

JULY 20, 2022

**RULES COMMITTEE PRINT 117-57**  
**TEXT OF H.R. 5118, THE WILDFIRE RESPONSE**  
**AND DROUGHT RESILIENCY ACT**

**[Showing the text of the Wildfire Response and Drought Resiliency Act.]**

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wildfire Response and  
3 Drought Resiliency Act”.

**4 SEC. 2. TABLE OF CONTENTS.**

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2                   **TITLE I—FEDERAL LANDS**  
3                   **WORKFORCE**  
4                   **Subtitle A—Federal Wildland**  
5                   **Firefighters**

6 **SEC. 101. TIM HART WILDLAND FIREFIGHTER PAY PARITY.**

7                   (a) **FEDERAL WILDLAND FIREFIGHTER PAY.—**

8                   (1) **IN GENERAL.—**Not later than 1 year after  
9                   the date of enactment of this Act—

10                   (A) the minimum rate of basic pay for any  
11                   Federal wildland firefighter position shall be  
12                   not less than the rate of pay for step 3 of GS–  
13                   6 of the General Schedule; and

14                   (B) any such position shall receive locality  
15                   pay under section 5304 of title 5, United States  
16                   Code, at the rate of “Rest of U.S.”.

17                   (2) **ANNUAL ADJUSTMENTS.—**Notwithstanding  
18                   any other provision of law, beginning in the first pay  
19                   period beginning on or after the date that the min-  
20                   imum rates of pay under paragraph (1) begin to  
21                   apply, and annually thereafter, the basic rate of pay

1 for each Federal wildland firefighter shall be in-  
2 creased by not less than the percentage equal to the  
3 percent change in the Consumer Price Index (all  
4 items—United States city average), published  
5 monthly by the Bureau of Labor Statistics, for De-  
6 cember of the preceding year over such Consumer  
7 Price Index for the December of the year prior to  
8 the preceding year, adjusted to the nearest one-tenth  
9 of 1 percent.

10 (3) COMPENSATION COMPARABLE TO NON-FED-  
11 ERAL FIREFIGHTERS.—Not later than 1 year after  
12 the date the minimum rates of pay under paragraph  
13 (1) begin to apply, the Secretary of Agriculture and  
14 the Secretary of the Interior shall submit a report  
15 to Congress on whether pay, benefits, and bonuses  
16 provided to Federal wildland firefighters are com-  
17 parable to the pay, benefits, and bonuses provided  
18 for non-Federal firefighters in the State or locality  
19 where Federal wildland firefighters are based.

20 (4) HAZARDOUS DUTY PAY.—Each Federal  
21 wildland firefighter who is carrying out work com-  
22 pleted during prescribed fire, parachuting, tree  
23 climbing over 20 feet, hazard tree removal, and  
24 other hazardous work as identified by the Secretary  
25 of Interior and the Secretary of Agriculture, shall be

1 considered an employee in an occupational series  
2 covering positions for which the primary duties in-  
3 volve the prevention, control, suppression, or man-  
4 agement of wildland fires under section 5545(d) of  
5 title 5, United States Code. The Director of the Of-  
6 fice of Personnel Management may prescribe regula-  
7 tions to carry out this paragraph.

8 (5) MENTAL HEALTH LEAVE.—Each Federal  
9 wildland firefighter shall be entitled to 7 consecutive  
10 days of leave, without loss or reduction in pay, dur-  
11 ing any calendar year. Leave provided under this  
12 paragraph shall not—

13 (A) accumulate for use in succeeding  
14 years; and

15 (B) be considered to be annual or vacation  
16 leave for purposes of section 5551 or 5552 of  
17 title 5, United States Code, or for any other  
18 purpose.

19 (b) PAY PARITY FOR FEDERAL STRUCTURAL FIRE-  
20 FIGHTERS.—

21 (1) IN GENERAL.—Not later than 1 year after  
22 the date of enactment of this Act, any pay, benefits,  
23 and bonuses provided to any Federal structural fire-  
24 fighter shall be comparable with the pay, benefits,



1 and bonuses provided for Federal wildland fire-  
2 fighters.

3 (2) REPORT.—Not later than 1 year after the  
4 date the minimum rates of pay under subsection  
5 (a)(1) begin to apply, the Director of the Office of  
6 Personnel Management shall submit a report to  
7 Congress on whether pay for such Federal structural  
8 firefighters is competitive with Federal wildland fire-  
9 fighters

10 (c) DEFINITIONS.—In this section—

11 (1) the term “Federal structural firefighter”—

12 (A) has the meaning given the term “fire-  
13 fighter” in section 8401 of chapter 84 of title  
14 5, United States Code; and

15 (B) does not include any Federal wildland  
16 firefighter; and

17 (2) the term “Federal wildland firefighter”  
18 means any individual occupying a position within the  
19 Wildland Fire Management Series, 0456 established  
20 by the Office of Personnel Management pursuant to  
21 section 40803(d) of the Infrastructure Investment  
22 and Jobs Act (Public Law 117–58), or any subse-  
23 quent series.

1 **SEC. 102. WAIVER OF PREMIUM PAY LIMITATIONS FOR**  
2 **CERTAIN EMPLOYEES ENGAGED IN EMER-**  
3 **GENCY WILDLAND FIRE SUPPRESSION AC-**  
4 **TIVITIES.**

5 (a) **SHORT TITLE.**—This section may be cited as the  
6 “Wildland Firefighter Fair Pay Act”.

7 (b) **DEFINITIONS.**—In this section:

8 (1) **COVERED EMPLOYEE.**—The term “covered  
9 employee” means an employee of the Department of  
10 Agriculture, the Department of the Interior, or the  
11 Department of Commerce.

12 (2) **COVERED SERVICES.**—The term “covered  
13 services” means services performed by a covered em-  
14 ployee that are determined by the Secretary con-  
15 cerned to be primarily relating to emergency  
16 wildland fire suppression activities.

17 (3) **PREMIUM PAY.**—The term “premium pay”  
18 means the premium pay paid under the provisions of  
19 law described in section 5547(a) of title 5, United  
20 States Code.

21 (4) **SECRETARY CONCERNED.**—The term “Sec-  
22 retary concerned” means—

23 (A) the Secretary of Agriculture, with re-  
24 spect to an employee of the Department of Ag-  
25 riculture;

1 (B) the Secretary of the Interior, with re-  
2 spect to an employee of the Department of the  
3 Interior; and

4 (C) the Secretary of Commerce, with re-  
5 spect to an employee of the Department of  
6 Commerce.

7 (c) WAIVER OF PREMIUM PAY PERIOD LIMITA-  
8 TION.—Any premium pay for covered services shall be dis-  
9 regarded in calculating the aggregate of the basic pay and  
10 premium pay for the applicable covered employee for pur-  
11 poses of a pay period limitation under section 5547(a) of  
12 title 5, United States Code, or under any other provision  
13 of law.

14 (d) WAIVER OF ANNUAL PREMIUM PAY LIMITA-  
15 TION.—Any premium pay for covered services shall be dis-  
16 regarded in calculating any annual limitation on the  
17 amount of overtime pay payable in a calendar year or fis-  
18 cal year under section 5547(b) of title 5, United States  
19 Code.

20 (e) PAY LIMITATION.—A covered employee may not  
21 be paid premium pay if, or to the extent that, the aggre-  
22 gate amount of the basic pay and premium pay (including  
23 premium pay for covered services) of the covered employee  
24 for a calendar year would exceed the rate of basic pay pay-  
25 able for a position at level II of the Executive Schedule

1 under section 5313 of title 5, United States Code, as in  
2 effect at the end of that calendar year.

3 (f) TREATMENT OF ADDITIONAL PREMIUM PAY.—If  
4 the application of this section results in the payment of  
5 additional premium pay to a covered employee of a type  
6 that is normally creditable as basic pay for retirement or  
7 any other purpose, that additional premium pay shall not  
8 be—

9 (1) considered to be basic pay of the covered  
10 employee for any purpose; or

11 (2) used in computing a lump-sum payment to  
12 the covered employee for accumulated and accrued  
13 annual leave under section 5551 or 5552 of title 5,  
14 United States Code.

15 (g) OVERTIME RATES.—Section 5542(a)(5) of title 5,  
16 United States Code, is amended by striking “the United  
17 States Forest Service in”.

18 **SEC. 103. DIRECT HIRE AUTHORITY.**

19 (a) SHORT TITLE.—This section may be cited as the  
20 “Conservation Jobs Act of 2022”.

21 (b) DIRECT HIRE AUTHORITY.—Section 147(d) of  
22 the Workforce Innovation and Opportunity Act (29 U.S.C.  
23 3197(d)) is amended by adding at the end the following:

24 “(4) DIRECT HIRE AUTHORITY.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), the Secretary of Agriculture may ap-  
3 point, without regard to the provisions of sub-  
4 chapter I of chapter 33 of title 5, United States  
5 Code (other than sections 3303 and 3328 of  
6 such title), covered graduates directly to any  
7 position with the Forest Service for which the  
8 candidate meets Office of Personnel Manage-  
9 ment qualification standards.

10           “(B) LIMITATIONS.—The Secretary may  
11 not appoint under subparagraph (A)—

12           “(i) during fiscal year 2023, more  
13 than 10 covered job corps graduates;

14           “(ii) during fiscal year 2024, more  
15 than 20 covered job corps graduates;

16           “(iii) during fiscal year 2025, more  
17 than 30 covered job corps graduates; and

18           “(iv) during fiscal year 2026 and each  
19 fiscal year thereafter, more than 50 cov-  
20 ered job corps graduates.

21           “(C) COVERED JOB CORPS GRADUATE DE-  
22 FINED.—In this paragraph, the term ‘covered  
23 graduate’ means a graduate of a Civilian Con-  
24 servation Center who successfully completed a  
25 training program, including in administration,

1 human resources, business, or quality assur-  
2 ance, that was focused on forestry, wildland  
3 firefighting, or another topic relating to the  
4 mission of the Forest Service.”.

5 **Subtitle B—Authorization of Ap-**  
6 **propriations for Forest Service**  
7 **Fire and Non-Fire Salaries and**  
8 **Expenses**

9 **SEC. 111. IN GENERAL.**

10 There is authorized to be appropriated—

11 (1) for salaries and expenses of fire-related em-  
12 ployees of the Forest Service to carry out wildfire  
13 preparedness under the wildland fire management  
14 program authorized pursuant to the Organic Admin-  
15 istration Act of 1897 (16 U.S.C. 551),  
16 \$1,615,600,000 for fiscal year 2023 and each fiscal  
17 year thereafter; and

18 (2) for salaries and expenses of National Forest  
19 System employees not described in paragraph (1) to  
20 carry out activities for the stewardship and manage-  
21 ment of the National Forest System,  
22 \$2,353,400,000 for fiscal year 2023 and each fiscal  
23 year thereafter.

1           **Subtitle C—Other Personnel**

2   **SEC. 121. NATIONAL ENVIRONMENTAL POLICY ACT STRIKE**  
3           **TEAMS.**

4           (a) **ESTABLISHMENT.**—Not later than 180 days after  
5 the date of the enactment of this Act, the Secretary of  
6 Agriculture shall, for each region of the Forest Service,  
7 establish and maintain at least one NEPA strike team per  
8 region.

9           (b) **PRIORITY ASSIGNMENTS.**—The Secretary of Ag-  
10 riculture shall give priority assignments to NEPA strike  
11 teams established under subsection (a) that serve—

12               (1) areas of the National Forest System with a  
13               high or very high risk of wildfire; and

14               (2) at-risk communities with a significant num-  
15               ber or percentage of homes exposed to wildfire.

16           (c) **COMPOSITION OF STRIKE TEAMS.**—Strike teams  
17 established under subsection (a) shall, to the maximum  
18 extent practicable, consist of interdisciplinary members  
19 who have demonstrated success in the efficient and effec-  
20 tive completion of all stages of compliance with the Na-  
21 tional Environmental Policy Act (42 U.S.C. 4321 et seq.).

