence, by striking "Costs"
8	and inserting the following:
9	"(d) Operation, Maintenance, Repair, and Re-
10	HABILITATION.—The costs"; and
11	(5) in subsection (a) (as designated by para-
12	graph (1)), by adding at the end the following:
13	"(2) EXCEPTION.—The Federal share of the
14	cost of project design under section 4 shall not ex-
15	ceed 25 percent of the total cost of the project de-
16	sign.".
17	(d) AUTHORIZATION OF APPROPRIATIONS.—In order
18	to advance water desalination research and project devel-
19	opment, section 8 of the Water Desalination Act of 1996
20	(42 U.S.C. 10301 note; Public Law 104–298) is amend-
21	ed—
22	(1) in subsection (a), in the first sentence—
23	(A) by striking "\$5,000,000" and inserting
24	"\$10,000,000"; and

	02
1	(B) by striking "2013" and inserting
2	"2020"; and
3	(2) in subsection (b), by striking " $$3,000,000$
4	for each of fiscal years 2012 through 2013" and in-
5	serting "\$50,000,000 for the period of fiscal years
6	2016 through 2020".
7	(e) CONSULTATION.—Section 9 of the Water Desali-
8	nation Act of 1996 (42 U.S.C. 10301 note; Public Law
9	104–298) is amended—
10	(1) by striking the section designation and
11	heading and all that follows through "In carrying
12	out the provisions of" in the first sentence and in-
13	serting the following:
14	<b>"SEC. 9. CONSULTATION AND COORDINATION.</b>
15	"(a) CONSULTATION.—In carrying out";
16	(2) in the second sentence, by striking "The au-
17	thorization" and inserting the following:
18	"(b) Other Desalination Programs.—The au-
19	thorization"; and
20	(3) by inserting after subsection (b) (as so des-
21	ignated) the following:
22	"(c) Coordination of Federal Desalination
23	RESEARCH AND DEVELOPMENT.—For the effective period
24	of the California Emergency Drought Relief Act, the

1	White House Office of Science and Technology Policy shall
2	develop a coordinated strategic plan that—
3	"(1) establishes priorities for future Federal in-
4	vestments in desalination; and
5	"(2) coordinates the activities of Federal agen-
6	cies involved in desalination, including the Bureau of
7	Reclamation, the National Science Foundation, the
8	Office of Naval Research of the Department of De-
9	fense, the National Laboratories of the Department
10	of Energy, the United States Geological Survey, the
11	Environmental Protection Agency, and the National
12	Oceanic and Atmospheric Administration.".
13	SEC. 123. NEW WATER RECYCLING AND REUSE PROJECTS.
13 14	<b>SEC. 123. NEW WATER RECYCLING AND REUSE PROJECTS.</b> Section 1602 of the Reclamation Wastewater and
14	Section 1602 of the Reclamation Wastewater and
14 15	Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h)
14 15 16 17	Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h) is amended by adding at the end the following:
14 15 16 17	Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h) is amended by adding at the end the following: "(e) AUTHORIZATION OF NEW WATER RECYCLING
14 15 16 17 18	Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h) is amended by adding at the end the following:
14 15 16 17 18 19	Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h) is amended by adding at the end the following: "(e) AUTHORIZATION OF NEW WATER RECYCLING AND REUSE PROJECTS.— "(1) IN GENERAL.—A non-Federal interest may
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h) is amended by adding at the end the following: "(e) AUTHORIZATION OF NEW WATER RECYCLING AND REUSE PROJECTS.— "(1) IN GENERAL.—A non-Federal interest may submit to the Secretary of the Interior proposals for
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h) is amended by adding at the end the following: "(e) AUTHORIZATION OF NEW WATER RECYCLING AND REUSE PROJECTS.— "(1) IN GENERAL.—A non-Federal interest may submit to the Secretary of the Interior proposals for eligible projects in the form of completed feasibility
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h) is amended by adding at the end the following: "(e) AUTHORIZATION OF NEW WATER RECYCLING AND REUSE PROJECTS.— "(1) IN GENERAL.—A non-Federal interest may submit to the Secretary of the Interior proposals for eligible projects in the form of completed feasibility studies.

1	assistance under this subtitle to carry out projects
2	within—
3	"(A) any Reclamation State, including—
4	''(i) Arizona;
5	''(ii) California;
6	"(iii) Colorado;
7	"(iv) Idaho;
8	"(v) Kansas;
9	"(vi) Montana;
10	''(vii) Nebraska;
11	"(viii) Nevada;
12	"(ix) New Mexico;
13	"(x) North Dakota;
14	''(xi) Oklahoma;
15	''(xii) Oregon;
16	"(xiii) South Dakota;
17	"(xiv) Texas;
18	"(xv) Utah;
19	"(xvi) Washington; and
20	"(xvii) Wyoming; and
21	"(B) the States of Alaska and Hawaii.
22	"(3) ELIGIBLE PROJECTS.—A project shall be
23	considered to be eligible for consideration under this
24	subsection if the project reclaims and reuses—

1	"(A) municipal, industrial, domestic, or ag-
2	ricultural wastewater; or
3	"(B) impaired groundwater or surface
4	water.
5	"(4) GUIDELINES.—
6	"(A) IN GENERAL.—Not later than 90
7	days after the date of enactment of this sub-
8	section, the Secretary of the Interior shall issue
9	water recycling project solicitation and evalua-
10	tion guidelines that include the criteria de-
11	scribed in subsection $(f)(3)$ .
12	"(B) REVIEW.—In accordance with the
13	priorities and criteria described in subsection
14	(f), the Secretary of the Interior shall review
15	each feasibility study received under paragraph
16	(1) to determine whether the study, and the
17	process under which the study was developed,
18	comply with Federal laws (including regula-
19	tions) applicable to feasibility studies of water
20	recycling and reuse projects.
21	"(f) Competitive Grant Funding of Water Re-
22	CYCLING AND REUSE PROJECTS.—
23	"(1) IN GENERAL.—The Secretary of the Inte-
24	rior shall administer a competitive grant program
25	under which the non-Federal project sponsor of any

project determined by the Secretary of the Interior
 to be feasible under subsection (e)(2) shall be eligi ble to apply for funding for the planning, design,
 and construction of the project.

"(2) AUTHORIZATION OF APPROPRIATIONS.— 5 6 There is authorized to be appropriated to the Sec-7 retary of the Interior to carry out this subsection 8 \$200,000,000, to remain available until expended.". 9 SEC. 124. PROMOTING WATER **EFFICIENCY** WITH 10 WATERSENSE.

(a) AUTHORIZATION.—The Administrator of the Environmental Protection Agency (referred to in this section
as the "Administrator") is authorized to continue to carry
out the voluntary program, known as the "WaterSense
Program", to identify and promote water efficient products, buildings, landscapes, facilities, processes, and services so as—

- 18 (1) to reduce water use;
- 19 (2) to reduce the strain on water, wastewater,20 and stormwater infrastructure;
- 21 (3) to conserve energy used to pump, heat,
  22 transport, and treat water; and

(4) to preserve water resources for future generations, through voluntary labeling of, or other
forms of communications regarding, products, build-

ings, landscapes, facilities, processes, and services
 that meet the highest water efficiency and perform ance criteria.

4 (b) REVIEW.—Not less frequently than once every 4 5 years, the Administrator shall regularly review and, if ap-6 propriate, update WaterSense criteria that have been 7 adopted for the voluntary labeling of categories of prod-8 ucts, buildings, landscapes, facilities, processes, and serv-9 ices.

10 (c) TRANSPARENCY.—The Administrator shall, to the maximum extent practicable, regularly estimate and make 11 12 available to the public the production and relative market 13 shares of, and the savings of water, energy, and capital 14 costs of water, wastewater, and stormwater infrastructure 15 attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services, at 16 least annually. 17

(d) PUBLIC COMMENT.—Prior to establishing or revising a WaterSense category, specification, installation
criterion, or other criterion, the Administrator shall—

- 21 (1) solicit comments from interested parties and22 the public; and
- (2) provide reasonable notice to interested parties and the public of any changes (including effective dates), on the adoption of a new or revised cat-

egory, specification, installation criterion, or other
 criterion.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out the WaterSense
5 program of the Environmental Protection Agency
6 \$2,500,000 for each of fiscal years 2016 through 2019.
7 Subtitle D—Reclamation Infra8 structure Finance and Innova-

## 9 tion

## 10 SEC. 131. PURPOSES.

11 The purposes of this subtitle are—

(1) to promote increased development of critical
water resources infrastructure by establishing additional opportunities for financing water resources
projects;

16 (2) to attract new investment capital to infra17 structure projects that are capable of generating rev18 enue streams through user fees or other dedicated
19 funding sources;

20 (3) to complement existing Federal funding
21 sources and address budgetary constraints on Bu22 reau of Reclamation programs; and

23 (4) to leverage private investment in water re-24 sources infrastructure.

1	SEC. 132. DEFINITIONS.
2	In this subtitle:
3	(1) ELIGIBLE ENTITY.—The term "eligible enti-
4	ty'' means—
5	(A) a corporation;
6	(B) a partnership;
7	(C) a joint venture;
8	(D) a trust;
9	(E) a State, or local governmental entity,
10	agency, or instrumentality; and
11	(F) a conservancy district, irrigation dis-
12	trict, canal company, mutual water company,
13	water users' association, Indian tribe, agency
14	created by interstate compact, or any other en-
15	tity that has the capacity to contract with the
16	United States under the reclamation laws.
17	(2) Federal credit instrument.—The term
18	"Federal credit instrument" means a secured loan
19	or loan guarantee authorized to be made available
20	under this title with respect to a project.
21	(3) INVESTMENT-GRADE RATING.—The term
22	"investment-grade rating" means a rating of BBB
23	minus, Baa3, bbb minus, BBB (low), or higher as
24	assigned by a rating agency to project obligations.
25	(4) LENDER.—

1	(A) IN GENERAL.—The term "lender"
2	means any non-Federal qualified institutional
3	buyer (as defined in section 230.144A(a) of
4	title 17, Code of Federal Regulations (or a suc-
5	cessor regulation) (commonly known as "Rule
6	144A(a) of the Securities and Exchange Com-
7	mission" and issued under the Securities Act of
8	1933 (15 U.S.C. 77a et seq.))).
9	(B) INCLUSIONS.—The term "lender" in-
10	cludes—
11	(i) a qualified retirement plan (as de-
12	fined in section 4974 of the Internal Rev-
13	enue Code of 1986) that is a qualified in-
14	stitutional buyer; and
15	(ii) a governmental plan (as defined in
16	section 414 of the Internal Revenue Code
17	of 1986) that is a qualified institutional
18	buyer.
19	(5) LOAN GUARANTEE.—The term "loan guar-
20	antee" means any guarantee or other pledge by the
21	Secretary of the Interior to pay all or part of the
22	principal of, and interest on, a loan or other debt ob-
23	ligation issued by an obligor and funded by a lender.
24	(6) Obligor.—The term "obligor" means an
25	eligible entity that is primarily liable for payment of

1	the principal of, or interest on, a Federal credit in-
2	strument.
3	(7) Project obligation.—
4	(A) IN GENERAL.—The term "project obli-
5	gation" means any note, bond, debenture, or
6	other debt obligation issued by an obligor in
7	connection with the financing of a project.
8	(B) EXCLUSION.—The term "project obli-
9	gation" does not include a Federal credit in-
10	strument.
11	(8) RATING AGENCY.—The term "rating agen-
12	cy" means a credit rating agency registered with the
13	Securities and Exchange Commission as a nationally
14	recognized statistical rating organization (as defined
15	in section 3(a) of the Securities Exchange Act of
16	1934 (15 U.S.C. 78c(a))).
17	(9) RECLAMATION STATE.—The term "Rec-
18	lamation State" means any of the States of—
19	(A) Arizona;
20	(B) California;
21	(C) Colorado;
22	(D) Idaho;
23	(E) Kansas;
24	(F) Montana;
25	(G) Nebraska;

1	(H) Nevada;
2	(I) New Mexico;
3	(J) North Dakota;
4	(K) Oklahoma;
5	(L) Oregon;
6	(M) South Dakota;
7	(N) Texas;
8	(O) Utah;
9	(P) Washington; and
10	(Q) Wyoming.
11	(10) Secured loan.—The term "secured
12	loan" means a direct loan or other debt obligation
13	issued by an obligor and funded by the Secretary in
14	connection with the financing of a project under sub-
15	title A.
16	(11) Subsidy amount.—The term "subsidy
17	amount" means the amount of budget authority suf-
18	ficient to cover the estimated long-term cost to the
19	Federal Government of a Federal credit instrument,
20	as calculated on a net present value basis, excluding
21	administrative costs and any incidental effects on
22	governmental receipts or outlays in accordance with
23	the Federal Credit Reform Act of 1990 (2 U.S.C.
24	661 et seq.).
(12) SUBSTANTIAL COMPLETION.—The term
 "substantial completion", with respect to a project,
 means the earliest date on which a project is consid ered to perform the functions for which the project
 is designed.

### 6 SEC. 133. AUTHORITY TO PROVIDE ASSISTANCE.

7 The Secretary of the Interior may provide financial
8 assistance under this subtitle to carry out projects with9 in—

10 (1) any Reclamation State;

(2) any other State in which the Bureau of
Reclamation is authorized to provide project assistance; and

14 (3) the States of Alaska and Hawaii.

## 15 SEC. 134. APPLICATIONS.

16 To be eligible to receive assistance under this subtitle, 17 an eligible entity shall submit to the Secretary of the Inte-18 rior an application at such time, in such manner, and con-19 taining such information as the Secretary of the Interior 20 may require.

# 21 SEC. 135. ELIGIBILITY FOR ASSISTANCE.

(a) ELIGIBLE PROJECTS.—The following nonfederally owned projects that contribute to a safe, adequate
water supply for domestic, agricultural, environmental, or

1	municipal and industrial use may be carried out using as-
2	sistance made available under this subtitle:
3	(1) A project for the reclamation and reuse of
4	wastewater, and naturally impaired ground and sur-
5	face waters, which has a completed feasibility study
6	that complies with Reclamation standards.
7	(2) A new water infrastructure facility project,
8	including a water conduit, pipeline, canal, pumping,
9	power, and associated facilities or a water efficiency
10	project.
11	(3) A project for accelerated repair and replace-
12	ment of an aging water distribution facility.
13	(4) A brackish or sea water desalination
14	project.
15	(5) A project for groundwater replenishment,
16	groundwater storage, or surface storage.
17	(6) A combination of projects, each of which is
18	eligible under paragraphs $(1)$ through $(5)$ , for which
19	an eligible entity or group of eligible entities submits
20	a single application.
21	(b) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—For
22	purposes of this subtitle, an eligible activity with respect
23	to an eligible project under subsection (a) includes the cost
24	of—

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1	(1) development-phase activities, including plan-
2	ning, feasibility analysis, revenue forecasting, envi-
3	ronmental review, permitting, preliminary engineer-
4	ing and design work, and other preconstruction ac-
5	tivities;
6	(2) construction, reconstruction, rehabilitation,
7	and replacement activities;
8	(3) the acquisition of real property (including
9	water rights, land relating to the project, and im-
10	provements to land), environmental mitigation, con-
11	struction contingencies, and acquisition of equipment
12	subject to subsection (c);
13	(4) capitalized interest necessary to meet mar-
14	ket requirements, reasonably required reserve funds,
15	capital issuance expenses, and other carrying costs
16	during construction; and
17	(5) refinancing interim construction funding,
18	existing long-term project obligations, or a secured
19	loan or loan guarantee made under this subtitle.
20	(c) LIMITATION ON USE.—The proceeds from Fed-
21	eral credit instruments made available under this subtitle
22	may only be used to acquire non-Federal land or interest
23	in land from a willing seller, when the seller does not con-
24	test the purchase or price paid.

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3 (a) ELIGIBILITY REQUIREMENTS.—To be eligible to
4 receive financial assistance under this subtitle, a project
5 shall meet the following criteria, as determined by the Sec6 retary of the Interior:

7 (1) CREDITWORTHINESS.—

8 (A) IN GENERAL.—Subject to subpara-9 graph (B), the project shall be creditworthy, as 10 determined by the Secretary of the Interior, 11 who shall ensure that any financing for the 12 project has appropriate security features, such 13 as a rate covenant, to ensure repayment.

(B) PRELIMINARY RATING OPINION LET-14 15 TER.—The Secretary of the Interior shall re-16 quire each applicant to provide a preliminary 17 rating opinion letter from at least 1 rating 18 agency indicating that the senior obligations of 19 the project (which may be the Federal credit in-20 strument) have the potential to achieve an in-21 vestment-grade rating.

(2) ELIGIBLE PROJECT COSTS.—The eligible
project costs of a project shall be reasonably anticipated to be not less than \$20,000,000.

25 (3) DEDICATED REVENUE SOURCES.—The Fed26 eral credit instrument for the project shall be repay-

1	able, in whole or in part, from dedicated revenue
2	sources that also secure the project obligations.
3	(4) Public sponsorship of private enti-
4	TIES.—A project carried out by a private entity shall
5	be sponsored by a State, department of a State, sub-
6	division of a State, or a public agency organized pur-
7	suant to State law.
8	(b) Selection Criteria.—
9	(1) ESTABLISHMENT.—The Secretary of the In-
10	terior shall establish criteria for the selection of
11	projects that meet the eligibility requirements of
12	subsection (a), in accordance with paragraph (2).
13	(2) CRITERIA.—The selection criteria shall in-
14	clude the following:
15	(A) The extent to which a project serves a
16	region with significant water resources chal-
17	lenges.
18	(B) The extent to which the project is na-
19	tionally or regionally significant.
20	(C) The extent to which assistance under
21	this section would foster innovative public-pri-
22	vate partnerships and attract private debt or
23	equity investment.
24	(D) The extent to which the project fos-
25	ters—

	10
1	(i) collaborative partnerships between
2	cities, counties, water districts, and State
3	and Federal agencies; and
4	(ii) innovative recycling programs that
5	augment a combination of industrial, com-
6	mercial, residential, and agricultural uses.
7	(E) The likelihood that assistance under
8	this section would enable the project to proceed
9	at an earlier date than the project would other-
10	wise be able to proceed.
11	(F) The amount of budget authority re-
12	quired to fund the Federal credit instrument
13	made available under this subtitle.
14	(G) The extent to which the project helps
15	maintain or protect the environment.
16	(3) Consistency of criteria.—Not later
17	than 180 days after the date of enactment of this
18	Act, the Secretary of the Interior shall issue eligi-
19	bility requirements under this title for water recy-
20	cling projects that reclaim and reuse municipal, in-
21	dustrial, domestic, or agricultural wastewater or im-
22	paired ground or surface waters.
23	(c) RECEIPT OF OTHER FEDERAL FUNDING.—Re-
24	ceipt of a Federal grant or contract or other Federal fund-
25	ing to support an eligible project shall not preclude the

project from being eligible for assistance under this sub title. Assistance under this subtitle shall not be counted
 as Federal funding under cost-sharing requirements other wise applicable to a project eligible for assistance under
 this subtitle.

#### 6 SEC. 137. SECURED LOANS.

7 (a) AGREEMENTS.—

8 (1) IN GENERAL.—Subject to paragraphs (2) 9 through (4), the Secretary of the Interior may enter 10 into agreements with 1 or more obligors to make se-11 cured loans, the proceeds of which shall be used— 12 (A) to finance eligible project costs of any 13 project selected under section 136; 14 (B) to refinance interim construction fi-15 nancing of eligible project costs of any project 16 selected under section 136; or 17 (C) to refinance long-term project obliga-18 tions or Federal credit instruments, if that refi-19 nancing provides additional funding capacity for 20 the completion, enhancement, or expansion of 21 any project that— 22 (i) is selected under section 136; or 23 (ii) otherwise meets the requirements of section 136. 24

(2) LIMITATION ON REFINANCING OF INTERIM
 CONSTRUCTION FINANCING.—A secured loan under
 paragraph (1) shall not be used to refinance interim
 construction financing under paragraph (1)(B) later
 than 1 year after the date of substantial completion
 of the applicable project.

(3) RISK ASSESSMENT.—Before entering into 7 8 an agreement under this subsection for a secured 9 loan, the Secretary of the Interior, in consultation 10 with the Director of the Office of Management and 11 Budget and each rating agency providing a prelimi-12 rating opinion under section nary letter 13 136(a)(1)(B), shall determine an appropriate capital 14 reserve subsidy amount for the secured loan, taking 15 into account each such preliminary rating opinion 16 letter.

17 (4) INVESTMENT-GRADE RATING REQUIRE18 MENT.—The execution of a secured loan under this
19 section shall be contingent on receipt by the senior
20 obligations of the project of an investment-grade rat21 ing.

22 (b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—A secured loan provided for
a project under this section shall be subject to such
terms and conditions, and contain such covenants,

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1	representations, warranties, and requirements (in-
2	cluding requirements for audits), as the Secretary of
3	the Interior determines to be appropriate.
4	(2) NONSUBORDINATION.—A secured loan
5	under this section shall not be subordinated to the
6	claims of any holder of project obligations in the
7	event of bankruptcy, insolvency, or liquidation of the
8	obligor of the project.
9	(3) MAXIMUM AMOUNT.—The amount of a se-
10	cured loan under this section shall not exceed the
11	lesser of—
12	(A) an amount equal to 49 percent of the
13	reasonably anticipated eligible project costs; and
14	(B) if the secured loan does not receive an
15	investment-grade rating, an amount equal to
16	other project obligations that have received an
17	investment-grade rating.
18	(4) PAYMENT.—A secured loan under this sec-
19	tion—
20	(A) shall be payable, in whole or in part,
21	from State or local taxes, user fees, or other
22	dedicated revenue sources that also secure the
23	senior project obligations of the relevant
24	project;

1	(B) shall include a rate covenant, coverage
2	requirement, or similar security feature sup-
3	porting the project obligations; and
4	(C) may have a lien on revenues described
5	in subparagraph (A), subject to any lien secur-
6	ing project obligations.
7	(5) INTEREST RATE.—The interest rate on a
8	secured loan under this section shall be not less than
9	the yield on United States Treasury securities of a
10	similar maturity to the maturity of the secured loan
11	on the date of execution of the loan agreement.
12	(6) MATURITY DATE.—The final maturity date
13	of a secured loan under this section shall be not
14	later than 35 years after the date of substantial
15	completion of the relevant project.
16	(7) FEES.—The Secretary of the Interior may
17	establish fees, in accordance with section $138(b)(2)$
18	at a level sufficient to cover all or a portion of the
19	costs to the Federal Government of making a se-
20	cured loan under this section.
21	(8) Non-federal share.—The proceeds of a
22	secured loan under this section may be used to pay
23	any non-Federal share of project costs required if
24	the loan is repayable from non-Federal funds.

1 (9) MAXIMUM FEDERAL INVOLVEMENT.—The 2 total amount of Federal assistance provided for a 3 project for which assistance is provided under this 4 subtitle from all sources (including this subtitle) 5 shall not exceed 80 percent of the total cost of the 6 project.

7 (c) Repayment.—

8 (1) SCHEDULE.—The Secretary of the Interior 9 shall establish a repayment schedule for each se-10 cured loan provided under this section, based on the 11 projected cash flow from project revenues and other 12 repayment sources.

(2) COMMENCEMENT.—Scheduled loan repayment of principal or interest on a secured loan under
this section shall commence not later than 5 years
after the date of substantial completion of the
project, with interest accruing during those 5 years
and during construction.

19 (3) DEFERRED PAYMENTS.—

20 (A) AUTHORIZATION.—If, at any time
21 after the date of substantial completion of a
22 project for which a secured loan is provided
23 under this section, the project is unable to gen24 erate sufficient revenues to pay the scheduled
25 loan repayments of principal and interest on the

1	secured loan, the Secretary of the Interior may
2	allow the obligor, subject to subparagraph (C),
3	to add unpaid principal and interest to the out-
4	standing balance of the secured loan.
5	(B) INTEREST.—Any payment deferred
6	under subparagraph (A) shall—
7	(i) continue to accrue interest in ac-
8	cordance with subsection $(b)(5)$ until fully
9	repaid; and
10	(ii) be scheduled to be amortized over
11	the remaining term of the secured loan.
12	(C) CRITERIA.—
13	(i) IN GENERAL.—Any payment defer-
14	ral under subparagraph (A) shall be con-
15	tingent on the project meeting such cri-
16	teria as the Secretary of the Interior may
17	establish.
18	(ii) Repayment standards.—The
19	criteria established under clause (i) shall
20	include standards for reasonable assurance
21	of repayment.
22	(4) Prepayment.—
23	(A) Use of excess revenues.—Any ex-
24	cess revenues that remain after satisfying
25	scheduled debt service requirements on the

project obligations and secured loan and all deposit requirements under the terms of any trust
agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay a secured loan under
this section without penalty.

7 (B) USE OF PROCEEDS OF REFI8 NANCING.—A secured loan under this section
9 may be prepaid at any time without penalty
10 from the proceeds of refinancing from non-Fed11 eral funding sources.

12 (d) SALE OF SECURED LOANS.—

13 (1) IN GENERAL.—Subject to paragraph (2), as 14 soon as practicable after the date of substantial 15 completion of a project and after providing a notice 16 to the obligor, the Secretary of the Interior may sell 17 to another entity or reoffer into the capital markets 18 a secured loan for a project under this section, if the 19 Secretary of the Interior determines that the sale or 20 reoffering can be made on favorable terms.

(2) CONSENT OF OBLIGOR.—In making a sale
or reoffering under paragraph (1), the Secretary of
the Interior may not change the original terms and
conditions of the secured loan without the written
consent of the obligor.

(e) LOAN GUARANTEES.—

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(1) IN GENERAL.—The Secretary of the Interior may provide a loan guarantee to a lender in lieu
of making a secured loan under this section, if the
Secretary of the Interior determines that the budgetary cost of the loan guarantee is substantially the
same as that of a secured loan.

8 (2) TERMS.—The terms of a loan guarantee 9 provided under this subsection shall be consistent 10 with the terms established in this section for a se-11 cured loan, except that the rate on the guaranteed 12 loan and any prepayment features shall be nego-13 tiated between the obligor and the lender, with the 14 consent of the Secretary of the Interior.

## 15 SEC. 138. PROGRAM ADMINISTRATION.

(a) REQUIREMENT.—The Secretary of the Interior
shall establish a uniform system to service the Federal
credit instruments made available under this subtitle.

19 (b) RECLAMATION LOAN FINANCE CAPITAL RE-20 SERVE FUND.—

21 (1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in
the Treasury of the United States a fund, to be
known as the "Reclamation Loan Finance Capital Reserve Fund".

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1	(B) Deposits to fund.—The Secretary
2	of the Treasury shall deposit in the fund estab-
3	lished by subparagraph (A) an amount equal to
4	the amount of capital reserve fees collected
5	under paragraph (2) for each applicable fiscal
6	year.
7	(C) TREATMENT.—The amounts deposited
8	in the fund under subparagraph (B) shall be
9	credited as offsetting collections.
10	(2) Capital reserve fees.—
11	(A) IN GENERAL.—To the extent required
12	by appropriations Acts, the Secretary of the In-
13	terior may assess, collect, and spend capital re-
14	serve fees at a level that is sufficient to cover
15	all or a portion of the costs to the Federal Gov-
16	ernment of servicing the Federal credit instru-
17	ments provided under this subtitle, including all
18	or a portion of the outlays associated with the
19	provision of the Federal credit instruments
20	under this subtitle.
21	(B) Amount.—The capital reserve fees
22	under this paragraph shall be established at
23	amounts that will result in the collection, dur-
24	ing each fiscal year, of an amount that can be
25	reasonably expected to equal the outlays associ-

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1	ated with the provision of the Federal credit in-
2	struments under this subtitle.
3	(c) Servicer.—
4	(1) IN GENERAL.—The Secretary of the Inte-
5	rior may appoint a financial entity to assist the Sec-
6	retary in servicing the Federal credit instruments
7	provided under this subtitle.
8	(2) DUTIES.—A servicer appointed under para-
9	graph (1) shall act as the agent for the Secretary of
10	the Interior.
11	(3) FEE.—A servicer appointed under para-
12	graph (1) shall receive a servicing fee, subject to ap-
13	proval by the Secretary of the Interior.
13 14	proval by the Secretary of the Interior. SEC. 139. STATE AND LOCAL PERMITS.
14	SEC. 139. STATE AND LOCAL PERMITS.
14 15	<b>SEC. 139. STATE AND LOCAL PERMITS.</b> (a) Establishment of Pilot Program.—
14 15 16	<ul> <li>SEC. 139. STATE AND LOCAL PERMITS.</li> <li>(a) ESTABLISHMENT OF PILOT PROGRAM.—</li> <li>(1) ASSUMPTION OF RESPONSIBILITY.—</li> </ul>
14 15 16 17	<ul> <li>SEC. 139. STATE AND LOCAL PERMITS.</li> <li>(a) ESTABLISHMENT OF PILOT PROGRAM.—</li> <li>(1) ASSUMPTION OF RESPONSIBILITY.—</li> <li>(A) IN GENERAL.—Subject to the provi-</li> </ul>
14 15 16 17 18	<ul> <li>SEC. 139. STATE AND LOCAL PERMITS.</li> <li>(a) ESTABLISHMENT OF PILOT PROGRAM.—</li> <li>(1) ASSUMPTION OF RESPONSIBILITY.—</li> <li>(A) IN GENERAL.—Subject to the provisions of the pilot program established by this</li> </ul>
14 15 16 17 18 19	<ul> <li>SEC. 139. STATE AND LOCAL PERMITS.</li> <li>(a) ESTABLISHMENT OF PILOT PROGRAM.—</li> <li>(1) ASSUMPTION OF RESPONSIBILITY.—</li> <li>(A) IN GENERAL.—Subject to the provisions of the pilot program established by this section, the Secretary of the Interior and a</li> </ul>
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	<ul> <li>SEC. 139. STATE AND LOCAL PERMITS.</li> <li>(a) ESTABLISHMENT OF PILOT PROGRAM.— <ul> <li>(1) ASSUMPTION OF RESPONSIBILITY.—</li> <li>(A) IN GENERAL.—Subject to the provisions of the pilot program established by this section, the Secretary of the Interior and a State identified pursuant to subsection (b) may</li> </ul> </li> </ul>
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>SEC. 139. STATE AND LOCAL PERMITS.</li> <li>(a) ESTABLISHMENT OF PILOT PROGRAM.— <ul> <li>(1) ASSUMPTION OF RESPONSIBILITY.—</li> <li>(A) IN GENERAL.—Subject to the provisions of the pilot program established by this section, the Secretary of the Interior and a State identified pursuant to subsection (b) may enter into a written agreement, which may be</li> </ul></li></ul>

1	for purposes of the National Environmental
2	Policy Act of 1969 (42 U.S.C. 4321 et seq.).
3	(B) PROCEDURAL AND SUBSTANTIVE RE-
4	QUIREMENTS.—If designated as the lead agency
5	under subparagraph (A), the State shall assume
6	responsibility under this section, subject to the
7	same procedural and substantive requirements
8	that would apply if that responsibility were car-
9	ried out by the Secretary of the Interior.
10	(2) PRESERVATION OF FEDERAL RESPONSI-
11	BILITY AND AUTHORITY.—
12	(A) FEDERAL RESPONSIBILITY.—Any re-
13	sponsibility of the Secretary of the Interior not
14	explicitly assumed by the State by written
15	agreement under this section shall remain the
16	responsibility of the Secretary of the Interior.
17	(B) NO EFFECT ON AUTHORITY.—Nothing
18	in this section preempts or interferes with any
19	power, jurisdiction, responsibility, or authority
20	of an agency, other than the Department of the
21	Interior, under applicable law (including regula-
22	tions) with respect to a project.
23	(3) Preservation of flexibility.—The Sec-
24	retary of the Interior may not require a State, as a
25	condition of participation and assuming lead agency

status in the pilot program under this section, to
 forego project delivery methods that are otherwise
 permissible for projects.

4 (b) STATE PARTICIPATION.—

5 (1) PARTICIPATING STATES.—The Secretary of
6 the Interior shall permit the State of California, and
7 not more than 4 additional States, to participate in
8 the pilot program under this section, subject to the
9 limitations described in paragraph (4).