22   **SEC. 122. COMMUNITY MITIGATION ASSISTANCE TEAMS.**

23           (a) **IN GENERAL.**—Not later than 180 days after the  
24 date of the enactment of this Act, the Secretary of Agri-  
25 culture shall, for each region of the Forest Service, estab-

1 lish and maintain at least one community mitigation as-  
2 sistance team.

3 (b) PRIORITY ASSIGNMENTS.—The Secretary of Ag-  
4 riculture shall give priority assignments to community  
5 mitigation assistance teams established under subsection  
6 (a) that serve at-risk communities with a significant num-  
7 ber or percentage of homes exposed to a high or very high  
8 risk of wildfire.

9 (c) ASSESSMENTS.—With respect to a community  
10 mitigation assistance team established under subsection  
11 (a), the Secretary of Agriculture may—

12 (1) at the request of a State or political subdivi-  
13 sion, assign such a team to provide pre-fire assess-  
14 ments; and

15 (2) assign such a team to an area or commu-  
16 nity to provide post-fire assessments.

17 **SEC. 123. FILLING FOREST SERVICE RECREATION MANAGE-**  
18 **MENT STAFF VACANCIES.**

19 (a) IN GENERAL.—The Secretary of Agriculture, act-  
20 ing through the Chief of the Forest Service, shall fill va-  
21 cancies in Forest Service recreation management and  
22 planning staff, including recreation technicians, recreation  
23 officers, and natural resource managers.



1 (b) PRIORITY.—The Secretary shall prioritize filling  
2 vacancies under subsection (a) in units of the National  
3 Forest System that—

4 (1) are at high or very high risk of wildfires;  
5 and

6 (2) are located in areas of substantial public  
7 use.

8 (c) TRAINING AND CERTIFICATION AS A FOREST  
9 PROTECTION OFFICER.—The Secretary may provide the  
10 opportunity for any individual who fills a vacancy pursu-  
11 ant to subsection (a) to receive training and certification  
12 as a Forest Protection Officer.

13 **SEC. 124. FILLING VACANCIES AND INCREASING NUMBER**  
14 **OF POSITIONS AVAILABLE IN THE FOREST**  
15 **SERVICE TO ADDRESS PUBLIC SAFETY AND**  
16 **PROTECTION CONCERNS.**

17 (a) IN GENERAL.—The Secretary of Agriculture, act-  
18 ing through the Chief of the Forest Service, shall—

19 (1) fill vacancies in the Forest Service in roles  
20 that primarily address public safety and protection;

21 (2) assess the number of positions necessary to  
22 promote public safety and protect resources from  
23 unauthorized use; and

1           (3) seek to increase the number of positions  
2           available, as described in paragraph (2), as appro-  
3           priate.

4           (b) PRIORITY.—The Secretary shall prioritize filling  
5           vacancies and increasing the number of positions under  
6           subsection (a) in units of the National Forest System  
7           that—

8           (1) are at high or very high risk of wildfires;  
9           and

10          (2) are located in areas of substantial public  
11          use.

12 **TITLE        II—WILDFIRE,        ECO-**  
13 **SYSTEM PROTECTION, COM-**  
14 **MUNITY PREPAREDNESS, AND**  
15 **RECOVERY**

16 **Subtitle A—10-Year National**  
17 **Wildfire Plan**

18 **SEC. 201. DEFINITIONS.**

19        In this subtitle:

20           (1) PLAN.—The term “Plan” means the plan  
21           required under section 202(a).

22           (2) SECRETARIES.—The term “Secretaries”  
23           means the Secretary of Agriculture and the Sec-  
24           retary of the Interior.

1 (3) SECRETARY CONCERNED.—The term “Sec-  
2 retary concerned” means—

3 (A) the Secretary of Agriculture, with re-  
4 spect to National Forest System lands; and

5 (B) the Secretary of the Interior, with re-  
6 spect to public lands.

7 **SEC. 202. IMPLEMENTATION OF 10-YEAR NATIONAL WILD-**  
8 **FIRE PLAN.**

9 (a) IN GENERAL.—The Secretary of Agriculture  
10 shall, in coordination with the Secretary of the Interior,  
11 implement a 10-year National Wildfire Plan that—

12 (1) includes—

13 (A) hazardous fuels and prescribed fire ac-  
14 tivities to address wildfire risk;

15 (B) vegetation, watershed, wildlife and  
16 fisheries habitat management to maintain habi-  
17 tat and improve ecological conditions, includ-  
18 ing—

19 (i) protecting mature and old-growth  
20 trees and forests;

21 (ii) maintaining habitat in a way that  
22 advances at-risk species recovery and con-  
23 servation; and

1 (iii) completing consultations required  
2 under the Endangered Species Act of 1973  
3 (16 U.S.C. 1531 et seq.);

4 (C) management of recreation, heritage,  
5 and wilderness programs;

6 (D) activities under the Joint Fire Science  
7 Program to address wildfire risk;

8 (E) the activities required under this sub-  
9 title;

10 (F) the activities included in—

11 (i) the National Cohesive Wildland  
12 Fire Management Strategy (and successor  
13 documents);

14 (ii) the Wildfire Crisis Strategy enti-  
15 tled “Confronting the Wildfire Crisis: A  
16 Strategy for Protecting Communities and  
17 Improving Resilience in America’s For-  
18 ests” and dated January 2022 (and suc-  
19 cessor documents);

20 (iii) the Wildfire Crisis Strategy Im-  
21 plementation Plan entitled “Wildfire Crisis  
22 Implementation Plan” and dated January  
23 2022 (and successor documents); and

24 (iv) the Wildfire Crisis Landscape In-  
25 vestments plan entitled “Confronting the

1 Wildfire Crisis: Initial Landscape Invest-  
2 ments to Protect Communities and Im-  
3 prove Resilience in America's Forests''  
4 dated April 2022 (and successor docu-  
5 ments); and

6 (G) such other wildfire-related activities as  
7 determined appropriate by the Secretary of Ag-  
8 riculture or the Secretary of the Interior, in ac-  
9 cordance with existing law and regulations; and  
10 (2) in accordance with section 203, prioritizes  
11 carrying out landscape-scale restoration projects.

12 (b) COORDINATION.—In carrying out subsection (a),  
13 to the maximum extent practicable, the Secretary of Agri-  
14 culture, in coordination with the Secretary of Interior,  
15 shall—

16 (1) utilize cooperative forestry authorities and  
17 agreements, including but not limited to the Cooper-  
18 ative Forestry Assistance Act of 1978 (16 U.S.C.  
19 2101 et seq.);

20 (2) solicit proposals from States, counties, and  
21 Tribes to address water quantity and quality con-  
22 cerns;

23 (3) solicit proposals from States, counties, and  
24 Tribes for hazardous fuels treatments;

1           (4) consider the long-term State-wide assess-  
2           ments and forest resource strategies established in  
3           section 2A the Cooperative Forestry Assistance Act  
4           of 1978 (16 U.S.C. 2101a); and

5           (5) provide priority to collaboratively developed  
6           projects.

7           (c) FUNDING.—

8           (1) AUTHORIZATION OF APPROPRIATIONS.—

9           (A) HAZARDOUS FUELS AND PRESCRIBED  
10          FIRE.—There is authorized to be appropriated  
11          to the Secretary of Agriculture to carry out  
12          hazardous fuels and prescribed fire activities  
13          under subsection (a)(1)(A), \$500,000,000 for  
14          each of fiscal years 2023 through 2032.

15          (B) VEGETATION, WATERSHED, WILDLIFE,  
16          AND FISHERIES MANAGEMENT.—There is au-  
17          thorized to be appropriated to the Secretary of  
18          Agriculture to carry out vegetation, watershed,  
19          wildlife and fisheries management activities  
20          under subsection (a)(1)(B), \$500,000,000 for  
21          each of fiscal years 2023 through 2032.

22          (C) RECREATION, HERITAGE, WILDER-  
23          NESS.—There is authorized to be appropriated  
24          to the Secretary of Agriculture to carry out  
25          recreation, heritage, and wilderness programs

1 under subsection (a)(1)(C), \$500,000,000 for  
2 each of fiscal years 2023 through 2032.

3 (D) JOINT FIRE SCIENCE PROGRAM.—

4 There is authorized to be appropriated to carry  
5 out wildfire risk reduction and research activi-  
6 ties of the Joint Fire Science Program pursu-  
7 ant to the Plan, \$20,000,000, for each of fiscal  
8 years 2023 through 2032, of which—

9 (i) \$10,000,000 shall be made avail-  
10 able to the Secretary of Agriculture; and

11 (ii) \$10,000,000 shall be made avail-  
12 able to the Secretary of the Interior.

13 (2) HAZARDOUS FUELS.—

14 (A) PERMISSIVE USE.—Of the amounts  
15 made available pursuant to paragraph (1)(A)  
16 for a fiscal year, up to 10 percent may be used  
17 to cover a portion of wildland firefighter sala-  
18 ries, so long as the positions to which such sala-  
19 ries apply are full-time and cover projects and  
20 activities to reduce wildfire risk.

21 (B) LIMITATION.—The amounts made  
22 available pursuant to paragraph (1)(A) may not  
23 be used to cover any portion of wildland fire-  
24 fighter salaries if the activities to reduce wild-

1 fire risk are considered wildfire suppression ac-  
2 tivities.

3 **SEC. 203. SELECTION AND IMPLEMENTATION OF LAND-**  
4 **SCAPE-SCALE FOREST RESTORATION**  
5 **PROJECTS.**

6 (a) IN GENERAL.—In carrying out the Plan, the Sec-  
7 retary of Agriculture shall select, in accordance with this  
8 section, landscape-scale forest restoration projects—

9 (1) to implement on National Forest System  
10 land; and

11 (2) if applicable, to implement on land adjoin-  
12 ing National Forest System land, in coordination  
13 with other Federal and non-Federal entities.

14 (b) INITIAL PHASE.—During the 5-year period begin-  
15 ning on the date of enactment of this Act, subject to the  
16 availability of appropriations, the Secretary of Agriculture  
17 shall select not more than 20 landscape-scale forest res-  
18 toration projects under subsection (a).

19 (c) ELIGIBILITY REQUIREMENTS.—

20 (1) IN GENERAL.—Subject to paragraph (2), to  
21 be eligible for selection and implementation under  
22 subsection (a), a landscape-scale forest restoration  
23 project shall satisfy the following requirements:

24 (A) The purposes and needs for the project  
25 shall be—



1 (i) to restore the ecological integrity  
2 and ecological resilience of terrestrial and  
3 aquatic areas that have departed from ref-  
4 erence conditions within the forest land-  
5 scape;

6 (ii) to restore appropriate natural fire  
7 regimes, including by reducing fuel loads  
8 in areas that have departed from reference  
9 conditions, taking into account the current  
10 and projected impacts of climate change;  
11 and

12 (iii) to conduct wildfire risk reduction  
13 activities within the wildland-urban inter-  
14 face to the extent that the project includes  
15 lands within the wildland-urban interface.

16 (B) The project shall be developed and  
17 supported by a collaborative group that—

18 (i) includes multiple interested per-  
19 sons representing diverse interests;

20 (ii) is transparent and inclusive; and

21 (iii) has sufficient expertise, capacity,  
22 and scientific support to effectively plan,  
23 implement, and monitor landscape-level,  
24 ecologically based forest restoration activi-  
25 ties.