10 (2) APPLICATION.—Not later than 270 days 11 after the date of enactment of this Act, the Sec-12 retary of the Interior shall amend, as appropriate, 13 regulations that establish requirements relating to 14 information required to be contained in an applica-15 tion of a State to participate in the pilot program 16 under this section and to assume lead agency status, 17 including, at a minimum—

18 (A) the projects or classes of projects for
19 which the State anticipates exercising the au20 thority that may be granted under the pilot
21 program under this section;

(B) verification of the financial, regulatory,
and enforcement resources necessary to carry
out the authority that may be granted under
the pilot program under this section; and

1	(C) evidence of the notice and solicitation
2	of public comment by the State relating to par-
3	ticipation of the State in the pilot program
4	under this section, including copies of com-
5	ments received from that solicitation.
6	(3) Public Notice.—
7	(A) IN GENERAL.—A State that submits
8	an application under this subsection shall give
9	notice of the intent of the State to participate
10	in the pilot program under this section not later
11	than 30 days before the date of submission of
12	the application.
13	(B) METHOD OF NOTICE AND SOLICITA-
14	TION.—A State shall provide notice and solicit
15	public comment under this paragraph by pub-
16	lishing the complete application of the State in
17	accordance with the appropriate public notice
18	State law.
19	(4) Selection Criteria.—The Secretary of
20	the Interior may approve the application of a State
21	under this section only if—
22	(A) the regulatory requirements of para-
23	graph $(2)$ have been met;
24	(B) the Secretary of the Interior deter-
25	mines that the State has the capability, includ-

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1	ing financial, regulatory, and enforcement capa-
2	bility and personnel, to assume the responsi-
3	bility of a lead agency for the project; and
4	(C) the head of the State agency with pri-
5	mary jurisdiction over water infrastructure mat-
6	ters enters into a written agreement with the
7	Secretary of the Interior described in subsection
8	(c).
9	(c) WRITTEN AGREEMENT.—A written agreement
10	under this section shall—
11	(1) be executed by the Governor or the top
12	ranking water infrastructure official in the State
13	who is charged with responsibility for water infra-
14	structure construction;
15	(2) be in such form as the Secretary of the In-
16	terior may prescribe;
17	(3) provide that the State—
18	(A) agrees to assume all or part of the re-
19	sponsibilities of the Secretary of the Interior de-
20	scribed in subsection (a), including all respon-
21	sibilities as a lead agency;
22	(B) expressly consents, on behalf of the
23	State, to accept the jurisdiction of the Federal
24	courts for the compliance, discharge, and en-

1	forcement of any responsibility of the Secretary
2	of the Interior assumed by the State;
3	(C) certifies that State laws (including reg-
4	ulations) are in effect that authorize the State
5	to take the actions necessary to carry out the
6	responsibilities being assumed; and
7	(D) agrees to maintain the financial re-
8	sources necessary to carry out the responsibil-
9	ities being assumed;
10	(4) require the State to provide to the Secretary
11	of the Interior any information that the Secretary of
12	the Interior considers necessary to ensure that the
13	State is adequately carrying out the responsibilities
14	assigned to the State;
15	(5) have a term of not more than 5 years; and
16	(6) be renewable.
17	(d) JURISDICTION.—
18	(1) IN GENERAL.—The United States district
19	courts shall have exclusive jurisdiction over any civil
20	action against a State for failure to carry out any
21	responsibility of the State under this section.
22	(2) Legal standards and requirements.—
23	A civil action under paragraph (1) shall be governed
24	by the legal standards and requirements that would
25	apply in such a civil action against the Secretary of

1	the Interior if the Secretary of the Interior had
2	taken the actions in question.
3	(3) INTERVENTION.—The Secretary of the Inte-
4	rior shall have the right to intervene in any action
5	described in paragraph (1).
6	(e) Effect of Assumption of Responsibility.—
7	A State that assumes responsibility under subsection
8	(a)(2) shall be solely responsible and solely liable for car-
9	rying out, in lieu of the Secretary of the Interior, the re-
10	sponsibilities assumed under subsection (a), until the pilot
11	program is terminated as provided in subsection (h).
12	(f) AUDITS.—
13	(1) IN GENERAL.—To ensure compliance by a
14	State with any agreement of the State under sub-
15	section (c) (including compliance by the State with
16	all Federal laws for which responsibility is assumed
17	under subsection $(a)(2)$ , for each State partici-
18	pating in the pilot program under this section, the
19	Secretary of the Interior shall conduct—
20	(A) semiannual audits during each of the
21	first 2 years of State participation; and
22	(B) annual audits during each of the third
23	and fourth years of State participation.

24 (2) Public availability and comment.— (A) IN GENERAL.—An audit conducted
 under paragraph (1) shall be made available to
 the public for comment.
 (B) RESPONSE.—Not later than 60 days

4 (B) RESPONSE.—Not later than 60 days
5 after the date on which the period for public
6 comment ends, the Secretary of the Interior
7 shall respond to public comments received
8 under subparagraph (A).

9 (g) MONITORING.—After the fourth year of the par-10 ticipation of a State in the pilot program, the Secretary 11 of the Interior shall monitor compliance by the State with 12 the written agreement, including the provision by the 13 State of financial resources to carry out the written agree-14 ment.

15 (h) TERMINATION.—

16 (1) TERMINATION BY SECRETARY OF THE IN17 TERIOR.—The Secretary of the Interior may termi18 nate the participation of any State in the pilot pro19 gram if—

20 (A) the Secretary of the Interior deter21 mines that the State is not adequately carrying
22 out the responsibilities assigned to the State;

23 (B) the Secretary of the Interior provides
24 to the State—

1	(i) notification of the determination of
2	noncompliance; and
3	(ii) a period of at least 30 days during
4	which to take such corrective action as the
5	Secretary of the Interior determines is nec-
6	essary to comply with the applicable agree-
7	ment; and
8	(C) the State, after the notification and
9	period provided under subparagraph (B), fails
10	to take satisfactory corrective action, as deter-
11	mined by the Secretary of the Interior.
12	(2) TERMINATION BY STATE.—The State may
13	terminate the participation of the State in the pilot
14	program at any time by providing to the Secretary
15	of the Interior a notice by not later than the date
16	that is 90 days before the date of termination, and
17	subject to such terms and conditions as the Sec-
18	retary of the Interior may provide.
19	(i) LIMITATIONS ON AGREEMENTS.—Nothing in this
20	section or pilot program—
21	(1) authorizes a State to assume any rule-
22	making authority of the Secretary of the Interior
23	under any Federal law;

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1 (2) relieves any recipient of the assistance of 2 any obligation to obtain any other required State or 3 local permit or approval with respect to the project; 4 (3) limits the right of any unit of State or local 5 government to approve or regulate any rate of re-6 turn on private equity invested in the project; or 7 (4) otherwise supersedes any State or local law 8 (including any regulation) applicable to the construc-9 tion or operation of the project. 10 SEC. 140. REGULATIONS. 11 The Secretary of the Interior may promulgate such 12 regulations as the Secretary of the Interior determines to be appropriate to carry out this subtitle. 13 14 SEC. 141. FUNDING. 15 (a) IN GENERAL.—There is authorized to be appropriated to the Secretary of the Interior to carry out this 16 subtitle \$200,000,000. 17 18 (b) OFFSET REQUIRED.—No funds made available under this section may be used to provide financial assist-19 20 ance under this subtitle unless sufficient funds have been

21 appropriated to offset any decrease in Federal revenue re-

22 sulting from the use by any unit of State or local govern-

23 ment of proceeds of any obligation—

(1) the interest on which is exempt from the
 tax imposed under chapter 1 of the Internal Rev enue Code of 1986; or

4 (2) with respect to which credit is allowable
5 under subpart I or J of part IV of subchapter A of
6 chapter 1 of that Code.

7 (c) ADMINISTRATIVE COSTS.—Of the funds made 8 available to carry out this subtitle, the Secretary of the 9 Interior may use for the administration of this subtitle not 10 more than \$2,200,000 for each of fiscal years 2016 11 through 2020.

12 (d) LIMITATION.—Neither the Secretary of the Inte-13 rior nor the Secretary of Commerce shall enter into a contract with, or provide Federal funds or other financial as-14 15 sistance in the form of a loan, loan guarantee, annual payment, or any other form of credit enhancement to a recipi-16 17 ent under this Act without first obtaining adequate assurance from the contractor or recipient that the require-18 ments of section 513 of the Federal Water Pollution Con-19 trol Act (33 U.S.C. 1372) shall be applied in the same 20 21 manner they are applied to construction of treatment 22 works carried out in whole or in part with assistance made 23 available by a State water pollution control revolving fund 24 as authorized by title VI of that Act (33 U.S.C. 1381 et

1	seq.) under title II of division E of Public Law 112–74
2	(125 Stat. 1020).
3	TITLE II—LISTED SPECIES AND
4	WILDLIFE
5	SEC. 201. ACTIONS TO BENEFIT ENDANGERED FISH POPU-
6	LATIONS.
7	(a) FINDINGS.—Congress finds that—
8	(1) minimizing or eliminating stressors to fish
9	populations and their habitat in an efficient and
10	structured manner is a key aspect of a fish recovery
11	strategy;
12	(2) functioning, diverse, and interconnected
13	habitats are necessary for a species to be viable; and
14	(3) providing for increased fish habitat may not
15	only allow for a more robust fish recovery, but also
16	reduce impacts to water supplies.
17	(b) Actions for Benefit of Endangered Spe-
18	CIES.—There is authorized to be appropriated the fol-
19	lowing amounts:
20	(1) \$35,000,000 for the Secretary of Com-
21	merce, through the Administrator of the National
22	Oceanic and Atmospheric Administration, to carry
23	out the following activities in accordance with the
24	Endangered Species Act of 1973 (16 U.S.C. 1531 et
25	seq.):

(A) Gravel and rearing area additions and
 habitat restoration to the Sacramento River to
 benefit Chinook salmon and steelhead trout.

4 (B) Scientifically improved and increased 5 real-time monitoring to inform real-time oper-6 ations of Shasta and related Central Valley 7 Project facilities, and alternative methods, mod-8 els, and equipment to improve temperature 9 modeling and related forecasted information for 10 purposes of predicting impacts to salmon and 11 salmon habitat as a result of water manage-12 ment at Shasta.

13 (C) Methods to improve the Delta salvage
14 systems, including alternative methods to rede15 posit salvaged salmon smolts and other fish
16 from the Delta in a manner that reduces preda17 tion losses.

18 (2) \$6,000,000 for the Secretary of the Interior
19 to conduct the Delta smelt distribution study ref20 erenced in section 301.

(c) COMMENCEMENT.—If the Administrator of the
National Oceanic and Atmospheric Administration determines that a proposed activity is feasible and beneficial
for protecting and recovering a fish population, the Administrator shall commence implementation of the activity

by not later than 1 year after the date of enactment of
 this Act.

3 (d) CONSULTATION.—The Administrator shall take 4 such steps as are necessary to partner with, and coordi-5 nate the efforts of, the Department of the Interior, the Department of Commerce, and other relevant Federal de-6 7 partments and agencies to ensure that all Federal reviews, 8 analyses, opinions, statements, permits, licenses, and 9 other approvals or decisions required under Federal law 10 are completed on an expeditious basis, consistent with 11 Federal law.

12 (e) TRAP AND BARGE PILOT PROGRAM.—

13 (1) IN GENERAL.—The Department of Com-14 merce, in collaboration with the Department of the 15 Interior, the California Department of Fish and 16 Wildlife, applicable water agencies, and other inter-17 ested parties, shall design, permit, implement, and 18 evaluate a pilot program to test the efficacy of an 19 experimental trap and barge program to improve 20 survival of juvenile salmonids emigrating from the 21 San Joaquin watershed though the Delta.

22 (2) PLAN.—

23 (A) WORKING GROUP.—Not later than 30
24 days after the date of enactment of this Act,
25 the Assistant Administrator and the Commis-

1	sioner shall convene a working group, to be
2	comprised of representatives of relevant agen-
3	cies and other interested parties, to develop and
4	execute a plan for the design, budgeting, imple-
5	mentation, and evaluation of the pilot program
6	under this subsection, using such existing ex-
7	pertise regarding trap and barge programs as
8	may be available.
9	(B) REQUIREMENTS.—The plan under this
10	paragraph shall—
11	(i) include a schedule and budget for
12	the pilot program; and
13	(ii) identify the responsible parties for
14	each element of the program.
15	(3) IMPLEMENTATION.—The Assistant Admin-
16	istrator and the Commissioner shall seek to com-
17	mence implementation of the pilot program under
18	this subsection during calendar year 2016, if prac-
19	ticable.
20	(4) AUTHORIZATION OF APPROPRIATIONS.—
21	There is authorized to be appropriated to carry out
22	this subsection \$4,000,000.
23	(f) Conservation Fish Hatcheries.—
24	(1) IN GENERAL.—Not later than 2 years after
25	the date of enactment of this Act, the Secretaries of

1	the Interior and Commerce, in coordination with the
2	Director of the California Department of Fish and
3	Wildlife, shall develop and implement as necessary
4	the expanded use of conservation hatchery programs
5	to enhance, supplement, and rebuild Delta smelt and
6	Endangered Species Act-listed fish species under the
7	smelt and salmonid biological opinions.
8	(2) REQUIREMENTS.—The conservation hatch-
9	ery programs established under paragraph $(1)$ and
10	the associated hatchery and genetic management
11	plans shall be designed—
12	(A) to benefit, enhance, support, and oth-
13	erwise recover naturally spawning fish species
14	to the point where the measures provided under
15	the Endangered Species Act of 1973 (16 U.S.C.
16	1531 et seq.) are no longer necessary; and
17	(B) to minimize adverse effects to Central
18	Valley Project and State Water Project oper-
19	ations.
20	(3) Priority; cooperative agreements.—In
21	implementing this section, the Secretaries of the In-
22	terior and Commerce—
23	(A) shall give priority to existing and pro-
24	spective hatchery programs and facilities within

1 the Delta and the riverine tributaries thereto; 2 and 3 (B) may enter into cooperative agreements 4 for the operation of conservation hatchery pro-5 grams with States, Indian tribes, and other 6 nongovernmental entities for the benefit, en-7 hancement, and support of naturally spawning 8 fish species. 9 (g) Acquisition of Land, Water, or Interests FROM WILLING SELLERS FOR ENVIRONMENTAL PUR-10 11 POSES IN CALIFORNIA.— (1) IN GENERAL.—The Secretary of the Inte-12 13 rior is authorized to acquire by purchase, lease, do-14 nation, or otherwise, land, water, or interests in land 15 or water from willing sellers in California— 16 (A) to benefit listed or candidate species 17 under the Endangered Species Act of 1973 (16 18 U.S.C. 1531 et seq.) or the California Endan-19 gered Species Act (California Fish and Game 20 Code sections 2050 through 2116); 21 (B) to meet requirements of, or otherwise 22 provide water quality benefits under, the Fed-23 eral Water Pollution Control Act (33 U.S.C. 24 1251 et seq.) or the Porter Cologne Water

1	Quality Control Act (division 7 of the California
2	Water Code); or
3	(C) for protection and enhancement of the
4	environment, as determined by the Secretary of
5	the Interior.
6	(2) FINANCIAL ASSISTANCE.—In implementing
7	this section, the Secretary of the Interior is author-
8	ized to provide financial assistance to the State of
9	California or otherwise hold such interests in joint
10	ownership with the State of California based on a
11	cost share deemed appropriate by the Secretary.
12	(3) TREATMENT.—Any expenditures under this
13	subsection shall be nonreimbursable and nonreturn-
14	able to the United States.
15	SEC. 202. ACTIONS TO BENEFIT REFUGES.
16	(a) IN GENERAL.—In addition to funding under sec-
17	tion 3407 of the Central Valley Project Improvement Act
18	(Public Law 102–575; 106 Stat. 4726), there is author-
19	ized to be appropriated to the Secretary of the Interior
20	\$2,000,000 for each of fiscal years 2016 through 2020
21	for the acceleration and completion of water infrastructure
22	and conveyance facilities necessary to achieve full water
23	deliveries to Central Valley wildlife refuges and habitat
24	areas pursuant to section 3406(d) of that Act (Public Law
25	102–575; 106 Stat. 4722).