- 1 (C) The project shall be based on a land-  
2 scape assessment that shall—
- 3 (i) cover a landscape of—
- 4 (I) except as provided in sub-  
5 clauses (II) and (III), not less than  
6 100,000 acres;
- 7 (II) in such limited cases as the  
8 Secretary of Agriculture determines to  
9 be appropriate, not less than 80,000  
10 acres if—
- 11 (aa) the assessment is com-  
12 pleted or substantially completed  
13 as of the date of enactment of  
14 this Act; and
- 15 (bb) in the determination of  
16 the Secretary of Agriculture, as-  
17 sessing a larger area is not nec-  
18 essary to restore the integrity, re-  
19 siliance, and fire regimes of the  
20 landscape; or
- 21 (III) not less than 50,000 acres  
22 in the case of a project that is carried  
23 out east of the 100th meridian;

1 (ii) evaluate ecological integrity and  
2 determine reference conditions for the  
3 landscape;

4 (iii) identify terrestrial and aquatic  
5 areas within the landscape that have de-  
6 parted from reference conditions;

7 (iv) identify criteria to determine ap-  
8 propriate restoration treatments within de-  
9 graded areas of the landscape to achieve  
10 reference conditions, including manage-  
11 ment prescriptions and necessary mitiga-  
12 tion measures to protect at-risk species;

13 (v) be based on the best available sci-  
14 entific information and data, including,  
15 where applicable, high-resolution imagery,  
16 LiDAR, and similar technologies and infor-  
17 mation, and involve direct engagement by  
18 scientists; and

19 (vi) identify priority restoration strat-  
20 egies for terrestrial and aquatic areas, in-  
21 cluding prescribed fire and wildfires man-  
22 aged for multiple resource benefits, which  
23 shall focus on—

24 (I) areas that are the most de-  
25 parted from reference conditions; and

1 (II) areas that would benefit the  
2 most from reducing the risk of  
3 uncharacteristic wildfire, especially  
4 with respect to nearby communities,  
5 taking into account other completed,  
6 ongoing, planned fuels-reduction  
7 projects, and the effects of recent  
8 wildfires.

9 (D) Restoration treatments under the  
10 project—

11 (i) shall emphasize the reintroduction  
12 of characteristic fire, based on forest ecol-  
13 ogy and reference conditions, through the  
14 use of prescribed fire, wildfire, or both;

15 (ii) that involve any proposed mechan-  
16 ical treatments shall be designed to pro-  
17 mote—

18 (I) the restoration of reference  
19 conditions in areas that lack ecological  
20 integrity, with a focus on the reduc-  
21 tion of surface and ladder fuels; and

22 (II) the establishment of condi-  
23 tions that will facilitate prescribed fire  
24 or managed wildfire;

25 (iii) shall—

1 (I) fully maintain or contribute  
2 to the restoration of reference old for-  
3 est conditions, taking into account the  
4 current and projected impacts of cli-  
5 mate change; and

6 (II) protect or increase the num-  
7 ber and distribution of large old trees,  
8 consistent with reference conditions,  
9 excepting any de minimis losses of  
10 large old trees from prescribed fire or  
11 hazardous tree removal; and

12 (iv) that involve prescribed fire shall  
13 provide advance notification, in accordance  
14 with notification procedures developed by  
15 the Secretary of Agriculture, to the owner  
16 or operator of critical infrastructure, such  
17 as a power line right-of-way, of any pre-  
18 scribed fire treatments within close prox-  
19 imity to the infrastructure.

20 (E) The project shall be consistent with all  
21 applicable environmental laws, including—

22 (i) the National Environmental Policy  
23 Act of 1969 (42 U.S.C. 4321 et seq.);

24 (ii) the Endangered Species Act of  
25 1973 (16 U.S.C. 1531 et seq.); and

1 (iii) the Forest and Rangeland Renew-  
2 able Resources Planning Act of 1974 (16  
3 U.S.C. 1600 et seq.).

4 (F) The project shall be consistent with  
5 section 208.

6 (G) The project shall require multiparty  
7 monitoring, including opportunities for public  
8 engagement, and an adaptive management ap-  
9 proach that—

10 (i) conditions the future implementa-  
11 tion of the project on the satisfactory com-  
12 pletion of—

13 (I) priority restoration actions;  
14 and

15 (II) required monitoring after im-  
16 plementation;

17 (ii) validates conditions projected to  
18 occur in the environmental analysis for the  
19 project; and

20 (iii) requires modifications to the  
21 project if monitoring reveals impacts be-  
22 yond the anticipated impacts of the  
23 project.

24 (H)(i) No new permanent road may be  
25 built as part of the project.

1 (ii) Any new temporary roads needed to  
2 implement the project shall be decommissioned  
3 not later than 3 years after completion of the  
4 project.

5 (I) The project shall use an efficient ap-  
6 proach to landscape-scale analysis and decision-  
7 making that is consistent with the National En-  
8 vironmental Policy Act of 1969 (42 U.S.C.  
9 4321 et seq.), which may include—

10 (i) the preparation of a single environ-  
11 mental impact statement or environmental  
12 assessment, as applicable, for the entire  
13 project, incorporating the landscape assess-  
14 ment described in subparagraph (C);

15 (ii) the use of, as applicable—

16 (I) multiple records of decision to  
17 implement a single environmental im-  
18 pact statement; or

19 (II) multiple decision notices to  
20 implement a single environmental as-  
21 sessment;

22 (iii) the preparation of a pro-  
23 grammatic environmental impact state-  
24 ment or environmental assessment, as ap-  
25 plicable, for the entire project, incor-

1 porating the landscape assessment de-  
2 scribed in subparagraph (C), followed by  
3 focused, concise, and site-specific—

4 (I) environmental assessments; or

5 (II) categorical exclusions con-  
6 sistent with the National Environ-  
7 mental Policy Act of 1969 (42 U.S.C.  
8 4321 et seq.); or

9 (iv) the use of the landscape assess-  
10 ment described in subparagraph (C),  
11 through incorporation by reference and  
12 similar approaches, to support focused,  
13 concise, and site-specific—

14 (I) environmental assessments; or

15 (II) categorical exclusions con-  
16 sistent with the National Environ-  
17 mental Policy Act of 1969 (42 U.S.C.  
18 4321 et seq.).

19 (2) EXCEPTION.—If the Secretary of Agri-  
20 culture determines that there are an insufficient  
21 number of projects that fully comply with the re-  
22 quirements described in paragraph (1) to implement  
23 based on all available funding, then the Secretary of  
24 Agriculture may, during the 2-year period beginning  
25 on the date of enactment of this Act, select under



1 subsection (a) not more than a total of 5 landscape-  
2 scale forest restoration projects to implement that  
3 do not fully comply with those requirements if the  
4 projects—

5 (A) fully comply with the requirements de-  
6 scribed in subparagraphs (B), (D), (E), (F),  
7 (G), (H), and (I) of that paragraph;

8 (B) in the determination of the Secretary  
9 of Agriculture, have purposes and needs that  
10 are consistent with the purposes and needs de-  
11 scribed in subparagraph (A) of that paragraph;  
12 and

13 (C) are supported by landscape assess-  
14 ments that are substantially (if not completely)  
15 consistent with the requirements described in  
16 subparagraph (C) of that paragraph, subject to  
17 the condition that the applicable landscape as-  
18 sessments fully comply with the requirements  
19 described in clauses (i) and (v) of that subpara-  
20 graph.

21 (d) EVALUATION OF ELIGIBLE PROJECTS.—

22 (1) IN GENERAL.—In determining which land-  
23 scape-scale forest restoration projects to select under  
24 subsection (a), the Secretary of Agriculture shall  
25 consider—

1 (A) the criteria described in paragraph (2);

2 (B) the extent to which the project utilizes  
3 the approaches to project implementation de-  
4 scribed in paragraph (3); and

5 (C) the recommendations of the advisory  
6 panel established under subsection (e).

7 (2) CRITERIA.—The criteria referred to in  
8 paragraph (1)(A) are—

9 (A) the demonstrated need, based on the  
10 best available science, to restore ecological in-  
11 tegrity to degraded or departed areas within the  
12 landscape covered by the project, taking into  
13 account the current and projected impacts of  
14 climate change;

15 (B)(i) the importance of watersheds in the  
16 area covered by the project for downstream  
17 waters supply; and

18 (ii) the opportunity to improve the ec-  
19 ological integrity and ecological conditions  
20 of those watersheds and reduce risks to  
21 water resources through landscape-scale  
22 forest restoration;

23 (C)(i) the potential extent of cost sharing  
24 for the development and implementation of the  
25 project from diverse sources, such as State or

1 local governments, water or electric utilities,  
2 carbon credits, or private entities; and

3 (ii) the proportion of the non-Federal  
4 cost share that is in the form of cash con-  
5 tributions;

6 (D) whether the area covered by the  
7 project has high-resolution, remote-sensing data  
8 and other information available that enables a  
9 landscape assessment and a robust analysis and  
10 disclosure of the effects and outcomes of imple-  
11 menting restoration activities;

12 (E) whether the project is using, or will  
13 use, innovative approaches to completing re-  
14 source surveys that are less costly and less  
15 time-consuming than usual practices while pro-  
16 viding the information necessary for project de-  
17 sign and analysis;

18 (F) whether the project will reduce the  
19 number of miles of permanent roads on Na-  
20 tional Forest System land that are not nec-  
21 essary for resource management or recreational  
22 access;

23 (G) whether the project will assess or  
24 quantify the ecosystem service benefits of forest  
25 restoration within the landscape covered by the

1 project, such as water, carbon, biodiversity, fire  
2 risk reduction, public health, and community  
3 safety;

4 (H) whether the project has the potential  
5 to support new or existing wood processing in-  
6 frastructure that can make economic use of the  
7 byproducts of forest restoration;

8 (I) whether the project has the potential to  
9 support local employment and investment op-  
10 portunities, particularly in economically dis-  
11 advantaged communities;

12 (J) the scale of the landscape assessment  
13 for the project, with a preference for projects  
14 for which the landscape assessment covers a  
15 larger area; and

16 (K) whether the project—

17 (i) strives to restore ecological integ-  
18 rity and ecological conditions within areas  
19 across land ownerships, including State  
20 and private land; and

21 (ii) will reduce the risk of  
22 uncharacteristic wildfire, and, to the extent  
23 practicable, restore ecological integrity,  
24 within the wildland-urban interface.

1           (3) COLLABORATION.—The Secretary of Agri-  
2           culture may coordinate with Federal, State, local,  
3           and Tribal agencies with respect to selection and im-  
4           plementation under subsection (a), a landscape-scale  
5           forest restoration project.

6           (e) ADVISORY PANEL.—

7           (1) IN GENERAL.—The Secretary of Agriculture  
8           shall establish and maintain an advisory panel com-  
9           posed of not more than 15 members to evaluate, and  
10          provide recommendations on—

11           (A) each landscape-scale forest restoration  
12          project that the Secretary of Agriculture is re-  
13          viewing for potential selection under subsection  
14          (a); and

15           (B) proposals for planning and developing  
16          landscape-scale forest restoration projects.

17          (2) REPRESENTATION.—The Secretary of Agri-  
18          culture shall ensure that the membership of the ad-  
19          visory panel established under paragraph (1) is fair-  
20          ly balanced in terms of the points of view rep-  
21          resented and the functions to be performed by the  
22          advisory panel.

23          (3) INCLUSION.—The advisory panel estab-  
24          lished under paragraph (1) shall include experts in  
25          ecological forest restoration, fire ecology, fire man-

1       agement, rural economic and workforce development,  
2       strategies for ecological adaptation to climate  
3       change, fish and wildlife ecology, and woody biomass  
4       and small-diameter tree utilization.

5               (4) EXEMPTION.—The advisory panel estab-  
6       lished under paragraph (1) shall be exempt from the  
7       Federal Advisory Committee Act (5 U.S.C. App.).

8       **SEC. 204. YOUTH AND CONSERVATION CORPS ASSISTANCE**  
9               **WITH PROJECTS UNDER THE PLAN.**

10       In carrying out projects under the Plan, the Secre-  
11       taries shall, to the maximum extent practicable—

12               (1) identify appropriate projects to be carried  
13       out by, and enter into cooperative agreements to  
14       carry out such projects with—

15                       (A) qualified youth or conservation corps  
16                       (as defined in section 203 of the Public Lands  
17                       Corps Act of 1993 (16 U.S.C. 1722)); or

18                       (B) nonprofit wilderness and trails stew-  
19       ardship organizations, including—

20                               (i) the Corps Network;

21                               (ii) the National Wilderness Steward-  
22       ship Alliance;

23                               (iii) American Trails; and

24                               (iv) other public lands stewardship or-  
25       ganizations, as appropriate; and

1           (2) waive any matching funds requirements, in-  
2           cluding under section 212(a)(1) of the Public Lands  
3           Corps Act of 1993 (16 U.S.C. 1729(a)(1)).