1	(b) Cost Sharing.—
2	(1) FEDERAL SHARE.—The Federal share of
3	the cost of carrying out an activity described in this
4	section shall be not more than 50 percent.
5	(2) Non-federal share.—The non-Federal
6	share of the cost of carrying out an activity de-
7	scribed in this section—
8	(A) shall be not less than 50 percent; and
9	(B) may be provided in cash or in kind.
10	SEC. 203. NON-FEDERAL PROGRAM TO PROTECT NATIVE
11	ANADROMOUS FISH IN STANISLAUS RIVER.
12	(a) DEFINITION OF DISTRICT.—In this section, the
13	term "district" means—
14	(1) the Oakdale Irrigation District of the State
14 15	(1) the Oakdale Irrigation District of the State of California; and
15	of California; and
15 16	of California; and (2) the South San Joaquin Irrigation District
15 16 17	of California; and (2) the South San Joaquin Irrigation District of the State of California.
15 16 17 18	of California; and (2) the South San Joaquin Irrigation District of the State of California. (b) ESTABLISHMENT.—The Secretary of Commerce,
15 16 17 18 19	of California; and (2) the South San Joaquin Irrigation District of the State of California. (b) ESTABLISHMENT.—The Secretary of Commerce, acting through the Assistant Administrator of the Na-
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	of California; and (2) the South San Joaquin Irrigation District of the State of California. (b) ESTABLISHMENT.—The Secretary of Commerce, acting through the Assistant Administrator of the Na- tional Marine Fisheries Service, and the districts, in con-
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	of California; and (2) the South San Joaquin Irrigation District of the State of California. (b) ESTABLISHMENT.—The Secretary of Commerce, acting through the Assistant Administrator of the Na- tional Marine Fisheries Service, and the districts, in con- sultation with the Director of the California Department
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	of California; and (2) the South San Joaquin Irrigation District of the State of California. (b) ESTABLISHMENT.—The Secretary of Commerce, acting through the Assistant Administrator of the Na- tional Marine Fisheries Service, and the districts, in con- sultation with the Director of the California Department of Fish and Wildlife, shall jointly establish and conduct

1	(1) nonnative striped bass, smallmouth bass,
2	largemouth bass, black bass; and
3	(2) other nonnative predator fish species.
4	(c) REQUIREMENTS.—The program under this sec-
5	tion shall—
6	(1) be scientifically based, with research ques-
7	tions determined jointly by—
8	(A) National Marine Fisheries Service sci-
9	entists; and
10	(B) technical experts of the districts;
11	(2) include methods to quantify by, among
12	other things, evaluating the number of juvenile
13	anadromous fish that migrate past the rotary screw
14	trap located at Caswell—
15	(A) the number and size of predator fish
16	removed each year; and
17	(B) the impact of the removal on—
18	(i) the overall abundance of predator
19	fish in the Stanislaus River; and
20	(ii) the populations of juvenile anad-
21	romous fish in the Stanislaus River;
22	(3) among other methods, consider using wire
23	fyke trapping, portable resistance board weirs, and
24	boat electrofishing; and

1	(4) be implemented as quickly as practicable
2	after the date of issuance of all necessary scientific
3	research permits.
4	(d) MANAGEMENT.—The management of the pro-
5	gram shall be the joint responsibility of the Assistant Ad-
6	ministrator and the districts, which shall—
7	(1) work collaboratively to ensure the perform-
8	ance of the program; and
9	(2) discuss and agree on, among other things—
10	(A) qualified scientists to lead the pro-
11	gram;
12	(B) research questions;
13	(C) experimental design;
14	(D) changes in the structure, management,
15	personnel, techniques, strategy, data collection
16	and access, reporting, and conduct of the pro-
17	gram; and
18	(E) the need for independent peer review.
19	(e) CONDUCT.—
20	(1) IN GENERAL.—For each applicable calendar
21	year, the districts, on agreement of the Assistant
22	Administrator, may elect to conduct the program
23	under this section using—
24	(A) the personnel of the Assistant Admin-
25	istrator or districts;
1	(B) qualified private contractors hired by
----	---
2	the districts;
3	(C) personnel of, on loan to, or otherwise
4	assigned to the National Marine Fisheries Serv-
5	ice; or
6	(D) a combination of the individuals de-
7	scribed in subparagraphs (A) through (C).
8	(2) PARTICIPATION BY NATIONAL MARINE
9	FISHERIES SERVICE.—
10	(A) IN GENERAL.—If the districts elect to
11	conduct the program using district personnel or
12	qualified private contractors hired under sub-
13	paragraph (A) or (B) of paragraph (1), the As-
14	sistant Administrator may assign an employee
15	of, on loan to, or otherwise assigned to the Na-
16	tional Marine Fisheries Service, to be present
17	for all activities performed in the field to ensure
18	compliance with subsection (d).
19	(B) COSTS.—The districts shall pay the
20	cost of participation by the employee under sub-
21	paragraph (A), in accordance with subsection
22	(f).
23	(3) TIMING OF ELECTION.—The districts shall
24	notify the Assistant Administrator of an election
25	under paragraph (1) by not later than October 15

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1	of the calendar year preceding the calendar year for
2	which the election applies.
3	(f) FUNDING.—
4	(1) IN GENERAL.—The districts shall be re-
5	sponsible for 100 percent of the cost of the program.
6	(2) Contributed funds.—The Secretary of
7	Commerce may accept and use contributions of
8	funds from the districts to carry out activities under
9	the program.
10	(3) Estimation of cost.—
11	(A) IN GENERAL.—Not later than Decem-
12	ber 1 of each year of the program, the Sec-
13	retary of Commerce shall submit to the districts
14	an estimate of the cost to be incurred by the
15	National Marine Fisheries Service for the pro-
16	gram during the following calendar year, if any,
17	including the cost of any data collection and
18	posting under subsection (g).
19	(B) FAILURE TO FUND.—If an amount
20	equal to the estimate of the Secretary of Com-
21	merce is not provided through contributions
22	pursuant to paragraph (2) before December 31
23	of that calendar year—
24	(i) the Secretary shall have no obliga-
25	tion to conduct the program activities oth-

1	erwise scheduled for the following calendar
2	year until the amount is contributed by the
3	districts; and
4	(ii) the districts may not conduct any
5	aspect of the program until the amount is
6	contributed by the districts.
7	(4) ACCOUNTING.—
8	(A) IN GENERAL.—Not later than Sep-
9	tember 1 of each year, the Secretary of Com-
10	merce shall provide to the districts an account-
11	ing of the costs incurred by the Secretary for
12	the program during the preceding calendar
13	year.
14	(B) Excess amounts.—If the amount
15	contributed by the districts pursuant to para-
16	graph (2) for a calendar year was greater than
17	the costs incurred by the Secretary of Com-
18	merce during that year, the Secretary shall—
19	(i) apply the excess amounts to the
20	cost of activities to be performed by the
21	Secretary under the program, if any, dur-
22	ing the following calendar year; or
23	(ii) if no such activities are to be per-
24	formed, repay the excess amounts to the
25	districts.

(g) Publication and Evaluation of Data.—

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2 (1) IN GENERAL.—All data generated through
3 the program, including by any private consultants,
4 shall be routinely provided to the Assistant Adminis5 trator.

6 (2) INTERNET.—Not later than the 15th day of 7 each month of the program, the Assistant Adminis-8 trator shall publish on the Internet website of the 9 National Marine Fisheries Service a tabular sum-10 mary of the raw data collected under the program 11 during the preceding month.

12 (3) REPORT.—On completion of the program,
13 the Assistant Administrator shall prepare a final re14 port evaluating the effectiveness of the program, in15 cluding recommendations for future research and re16 moval work.

17 (h) CONSISTENCY WITH LAW.—

(1) IN GENERAL.—The programs in this section
and section 204 are found to be consistent with the
requirements of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706).

(2) LIMITATION.—No provision, plan, or definition under that Act, including section 3406(b)(1) of
that Act (Public Law 102–575; 106 Stat. 4714),
shall be used—

1 (A) to prohibit the implementation of the 2 programs in this section and section 204; or 3 (B) to prevent the accomplishment of the 4 goals of the programs. 5 (3) STATE LAW.—The Secretary of the Interior, 6 the Secretary of Commerce, and the participating 7 districts shall comply with applicable requirements 8 of State law with respect to the program under this 9 subsection. 10 SEC. 204. PILOT PROJECTS TO IMPLEMENT CALFED 11 **INVASIVE SPECIES PROGRAM.** 12 (a) IN GENERAL.—Not later than January 1, 2017, 13 the Secretary of the Interior, in collaboration with the Secretary of Commerce, the Director of the California De-14 15 partment of Fish and Wildlife, and other relevant agencies and interested parties, shall establish and carry out pilot 16 17 projects to implement the invasive species control program under section 103(d)(6)(A)(iv) of Public Law 108-361 18 19 (118 Stat. 1690). 20 (b) REQUIREMENTS.—The pilot projects under this 21 section shall— 22 (1) seek to reduce invasive aquatic vegetation

(1) seek to reduce invasive aquatic vegetation
(such as water hyacinth), predators, and other competitors that contribute to the decline of native listed
pelagic and anadromous species that occupy the Sac-

ramento and San Joaquin Rivers and their tribu taries and the Delta; and

3 (2) remove, reduce, or control the effects of spe4 cies including Asiatic clams, silversides, gobies, Bra5 zilian water weed, largemouth bass, smallmouth
6 bass, striped bass, crappie, bluegill, white and chan7 nel catfish, zebra and quagga mussels, and brown
8 bullheads.

9 (c) Emergency Environmental Reviews.—To expedite environmentally beneficial programs in this title 10 11 for the conservation of threatened and endangered species, the Secretaries of the Interior and Commerce shall consult 12 with the Council on Environmental Quality in accordance 13 with section 1506.11 of title 40, Code of Federal Regula-14 15 tions (or successor regulations), to develop alternative arrangements to comply with the National Environmental 16 17 Policy Act of 1969 (42 U.S.C. 4321 et seq.) for those pro-18 grams.

# TITLE III—CALIFORNIA EMER GENCY DROUGHT RELIEF AND OPERATIONAL FLEXI BILITY

5 SEC. 301. TAKING INTO ACCOUNT INCREASED REAL-TIME 6 MONITORING AND UPDATED SCIENCE.

7 (a) SMELT BIOLOGICAL OPINION.—The Director
8 shall use the best scientific and commercial data available
9 to implement, continuously evaluate, and refine or amend,
10 as appropriate, the reasonable and prudent alternative de11 scribed in the smelt biological opinion.

12 (b) INCREASED MONITORING TO INFORM REAL-13 TIME OPERATIONS.—

14 (1) IN GENERAL.—The Secretary of the Inte-15 rior shall conduct additional surveys, on an annual 16 basis at the appropriate time of year based on envi-17 ronmental conditions, in collaboration with inter-18 ested stakeholders regarding the science of the Delta 19 in general, and to enhance real time decisionmaking 20 in particular, working in close coordination with rel-21 evant State authorities.

22 (2) REQUIREMENTS.—In carrying out this sub23 section, the Secretary of the Interior shall use—

24 (A) the most appropriate and accurate sur-25 vey methods available for the detection of Delta

1 smelt to determine the extent to which adult 2 Delta smelt are distributed in relation to cer-3 tain levels of turbidity or other environmental 4 factors that may influence salvage rate; 5 (B) results from appropriate surveys for 6 the detection of Delta smelt to determine how 7 the Central Valley Project and State Water 8 Project may be operated more efficiently to 9 maximize fish and water supply benefits; and 10 (C) science-based recommendations devel-11 oped by any of the persons or entities described 12 in subsection (d)(2) to inform the agencies' 13 real-time decisions. 14 (3) WINTER MONITORING.—During the period 15 between December 1 and March 31, if suspended 16 sediment loads enter the Delta from the Sacramento 17 River, and the suspended sediment loads appear 18 likely to raise turbidity levels in the Old River north 19 pumps from values below of the export 1220 Nephelometric Turbidity Units (NTUs) to values 21 above 12 NTUs, the Secretary of the Interior 22 shall-23 (A) conduct daily monitoring using appro-

24 priate survey methods at locations including the
25 vicinity of Station 902 to determine the extent

1	to which adult Delta smelt are moving with tur-
2	bidity toward the export pumps; and
3	(B) use results from the monitoring under
4	subparagraph (A) to determine how increased
5	trawling can inform daily real-time Central Val-
6	ley Project and State Water Project operations
7	to maximize fish and water supply benefits.
8	(c) Periodic Review of Monitoring.—Not later
9	than 1 year after the date of enactment of this Act, the
10	Secretary of the Interior shall—
11	(1) evaluate whether the monitoring program
12	under subsection (b), combined with other moni-
13	toring programs for the Delta, is providing sufficient
14	data to inform Central Valley Project and State
15	Water Project operations to maximize the water sup-
16	ply for fish and water supply benefits; and
17	(2) determine whether the monitoring efforts
18	should be changed in the short or long term to pro-
19	vide more useful data.
20	(d) Delta Smelt Distribution Study.—
21	(1) IN GENERAL.—Not later than March 15,
22	2021, the Secretary of the Interior shall—
23	(A) complete studies, to be initiated by not
24	later than 90 days after the date of enactment
25	of this Act, designed—

1 (i) to understand the location and de-2 termine the abundance and distribution of 3 Delta smelt throughout the range of the 4 Delta smelt; and (ii) to determine potential methods to 5 6 minimize the effects of Central Valley 7 Project and State Water Project oper-8 ations on the Delta smelt; 9 (B) based on the best available science, if 10 appropriate and practicable, implement new tar-11 geted sampling and monitoring of Delta smelt 12 in order to maximize fish and water supply ben-13 efits prior to completion of the study under sub-14 paragraph (A); 15 (C) to the maximum extent practicable, 16 use new technologies to allow for better track-17 ing of Delta smelt, such as acoustic tagging, op-18 tical recognition during trawls, and fish detec-19 using residual deoxyribonucleic tion acid 20 (DNA); and 21 (D) if new sampling and monitoring is not 22 implemented under subparagraph (B), provide a 23 detailed explanation of the determination of the 24 Secretary of the Interior that no change is war-25 ranted.

1	(2) CONSULTATION.—In determining the scope
2	of the studies under this subsection, the Secretary of
3	the Interior shall consult with—
4	(A) Central Valley Project and State
5	Water Project water contractors and public
6	water agencies;
7	(B) other public water agencies;
8	(C) the California Department of Fish and
9	Wildlife and the California Department of
10	Water Resources; and
11	(D) nongovernmental organizations.
12	(e) Scientifically Supported Implementation
13	OF OMR FLOW REQUIREMENTS.—
14	(1) Environmental protection mandate.—
15	The Secretaries of the Interior and Commerce shall
16	take no action pursuant to this Act that would cause
17	additional adverse effects on the listed fish species
18	beyond the range of effects anticipated to occur to
19	the listed fish species for the duration of the applica-
20	ble biological opinion, using the best scientific and
21	commercial data available.
22	(2) Real-time management to achieve
23	MULTIPLE GOALS.—Building upon previous drought
24	operations in calendar years 2014 and 2015, the
25	Secretaries of the Interior and Commerce shall mon-

1	• • • • • • • • • • • • • • • •
1	itor in real time to determine the location and den-
2	sities of listed fish species relative to the pumps,
3	Delta conditions, and other relevant factors, in order
4	to identify—
5	(A) opportunities to increase water pump-
6	ing without violating the standard in paragraph
7	(1) or other applicable environmental laws and
8	regulations; and
9	(B) circumstances where it is necessary to
10	decrease water pumping to protect listed fish
11	species.
12	(3) MANAGEMENT.—In implementing the smelt
13	biological opinion and the salmonid biological opin-
14	ion, the Secretaries of the Interior and Commerce
15	shall manage the OMR in accordance with those
16	opinions to maximize water supplies for the Central
17	Valley Project and State Water Project, to the ex-
18	tent consistent with paragraph (1).
19	(4) Reverse flow.—
20	(A) IN GENERAL.—With respect to the
21	management of reverse flow in the OMR under
22	the smelt biological opinion, the Secretary of
23	the Interior shall implement the relevant provi-
24	sions of the smelt biological opinion to maxi-
25	mize Central Valley Project and State Water

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1	Project water supplies, to the extent consistent
2	with paragraph (1).
3	(B) REQUIREMENTS.—If the Secretary de-
4	termines to manage rates of pumping at the
5	C.W. "Bill" Jones and the Harvey O. Banks
6	pumping plants in the southern Delta to
7	achieve a reverse OMR flow rate less negative
8	than $-5,000$ cubic feet per second, the Sec-
9	retary shall—
10	(i) document in writing any signifi-
11	cant facts regarding real-time conditions
12	relevant to the determinations of OMR re-
13	verse flow rates, including—
14	(I) targeted real-time fish moni-
15	toring in the Old River pursuant to
16	this section, including monitoring in
17	the vicinity of Station 902; and
18	(II) near-term forecasts with
19	available salvage models under pre-
20	vailing conditions of the effects on
21	Delta smelt of OMR flow of $-5,000$
22	cubic feet per second; and
23	(ii) explain in writing why any deci-
24	sion to manage OMR reverse flow at rates
25	less negative than $-5,000$ cubic feet per

1	second is necessary to comply with the en-
2	vironmental standard in subsection $(e)(1)$ ,
3	after considering relevant factors such
4	as—
5	(I) the distribution of Delta
6	smelt throughout the Delta;
7	(II) the potential effects of high
8	entrainment risk on subsequent Delta
9	smelt abundance;
10	(III) the water temperature;
11	(IV) other significant factors rel-
12	evant to the determination, as re-
13	quired by applicable Federal or State
14	laws;
15	(V) turbidity; and
16	(VI) whether any alternative
17	measures could have a substantially
18	lesser water supply impact.
19	(5) IMMEDIATE ACTION.—Nothing in this sec-
20	tion shall prevent the Secretaries of the Interior or
21	Commerce from taking immediate action to reduce
22	pumping if necessary to do so to comply with the
23	Endangered Species Act, its implementing regula-
24	tions, or to avoid additional adverse effects on the
25	listed fish species beyond the range of effects antici-

1	pated to occur to the listed fish species for the dura-
2	tion of the applicable biological opinion.

3 (f) FIRST SEDIMENT FLUSH.—During the first flush
4 of sediment out of the Delta in each water year, based
5 on objective evidence and notwithstanding subsection (e),
6 the Secretary of the Interior shall manage OMR flow pur7 suant to the portion of the smelt biological opinion that
8 protects adult Delta smelt from the first flush if required
9 to do so by the smelt biological opinion.

10 (g) CONSTRUCTION.—The Secretaries of the Interior11 and Commerce may—

(1) implement subsection (e) building on, and
taking into account the effects of, previous operations in the 2014 and 2015 water years; and

(2) use the results of monitoring through early
warning surveys to make real-time operational decisions under the applicable biological opinion.

(h) CALCULATION OF REVERSE FLOW IN OMR.—
19 Not later than 180 days after the date of enactment of
20 this Act, the Secretary, in consultation with the California
21 Department of Water Resources, consistent with the smelt
22 biological opinion and the salmonid biological opinion,
23 shall—

(1) review, including seeking public commentregarding, whether any revision to the method used

1	to calculate reverse now in the OMIC for implemen-
2	tation of the reasonable and prudent alternatives in
3	the smelt biological opinion and the salmonid biologi-
4	cal opinion for the purpose of using the best avail-
5	able science and monitoring to maximize fish and
6	water supply benefits is warranted; and
7	(2) implement the revised method to calculate
8	reverse flow in the OMR pursuant to paragraph (1).
9	(i) Successor Biological Opinions.—The Secre-
10	taries of the Interior and Commerce shall apply the provi-
11	sions of this Act to successor biological opinions to the
12	salmonid biological opinion and the smelt biological opin-
13	ion, to the extent that the Secretaries of the Interior and
14	Commerce determine to be consistent with—
15	(1) section $701(a)(3)$ ; and
16	(2) the Endangered Species Act of 1973 (16)
	(2) the Endangered Species Act of 1975 (10
17	U.S.C. 1531 et seq.) and the regulations imple-
17 18	
	U.S.C. 1531 et seq.) and the regulations imple-
18	U.S.C. 1531 et seq.) and the regulations imple- menting that Act.
18 19	<ul><li>U.S.C. 1531 et seq.) and the regulations implementing that Act.</li><li>SEC. 302. EMERGENCY OPERATIONS.</li></ul>
18 19 20	<ul> <li>U.S.C. 1531 et seq.) and the regulations implementing that Act.</li> <li>SEC. 302. EMERGENCY OPERATIONS.</li> <li>(a) WATER SUPPLIES.—The Secretaries of the Inte-</li> </ul>
18 19 20 21	<ul> <li>U.S.C. 1531 et seq.) and the regulations implementing that Act.</li> <li>SEC. 302. EMERGENCY OPERATIONS.</li> <li>(a) WATER SUPPLIES.—The Secretaries of the Interior and Commerce shall provide the maximum quantity</li> </ul>
<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	<ul> <li>U.S.C. 1531 et seq.) and the regulations implementing that Act.</li> <li>SEC. 302. EMERGENCY OPERATIONS. <ul> <li>(a) WATER SUPPLIES.—The Secretaries of the Interior and Commerce shall provide the maximum quantity of water supplies practicable to Central Valley Project ag-</li> </ul> </li> </ul>
<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	<ul> <li>U.S.C. 1531 et seq.) and the regulations implementing that Act.</li> <li>SEC. 302. EMERGENCY OPERATIONS. <ul> <li>(a) WATER SUPPLIES.—The Secretaries of the Interior and Commerce shall provide the maximum quantity of water supplies practicable to Central Valley Project agricultural, municipal, and industrial contractors, water</li> </ul> </li> </ul>

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to calculate reverse flow in the OMR for implemen-

State Water Project contractors, by approving, in accord ance with applicable Federal and State laws (including
 regulations), operations or temporary projects to provide
 additional water supplies as quickly as practicable, based
 on available information, to address the emergency condi tions.

7 (b) ADMINISTRATION.—In carrying out subsection
8 (a), the Secretaries of the Interior and Commerce shall,
9 in accordance with applicable laws (including regula10 tions)—

11 (1)(A) in close coordination with the California 12 Department of Water Resources and the California 13 Department of Fish and Wildlife, implement a pilot 14 project to test and evaluate the ability to operate the 15 Delta cross-channel gates daily or as otherwise may 16 be appropriate to keep the gates open to the max-17 imum extent practicable to protect out-migrating 18 salmonids, manage salinities in the interior Delta 19 and any other water quality issues, and maximize 20 Central Valley Project and State Water Project 21 pumping, subject to the condition that the pilot 22 project shall be designed and implemented consistent 23 with operational criteria and monitoring criteria re-24 quired by the California State Water Resources Con-25 trol Board, including its order, "Order Approving a

1	Temporary Urgency Change in License and Permit
2	Terms in Response to Drought Conditions", effec-
3	tive on January 31, 2014 (or a successor order); and
4	(B) design, implement, and evaluate those real-
5	time monitoring capabilities to enable effective real-
6	time operations of the cross-channel in order effi-
7	ciently to meet the objectives described in subpara-
8	graph (A);
9	(2) with respect to the operation of the Delta
10	cross-channel gates described in paragraph (1), col-
11	lect data on the impact of that operation on—
12	(A) species listed as threatened or endan-
13	gered under the Endangered Species Act of
14	1973 (16 U.S.C. 1531 et seq.);
15	(B) water quality; and
16	(C) water supply benefits;
17	(3) collaborate with the California Department
18	of Water Resources to install a deflection barrier at
19	Georgiana Slough and the Delta cross-channel gate
20	to protect migrating salmonids, consistent with
21	knowledge gained from related activities carried out
22	during 2014 and 2015;
23	(4) not later than May 15, 2016, submit to the
24	Committees on Energy and Natural Resources and
25	Environment and Public Works of the Senate and

the Committee on Natural Resources of the House
 of Representatives a notice and explanation regard ing the extent to which the gates are able to remain
 open pursuant to paragraphs (1) through (3);

5 (5) implement turbidity control strategies that 6 may allow for increased water deliveries while avoid-7 ing jeopardy to adult Delta smelt due consistent 8 with the smelt biological opinion;

9 (6) adopt a 1:1 inflow-to-export ratio for the in-10 crement of increased flow, as measured as a 3-day 11 running average at Vernalis during the period begin-12 ning on April 1 and ending on May 31, that results 13 from the voluntary sale, transfer, or exchange, un-14 less the Secretaries of the Interior and Commerce 15 determine in writing that the ratio will cause addi-16 tional adverse effects on any salmonid listed fish 17 species beyond the range of effects anticipated to 18 occur to the listed fish species for the duration of 19 the salmonid biological opinion using the best sci-20 entific and commercial data available and subject to 21 the condition that any individual sale, transfer, or 22 exchange using that ratio may only proceed if—

23 (A) the Secretary of the Interior deter24 mines that the environmental effects of the pro25 posed sale, transfer, or exchange are consistent

1	with effects permitted under applicable law (in-
2	cluding the Endangered Species Act (16 U.S.C.
3	1531 et seq.), the Federal Water Pollution Con-
4	trol Act (33 U.S.C. 1381 et seq.), and the Por-
5	ter-Cologne Water Quality Control Act (Cali-
6	fornia Water Code 13000 et seq.));
7	(B) Delta conditions are suitable to allow
8	movement of the acquired, transferred, or ex-
9	changed water through the Delta, in accordance
10	with existing Central Valley Project and State
11	Water Project permitted water rights and the
12	requirements of section $3405(a)(1)(H)$ of the
13	Central Valley Project Improvement Act (Public
14	Law 102–575; 106 Stat. 4711); and
15	(C) the voluntary sale, transfer, or ex-
16	change of water results in flow that is in addi-
17	tion to flow that otherwise would occur in the
18	absence of the voluntary sale, transfer, or ex-
19	change;
20	(7)(A) issue all necessary permit decisions
21	under the authority of the Secretaries of the Interior
22	and Commerce by not later than 60 days after the
23	date of receipt of a completed application by the
24	State of California to place and use temporary bar-
25	riers or operable gates in Delta channels to improve

1	water quantity and quality for State Water Project
2	and Central Valley Project south-of-Delta water con-
3	tractors and other water users, which barriers or
4	gates shall provide benefits for species protection
5	and in-Delta water user water quality, subject to the
6	condition that the barriers or gates shall be designed
7	so that, if practicable, formal consultations under
8	section 7 of the Endangered Species Act of $1973$ (16
9	U.S.C. 1536) are not necessary; or
10	(B) take a longer period to issue the permit de-
11	cisions described in subparagraph (A) only if the
12	Secretaries of the Interior and Commerce determine
13	in writing that an environmental impact statement is
14	needed for the proposal to comply with the National
15	Environmental Policy Act of 1969 (42 U.S.C. 4321
16	et seq.);
17	(8) allow and facilitate, consistent with existing
18	priorities, water transfers through the C.W. "Bill"
19	Jones Pumping Plant or the Harvey O. Banks
20	Pumping Plant during the period beginning on April
21	1 and ending on November 30, subject to the condi-
22	tion that the transfers—
23	(A) are consistent with applicable Federal
24	and State laws (including regulations), includ-
25	ing the California Environmental Quality Act

1	(California Public Resources Code 21000–
2	21177); and
3	(B) are consistent with the smelt biological
4	opinion and the salmonid biological opinion;
5	(9) require the Director and the Commis-
6	sioner—
7	(A)(i) to determine whether a written
8	transfer proposal is complete by not later than
9	30 days after the date of submission of the pro-
10	posal; and
11	(ii) if the proposal is determined to be in-
12	complete, to State with specificity what shall be
13	supplemented or revised to complete the pro-
14	posal; and
15	(B)(i) complete all requirements under the
16	National Environmental Policy Act of 1969 (42
17	U.S.C. 4321 et seq.) and the Endangered Spe-
18	cies Act of 1973 (16 U.S.C. 1531 et seq.) nec-
19	essary to make final permit decisions on water
20	transfer requests in the State of California
21	by—
22	(I) not later than 30 days after deem-
23	ing the application complete pursuant to
24	subparagraph (A); or

	101
1	(II) such later date as the Director or
2	the Commissioner determines to be nec-
3	essary, only if the Director or the Commis-
4	sioner determines in writing that an envi-
5	ronmental impact statement is needed for
6	the proposal to comply with the National
7	Environmental Policy Act of 1969 (42
8	U.S.C. 4321 et seq.); and
9	(ii) approve any water transfer request de-
10	scribed in clause (i) to maximize the quantity of
11	water supplies, subject to the condition that ac-
12	tions associated with the water transfer comply
13	with applicable Federal and State laws (includ-
14	ing regulations) and are consistent with—
15	(I) existing permitted water rights;
16	and
17	(II) the requirements of section
18	3405(a)(1)(H) of the Central Valley
19	Project Improvement Act (Public Law
20	102–575; 106 Stat. 4711);
21	(10) in coordination with the Secretary of Agri-
22	culture, enter into an agreement with the National
23	Academy of Sciences to conduct a comprehensive
24	study, to be completed not later than 1 year after
25	the date of enactment of this Act, on the effective-

1	ness and environmental impacts of saltcedar biologi-
2	cal control efforts on increasing water supplies and
3	improving riparian habitats of the Colorado River
4	and its principal tributaries, in the State of Cali-
5	fornia and elsewhere;
6	(11) pursuant to the research and adaptive
7	management provisions of the smelt biological opin-
8	ion and the salmonid biological opinion—
9	(A) use all available scientific tools to iden-
10	tify any changes to real-time operations of Bu-
11	reau of Reclamation, State of California, or
12	local water projects that could result in the
13	availability of additional water supplies; and
14	(B) determine whether alternative oper-
15	ational or other management measures would
16	meet applicable regulatory requirements for list-
17	ed species while maximizing water supplies and
18	water supply reliability; and
19	(12) continue to vary the averaging period of
20	the maximum percent of Delta Inflow Diverted
21	(Delta export-inflow ratio), to the extent consistent
22	with any applicable California Water Resources Con-
23	trol Board orders under decision D-1641 (which
24	sets water quality objectives for the San Francisco

3 (A) to a ratio using a 3-day averaging pe4 riod on the rising limb of a Delta inflow
5 hydrograph; and

6 (B) to a 14-day averaging period on the7 falling limb of the Delta inflow hydrograph.

8 (c) OTHER AGENCIES.—To the extent that a Federal 9 department or agency other than the Department of the 10 Interior or the Department of Commerce has a role in ap-11 proving a project described in subsection (a) or (b), this 12 section shall apply to the Federal department or agency. 13 (d) ACCELERATED PROJECT DECISION AND ELE-14 VATION.—

15 (1) IN GENERAL.—On request of the Governor 16 of California, the Secretaries of the Interior and 17 Commerce shall use the expedited procedures under 18 this subsection to make final decisions relating to 19 Federal or federally approved projects or operational 20 changes proposed pursuant to subsections (a) and 21 (b) to provide additional water supplies or otherwise 22 address emergency drought conditions.

23 (2) Request for resolution.—

24 (A) IN GENERAL.—On request of the Gov25 ernor of California, the Secretaries of the Inte-

1	rior and Commerce or the head of another Fed-
2	eral department or agency responsible for car-
3	rying out a review of a project, as applicable,
4	shall convene a final project decision meeting
5	with the heads of all relevant Federal agencies
6	to decide whether to approve a project to pro-
7	vide emergency water supplies or otherwise ad-
8	dress emergency drought conditions.
9	(B) MEETING.—A meeting under subpara-
10	graph (A) shall convene not later than 7 days
11	after the date of receipt of the meeting request.
12	(3) NOTIFICATION.—On receipt of a request for
13	a meeting under this subsection, the Secretary of the
14	Interior shall notify the heads of all relevant Federal
15	departments and agencies of the request, including
16	a description of—
17	(A) the project to be reviewed; and
18	(B) the date for the meeting.
19	(4) DECISION.—Not later than 10 days after
20	the date on which a meeting is requested under
21	paragraph (2), the head of the relevant Federal
22	agency shall issue a final decision on the project.
23	(5) Meeting convened by secretary.—The
24	Secretary of the Interior may convene a final project
25	decision meeting under this subsection at any time,

1	at the discretion of the Secretary, regardless of
2	whether a meeting is requested under paragraph (2).
3	(6) LIMITATION.—The expedited procedures
4	under this subsection apply only—
5	(A) to proposed new Federal projects or
6	operational changes pursuant to subsection (a)
7	or (b); and
8	(B) to the extent the procedures are con-
9	sistent with applicable laws (including regula-
10	tions).
11	(e) DROUGHT PLAN.—For any year during which
12	this section is in effect, the Secretaries of the Interior and
13	Commerce, in consultation with appropriate State offi-
14	cials, shall develop a drought operations plan that is con-
15	sistent with this Act and other applicable Federal and
16	State laws, including provisions intended to provide addi-
	State laws, including provisions intended to provide addi- tional water supplies that could be of assistance during
17	
17	tional water supplies that could be of assistance during
17 18	tional water supplies that could be of assistance during the drought in existence on the date of enactment of this
17 18 19	tional water supplies that could be of assistance during the drought in existence on the date of enactment of this Act.
17 18 19 20	tional water supplies that could be of assistance during the drought in existence on the date of enactment of this Act. SEC. 303. TEMPORARY OPERATIONAL FLEXIBILITY TO CAP-
17 18 19 20 21	tional water supplies that could be of assistance during the drought in existence on the date of enactment of this Act. SEC. 303. TEMPORARY OPERATIONAL FLEXIBILITY TO CAP- TURE PEAK FLOWS FROM WINTER STORMS.
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	tional water supplies that could be of assistance during the drought in existence on the date of enactment of this Act. SEC. 303. TEMPORARY OPERATIONAL FLEXIBILITY TO CAP- TURE PEAK FLOWS FROM WINTER STORMS. (a) ENVIRONMENTAL PROTECTION MANDATE.—The

of effects anticipated to occur to the listed fish species for
 the duration of the applicable biological opinion, using the
 best scientific and commercial data available.

4 (b) REAL-TIME MANAGEMENT TO ACHIEVE MUL-5 TIPLE GOALS.—Pursuant to the adaptive management 6 provisions of the smelt biological opinion and the salmonid 7 biological opinion, the Secretaries of the Interior and Com-8 merce shall monitor in real time to determine the location 9 and densities of listed fish species relative to the pumps 10 and Delta conditions, in order to identify—

(1) opportunities to increase water pumping
without violating the standard in subsection (a) or
other environmental laws and regulations; and

(2) circumstances where it is necessary to de-14 15 crease water pumping to protect listed fish species. 16 (c) REQUIREMENT.—When consistent with the environmental protection mandate in subsection (a) and other 17 18 environmental protections under subsection (f), the Secre-19 taries of the Interior and Commerce, through the drought 20 contingency plans, shall evaluate and may authorize the 21 Central Valley Project and the State Water Project, com-22 bined, to operate at levels that result in daily average 23 OMR flows more negative than -5,000 cubic feet per sec-24 ond (based on United States Geological Survey gauges on

OMR) to capture peak flows during storm-related events,
 in accordance with subsections (d), (e), and (f).