4 **SEC. 205. PRESCRIBED FIRE TRAINING EXCHANGES.**

5           (a) WESTERN PRESCRIBED FIRE CENTERS.—

6           (1) IN GENERAL.—In carrying out the Plan,  
7           the Secretaries shall establish 1 or more centers to  
8           train individuals in prescribed fire methods and  
9           other methods relevant to the mitigation of wildfire  
10          risk (referred to in this subsection as a “center”).

11          (2) HOST INSTITUTIONS.—The 1 or more cen-  
12          ters shall be—

13                (A) located at 1 or more institutions of  
14                higher education; or

15                (B) developed in collaboration with 1 or  
16                more institutions of higher education.

17          (3) GOALS.—The 1 or more centers shall ad-  
18          vance the following goals:

19                (A) Training individuals and conducting  
20                research on prescribed fire methods and other  
21                restoration methods relevant to the mitigation  
22                of wildfire risk.

23                (B) Developing and advancing interdiscipli-  
24                nary science relating to wildfire, including social  
25                science and human dimensions of wildfire.

1 (C) Conducting ongoing and forward-look-  
2 ing needs assessments among stakeholders, in-  
3 cluding Federal and State agencies and Indian  
4 Tribes, to determine common need require-  
5 ments and emerging challenges to reduce wild-  
6 fire risk and adapt communities to increased  
7 risk from wildfire, including the following haz-  
8 ard-related focus areas:

9 (i) Increasing disaster resilience.

10 (ii) Mitigation and management meth-  
11 ods.

12 (iii) Air quality.

13 (iv) Firestorm weather forecasting  
14 and burn-area debris flow forecasting, in-  
15 cluding empirical and modeling research.

16 (D) Collaborating with Federal wildfire sci-  
17 entists at the Forest Service, the Department of  
18 the Interior, and other related Federal agencies.

19 (E) Identifying, through a detailed engage-  
20 ment process targeting defined end-users, the  
21 requirements and delivery mechanisms for prod-  
22 ucts and services that are practical and will  
23 have an impact on mitigating wildfire risk.

24 (F) Promoting technology transfer with  
25 pathways for dissemination, implementation,



1 and application of research results on the  
2 ground, using and enhancing previous research.

3 (G) Ensuring the connectivity and inter-  
4 operability of distributed services to maximize  
5 synergies and benefits across services.

6 (H) Developing open digital infrastructure  
7 to make research data, science, and models  
8 open for all sectors to use.

9 (I) Collaborating with prescribed fire and  
10 wildfire science programs, including the Joint  
11 Fire Science Program, Fire Science Exchange  
12 Networks, and State and Regional Prescribed  
13 Fire Associations.

14 (4) LOCATION.—

15 (A) IN GENERAL.—The 1 or more centers  
16 shall be located in any State the entirety of  
17 which is located west of the 100th meridian.

18 (B) CONSULTATION.—The Secretaries  
19 shall consult with the Joint Fire Science Pro-  
20 gram to solicit and evaluate proposals for the  
21 location of the 1 or more centers.

22 (C) SELECTION.—Not later than 1 year  
23 after the date of enactment of this Act, based  
24 on the consultation under subparagraph (B),

1 the Secretaries shall select a location for the 1  
2 or more centers.

3 (b) **ADDITIONAL TRAINING CENTERS.**—Subject to  
4 the availability of appropriations, not later than Sep-  
5 tember 30, 2023, the Secretary of the Interior, in coopera-  
6 tion with the Secretary of Agriculture, shall—

7 (1) establish and operate a prescribed fire  
8 training center in a western State;

9 (2) continue to operate a prescribed fire train-  
10 ing center in an eastern State;

11 (3) establish a virtual prescribed fire training  
12 center; and

13 (4) establish and maintain a Strategic Wildfire  
14 Management Training Center.

15 **SEC. 206. ECOSYSTEM RESTORATION GRANT FUND**  
16 **THROUGH NATIONAL FISH AND WILDLIFE**  
17 **FOUNDATION.**

18 (a) **ESTABLISHMENT.**—Not later than 180 days after  
19 the date of enactment of this section, the Secretary shall  
20 enter into a cooperative agreement with the Foundation  
21 to establish the Community Resilience and Restoration  
22 Fund at the Foundation to—

23 (1) improve community safety in the face of cli-  
24 matic extremes through conservation and protection  
25 of restoration and resilience lands;

1           (2) to protect, conserve, and restore restoration  
2           and resilience lands in order to help communities re-  
3           spond and adapt to natural threats, including wild-  
4           fire, drought, extreme heat, and other threats posed  
5           or exacerbated by the impacts of global climate;

6           (3) to build the resilience of restoration and re-  
7           silience lands to adapt to, recover from, and with-  
8           stand natural threats, including wildfire, drought,  
9           extreme heat, and other threats posed or exacer-  
10          bated by the impacts of global climate change;

11          (4) to protect and enhance the biodiversity of  
12          wildlife populations, with special consideration to the  
13          recovery and conservation of at-risk species, across  
14          restoration and resilience lands;

15          (5) to support the health of restoration and re-  
16          silience lands for the benefit of present and future  
17          generations;

18          (6) to foster innovative, nature-based solutions  
19          that help meet the goals of this section; and

20          (7) to enhance the nation's natural carbon se-  
21          questration capabilities and help communities  
22          strengthen natural carbon sequestration capacity  
23          where applicable.

24          (b) MANAGEMENT OF THE FUND.—The Foundation  
25          shall manage the Fund—

1           (1) pursuant to the National Fish and Wildlife  
2 Foundation Establishment Act (16 U.S.C. 3701 et  
3 seq.); and

4           (2) in such a manner that, to the greatest ex-  
5 tent practicable and consistent with the purposes for  
6 which the Fund is established—

7                   (A) ensures that amounts made available  
8 through the Fund are accessible to historically  
9 underserved communities, including Tribal com-  
10 munities, communities of color, and rural com-  
11 munities; and

12                   (B) avoids project selection and funding  
13 overlap with those projects and activities that  
14 could otherwise receive funding under—

15                           (i) the National Oceans and Coastal  
16 Security Fund, established under the Na-  
17 tional Oceans and Coastal Security Act (16  
18 U.S.C. 7501); or

19                           (ii) other coastal management focused  
20 programs.

21           (c) COMPETITIVE GRANTS.—

22                   (1) IN GENERAL.—To the extent amounts are  
23 available in the Fund, the Foundation shall award  
24 grants to eligible entities through a competitive  
25 grant process in accordance with procedures estab-

1 lished pursuant to the National Fish and Wildlife  
2 Foundation Establishment Act (16 U.S.C. 3701 et  
3 seq.) to carry out eligible projects and activities, in-  
4 cluding planning eligible projects and activities.

5 (2) PROPOSALS.—The Foundation, in coordina-  
6 tion with the Secretary, shall establish requirements  
7 for proposals for competitive grants under this sec-  
8 tion.

9 (d) USE OF AMOUNTS IN THE FUND.—

10 (1) PLANNING.—Not less than 8 percent of  
11 amounts appropriated annually to the Fund may be  
12 used to plan eligible projects and activities, including  
13 capacity building.

14 (2) ADMINISTRATIVE COSTS.—Not more than 4  
15 percent of amounts appropriated annually to the  
16 Fund may be used by the Foundation for adminis-  
17 trative expenses of the Fund or administration of  
18 competitive grants offered under the Fund.

19 (3) PRIORITY.—Not less than \$10,000,000 of  
20 the amounts appropriated annually to the Fund  
21 shall be awarded annually to support eligible  
22 projects and activities for Indian Tribes.

23 (4) COORDINATION.—The Secretary and Foun-  
24 dation shall ensure, to the greatest extent prac-  
25 ticable and through meaningful consultation, that

1 input from Indian Tribes, including traditional eco-  
2 logical knowledge, is incorporated in the planning  
3 and execution of eligible projects and activities.

4 (e) REPORTS.—

5 (1) ANNUAL REPORTS.—Beginning at the end  
6 the first full fiscal year after the date of enactment  
7 of this section, and not later than 60 days after the  
8 end of each fiscal year in which amounts are depos-  
9 ited into the Fund, the Foundation shall submit to  
10 the Secretary a report on the operation of the Fund  
11 including—

12 (A) an accounting of expenditures made  
13 under the Fund, including leverage and match  
14 as applicable;

15 (B) an accounting of any grants made  
16 under the Fund, including a list of recipients  
17 and a brief description of each project and its  
18 purposes and goals; and

19 (C) measures and metrics to track benefits  
20 created by grants administered under the Fund,  
21 including enhanced biodiversity, water quality,  
22 natural carbon sequestration, and resilience.

23 (2) 5-YEAR REPORTS.—Not later than 90 days  
24 after the end of the fifth full fiscal year after the  
25 date of enactment of this section, and not later than

1 90 days after the end every fifth fiscal year there-  
2 after, the Foundation shall submit to the Secretary  
3 a report containing—

4 (A) a description of any socioeconomic,  
5 biodiversity, community resilience, or climate  
6 resilience or mitigation (including natural car-  
7 bon sequestration), impacts generated by  
8 projects funded by grants awarded by the  
9 Fund, including measures and metrics illus-  
10 trating these impacts;

11 (B) a description of land health benefits  
12 derived from projects funded by grants awarded  
13 by the Fund, including an accounting of—

14 (i) lands treated for invasive species;

15 (ii) lands treated for wildfire threat  
16 reduction, including those treated with  
17 controlled burning or other natural fire-  
18 management techniques; and

19 (iii) lands restored either from wildfire  
20 or other forms of degradation, including  
21 over-grazing and sedimentation;

22 (C) key findings for Congress, including  
23 any recommended changes to the authorization  
24 or purposes of the Fund;

1 (D) best practices for other Federal agen-  
2 cies in the administration of funds intended for  
3 land and habitat restoration;

4 (E) information on the use and outcome of  
5 funds specifically set aside for planning and ca-  
6 pacity building pursuant to subsection (d)(1);  
7 and

8 (F) any other information that the Foun-  
9 dation considers relevant.

10 (3) SUBMISSION OF REPORTS TO CONGRESS.—

11 Not later than 10 days after receiving a report  
12 under this section, the Secretary shall submit the re-  
13 port to the Committee on Natural Resources of the  
14 House of Representatives and the Committee on En-  
15 vironment and Public Works of the Senate.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 hereby authorized to be appropriated to the Fund  
18 \$100,000,000 for each of fiscal years 2023 through 2032  
19 to carry out this section.

20 (g) DEFINITIONS.—For purposes of this section:

21 (1) The term “eligible entity” means a Federal  
22 agency, State, the District of Columbia, a territory  
23 of the United States, a unit of local government, an  
24 Indian Tribe, a non-profit organization, or an ac-  
25 credited institution of higher education.



1           (2) The term “eligible projects and activities”  
2           means projects and activities carried out by an eligi-  
3           ble entity on public lands, Tribal lands, or private  
4           land, or any combination thereof, to further the pur-  
5           poses for which the Fund is established, including  
6           planning and capacity building and projects and ac-  
7           tivities carried out in coordination with Federal,  
8           State, or Tribal departments or agencies, or any de-  
9           partment or agency of a subdivision of a State.

10           (3) The term “Foundation” means the National  
11           Fish and Wildlife Foundation established under the  
12           National Fish and Wildlife Foundation Establish-  
13           ment Act (16 U.S.C. 3701 et seq.).

14           (4) The term “Fund” means the Community  
15           Resilience and Restoration Fund established under  
16           subsection (a).

17           (5) The term “Indian Tribe” means the gov-  
18           erning body of any Indian or Alaska Native tribe,  
19           band, nation, pueblo, village, community, component  
20           band, or component reservation individually identi-  
21           fied (including parenthetically) on the list published  
22           by the Secretary under section 104 of the Federally  
23           Recognized Indian Tribe List Act of 1994 (25  
24           U.S.C. 5131).

1           (6) The term “restoration and resilience lands”  
2 means fish, wildlife, and plant habitats, and other  
3 important natural areas in the United States, on  
4 public lands, private land (after obtaining proper  
5 consent from the landowner), or land of Indian  
6 Tribes, including grasslands, shrublands, prairies,  
7 chapparral lands, forest lands, deserts, and riparian  
8 or wetland areas within or adjacent to these eco-  
9 systems.

10           (7) The term “public lands” means lands  
11 owned or controlled by the United States.

12           (8) The term “Secretary” means the Secretary  
13 of the Interior, acting through the Director of the  
14 United States Fish and Wildlife Service.

15           (9) The term “State” means a State of the  
16 United States, the District of Columbia, any Indian  
17 Tribe, and any commonwealth, territory, or posses-  
18 sion of the United States.

19 **SEC. 207. NATIONAL COMMUNITY CAPACITY AND LAND**  
20 **STEWARDSHIP GRANT PROGRAM.**

21 (a) **DEFINITIONS.**—In this section:

22           (1) **COMMUNITY CAPACITY.**—The term “com-  
23 munity capacity” means the ability of an eligible en-  
24 tity to carry out or assist in a land stewardship ac-  
25 tivity.

1           (2) DISADVANTAGED COMMUNITY.—The term  
2           “disadvantaged community” means—

3                   (A) a low-income community (as defined in  
4                   section 45D(e) of the Internal Revenue Code of  
5                   1986); and

6                   (B) a community that includes a signifi-  
7                   cant population that has been systematically de-  
8                   nied a full opportunity to participate in aspects  
9                   of economic, social, and civic life based on a  
10                   particular characteristic, such as Black, Latino,  
11                   Indigenous, and Native American persons,  
12                   Asian Americans, Pacific Islanders, and other  
13                   persons of color.

14           (3) ELIGIBLE ENTITY.—The term “eligible enti-  
15           ty” means any the following entities that is located  
16           in or represents a disadvantaged community:

17                   (A) An organization described in section  
18                   501(c) of the Internal Revenue Code of 1986  
19                   and exempt from taxation under section 501(a)  
20                   of that Code.

21                   (B) A collaborative group fiscally spon-  
22                   sored by an organization described in subpara-  
23                   graph (A).

24                   (C) A unit of local government.

25                   (D) An Indian Tribe.

1           (E) A special district government, as de-  
2           fined by the Director of the Bureau of the Cen-  
3           sus.

4           (4) ECOLOGICAL INTEGRITY.—The term “eco-  
5           logical integrity” has the meaning given the term in  
6           section 219.19 of title 36, Code of Federal Regula-  
7           tions (as in effect on the date of enactment of this  
8           Act).

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

13          (6) LAND STEWARDSHIP ACTIVITY.—The term  
14          “land stewardship activity” means any of the fol-  
15          lowing activities, as applied to a qualifying project:

16                (A) Planning.

17                (B) Collaboration and building community  
18                support.

19                (C) Implementation on land other than  
20                National Forest System land.

21                (D) Monitoring, including multiparty moni-  
22                toring, and adaptive management.

23          (7) QUALIFYING PROJECT.—The term “quali-  
24          fying project” means any of the following activities

1 that takes place at least in substantial part on Na-  
2 tional Forest System land or national grasslands:

3 (A) Restoration of the ecological integrity  
4 of a forest, meadow, grassland, prairie, or other  
5 habitat.

6 (B) Tribal management for aligned cul-  
7 tural and ecological values.

8 (C) Enhancing community wildfire resil-  
9 ience in the wildland-urban interface.

10 (D) Increasing equitable access to environ-  
11 mental education and volunteerism opportuni-  
12 ties.

13 (8) RESTORATION.—The term “restoration”  
14 has the meaning given the term in section 219.19 of  
15 title 36, Code of Federal Regulations (as in effect on  
16 the date of enactment of this Act).

17 (9) SECRETARY.—The term “Secretary” means  
18 the Secretary of Agriculture, acting through the  
19 Chief of the Forest Service.

20 (b) PURPOSE.—The purpose of this section is to sup-  
21 port increasing community capacity, partnerships, and col-  
22 laborations within and involving disadvantaged commu-  
23 nities for land stewardship activities and restoration of ec-  
24 ological integrity on—

25 (1) National Forest System land;

1 (2) national grasslands; and

2 (3) adjacent private, State, and trust land asso-  
3 ciated with the health and resilience of land de-  
4 scribed in paragraphs (1) and (2).

5 (c) ADMINISTRATION.—

6 (1) IN GENERAL.—The Secretary may issue  
7 grants to eligible entities for increasing community  
8 capacity for land stewardship activities and related  
9 activities based on the criteria described in sub-  
10 section (d).

11 (2) FEDERAL COST-SHARE.—

12 (A) IN GENERAL.—The Secretary may  
13 fund up to 100 percent of the cost of land stew-  
14 ardship activities and related activities carried  
15 out using a grant issued under paragraph (1).

16 (B) MATCHING ELIGIBILITY.—A grant  
17 issued under this section may be considered a  
18 non-Federal matching contribution from the eli-  
19 gible entity that received the grant towards  
20 other sources of Federal funding.

21 (3) DURATION.—The Secretary may issue a  
22 grant under paragraph (1) for a period of 1 or more  
23 years.

1           (4) MAXIMUM GRANT AMOUNT.—The amount of  
2 a grant issued under paragraph (1) shall be not  
3 more than \$50,000 per year.

4           (5) APPLICABLE LAWS.—The Secretary shall  
5 administer grants under paragraph (1) in accord-  
6 ance with all applicable Federal and State laws.

7 (d) CRITERIA FOR AWARDING GRANTS.—

8           (1) IN GENERAL.—Subject to paragraph (2),  
9 the Secretary shall award grants to eligible entities  
10 under subsection (c)(1) on a competitive basis in ac-  
11 cordance with the following criteria:

12           (A) The extent to which the proposed land  
13 stewardship activities benefit units of the Na-  
14 tional Forest System and national grasslands  
15 over the short and long term.

16           (B) The extent to which valuable ecologi-  
17 cal, economic, and social benefits to disadvan-  
18 taged communities, including job creation and  
19 business development or retention, are likely to  
20 result from the scope of the land stewardship  
21 activities.

22           (C) The extent to which the grant would  
23 benefit disadvantaged communities that have  
24 historically received less investment in collabo-  
25 rative capacity.

1           (D) The extent to which the proposal  
2 brings together diverse interests through plan-  
3 ning, collaboration, implementation, or moni-  
4 toring of land stewardship activities to benefit  
5 units of the National Forest System or national  
6 grasslands.

7           (E) The extent to which the grant funds  
8 appear to be critical for the success of the eligi-  
9 ble entity and the identified land stewardship  
10 activities.

11           (F) The extent to which the budget for the  
12 land stewardship activities is reasonable given  
13 the anticipated outcomes.

14           (2) SET-ASIDE FOR INDIAN TRIBES.—The Sec-  
15 retary shall allocate not less than 10 percent of the  
16 funding awarded under this section to Indian Tribes  
17 or eligible entities representing Indian Tribes.

18           (e) ANNUAL REVIEWS.—

19           (1) IN GENERAL.—The Secretary shall establish  
20 and maintain an advisory panel composed of not  
21 more than 15 members to provide feedback each  
22 year to the Chief of the Forest Service on the extent  
23 to which the implementation of this section is ful-  
24 filling the purpose described in subsection (b).



1           (2) INCLUSIONS.—The advisory panel estab-  
2           lished under paragraph (1) shall include representa-  
3           tion from a diversity of public land stakeholders  
4           from across interest groups, including—

5                   (A) not fewer than 8 members rep-  
6                   resenting the interests of a diversity of dis-  
7                   advantaged communities; and

8                   (B) not fewer than 2 members rep-  
9                   resenting not fewer than 2 Indian Tribes.

10           (3) EXEMPTION.—The advisory panel estab-  
11           lished under paragraph (1) shall be exempt from the  
12           Federal Advisory Committee Act (5 U.S.C. App.).

13           (f) REPORT EVALUATING PROGRAM IMPLEMENTA-  
14           TION.—

15                   (1) IN GENERAL.—Not later than 4 years after  
16                   the date of enactment of this Act, the Secretary  
17                   shall submit to the Committee on Agriculture, the  
18                   Committee on Natural Resources, and the Com-  
19                   mittee on Appropriations of the House of Represent-  
20                   atives and the Committee on Agriculture, Nutrition,  
21                   and Forestry, the Committee on Energy and Nat-  
22                   ural Resources, and the Committee on Appropria-  
23                   tions of the Senate a report evaluating the imple-  
24                   mentation of this section, including—

1 (A) a list of the eligible entities and land  
2 stewardship activities selected for funding under  
3 this section and the accomplishments of those  
4 activities; and

5 (B) an evaluation of the extent to which  
6 the implementation of this section is fulfilling  
7 the purpose described in subsection (b).

8 (2) CONSULTATION; CONTRACTING.—In pre-  
9 paring the report under paragraph (1), the Sec-  
10 retary—

11 (A) shall consult with the advisory panel  
12 established under subsection (e)(1); and

13 (B) may contract with a third party to  
14 complete an evaluation of the implementation of  
15 this section to inform the report.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There is authorized to be  
18 appropriated to the Secretary to carry out this sec-  
19 tion \$50,000,000 for the period of fiscal years 2023  
20 through 2032.

21 (2) DISTRIBUTION.—The Secretary shall, to the  
22 maximum extent practicable, distribute amounts  
23 made available under paragraph (1) in a geographi-  
24 cally equitable manner.

1           (3) ADMINISTRATIVE COSTS.—Not more than  
2           10 percent of any amounts made available to carry  
3           out this section may be used for administrative man-  
4           agement and program oversight.

5 **SEC. 208. PROTECTION OF INVENTORIED ROADLESS**  
6                                   **AREAS.**

7           The Secretary of Agriculture shall not authorize road  
8           construction, road reconstruction, or the cutting, sale, or  
9           removal of timber on National Forest System lands sub-  
10          ject to the Roadless Area Conservation Rule as published  
11          on January 12, 2001 (66 Fed. Reg. 3243) except as pro-  
12          vided in—

13                   (1) subpart B of part 294 of title 36, Code of  
14           Federal Regulations (as in effect on January 12,  
15           2001);

16                   (2) subpart C of part 294 of title 36, Code of  
17           Federal Regulations (as in effect on October 16,  
18           2008 for Idaho); and

19                   (3) subpart D of part 294 of title 36, Code of  
20           Federal Regulations (as provided for Colorado on  
21           July 3, 2012 and December 19, 2016).

22 **SEC. 209. STRATEGIC WILDLAND FIRE MANAGEMENT PLAN-**  
23                                   **NING FOR PRESCRIBED FIRE.**

24           (a) IN GENERAL.—Not later than September 30,  
25          2024, the Secretary concerned shall, in accordance with

1 this section, establish a spatial fire management plan for  
2 any prescribed fire.

3 (b) USE OF EXISTING INFORMATION.—To comply  
4 with this section, the Secretary concerned may use a fire  
5 management plan in existence on the date of enactment  
6 of this Act, and information from the Wildland Fire Deci-  
7 sion Support System and the Interagency Fuels Treat-  
8 ment Decision Support System.

9 (c) UPDATES.—To be valid, a spatial fire manage-  
10 ment plan established under this section shall not be in  
11 use for longer than the 10-year period beginning on the  
12 date on which the plan is established.