3 (d) FACTORS TO BE CONSIDERED.—In determining
4 additional adverse effects on any listed fish species beyond
5 the range of effects anticipated to occur to the listed fish
6 species for the duration of the smelt biological opinion or
7 salmonid biological opinion, using the best scientific and
8 commercial data available, the Secretaries of the Interior
9 and Commerce may consider the following factors:

10 (1) The real-time distribution of listed species.
11 (2) Relevant physical parameters including pro12 jected inflows, turbidity, salinities, and tidal cycles.
13 (3) Any other factor under the relevant biologi14 cal opinion.

15 (e) Other Environmental Protections.—

16 (1) STATE LAW.—The actions of the Secre17 taries of the Interior and Commerce pursuant to this
18 section shall be consistent with applicable regulatory
19 requirements under State law.

(2) FIRST SEDIMENT FLUSH.—During the first
flush of sediment out of the Delta during each water
year, based on objective evidence and notwithstanding the other provisions of this subsection, the
Secretary of the Interior shall manage OMR flow
pursuant to the portion of the smelt biological opin-

ion that protects adult Delta smelt from the first
 flush if required to do so by the smelt biological
 opinion.

(3) Applicability.—

4

(A) IN GENERAL.—This section on cap-5 6 turing peak flows from winter storms shall not 7 affect the application of the salmonid biological 8 opinion during the period beginning on April 1 9 and ending on May 31, unless the Secretary of 10 Commerce determines that this section can be 11 applied during part or all of that time period to 12 provide emergency water supply relief without 13 resulting in additional adverse effects beyond 14 those anticipated to occur for the duration the 15 salmonid biological opinion.

16  $(\mathbf{B})$ THROUGH-DELTA WATER TRANS-17 FERS.—In addition to any other actions to ben-18 efit water supply, the Secretaries of the Interior 19 and Commerce shall consider allowing through-20 Delta water transfers to occur during the pe-21 riod referred to in subparagraph (A), in accord-22 ance with section 302(b)(8).

(4) MONITORING.—In implementing this section, the Commissioner, in coordination with the Director, the Assistant Administrator, and the Cali-

fornia Department of Fish and Wildlife, shall carry
 out a monitoring program and other data gathering
 activities—

4 (A) to ensure incidental take levels are not
5 exceeded; and

6 (B) to identify potential negative impacts,7 if any.

8 (f) EFFECT OF HIGH OUTFLOWS.—When exercising 9 their authorities pursuant to drought contingency plans 10 to capture peak flows pursuant to subsection (c), the Sec-11 retaries of the Interior and Commerce shall not count any 12 day during that period toward the 5-day or 14-day run-13 ning averages of tidally filtered daily OMR flow requirements under the smelt biological opinion or the salmonid 14 15 biological opinion unless doing so is required to avoid additional adverse effects on listed fish species beyond the 16 17 range of effects anticipated to occur to the listed fish species for the duration of the biological opinions, using the 18 best scientific and commercial data available. 19

### 20 SEC. 304. EMERGENCY ENVIRONMENTAL REVIEWS.

To minimize the time spent carrying out environmental reviews and quickly to deliver water that is needed to address emergency drought conditions in the State of California, the head of each applicable Federal department or agency shall, in carrying out this title, consult with the

Council on Environmental Quality in accordance with sec-1 2 tion 1506.11 of title 40, Code of Federal Regulations (or 3 successor regulations), to develop alternative arrange-4 ments to comply with the National Environmental Policy 5 Act of 1969 (42 U.S.C. 4321 et seq.) during the emer-6 gency. The Council on Environmental Quality shall exer-7 cise its authority in a timely manner and with an outcome 8 consistent with the need to address the emergency drought 9 conditions in the State of California.

## 10 SEC. 305. LEVEL OF DETAIL REQUIRED FOR ANALYSIS.

In articulating the determinations and demonstrations required under this title and title I, the Secretaries
of the Interior and Commerce shall—

- (1) fully satisfy the requirements of this title
  addressing both supporting and countervailing evidence using such quantity of written supporting detail as is reasonable within the timeframe permitted
  for timely decisionmaking in response to changing
  conditions in the Delta; and
- 20 (2) make the decision document available on a21 publicly accessible Internet website.

# 22 TITLE IV—WATER RIGHTS

## 23 SEC. 401. OFFSET FOR STATE WATER PROJECT.

(a) IMPLEMENTATION IMPACTS.—The Secretary ofthe Interior shall confer with the California Department

of Fish and Wildlife in connection with the implementa tion of this Act regarding potential impacts to any consist ency determination for operations of the State Water
 Project issued pursuant to section 2080.1 of the California
 Fish and Game Code.

6 (b) ADDITIONAL YIELD.—If, as a result of the appli7 cation of this Act, the California Department of Fish and
8 Wildlife—

9 (1) determines that operations of the State 10 Water Project are inconsistent with the consistency 11 determinations issued pursuant to California Fish 12 and Game Code section 2080.1 for operations of the 13 State Water Project; or

14 (2) requires take authorization under California
15 Fish and Game Code section 2081 for operation of
16 the State Water Project,

17 in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with 18 19 the water supply available under the smelt biological opin-20 ion and the salmonid biological opinion, and as a result, 21 Central Valley Project yield is greater than it otherwise 22 would have been, then that additional yield shall be made 23 available to the State Water Project for delivery to State 24 Water Project contractors to offset the reduced water sup-25 ply, provided that if it is necessary to reduce water supplies for any Central Valley Project authorized uses or
 contractors to make available to the State Water Project
 that additional yield, such reductions shall be applied pro portionately to those uses or contractors that benefit from
 that increased yield.

6 (c) NOTIFICATION RELATED TO ENVIRONMENTAL
7 PROTECTIONS.—The Secretaries of the Interior and Com8 merce shall—

9 (1) notify the Director of the California Depart-10 ment of Fish and Wildlife regarding any changes in 11 the manner in which the smelt biological opinion or 12 the salmonid biological opinion is implemented; and 13 (2) confirm that those changes are consistent 14 with the Endangered Species Act of 1973 (16 15 U.S.C. 1531 et seq.).

(d) SAVINGS.—Nothing in this section shall have any
effect on the application of the California Endangered
Species Act (California Fish and Game Code sections
2050 through 2116).

20SEC. 402. AREA OF ORIGIN AND WATER RIGHTS PROTEC-21TIONS.

(a) IN GENERAL.—In carrying out this Act, the Secretaries of the Interior and Commerce shall not take any
action that—

1	(1) diminishes, impairs, or otherwise affects in
2	any manner any area of origin, watershed of origin,
3	county of origin, or any other water rights protec-
4	tion, including rights to water appropriated before
5	December 19, 1914, provided under California law;
6	(2) limits, expands, or otherwise affects the ap-
7	plication of section 10505, 10505.5, 11128, 11460,
8	11461, 11462, 11463, or 12200 through 12220 of
9	the California Water Code or any other provision of
10	California water rights law, without respect to
11	whether such a provision is specifically referred to in
12	this Act; or
13	(3) diminishes, impairs, or otherwise affects in
14	any manner any water rights or water rights prior-
15	ities under applicable law.
16	(b) EFFECT OF ACT.—Nothing in this Act—
17	(1) affects or modifies any obligation of the
18	Secretary of the Interior under section 8 of the Act
19	of June 17, 1902 (32 Stat. 390, chapter 1093); or
20	(2) diminishes, impairs, or otherwise affects in
21	any manner any project purposes or priorities for
22	the allocation, delivery, or use of water under appli-
23	cable law, including the project purposes and prior-
24	ities established under sections $3402$ and $3406$ of

the Central Valley Project Improvement Act (Public
 Law 102-575; 106 Stat. 4706).

3 SEC. 403. NO REDIRECTED ADVERSE IMPACTS.

4 (a) Applicability.—

(1) IN GENERAL.—The Secretaries of the Inte-5 6 rior and Commerce shall not carry out any specific 7 action pursuant to this Act that will directly or, 8 through State agency action, indirectly result in the 9 involuntary reduction of water supply to an indi-10 vidual, district, or agency that has in effect a con-11 tract for water with the State Water Project or the 12 Central Valley Project, including settlement and ex-13 change contracts, operating contracts, refuge con-14 tracts, and Friant Division contracts, as compared 15 to the water supply that would be provided in the 16 absence of action under this Act.

17 (2) EFFECT OF ACT.—Nothing in this Act
18 modifies, amends, or affects any right or obligation
19 of any party to a contract described in paragraph
20 (1).

(b) ACTION ON DETERMINATION.—If, after exploring
all options, the Secretary makes a final determination that
a proposed action under this Act cannot be carried out
in accordance with subsection (a), the Secretary—
	110
1	(1) shall document that determination in writ-
2	ing with regard to that action, including a statement
3	of the facts relied on, and an explanation of the
4	basis, for the decision; and
5	(2) is subject to applicable law, including the
6	Endangered Species Act of 1973 (16 U.S.C. 1531 et
7	seq.).
8	SEC. 404. ALLOCATIONS FOR SACRAMENTO VALLEY WATER
9	SERVICE CONTRACTORS.
10	(a) DEFINITIONS.—In this section:
11	(1) Existing central valley project agri-
12	CULTURAL WATER SERVICE CONTRACTOR WITHIN
13	SACRAMENTO RIVER WATERSHED.—The term "exist-
14	ing Central Valley Project agricultural water service
15	contractor within the Sacramento River Watershed"
16	means any water service contractor within the Shas-
17	ta, Trinity, or Sacramento River Division of the
18	Central Valley Project that has in effect a water
19	service contract on the date of enactment of this Act
20	that provides water for irrigation.
21	(2) YEAR TERMS.—The terms "Above Normal",
22	"Below Normal", "Dry", and "Wet", with respect to
23	a year, have the meanings given those terms in the
24	Sacramento Valley Water Year Type (40–30–30)

1	(b) .	ALLOCATIONS	OF	WATER.—
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2	(1) Allocations.—Subject to subsection (c),
3	the Secretary of the Interior shall make every rea-
4	sonable effort in the operation of the Central Valley
5	Project to allocate water provided for irrigation pur-
6	poses to each existing Central Valley Project agricul-
7	tural water service contractor within the Sacramento
8	River Watershed in accordance with the following:
9	(A) Not less than 100 percent of the con-
10	tract quantity shall be allocated to the Central
11	Valley Project agricultural water service con-
12	tractor within the Sacramento River Watershed
13	in a Wet year.
14	(B) Not less than 100 percent of the con-
15	tract quantity shall be allocated to the Central
16	Valley Project agricultural water service con-
17	tractor within the Sacramento River Watershed

(C) Not less than 100 percent of the contract quantity shall be allocated to the Central
Valley Project agricultural water service contractor within the Sacramento River Watershed
in a Below Normal year that is preceded by an
Above Normal or Wet year.

in an Above Normal year.

1 (D) Not less than 50 percent of the con-2 tract quantity shall be allocated to the existing 3 Central Valley Project agricultural water service 4 contractor within the Sacramento River Water-5 shed in a Dry year that is preceded by a Below 6 Normal, Above Normal, or Wet year. 7 (E) Subject to paragraph (2), in any other 8 year not identified in any of subparagraphs (A) 9 through (D), the Secretary shall allocate not 10 less than twice the allocation percentage to 11 south-of-Delta Central Valley Project agricul-12 tural water service contractors, up to 100 per-13 cent. 14 (2) EFFECT OF SUBPARAGRAPH.—In the event 15 of anomalous circumstances, nothing in paragraph (1)(E) precludes an allocation to an existing Central 16 17 Valley Project agricultural water service contractor 18 within the Sacramento River Watershed that is 19 greater than twice the allocation percentage to a 20 south-of-Delta Central Valley Project agricultural 21 water service contractor.

(c) PROTECTION OF ENVIRONMENT, MUNICIPAL,
23 AND INDUSTRIAL SUPPLIES AND OTHER CONTRAC24 TORS.—

1	(1) Environment.—Nothing in subsection (b)
2	shall adversely affect any protections for the envi-
3	ronment, including—
4	(A) the cold water pool behind Shasta
5	Dam or any other Central Valley Project res-
6	ervoir;
7	(B) the obligation of the Secretary of the
8	Interior to make water available to managed
9	wetlands pursuant to section 3406(d) of the
10	Central Valley Project Improvement Act (Public
11	Law 102–575; 106 Stat. 4722); or
12	(C) any obligation—
13	(i) of the Secretaries of the Interior
14	and Commerce under the smelt biological
15	opinion, the salmonid biological opinion, or
16	any other applicable biological opinion; or
17	(ii) under the Endangered Species Act
18	of 1973 (16 U.S.C. 1531 et seq.), the Cen-
19	tral Valley Project Improvement Act (Pub-
20	lic Law 102–575; 106 Stat. 4706), or any
21	other applicable State or Federal law (in-
22	cluding regulations).
23	(2) MUNICIPAL AND INDUSTRIAL SUPPLIES.—
24	Nothing in subsection (b) shall—

1	(A) modify any provision of a water service
2	contract that addresses municipal or industrial
3	water shortage policies of the Secretaries of the
4	Interior and Commerce;
5	(B) affect or limit the authority of the Sec-
6	retaries of the Interior and Commerce—
7	(i) to adopt or modify municipal and
8	industrial water shortage policies; or
9	(ii) to implement a municipal or in-
10	dustrial water shortage policy;
11	(C) constrain, govern, or affect, directly or
12	indirectly, the operations of the American River
13	Division of the Central Valley Project or any
14	deliveries from that Division or a unit or facility
15	of that Division; or
16	(D) affect any allocation to a Central Val-
17	ley Project municipal or industrial water service
18	contractor by increasing or decreasing alloca-
19	tions to the contractor, as compared to the allo-
20	cation the contractor would have received ab-
21	sent subsection (b).
22	(3) OTHER CONTRACTORS.—Nothing in sub-
23	section (b) shall—
24	(A) affect the priority of any individual or
25	entity with a Sacramento River settlement con-

1	tract over water service or repayment contrac-
2	tors;
3	(B) affect the obligation of the United
4	States to make a substitute supply of water
5	available to the San Joaquin River exchange
6	contractors;
7	(C) result in the involuntary reduction in
8	water allocations to refuge contractors;
9	(D) affect the allocation of water to Friant
10	Division contractors of the Central Valley
11	Project;
12	(E) result in the involuntary reduction in
13	contract water allocations to individuals or enti-
14	ties with contracts to receive water from the
15	Friant Division; or
16	(F) authorize any actions inconsistent with
17	State water rights law.
18	TITLE V—MISCELLANEOUS
19	PROVISIONS
20	SEC. 501. AUTHORIZED SERVICE AREA.
21	(a) IN GENERAL.—The service area of the Central
22	Valley Project, as authorized by the Central Valley Project
23	Improvement Act (Public Law 102–575; 106 Stat. 4706),
24	shall include the area within the boundaries of the

1 Kettleman City Community Services District of California,

2 as in existence on the date of enactment of this Act.

3 (b) LONG-TERM CONTRACT.—

(1) IN GENERAL.—Notwithstanding the Central 4 5 Valley Project Improvement Act (Public Law 102– 6 575; 106 Stat. 4706) and subject to paragraph (2), 7 the Secretary of the Interior, in accordance with the 8 reclamation laws, shall enter into a long-term con-9 tract with the Kettleman City Community Services 10 District of California, under terms and conditions 11 mutually agreeable to the parties, for the delivery of 12 up to 900 acre-feet of Central Valley Project water 13 for municipal and industrial use.

14 (2) LIMITATION.—A Central Valley Project
15 water delivery under the contract entered into under
16 paragraph (1) shall be limited to the minimal quan17 tity necessary to meet the immediate needs of the
18 Kettleman City Community Services District, in the
19 event that local supplies or State Water Project allo20 cations are insufficient to meet those needs.

(c) PERMIT.—The Secretary shall apply to the State
of California for a permit for a joint place of use for water
deliveries under the contract entered into under subsection
(b) with respect to the expanded service area under subsection (a), in accordance with State law.

(d) ADDITIONAL COSTS.—The applicable non-Fed eral entity shall pay the costs of any additional infrastruc ture, water treatment, or related costs are needed to carry
 out this section.