13 (d) CONTENTS.—For each spatial fire management  
14 plan established under this section, the Secretary con-  
15 cerned shall—

16 (1) base the plans on a landscape-scale risk as-  
17 sessment that includes—

18 (A) risks to firefighters;

19 (B) risks to communities;

20 (C) risks to highly valuable resources; and

21 (D) other relevant considerations deter-  
22 mined by the Secretary concerned;

23 (2) include direction, represented in spatial  
24 form, from land management plans and resource  
25 management plans;

1           (3) in coordination with States, delineate poten-  
2           tial operational delineations that—

3                   (A) identify potential prescribed fire or  
4                   wildfire control locations; and

5                   (B) specify the places in which firefighters  
6                   will not be sent because of the presence of un-  
7                   acceptable risk, including areas determined by  
8                   the Secretary concerned as—

9                           (i) exceeding a certain slope;

10                           (ii) containing too high of a volume of  
11                           hazardous fuels, under certain weather  
12                           conditions; or

13                           (iii) containing other known hazards;

14           (4) include a determination of average severe  
15           fire weather for the plan area;

16           (5) include prefire planning provisions;

17           (6) include a plan for emergency wildfire sup-  
18           pression activities; and

19           (7) include, at a minimum, any other require-  
20           ment determined to be necessary by the Secretary  
21           concerned.

22           (e) **CONSISTENCY WITH MANAGEMENT PLANS.**—The  
23           spatial fire management plans established under this sec-  
24           tion shall, to the maximum extent practicable, be con-  
25           sistent with the fire management objectives and land man-

1 agement objectives in the applicable land management  
2 plan or resource management plan.

3 (f) REVISIONS TO LAND MANAGEMENT PLANS AND  
4 RESOURCE MANAGEMENT PLANS.—A revision to a land  
5 management plan or resource management plan shall con-  
6 sider fire ecology and fire management in a manner that  
7 facilitates the issuance of direction for an incident re-  
8 sponse.

9 **SEC. 210. LONG-TERM BURNED AREA RECOVERY ACCOUNT.**

10 (a) ESTABLISHMENT OF ACCOUNT.—There is estab-  
11 lished in the Treasury of the United States the Long-  
12 Term Burned Area Recovery account for the Department  
13 of Agriculture.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated for fiscal year 2023 and  
16 each fiscal year thereafter for the account established by  
17 subsection (a) such sums as are necessary to carry out  
18 the activities described in subsection (d), not to exceed  
19 \$100,000,000.

20 (c) ANNUAL REQUESTS.—For fiscal year 2023 and  
21 each fiscal year thereafter, the Secretary of Agriculture  
22 shall submit to Congress and in accordance with sub-  
23 section (b), a request for amounts necessary to carry out  
24 the activities described in subsection (d).

1 (d) AUTHORIZED ACTIVITIES.—The Secretary of Ag-  
2 riculture shall use amounts in the account established by  
3 subsection (a) for recovery projects—

4 (1) that begin not earlier than 1 year after the  
5 date on which the wildfire was contained;

6 (2) that are—

7 (A) scheduled to be completed not later  
8 than 3 years after the date on which the wild-  
9 fire was contained; and

10 (B) located at sites impacted by wildfire on  
11 non-Federal or Federal land; and

12 (3) that restore the functions of an ecosystem  
13 or protect life or property.

14 (e) PRIORITIZATION OF FUNDING.—The Secretary of  
15 Agriculture shall prioritize, on a nationwide basis, projects  
16 for which funding requests are submitted under this sec-  
17 tion, based on—

18 (1) downstream effects on water resources; and

19 (2) public safety.

20 **SEC. 211. REPORT ON 10-YEAR NATIONAL WILDFIRE PLAN**  
21 **IMPLEMENTATION.**

22 Not later than 1 year after the date of the enactment  
23 of this Act, and annually thereafter, the Inspector General  
24 of the Department of Agriculture shall submit to Congress  
25 a report on the progress made in the prior year towards

1 completing the goals established under the Plan that in-  
2 cludes—

3 (1) the amount of funding appropriated to  
4 carry out the Plan pursuant to the provisions of this  
5 subtitle with respect to the prior fiscal year; and

6 (2) recommendations to improve implementa-  
7 tion of the Plan.

8 **SEC. 212. PERFORMANCE METRICS TRACKING.**

9 Not later than 1 year after the date of the enactment  
10 of this Act, and annually thereafter, the Secretary of Agri-  
11 culture shall submit to Congress an assessment with re-  
12 spect to the prior year of the following:

13 (1) The acres effectively treated by the Depart-  
14 ment of Agriculture on National Forest System  
15 lands to reduce wildfire risk or improve habitat con-  
16 dition—

17 (A) within the wildland urban interface;

18 (B) within backcountry areas (including  
19 roadless and wilderness);

20 (C) within a priority watershed area;

21 (D) within an identified wildlife corridor;

22 and

23 (E) for which prescribed fire or wildfire  
24 achieved an ecosystem management goal.



1 (2) Watershed assessment of the National For-  
2 est System, including if watershed conditions have  
3 degraded, improved, or been maintained.

4 (3) Carbon emissions and sequestration from  
5 National Forest System lands.

## 6 **Subtitle B—Tribal Biochar** 7 **Promotion**

### 8 **SEC. 221. TRIBAL AND ALASKA NATIVE BIOCHAR DEM-** 9 **ONSTRATION PROJECT.**

10 The Tribal Forest Protection Act of 2004 (25 U.S.C.  
11 3115a et seq.) is amended as follows:

12 (1) In section 2—

13 (A) by striking subsection (a);

14 (B) by redesignating subsections (b)  
15 through (g) as subsections (a) through (f), re-  
16 spectively,

17 (C) by striking “subsection (b)” each place  
18 it appears and inserting “subsection (a)”; and

19 (D) by striking “subsection (c)” each place  
20 it appears and inserting “subsection (b)”.

21 (2) By adding at the end the following:

### 22 **“SEC. 3. TRIBAL AND ALASKA NATIVE BIOCHAR DEM-** 23 **ONSTRATION PROJECT.**

24 “(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREE-  
25 MENTS.—For each of fiscal years 2021 through 2030, the

1 Secretary shall enter into stewardship contracts or similar  
2 agreements (excluding direct service contracts) with In-  
3 dian Tribes or Tribal organizations to carry out dem-  
4 onstration projects to support the development and com-  
5 mercialization of biochar on Indian forest land or range-  
6 land and in nearby communities by providing reliable sup-  
7 plies of feedstock from Federal land.

8 “(b) DEMONSTRATION PROJECTS.—In each fiscal  
9 year for which demonstration projects are authorized  
10 under this section, not less than 4 new demonstration  
11 projects that meet the eligibility criteria described in sub-  
12 section (c) shall be carried out under contracts or agree-  
13 ments described in subsection (a).

14 “(c) ELIGIBILITY CRITERIA.—To be eligible to enter  
15 into a contract or agreement under this section, an Indian  
16 Tribe shall submit to the Secretary an application that  
17 includes—

18 “(1) a description of—

19 “(A) the Indian forest land or rangeland  
20 under the jurisdiction of the Indian Tribe; and

21 “(B) the demonstration project proposed  
22 to be carried out by the Indian Tribe; and

23 “(2) such other information as the Secretary  
24 may require.

1       “(d) SELECTION.—In evaluating the applications  
2 submitted under subsection (c), the Secretary shall—

3               “(1) take into consideration whether a proposed  
4 project—

5                       “(A) creates new jobs and enhances the  
6 economic development of the Indian Tribe;

7                       “(B) demonstrates new and innovative  
8 uses of biochar, viable markets for cost effective  
9 biochar-based products, or ecosystem services of  
10 biochar;

11                      “(C) improves the forest health or water-  
12 sheds of Federal land or Indian forest land or  
13 rangeland;

14                      “(D) demonstrates new investments in  
15 biochar infrastructure or otherwise promotes  
16 the development and commercialization of  
17 biochar;

18                      “(E) is located in an area with—

19                               “(i) nearby lands identified as having  
20 a high, very high, or extreme risk of wild-  
21 fire;

22                               “(ii) availability of sufficient quan-  
23 tities of feedstock; or

1                   “(iii) a high level of demand for  
2                   biochar or other commercial byproducts of  
3                   biochar; or

4                   “(F) any combination of purposes specified  
5                   in subparagraphs (A) through (E); and

6                   “(2) exclude from consideration any merchant-  
7                   able logs that have been identified by the Secretary  
8                   for commercial sale.

9                   “(e) IMPLEMENTATION.—The Secretary shall—

10                   “(1) ensure that the criteria described in sub-  
11                   section (e) are publicly available by not later than  
12                   120 days after the date of the enactment of this sec-  
13                   tion; and

14                   “(2) to the maximum extent practicable, consult  
15                   with Indian Tribes and appropriate intertribal orga-  
16                   nizations likely to be affected in developing the ap-  
17                   plication and otherwise carrying out this section.

18                   “(f) REPORT.—Not later than 2 years after the date  
19                   of the enactment of this section and every year thereafter,  
20                   the Secretary shall submit to Congress a report that de-  
21                   scribes, with respect to the reporting period—

22                   “(1) each individual Tribal application received  
23                   under this section; and

24                   “(2) each contract and agreement entered into  
25                   pursuant to this section.

1           “(g) INCORPORATION OF MANAGEMENT PLANS.—To  
2 the maximum extent practicable, on receipt of a request  
3 from an Indian Tribe, the Secretary shall incorporate into  
4 a contract or agreement with that Indian Tribe entered  
5 into pursuant to this section, management plans (includ-  
6 ing forest management and integrated resource manage-  
7 ment plans and Indian Trust Asset Management Plans)  
8 in effect on the Indian forest land or rangeland of that  
9 Indian Tribe.

10           “(h) TERM.—A contract or agreement entered into  
11 under this section—

12                   “(1) shall be for a term of not more than 10  
13 years; and

14                   “(2) may be renewed in accordance with this  
15 section for not more than an additional 10 years.

16 **“SEC. 4. DEFINITIONS.**

17           “In this Act:

18                   “(1) BIOCHAR.—The term ‘biochar’ means car-  
19 bonized biomass produced by converting feedstock  
20 through reductive thermal processing for non-fuel  
21 uses.

22                   “(2) FEDERAL LAND.—The term ‘Federal land’  
23 means—

24                           “(A) land of the National Forest System  
25                           (as defined in section 11(a) of the Forest and

1 Rangeland Renewable Resources Planning Act  
2 of 1974 (16 U.S.C. 1609(a)) administered by  
3 the Secretary of Agriculture, acting through the  
4 Chief of the Forest Service; and

5 “(B) public lands (as defined in section  
6 103 of the Federal Land Policy and Manage-  
7 ment Act of 1976 (43 U.S.C. 1702)), the sur-  
8 face of which is administered by the Secretary  
9 of the Interior, acting through the Director of  
10 the Bureau of Land Management.

11 “(3) FEEDSTOCK.—The term ‘feedstock’ means  
12 excess biomass in the form of plant matter or mate-  
13 rials that serves as the raw material for the produc-  
14 tion of biochar.

15 “(4) INDIAN FOREST LAND OR RANGELAND.—  
16 The term ‘Indian forest land or rangeland’ means  
17 land that—

18 “(A) is held in trust by, or with a restric-  
19 tion against alienation by, the United States for  
20 an Indian Tribe or a member of an Indian  
21 Tribe; and

22 “(B)(i)(I) is Indian forest land (as defined  
23 in section 304 of the National Indian Forest  
24 Resources Management Act (25 U.S.C. 3103));  
25 or

1           “(II) has a cover of grasses, brush, or any  
2 similar vegetation; or

3           “(ii) formerly had a forest cover or vegeta-  
4 tive cover that is capable of restoration.

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

9           “(6) SECRETARY.—The term ‘Secretary’  
10 means—

11           “(A) the Secretary of Agriculture, with re-  
12 spect to land under the jurisdiction of the For-  
13 est Service; and

14           “(B) the Secretary of the Interior, with re-  
15 spect to land under the jurisdiction of the Bu-  
16 reau of Land Management.

17           “(7) TRIBAL ORGANIZATION.—The term ‘Tribal  
18 organization’ has the meaning given that term in  
19 section 4 of the Indian Self-Determination and Edu-  
20 cation Assistance Act (25 U.S.C. 5304).”.

## 21 **TITLE III—OTHER MATTERS**

### 22 **SEC. 301. REQUIREMENTS RELATING TO CERTAIN FIRE** 23 **SUPPRESSION COST SHARE AGREEMENTS.**

24           (a) ESTABLISHMENT OF STANDARD OPERATING  
25 PROCEDURES.—Not later than 1 year after the date of

1 the enactment of this section, the covered Secretaries  
2 shall—

3 (1) establish standard operating procedures re-  
4 lating to fire suppression cost share agreements es-  
5 tablished under the Act of May 27, 1955 (42 U.S.C.  
6 1856a) (commonly known as the “Reciprocal Fire  
7 Protection Act”); and

8 (2) with respect to each fire suppression cost  
9 share agreement in operation on such date—

10 (A) review each such agreement; and

11 (B) modify each agreement as necessary to  
12 comply with the standard operating procedures  
13 required under paragraph (1).

14 (b) ALIGNMENT OF FIRE SUPPRESSION COST SHARE  
15 AGREEMENTS WITH COOPERATIVE FIRE PROTECTION  
16 AGREEMENTS.—The standard operating procedures re-  
17 quired under subsection (a)(1) shall include a requirement  
18 that each fire suppression cost share agreement be aligned  
19 with each of the cooperative fire protection agreements ap-  
20 plicable to the entity subject to such fire suppression cost  
21 share agreement.

22 (c) SECOND-LEVEL REVIEW.—The standard oper-  
23 ating procedures required under subsection (a)(1) shall in-  
24 clude—



1 (1) a requirement that the covered Secretaries,  
2 to the maximum extent practicable, complete re-  
3 views, including second-level reviews of a fire sup-  
4 pression cost share agreement, as soon as prac-  
5 ticable after a wildfire relating to the area covered  
6 by such fire suppression cost share agreement is  
7 contained; and

8 (2) a requirement that in completing such re-  
9 views, the covered Secretaries consults with State  
10 and local fire suppression organizations.

11 (d) COVERED SECRETARIES DEFINED.—In this sec-  
12 tion, the term “covered Secretaries” means—

13 (1) the Secretary of Agriculture;

14 (2) the Secretary of the Interior;

15 (3) the Secretary of Homeland Security; and

16 (4) the Secretary of Defense.

17 **SEC. 302. INVESTMENT OF CERTAIN FUNDS INTO INTEREST**  
18 **BEARING OBLIGATIONS.**

19 Section 7 of the Act of June 20, 1958 (16 U.S.C.  
20 579c), is amended—

21 (1) by striking “of any improvement, protec-  
22 tion, or rehabilitation” and inserting “of any assess-  
23 ment, improvement, protection, restoration, or reha-  
24 bilitation”; and

1           (2) by striking “Provided, That” and all that  
2 follows through the period at the end and inserting:  
3 “Provided, That any monies covered into the Treas-  
4 ury under this section, including all monies that  
5 were previously collected by the United States in a  
6 forfeiture, judgment, compromise, or settlement,  
7 shall be invested by the Secretary of the Treasury in  
8 interest bearing obligations of the United States to  
9 the extent the amounts are not, in the judgment of  
10 the Secretary of the Treasury, required to meet cur-  
11 rent withdrawals: Provided further, That any inter-  
12 est earned on the amounts, including any interest  
13 earned by investment, is hereby appropriated and  
14 made available until expended to cover the costs to  
15 the United States specified in this section: Provided  
16 further, That, for fiscal year 2021 and thereafter,  
17 the Secretary shall include in the budget materials  
18 submitted to Congress in support of the President’s  
19 annual budget request (submitted to Congress pur-  
20 suant to section 1105 of title 31, United States  
21 Code) for each fiscal year the proposed use of such  
22 amounts with respect to the Forest Service: Pro-  
23 vided further, That any portion of the monies re-  
24 ceived or earned under this section in excess of the  
25 amount expended in performing the work neces-

1       sitated by the action which led to their receipt may  
2       be used to cover the other work specified in this sec-  
3       tion.”.

4                   **DIVISION B—DROUGHT**  
5       **TITLE I—DROUGHT RESPONSE**  
6       **AND CLIMATE RESILIENCE**

7       **SEC. 101. ADVANCING LARGE-SCALE WATER RECYCLING**  
8                   **AND REUSE PROJECTS.**

9       (a) **ELIGIBLE PROJECT.**—Section 40905(c)(4) of the  
10       Infrastructure Investment and Jobs Act (43 U.S.C.  
11       3205(c)(4)) is amended to read as follows:

12                   “(4) is—

13                   “(A) constructed, operated, and main-  
14                   tained by an eligible entity; or

15                   “(B) owned by an eligible entity; and”.

16       (b) **REMOVAL OF TERMINATION OF AUTHORITY; AD-**  
17       **DITIONAL AUTHORIZATION OF APPROPRIATIONS.**—Sec-  
18       tion 40905(k) of the Infrastructure Investment and Jobs  
19       Act (43 U.S.C. 3205(k)) is amended to read as follows:

20                   “(k) **AUTHORIZATION OF APPROPRIATIONS.**—In ad-  
21       dition to the amounts made available under section  
22       40901(4)(B) to carry out this section, there is authorized  
23       to be appropriated to the Secretary \$700,000,000 to carry  
24       out this section, to remain available until expended.”.

1 **SEC. 102. SALTON SEA PROJECTS IMPROVEMENTS.**

2 Section 1101 of the Reclamation Projects Authoriza-  
3 tion and Adjustment Act of 1992 (Public Law 102–575)  
4 is amended—

5 (1) by redesignating subsections (b) through (d)  
6 as subsections (c) through (e), respectively;

7 (2) by inserting after subsection (a) the fol-  
8 lowing:

9 “(b) **ADDITIONAL PROJECT AUTHORITIES.**—

10 “(1) **IN GENERAL.**—The Secretary, acting  
11 through the Bureau of Reclamation, may provide  
12 grants and enter into contracts and cooperative  
13 agreements to carry out projects located in the area  
14 of the Salton Sea in Southern California to improve  
15 air quality, fish and wildlife habitat, recreational op-  
16 portunities, and water quality, in partnership with—

17 “(A) State, Tribal, and local governments;

18 “(B) water districts;

19 “(C) joint powers authorities, including the  
20 Salton Sea Authority;

21 “(D) nonprofit organizations; and

22 “(E) institutions of higher education.

23 “(2) **INCLUDED ACTIVITIES.**—The projects de-  
24 scribed in paragraph (1) may include—

1           “(A) construction, operation, maintenance,  
2           permitting, and design activities required for  
3           such projects; and

4           “(B) dust suppression projects.”; and

5           (3) in subsection (e), as so redesignated, by  
6           striking       “\$13,000,000”       and       inserting  
7           “\$250,000,000”.

8   **SEC. 103. NEAR-TERM ACTIONS TO PRESERVE COLORADO**  
9                           **RIVER SYSTEM.**

10       In addition to the amounts otherwise available and  
11       consistent with contractual arrangements and applicable  
12       State and Federal law, there is authorized to be appro-  
13       priated to the Secretary of the Interior \$500,000,000, for  
14       the period of fiscal years 2023 through 2026, to use avail-  
15       able legal authorities to reduce the near-term likelihood  
16       of Lake Mead and Lake Powell declining to critically low  
17       water elevations.

18   **SEC. 104. WATERSMART ACCESS FOR TRIBES.**

19       Section 9504(a)(3)(E)(i) of the Omnibus Public  
20       Land Management Act of 2009 (42 U.S.C.  
21       10364(a)(3)(E)(i)) is amended—

22           (1) in subclause (I), by striking “subclause  
23           (II)” and inserting “subclauses (II) and (III)”; and

24           (2) after subclause (II), by inserting the fol-  
25       lowing:

1                   “(III) WAIVER; REDUCTION.—  
2                   With respect to a grant or other  
3                   agreement entered into under para-  
4                   graph (1) between the Secretary and  
5                   an Indian tribe, the Secretary may re-  
6                   duce or waive the non-Federal share  
7                   (and increase the Federal share ac-  
8                   cordingly) of the cost of any infra-  
9                   structure improvement or activity that  
10                  is the subject of that grant or other  
11                  agreement if the Secretary determines  
12                  that meeting the cost-share require-  
13                  ment presents a financial hardship for  
14                  the Indian tribe.”.

15 **SEC. 105. RECLAMATION WATER SETTLEMENTS FUND.**

16                  Section 10501 of the Omnibus Public Land Manage-  
17                  ment Act of 2009 (43 U.S.C. 407) is amended—

18                   (1) in subsection (b)(1), by inserting “and for  
19                   fiscal year 2033 and each fiscal year thereafter”  
20                   after “For each of fiscal years 2020 through 2029”;

21                   (2) in subsection (c)—

22                           (A) in paragraph (1)(A), by striking “for  
23                           each of fiscal years 2020 through 2034” and  
24                           inserting “for fiscal year 2020 and each fiscal  
25                           year thereafter”; and

1 (B) in paragraph (3)(C), by striking “for  
2 any authorized use” and all that follows  
3 through the period at the end and inserting  
4 “for any use authorized under paragraph (2).”;  
5 and  
6 (3) by striking subsection (f).

7 **SEC. 106. BUREAU OF RECLAMATION TRIBAL CLEAN**  
8 **WATER ASSISTANCE.**

9 (a) RURAL WATER SUPPLY PROGRAM REAUTHOR-  
10 IZATION.—

11 (1) AUTHORIZATION OF APPROPRIATIONS.—  
12 Section 109(a) of the Rural Water Supply Act of  
13 2006 (43 U.S.C. 2408(a)) is amended by striking  
14 “2016” and inserting “2032”.

15 (2) TERMINATION OF AUTHORITY.—Section  
16 110 of the Rural Water Supply Act of 2006 (43  
17 U.S.C. 2409) is amended by striking “2016” and in-  
18 serting “2032”.

19 (b) BUREAU OF RECLAMATION RURAL WATER SUP-  
20 PLY PROGRAM.—

21 (1) DEFINITIONS.—In this subsection:

22 (A) INDIAN TRIBE.—The term “Indian  
23 Tribe” has the meaning given the term in sec-  
24 tion 4 of the Indian Self-Determination and  
25 Education Assistance Act (25 U.S.C. 5304).

1 (B) RECLAMATION STATE.—The term  
2 “Reclamation State” means a State described  
3 in the first section of the Act of June 17, 1902  
4 (43 U.S.C. 391; 32 Stat. 388, ch. 1093).

5 (C) REPORT.—The term “Report” means  
6 the most recent annual report required to be  
7 submitted by the Secretary of Health and  
8 Human Services to the President under section  
9 302(g) of the Indian Health Care Improvement  
10 Act (25 U.S.C. 1632(g)).

11 (D) SECRETARY.—The term “Secretary”  
12 means the Secretary of the Interior, acting  
13 through the Commissioner of Reclamation.

14 (E) TRIBAL LAND.—The term “Tribal  
15 land” means—

16 (i) land located within the boundaries  
17 of—

18 (I) an Indian reservation, pueblo,  
19 or rancharia; or

20 (II) a former reservation within  
21 Oklahoma;

22 (ii) land not located within the bound-  
23 aries of an Indian reservation, pueblo, or  
24 rancharia, title to which is held—



1 (I) in trust by the United States  
2 for the benefit of an Indian Tribe or  
3 an individual Indian;

4 (II) by an Indian Tribe or an in-  
5 dividual Indian, subject to restriction  
6 against alienation under laws of the  
7 United States; or

8 (III) by a dependent Indian com-  
9 munity;

10 (iii) land located within a region es-  
11 tablished pursuant to section 7(a) of the  
12 Alaska Native Claims Settlement Act (43  
13 U.S.C. 1606(a));

14 (iv) Hawaiian Home Lands (as de-  
15 fined in section 801 of the Native Amer-  
16 ican Housing Assistance and Self-Deter-  
17 mination Act of 1996 (25 U.S.C. 4221));  
18 or

19 (v) an area or community designated  
20 by the Assistant Secretary of Indian Af-  
21 fairs of the Department of the Interior  
22 that is near, adjacent, or contiguous to an  
23 Indian reservation where financial assist-  
24 ance and social service programs are pro-

1                   vided to Indians because of their status as  
2                   Indians.