## 5 SEC. 502. OVERSIGHT OVER AND PUBLIC INPUT INTO RES6 TORATION FUND ACTIVITIES.

7 Section 3407 of the Central Valley Project Improve8 ment Act (Public Law 102–575; 106 Stat. 4726) is
9 amended by striking subsection (f) and inserting the fol10 lowing:

11 "(f) RESTORATION FUND FINANCIAL REPORTS.—

12 "(1) TRANSPARENCY IN EXPENDITURES.—For 13 the effective period of the California Emergency 14 Drought Relief Act, the Secretary shall make avail-15 able, on a publicly accessible Internet website, a re-16 port describing a detailed work plan for the expendi-17 ture of all amounts deposited in the Restoration 18 Fund during the preceding fiscal year, including—

"(A) a description of all receipts to, and
uses of, funds deposited in the Restoration
Fund and the Restoration Account during the
preceding fiscal year;

23 "(B) a projection of the expected receipts
24 to the Restoration Fund and Restoration Ac25 count for the following fiscal year; and

1	
1	"(C) an analysis of the effectiveness of
2	each expenditure included in the report covering
3	the preceding fiscal year.
4	"(2) Public participation for planned ex-
5	PENDITURES.—
6	"(A) IN GENERAL.—For each fiscal year,
7	the Secretary shall make available on a publicly
8	accessible Internet website a proposed draft
9	work plan for the following fiscal year regarding
10	priorities and spending levels for projects and
11	programs to be carried out under this title.
12	"(B) PUBLIC COMMENT.—The draft work
13	plan under this paragraph shall be made avail-
14	able for public comment for a period not less
15	than 30 days.".
16	SEC. 503. BASIN STUDIES.
17	(a) IN GENERAL.—The Secretary of the Interior
18	shall—
19	(1) expand opportunities and expedite comple-
20	tion of assessments under the Secure Water Act
21	(section 9503(b) of Public Law 111–11 (42 U.S.C.
22	10363(b))), together with non-Federal partners, of
23	individual sub-basins and watersheds within major
24	Reclamation river basins; and

(2) ensure prompt decisionmaking regarding,
 and expedited implementation of, adaptation and
 mitigation strategies developed through the special
 study process.

5 (b) CONTRIBUTED FUNDS.—The Secretary may ac6 cept and use contributions of funds from the non-Federal
7 partners to carry out activities under the special studies
8 consistent with the administration of basin studies pro9 gram criteria.

#### 10 SEC. 504. TECHNICAL AND MODELING ASSISTANCE.

(a) IN GENERAL.—The Secretaries of the Interior
and Commerce may provide technical and modeling assistance on request to the State Water Resources Control
Board during the drought emergency in effect on the date
of enactment of this Act.

(b) DATA AVAILABILITY.—The Secretaries of the Interior and Commerce shall make publicly available on request any modeling and data provided under subsection
(a).

#### 20 SEC. 505. REPORT ON RESULTS OF WATER USAGE.

The Secretary of the Interior, in consultation with the Secretary of Commerce and the Secretary of Natural Resources of the State of California, shall publish an annual report describing, with respect to the period covered by the report—

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1	(1) instream flow releases from the Central Val-
2	ley Project and State Water Project;
3	(2) the explicit purpose and authority of those
4	releases; and
5	(3) all measured environmental benefits as a re-
6	sult of the releases.
7	SEC. 506. ADDITIONAL STORAGE AT NEW MELONES.
8	(a) COORDINATION.—The Commissioner shall coordi-
9	nate with local water and irrigation districts in the
10	Stanislaus River Basin to identify the quantity of water
11	storage made available by the draft plan of operations in
12	New Melones Reservoir (referred to in this section as the
13	"draft plan") for—
14	(1) water conservation programs;
15	(2) conjunctive use projects;
16	(3) water transfers;
17	(4) rescheduled project water; and
18	(5) other projects to maximize water storage
19	and ensure the beneficial use of the water resources
20	in the Stanislaus River Basin.
21	(b) REQUIREMENT.—The programs and projects de-
22	scribed in subsection (a) shall be implemented in accord-
23	ance with applicable laws (including regulations).
24	(c) Source of Water.—The source of water for any
25	storage program carried out under this section at New

Melones Reservoir shall be made available under a valid
 water right, in accordance with—

3 (1) the water transfer guidelines of the State of4 California; and

5 (2) any other applicable State water law.

6 (d) REPORT.—Not later than 18 months after the 7 date of identification of the quantity of storage made 8 available under the draft plan that has been allocated 9 under this section, the Commissioner shall submit to Con-10 gress a report describing the implementation of this sec-11 tion, including proposals received by the Commissioner 12 from interested parties for purposes of this section.

#### 13 SEC. 507. CONTRACTING AUTHORITIES.

(a) DELTA RESEARCH STATION LEASES.—Notwith15 standing section 585 of title 40, United States Code, the
16 Secretaries of the Interior and Commerce may enter di17 rectly into any lease of real property for the Delta Re18 search Station.

(b) COLLABORATIVE PROCESSES.—Notwithstanding
the Federal Advisory Committee Act (5 U.S.C. App.) and
applicable Federal acquisitions and contracting authorities, the Secretaries of the Interior and Commerce may
use the collaborative processes under the Collaborative
Science Adaptive Management Program to enter into con-

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1	tracts with specific individuals or organizations directly or
2	in conjunction with appropriate State agencies.
3	SEC. 508. VOLUNTARY OPEN WATER DATA SYSTEM.
4	(a) DEFINITIONS.—In this section:
5	(1) Educational institution.—The term
6	"educational institution" means—
7	(A) a public or private elementary or sec-
8	ondary school;
9	(B) an institution of vocational, profes-
10	sional, or higher education (including a junior
11	college or teachers' college); and
12	(C) an association of schools or institutions
13	described in subparagraphs (A) and (B).
14	(2) INDIAN TRIBE.—The term "Indian tribe"
15	has the meaning given that term in section 4 of the
16	Indian Self-Determination and Education Assistance
17	Act (25 U.S.C. 450b).
18	(3) Secretary.—The term "Secretary" means
19	the Secretary of the Interior, acting through the Di-
20	rector of the United States Geological Survey.
21	(4) STATE.—The term "State" means—
22	(A) a State;
23	(B) the District of Columbia;
24	(C) the Commonwealth of Puerto Rico;
25	and

(D) any other territory or possession of the
 United States.

3 (5) SYSTEM.—The term "system" means the
4 open water data system established under subsection
5 (b).

6 (b) SYSTEM.—The Secretary shall establish and 7 maintain an open water data system within the United 8 States Geological Survey to advance the availability, time-9 ly distribution, and widespread use of water data and in-10 formation for water management, education, research, as-11 sessment, and monitoring purposes.

(c) PURPOSES.—The purposes of the system are—
(1) to promote the voluntary sharing of water
data and information among State, local, and tribal
governments, communities, educational institutions,
and the private sector;

17 (2) to advance the quantification of the avail18 ability, use of, and risks to, water resources through19 out the United States;

20 (3) to increase accessibility to, and expand the
21 use of, water data and information in a standard,
22 easy-to-use format by Federal, State, local, and trib23 al governments, communities, educational institu24 tions, and the private sector; and

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1	(4) to facilitate the open exchange of water in-
2	formation particularly in the face of climate change
3	and unprecedented drought.
4	(d) ACTIVITIES.—
5	(1) IN GENERAL.—In carrying out this section,
6	the Secretary shall coordinate with the National
7	Oceanic and Atmospheric Administration—
8	(A) to integrate water data and informa-
9	tion into an interoperable, national, geospatially
10	referenced water data framework;
11	(B) to identify new water data and infor-
12	mation needs, including data on surface and
13	groundwater quality and quantity, contami-
14	nated aquifers, sediment, erosion, transport,
15	water chemistry, brackish water, precipitation,
16	reservoir storage, water cycle, landscape vari-
17	ables, hydrography, climate and weather im-
18	pacts, soil moisture, and human use;
19	(C) to leverage existing shared databases,
20	infrastructure, and tools to provide a platform
21	for water data and information innovation,
22	modeling and data sharing, and solution devel-
23	opment; and
24	(D) to support water data and information
25	sharing, applied research, and educational pro-

1	grams of State, local, and tribal governments,
2	communities, educational institutions, and the
3	private sector.
4	(2) REQUIREMENT.—Any activity carried out
5	pursuant to this section by the Secretary or a non-
6	Federal participant shall be—
7	(A) voluntary; and
8	(B) carried out in accordance with all Fed-
9	eral and State privacy laws.
10	(e) Authorization of Appropriations.—There is
11	authorized to be appropriated to carry out this section
12	\$2,000,000 for each of fiscal years 2016 through 2020.
13	SEC. 509. SINGLE ANNUAL REPORT.
14	To the maximum extent practicable, the Secretary of
14 15	To the maximum extent practicable, the Secretary of the Interior shall combine into 1 report the annual reports
	the Interior shall combine into 1 report the annual reports
15	the Interior shall combine into 1 report the annual reports
15 16 17	the Interior shall combine into 1 report the annual reports required to be submitted under this Act to the Committees
15 16 17	the Interior shall combine into 1 report the annual reports required to be submitted under this Act to the Committees on Appropriations and Energy and Natural Resources of
15 16 17 18	the Interior shall combine into 1 report the annual reports required to be submitted under this Act to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and
15 16 17 18 19	the Interior shall combine into 1 report the annual reports required to be submitted under this Act to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives.
15 16 17 18 19 20	the Interior shall combine into 1 report the annual reports required to be submitted under this Act to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives. <b>TITLE VI—OFFSETS</b>
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	the Interior shall combine into 1 report the annual reports required to be submitted under this Act to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives. <b>TITLE VI—OFFSETS</b> SEC. 601. DEAUTHORIZATION OF INACTIVE PROJECTS.
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	the Interior shall combine into 1 report the annual reports required to be submitted under this Act to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives. <b>TITLE VI—OFFSETS</b> SEC. 601. DEAUTHORIZATION OF INACTIVE PROJECTS. (a) PURPOSES; DEFINITIONS.—

1	(A) to identify Bureau of Reclamation
2	projects and programs that are no longer fea-
3	sible due to—
4	(i) a lack of local support;
5	(ii) a lack of available Federal or non-
6	Federal resources; or
7	(iii) an authorized purpose that is no
8	longer relevant or feasible;
9	(B) to establish an efficient and trans-
10	parent process for deauthorizing Reclamation
11	projects and programs that have failed to re-
12	ceive a minimum level of investment to ensure
13	active projects can move forward while reducing
14	the backlog of authorized projects;
15	(C) to create an expedited and definitive
16	process to deauthorize Reclamation projects and
17	programs;
18	(D) to allow the continued authorization of
19	programs and projects that are feasible; and
20	(E) to establish a process for identifying
21	authorized Reclamation projects and programs
22	that are no longer—
23	(i) in the Federal interest; or
24	(ii) feasible.
25	(2) DEFINITIONS.—In this section:

1	(A) RECLAMATION PROJECT OR PRO-
2	GRAM.—The term "Reclamation project or pro-
3	gram" includes any project or program that is
4	administered by the Bureau of Reclamation.
5	(B) SECRETARY.—The term "Secretary"
6	means the Secretary of the Interior.
7	(b) Comprehensive Reports.—
8	(1) MINIMUM FUNDING LIST.—Not later than
9	180 days after the date of enactment of this Act, the
10	Secretary shall submit to the Committee on Energy
11	and Natural Resources of the Senate and the Com-
12	mittee on Natural Resources of the House of Rep-
13	resentatives, and make available on a publicly acces-
14	sible Internet website in a manner that is
15	downloadable, searchable, and sortable, a list of—
16	(A) Reclamation programs authorized, and
17	for which funding was obligated, during the
18	current fiscal year or any of the preceding 5 fis-
19	cal years; and
20	(B)(i) Reclamation projects or separable
21	elements of projects authorized for construction
22	for which funding has been obligated during the
23	current fiscal year or any of the 5 preceding fis-
24	cal years;

1	(ii) the amount of funding obligated for
2	each such project or separable element per fis-
3	cal year;
4	(iii) the current phase of each such project
5	or separable element; and
6	(iv) the amount required to complete the
7	current phase of each such project or separable
8	element.
9	(2) BACKLOG REPORT.—Together with the re-
10	port under paragraph (1), the Secretary shall submit
11	to the Committee on Energy and Natural Resources
12	of the Senate and the Committee on Natural Re-
13	sources of the House of Representatives, and make
14	available on a publicly accessible Internet website in
15	a manner that is downloadable, searchable, and sort-
16	able, a list of—
17	(A) Reclamation programs that are author-
18	ized and for which funding was not obligated
19	during the current fiscal year or any of the pre-
20	ceding 5 fiscal years; and
21	(B)(i) projects or separable elements that
22	are authorized for construction but have not
23	been completed;

1	(ii) the date of authorization of the project
2	or separable element, including any subsequent
3	modifications to the original authorization;
4	(iii) the original budget authority for the
5	project or separable element;
6	(iv) a brief description of the project or
7	separable element;
8	(v) the estimated date of completion of the
9	project or separable element;
10	(vi) the estimated cost of completion of the
11	project or separable element; and
12	(vii) any amounts appropriated for the
13	project or separable element that remain unobli-
14	gated.
15	(c) INTERIM DEAUTHORIZATION LIST.—
16	(1) IN GENERAL.—The Secretary shall develop
17	an interim deauthorization list that identifies each
18	authorized Reclamation program or project, or sepa-
19	rable element of a Reclamation program or project,
20	for which Federal or non-Federal funds were not ob-
21	ligated for construction during—
22	(A) the applicable fiscal year; or
23	(B) any of the 5 preceding fiscal years.
24	(2) Special rule for projects receiving
25	FUNDS FOR POST-AUTHORIZATION STUDY.—A Rec-

1	lamation project or separable element of a Reclama-
2	tion project may not be identified on the interim de-
3	authorization list, or on the final deauthorization list
4	under subsection (d), if the Reclamation project or
5	separable element received funding for a post-au-
6	thorization study during—
7	(A) the applicable fiscal year; or
8	(B) any of the 5 preceding fiscal years.
9	(3) Public comment and consultation.—
10	(A) IN GENERAL.—The Secretary shall so-
11	licit comments from the public and the Gov-
12	ernors of each applicable State regarding the
13	interim deauthorization list developed under
14	paragraph (1).
15	(B) COMMENT PERIOD.—The public com-
16	ment period under subparagraph (A) shall be
17	90 days.
18	(4) SUBMISSION TO CONGRESS; PUBLICA-
19	TION.—Not later than 90 days after the date of sub-
20	mission of the list required under subsection (b), the
21	Secretary shall—
22	(A) submit the interim deauthorization list
23	to the Committee on Energy and Natural Re-
24	sources of the Senate and the Committee on

<ul> <li>Natural Resources of the House of Representatives; and</li> <li>(B) publish the interim deauthorization list</li> <li>in the Federal Register.</li> <li>(d) FINAL DEAUTHORIZATION LIST.—</li> <li>(1) IN GENERAL.—The Secretary shall develop</li> </ul>
<ul><li>(B) publish the interim deauthorization list</li><li>in the Federal Register.</li><li>(d) FINAL DEAUTHORIZATION LIST.—</li></ul>
in the Federal Register. (d) FINAL DEAUTHORIZATION LIST.—
(d) FINAL DEAUTHORIZATION LIST.—
(1) IN GENERAL.—The Secretary shall develop
a final deauthorization list of each Reclamation pro-
gram or project, or separable element of a Reclama-
tion program or project, described in subsection
(c)(1) that is identified pursuant to this subsection.
(2) Identification of projects.—
(A) SEQUENCING.—
(i) IN GENERAL.—The Secretary shall
identify Reclamation projects and sepa-
rable elements of Reclamation projects for
inclusion on the final deauthorization list
according to the order in which the Rec-
lamation projects and separable elements
were authorized, beginning with the ear-
liest-authorized Reclamation projects and
separable elements.
(ii) Factors for consideration.—
The Secretary may identify a Reclamation
program, project, or separable element of a
Reclamation program or project for exclu-

1	sion from the final deauthorization list if
2	the Secretary determines, on a case-by-case
3	basis, that the Reclamation program,
4	project, or separable element is critical for
5	interests of the United States, based on
6	the possible impact of the Reclamation
7	program, project, or separable element
8	on—
9	(I) public health and safety;
10	(II) the national economy; or
11	(III) the environment.
12	(iii) Consideration of public com-
13	MENTS.—In making a determination under
14	clause (i) or (ii), the Secretary shall take
15	into consideration any comments received
16	under subsection $(c)(3)$ .
17	(B) APPENDIX.—The Secretary shall in-
18	clude as part of the final deauthorization list an
19	appendix that—
20	(i) identifies each Reclamation pro-
21	gram, project, and separable element of a
22	Reclamation program or project on the in-
23	terim deauthorization list developed under
24	subsection (c) that is not included on the
25	final deauthorization list; and

1	(ii) describes the reasons why the Rec-
2	lamation program, project, or separable
2	element is not included.
4	(3) SUBMISSION TO CONGRESS; PUBLICA-
5	TION.—Not later than 120 days after the date of ex-
6	piration of the public comment period under sub-
7	section (c)(3), the Secretary shall—
8	(A) submit the final deauthorization list
9	and the appendix under paragraph (2)(B) to
10	the Committee on Energy and Natural Re-
11	sources of the Senate and the Committee on
12	Natural Resources of the House of Representa-
13	tives; and
14	(B) publish the final deauthorization list
15	and the appendix in the Federal Register.
16	(e) Deauthorization; Congressional Review.—
17	(1) IN GENERAL.—Subject to paragraph (2), ef-
18	fective beginning on the date that is 180 days after
19	the date of submission of the final deauthorization
20	list under subsection (d), a Reclamation program,
21	project, or separable element of a Reclamation pro-
22	gram or project included on the list is deauthorized,
23	unless Congress passes a joint resolution dis-
24	approving the final deauthorization report before
25	that date.

1 (2) NON-FEDERAL CONTRIBUTIONS.—A Rec-2 lamation program, project, or separable element included on the final deauthorization list under sub-3 4 section (d) shall not be deauthorized under this sub-5 section if, before the expiration of the 180-day pe-6 riod referred to in paragraph (1), the non-Federal 7 interest of the Reclamation program, project, or sep-8 arable element provides sufficient funds to complete 9 the Reclamation program, project, or separable ele-10 ment.

11 (f) TREATMENT OF PROJECT MODIFICATIONS.—For 12 purposes of this section, if an authorized water resources 13 development Reclamation program, project, or separable element of the program or project has been modified by 14 15 an Act of Congress, the date of authorization of the Reclamation program, project, or separable element shall be 16 17 deemed to be the date of the most recent modification. 18 (g) EXEMPTION.—Any Reclamation project that would yield an average of more than 200,000 acre-feet of 19 water per year shall be exempt from this subsection. 20

21 SEC. 602. ACCELERATED REVENUE, REPAYMENT, AND SUR-

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#### FACE WATER STORAGE ENHANCEMENT.

(a) SHORT TITLE.—This section may be cited as the
"Accelerated Revenue, Repayment, and Surface Water
Storage Enhancement Act".

1	(b) DEFINITIONS.—In this section:
2	(1) ACCOUNT.—The term "Account" means the
3	Reclamation Surface Water Storage Account estab-
4	lished under subsection $(f)(1)$ .
5	(2) Construction.—
6	(A) IN GENERAL.—The term "construc-
7	tion" means the designing, materials engineer-
8	ing and testing, surveying, and building of sur-
9	face water storage.
10	(B) INCLUSIONS.—The term "construc-
11	tion" includes—
12	(i) any addition to existing surface
13	water storage; and
14	(ii) construction of a new surface
15	water storage facility.
16	(C) EXCLUSIONS.—The term "construc-
17	tion" excludes any Federal statutory or regu-
18	latory obligation relating to any permit, review,
19	approval, or other similar requirement.
20	(3) Secretary.—The term "Secretary" means
21	the Secretary of the Interior.
22	(4) SURFACE WATER STORAGE.—The term
23	"surface water storage" means storage at—
24	(A) any federally owned facility under the
25	jurisdiction of the Bureau of Reclamation; or

1	(B) any non-Federal facility used for the
2	surface storage and supply of water resources.
3	(5) TREASURY RATE.—The term "Treasury
4	rate" means the 20-year constant maturity treasury
5	rate published by the United States Treasury, as in
6	existence on the effective date of the applicable con-
7	tract.
8	(6) WATER USERS ASSOCIATION.—
9	(A) IN GENERAL.—The term "water users
10	association" means an entity organized and rec-
11	ognized under State law that is eligible to enter
12	into contracts with the Commissioner—
13	(i) to receive contract water for deliv-
14	ery to users of the water; and
15	(ii) to pay any applicable charges.
16	(B) INCLUSIONS.—The term "water users
17	association" includes—
18	(i) an association;
19	(ii) a conservatory district;
20	(iii) an irrigation district;
21	(iv) a municipality; and
22	(v) a water project contract unit.
23	(c) Conversion and Prepayment of Con-
24	TRACTS.—
25	(1) CONVERSION.—

1	(A) IN GENERAL.—On receipt of a request
2	from a water users association, the Secretary
3	shall convert any water service contract in ef-
4	fect on the date of enactment of this Act be-
5	tween the United States and the water users
6	association to allow for prepayment of the re-
7	payment contract in accordance with this para-
8	graph under mutually agreeable terms and con-
9	ditions.
10	(B) MANNER.—The manner of conversion
11	under this paragraph shall be as follows:
12	(i) Water service contracts entered
13	under section $9(c)(2)$ of the Act of August
14	4, 1939 (53 Stat. 1194, chapter 418), to
15	be converted under this section shall be
16	converted to a contract under section
17	9(c)(1) of that Act (53 Stat. 1194, chapter
18	418).
19	(ii) Water service contracts entered
20	into under section 9(e) of the Act of Au-
21	gust 4, 1939 (53 Stat. 1196, chapter 418),
22	to be converted under this section shall be
23	converted to repayment contracts under
24	section 9(d) of that Act (53 Stat. 1195,
25	chapter 418).

1 (2) PREPAYMENT.—

2 (A) SECTION 9(c)(1).—Except for a repay-3 ment contract under which the applicable water 4 users association has previously negotiated for 5 prepayment, each repayment contract under 6 section 9(c)(1) of the Act of August 4, 1939 7 (53 Stat. 1194, chapter 418) (including any 8 contract converted pursuant to paragraph 9 (1)(B)(i), in effect on the date of enactment of 10 this Act shall, at the request of the water users 11 association-

12 (i) provide for the repayment in lump 13 sum of the remaining construction costs 14 identified in an applicable water project-15 specific municipal or industrial rate repay-16 ment schedule (as adjusted to reflect pay-17 ment not reflected in the schedule) and 18 properly assignable for ultimate return by 19 the water users association, subject to the 20 condition that an estimate of the remain-21 ing construction costs, as adjusted, shall be 22 provided by the Secretary to the water 23 users association by not later than 90 days 24 after the date of receipt of the request of 25 the water users association;

(ii) require that any construction costs
or other capitalized costs that were in-
curred after the effective date of the con-
tract, were not reflected in the rate sched-
ule referred to in clause (i), or were not
properly assignable to the water users as-
sociation, and were incurred as a result of
a collective annual allocation of capital
costs to the water users association elect-
ing contract conversion under this sub-
section, shall be repaid—
(I) for costs equal to less than
\$5,000,000, by not later than the date
that is 5 years after the date of notifi-
cation of the allocation; or
(II) for costs equal to $$5,000,000$
or more, in accordance with applicable
reclamation laws; and
(iii) continue in effect for the period
during which the water users association
pays applicable charges in accordance with
section $9(c)(1)$ of the Act of August 4,
1939 (53 Stat. 1194, chapter 418), and
other applicable law.

1	(B) SECTION 9(d).—Except for a repay-
2	ment contract under which the applicable water
3	users association has previously negotiated for
4	prepayment, each repayment contract under
5	section $9(d)$ of the Act of August 4, 1939 (53)
6	Stat. 1195, chapter 418) (including any con-
7	tract converted pursuant to paragraph
8	(1)(B)(ii)), in effect on the date of enactment
9	of this Act shall, at the request of the water
10	users association—
11	(i) provide for repayment of the re-
12	maining construction costs identified in an
13	applicable water project-specific irrigation
14	rate repayment schedule (as adjusted to
15	reflect payment not reflected in the sched-
16	ule) and properly assignable for ultimate
17	return by the water users association in
18	lump sum, by accelerated prepayment, or if
19	made in approximately equal installments,
20	by not later than 3 years after the effective
21	date of the repayment contract, subject to
22	the conditions that—
23	(I) the amount shall be dis-
24	counted by $\frac{1}{2}$ the Treasury rate; and

1	(II) the estimate of the remain-
2	ing construction costs, as adjusted,
3	shall be provided by the Secretary to
4	the water users association by not
5	later than 90 days after the date of
6	receipt of the request of the water
7	users association;
8	(ii) require that any construction costs
9	or other capitalized costs that were in-
10	curred after the effective date of the con-
11	tract, were not reflected in the rate sched-
12	ule referred to in clause (i), or were not
13	properly assignable to the water users as-
14	sociation, and were incurred as a result of
15	a collective annual allocation of capital
16	costs to the water users association elect-
17	ing contract conversion under this sub-
18	section, shall be repaid—
19	(I) for costs equal to less than
20	\$5,000,000, by not later than the date
21	that is 5 years after the date of notifi-
22	cation of the allocation; or
23	(II) for costs equal to \$5,000,000
24	or more, in accordance with applicable
25	reclamation laws;

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1	(iii) provide that power revenues will
2	not be available to aid in repayment of
3	construction costs allocated to irrigation
4	under the contract; and
5	(iv) continue in effect for the period
6	during which the water users association
7	pays applicable charges in accordance with
8	section 9(d) of the Act of August 4, 1939
9	(53 Stat. 1195, chapter 418), and other
10	applicable law.
11	(3) TREATMENT.—A contract entered into pur-
12	suant to this subsection—
13	(A) shall not be adjusted on the basis of
14	the type of prepayment financing used by the
15	applicable water users association;
16	(B) shall conform to any other applicable
17	agreement, such as a settlement agreement or
18	a new constructed appurtenant facility agree-
19	ment; and
20	(C) shall not modify any other—
21	(i) water service, repayment, ex-
22	change, or transfer contractual right be-
23	tween the water users association, and the
24	Bureau of Reclamation; or

1	(ii) right, obligation, or relationship of
2	the water users association and an applica-
3	ble landowner in accordance with State
4	law.
5	(d) ACCOUNTING.—
6	(1) ADJUSTMENT.—The amounts paid pursuant
7	to subsection (c) shall be subject to adjustment fol-
8	lowing a final cost allocation by the Secretary.
9	(2) Deficiencies.—
10	(A) IN GENERAL.—If the final cost alloca-
11	tion under paragraph (1) indicates that the
12	costs properly assignable to a water users asso-
13	ciation are greater than the costs paid by the
14	water users association, the water users associa-
15	tion shall be obligated to pay to the Secretary
16	the remaining allocated costs under an addi-
17	tional repayment contract under subparagraph
18	(B).
19	(B) Additional repayment con-
20	TRACTS.—An additional repayment contract re-
21	quired by subparagraph (A) shall—
22	(i) have a term of—
23	(I) not less than 1 year; and
24	(II) not more than 10 years; and

(ii) include such mutually agreeable
 provisions regarding the rate of repayment
 of the deficient amount as may be devel oped by the parties.

5 (3) OVERPAYMENTS.—If the final cost alloca-6 tion under paragraph (1) indicates that the costs 7 properly assignable to a water users association are 8 less than the costs paid by the water users associa-9 tion, the Secretary shall credit the amount of the 10 overpayment as an offset against any outstanding or 11 future obligation of the water users association with 12 the exception of Restoration Fund charges pursuant 13 to section 3407(d) of Public Law 102–575.

14 (e) Applicability of Certain Provisions.—

(1) EFFECT OF EXISTING LAW.—On compliance
by a water users association with, and discharge of
the obligation of repayment of the construction costs
pursuant to, a contract entered into under to subsection (c)(2)(B), subsections (a) and (b) of section
21 U.S.C. 390mm) shall apply to any affected land.

(2) EFFECT OF OTHER OBLIGATIONS.—The obligation of a water users association to repay any
construction costs or other capitalized cost described
in subparagraph (A)(ii) or (B)(ii) of subsection

1	(c)(2), or subsection (d), shall not, on repayment, af-
2	fect—
3	(A) the status of the water users associa-
4	tion as having repaid all of the construction
5	costs assignable to the water users association;
6	or
7	(B) the applicability of subsection (a) or
8	(b) of section 213 of the Reclamation Reform
9	Act of 1982 (43 U.S.C. 390mm).
10	(f) Surface Water Storage Enhancement Pro-
11	GRAM.—
12	(1) ESTABLISHMENT OF ACCOUNT.—The Sec-
13	retary shall establish an account, to be known as the
14	"Reclamation Surface Storage Account", consisting
15	of such amounts as are deposited in the Account
16	under paragraph (2), to fund the construction of
17	surface water storage.
18	(2) DEPOSITS.—Not later than 3 years after
19	the date of enactment of this Act, an amount equal
20	to 50 percent of receipts generated from the prepay-
21	ment of contracts under this section in excess of
22	amounts necessary to cover the amount of receipts
23	forgone from scheduled payments under applicable
24	law in effect on that date of enactment during the

1	10-year period beginning on that date of enactment
2	shall be deposited in the Account.
3	(3) USE.—
4	(A) COOPERATIVE AGREEMENTS.—The
5	Secretary may—
6	(i) enter into cooperative agreements
7	with water users associations for the con-
8	struction of surface water storage; and
9	(ii) use amounts in the Account to
10	fund construction under such a cooperative
11	agreement.
12	(B) TREATMENT.—A surface water stor-
13	age project that is otherwise not federally au-
14	thorized shall not be considered to be a Federal
15	facility as a result of the allocation of any
16	amount from the Account for any portion of the
17	project.
18	(4) REPAYMENT.—Any amount from the Ac-
19	count used for surface water storage construction
20	shall be fully reimbursed to the Account in accord-
21	ance with applicable requirements under the rec-
22	lamation laws, except that all funds reimbursed shall
23	be deposited in the Account.

1	(5) AVAILABILITY OF AMOUNTS.—The amounts
2	deposited in the Account under this subsection
3	shall—
4	(A) be made available for the storage
5	projects identified in section 402, subject to ap-
6	propriation; and
7	(B) be in addition to amounts appropriated
8	for those purposes under any other provision of
9	law.
10	(6) Purposes of surface water storage.—
11	The construction of surface water storage under this
12	section shall be made available for the federally
13	owned and State-led storage projects pursued under
14	this Act, provided that funds are limited to the Fed-
15	eral cost-share (up to 25 percent for State-led
16	projects and up to 50 percent for federally owned
17	projects).
18	(g) EFFECT OF SECTION.—Nothing in this section—
19	(1) alters the repayment obligation of any water
20	service or repayment contractor receiving water from
21	a water project, or shifts any costs that would other-
22	wise have been properly assignable to a water users
23	association described in subsection (c) or another
24	contractor, absent this section, including operation
25	and maintenance costs, construction costs, or other

capitalized costs incurred after the date of enact ment of this Act;

3 (2) alters any specific requirement for the dis4 position of amounts received as repayments by the
5 Secretary under the reclamation laws; or

6 (3) except as expressly provided in this section, 7 alters any obligations under the reclamation law, in-8 cluding the continuation of Restoration Fund 9 charges pursuant to section 3407(d) (Public Law 10 102–575), of the water service and repayment con-11 tractors making prepayments pursuant to this sec-12 tion.

### 13 TITLE VII—DURATION AND EF-

# 14 FECT ON EXISTING OBLIGA15 TIONS

#### 16 SEC. 701. SAVINGS CLAUSE.

17 (a) IN GENERAL.—This Act shall not be interpreted18 or implemented in a manner that—

(1) preempts or modifies any obligation of the
United States to act in conformance with applicable
State law, including applicable State water law;

(2) affects or modifies any obligation under the
Central Valley Project Improvement Act (Public
Law 102–575; 106 Stat. 4706), except for the procedural provisions relating to public input and sav-

ings provisions for the Stanislaus River predator
 management program expressly established by sec tions 203 and 502; or

4 (3) overrides, modifies, or amends the applica5 bility of the Endangered Species Act of 1973 (16
6 U.S.C. 1531 et seq.) or the application of the smelt
7 and salmonid biological opinions to the operation of
8 the Central Valley Project or the State Water
9 Project.

10 (b) SEVERABILITY.—If any provision of this Act, or 11 any application of such provision to any person or cir-12 cumstance, is held to be inconsistent with any law or the 13 biological opinions, the remainder of this Act and the ap-14 plication of this Act to any other person or circumstance 15 shall not be affected.

#### 16 SEC. 702. TERMINATION.

17 All of title III (relating to California emergency 18 drought relief and operational flexibility), except for sub-19 sections (a) through (d) of section 301, and title IV (relat-20 ing to water rights) shall expire on the date that is the 21 later of—

(1) the date on which the Governor of the State
of California declares an end to the State drought
emergency; or

(2) September 30, 2017.