3                   (2) COMPETITIVE GRANT PROGRAM FOR TRIBAL  
4                   CLEAN WATER ACCESS PROJECTS.—

5                   (A) ESTABLISHMENT.—In accordance with  
6                   section 103 of the Rural Water Supply Act of  
7                   2006 (43 U.S.C. 2402), the Secretary shall es-  
8                   tablish a competitive grant program under  
9                   which an Indian Tribe shall be eligible to apply  
10                  for a grant from the Secretary in an amount  
11                  not to exceed 100 percent of the cost of plan-  
12                  ning, design, and construction of a project de-  
13                  termined by the Secretary to be eligible for  
14                  funding under subparagraph (B).

15                  (B) ELIGIBILITY.—To be eligible for a  
16                  grant under subparagraph (A), a project  
17                  shall—

18                         (i) be carried out in a Reclamation  
19                         State; and

20                         (ii) as determined by the Secretary—

21                                 (I) provide, increase, or enhance  
22                                 access to safe drinking water for com-  
23                                 munities and households on Tribal  
24                                 land; or

1 (II) address public health and  
2 safety concerns associated with access  
3 to safe drinking water.

4 (C) PRIORITY.—

5 (i) IN GENERAL.—In awarding grants  
6 under subparagraph (A), the Secretary, in  
7 consultation with the Director of the In-  
8 dian Health Service, shall give priority to  
9 projects that meet one or more of the fol-  
10 lowing criteria:

11 (I) Provides potable water sup-  
12 plies to communities or households on  
13 Tribal land that do not have access to  
14 running water as of the date of the  
15 project application.

16 (II) Addresses an urgent and  
17 compelling public health or safety con-  
18 cern relating to access to safe drink-  
19 ing water for residents on Tribal land.

20 (III) Addresses needs identified  
21 in the Report.

22 (IV) Closer to being completed,  
23 or farther along in planning, design,  
24 or construction, as compared to other  
25 projects being considered for funding.

1 (V) Takes advantage of the expe-  
2 rience and technical expertise of the  
3 Bureau of Reclamation in the plan-  
4 ning, design, and construction of rural  
5 water projects, particularly with re-  
6 spect to a project that takes advan-  
7 tage of economies of scale.

8 (VI) Takes advantage of local or  
9 regional partnerships that complement  
10 related efforts by Tribal, State, or  
11 Federal agencies to enhance access to  
12 drinking water or water sanitation  
13 services on Tribal land.

14 (VII) Leverages the resources or  
15 capabilities of other Tribal, State, or  
16 Federal agencies to accelerate plan-  
17 ning, design, and construction.

18 (VIII) Provides multiple benefits,  
19 including—

20 (aa) improved water supply  
21 reliability;

22 (bb) public health improve-  
23 ments;

24 (cc) ecosystem benefits;

1 (dd) groundwater manage-  
2 ment and enhancements; and

3 (ee) water quality improve-  
4 ments.

5 (ii) CONSULTATION.—In prioritizing  
6 projects for funding under clause (i), the  
7 Secretary—

8 (I) shall consult with the Direc-  
9 tor of the Indian Health Service; and

10 (II) may coordinate funding of  
11 projects under this paragraph with  
12 the Director of the Indian Health  
13 Service, the Administrator of the En-  
14 vironmental Protection Agency, the  
15 Secretary of Agriculture, and the head  
16 of any other Federal agency in any  
17 manner that the Secretary determines  
18 would—

19 (aa) accelerate project plan-  
20 ning, design, or construction; or

21 (bb) otherwise take advan-  
22 tage of the capabilities of, and  
23 resources potentially available  
24 from, other Federal sources.

25 (3) FUNDING.—

1 (A) IN GENERAL.—In addition to amounts  
2 otherwise available, there is authorized to be  
3 appropriated to the Secretary \$1,000,000,000  
4 to carry out this subsection, to remain available  
5 until expended.

6 (B) ADMINISTRATIVE EXPENSES; USE OF  
7 FUNDS.—Of the amounts made available under  
8 subparagraph (A), the Secretary may use up to  
9 2 percent for—

10 (i) the administration of the rural  
11 water supply program established under  
12 section 103 of the Rural Water Supply Act  
13 of 2006 (43 U.S.C. 2402); and

14 (ii) related management and staffing  
15 expenses.

16 (c) FUNDING FOR NATIVE AMERICAN AFFAIRS  
17 TECHNICAL ASSISTANCE PROGRAM OF THE BUREAU OF  
18 RECLAMATION.—In addition to amounts otherwise avail-  
19 able, there is authorized to be appropriated to the Sec-  
20 retary \$90,000,000 for use, in accordance with section  
21 201 of the Energy and Water Development Appropriations  
22 Act, 2003 (43 U.S.C. 373d), for the Native American Af-  
23 fairs Technical Assistance Program of the Bureau of Rec-  
24 lamation, to remain available until expended.

1 **SEC. 107. WHITE MOUNTAIN APACHE TRIBE RURAL WATER**  
2 **SYSTEM.**

3 (a) CONVEYANCE OF TITLE TO TRIBE.—Section  
4 307(d)(2)(E) of the White Mountain Apache Tribe Water  
5 Rights Quantification Act of 2010 (title III of Public Law  
6 111–291; 124 Stat. 3082; 132 Stat. 1626) is amended,  
7 in the matter preceding clause (i), by striking “water sys-  
8 tem—” and all that follows through the period at the end  
9 of clause (ii)(II), and inserting “water system is substan-  
10 tially complete, as determined by the Secretary in accord-  
11 ance with subsection (k).”.

12 (b) REQUIREMENTS FOR DETERMINATION OF SUB-  
13 STANTIAL COMPLETION OF THE WMAT RURAL WATER  
14 SYSTEM.—Section 307 of the White Mountain Apache  
15 Tribe Water Rights Quantification Act of 2010 (title III  
16 of Public Law 111–291; 124 Stat. 3080; 132 Stat. 1626)  
17 is amended by adding at the end the following:

18 “(k) REQUIREMENTS FOR DETERMINATION OF SUB-  
19 STANTIAL COMPLETION OF THE WMAT RURAL WATER  
20 SYSTEM.—The WMAT rural water system shall be deter-  
21 mined to be substantially complete if—

22 “(1) the infrastructure constructed is capable of  
23 storing, diverting, treating, transmitting, and dis-  
24 tributing a supply of water as set forth in the final  
25 project design described in subsection (c); or

26 “(2) the Secretary—

1           “(A) expended all of the available funding  
2           provided to construct the WMAT rural water  
3           system; and

4           “(B) despite diligent efforts, cannot com-  
5           plete construction as described in the final  
6           project design described in subsection (c) due  
7           solely to the lack of additional authorized fund-  
8           ing.”.

9           (c) ENFORCEABILITY DATE.—

10           (1) IN GENERAL.—Section 309(d) of the White  
11           Mountain Apache Tribe Water Rights Quantification  
12           Act of 2010 (Public Law 111–291; 124 Stat. 3088;  
13           133 Stat. 2669) is amended—

14           (A) in paragraph (1)—

15           (i) by redesignating subparagraphs  
16           (D) through (G) as subparagraphs (E)  
17           through (H), respectively; and

18           (ii) by inserting after subparagraph  
19           (C) the following:

20           “(D) such amount, up to the amount made  
21           available under section 312(e)(2), as the Sec-  
22           retary determines to be necessary to construct  
23           the WMAT rural water system that is capable  
24           of storing, diverting, treating, transmitting, and  
25           distributing a supply of water as set forth in



1 the final project design described in section  
2 307(c) has been deposited in the WMAT Cost  
3 Overrun Subaccount;” and

4 (B) in paragraph (2), by striking “2023”  
5 each place it appears and inserting “2025”.

6 (2) CONFORMING AMENDMENT.—Section  
7 3(b)(2) of the White Mountain Apache Tribe Rural  
8 Water System Loan Authorization Act (Public Law  
9 110–390; 122 Stat. 4191; 124 Stat. 3092; 133 Stat.  
10 2669) is amended by striking “beginning on” and all  
11 that follows through the period at the end and in-  
12 serting “beginning on May 1, 2025.”.

13 (d) REQUIREMENT.—Section 310(b) of the White  
14 Mountain Apache Tribe Water Rights Quantification Act  
15 of 2010 (title III of Public Law 111–291; 124 Stat. 3090)  
16 is amended by adding at the end the following:

17 “(3) EXPENDITURES.—If, before the enforce-  
18 ability date under section 309(d), Federal funds are  
19 expended to carry out activities identified in sub-  
20 paragraphs (A) or (C) of paragraph (2) in excess of  
21 the amounts provided pursuant to the White Moun-  
22 tain Apache Tribe Rural Water System Loan Au-  
23 thorization Act (Public Law 110–390; 122 Stat.  
24 4191), such expenditures shall be accounted for as

1 White Mountain Apache Tribe Water Rights Settle-  
2 ment Subaccount funds.”.

3 (e) COST INDEXING.—Section 312(c) of the White  
4 Mountain Apache Tribe Water Rights Quantification Act  
5 of 2010 (title III of Public Law 111–291; 124 Stat. 3095)  
6 is amended to read as follows:

7 “(c) COST INDEXING.—

8 “(1) WHITE MOUNTAIN APACHE TRIBE WATER  
9 RIGHTS SETTLEMENT SUBACCOUNT.—All amounts  
10 made available under subsection (a) shall be ad-  
11 justed as necessary to reflect the changes made since  
12 October 1, 2007, with respect to the construction  
13 cost indices applicable to the types of construction  
14 involved in the construction of the WMAT rural  
15 water system and the maintenance of the WMAT  
16 rural water system.

17 “(2) WMAT SETTLEMENT FUND.—All amounts  
18 made available under subsection (b)(2) shall be ad-  
19 justed annually to reflect the changes made since  
20 October 1, 2007, with respect to the construction  
21 cost indices applicable to the types of construction  
22 involved in the construction of the WMAT rural  
23 water system and the maintenance of the WMAT  
24 rural water system.

1           “(3) WMAT MAINTENANCE FUND.—All  
2 amounts made available under subsection (b)(3)  
3 shall be adjusted on deposit to reflect the changes  
4 made since October 1, 2007, with respect to the  
5 Consumer Price Index for All Urban Consumers  
6 West Urban 50,000 to 1,500,000 published by the  
7 Bureau of Labor Statistics.

8           “(4) WMAT COST OVERRUN SUBACCOUNT.—Of  
9 the amounts made available under subsection  
10 (e)(2)—

11                   “(A) \$35,000,000 shall be adjusted as nec-  
12 essary to reflect the changes made since Octo-  
13 ber 1, 2007, with respect to the construction  
14 cost indices applicable to the types of construc-  
15 tion involved in the construction of the WMAT  
16 rural water system and the maintenance of the  
17 WMAT rural water system; and

18                   “(B) additional funds, in excess of the  
19 amount referred to in subparagraph (A), shall  
20 be adjusted as necessary to reflect the changes  
21 made since April 1, 2021, with respect to the  
22 construction cost indices applicable to the types  
23 of construction involved in the construction of  
24 the WMAT rural water system and the mainte-  
25 nance of the WMAT rural water system.

1           “(5) CONSTRUCTION COSTS ADJUSTMENT.—  
2           The amounts made available under subsections (a),  
3           (b)(2), and (e)(2), shall be adjusted to address con-  
4           struction cost changes necessary to account for un-  
5           foreseen market volatility that may not otherwise be  
6           captured by engineering cost indices as determined  
7           by the Secretary, including repricing applicable to  
8           the types of construction and current industry  
9           standards involved.”.

10          (f) FUNDING.—Section 312(e)(2)(B) of the White  
11          Mountain Apache Tribe Water Rights Quantification Act  
12          of 2010 (title III of Public Law 111–291; 124 Stat. 3095)  
13          is amended by striking “\$11,000,000” and inserting  
14          “\$541,000,000”.

15          (g) RETURN TO TREASURY.—

16                 (1) IN GENERAL.—Section 312(e)(4)(B) of the  
17                 White Mountain Apache Tribe Water Rights Quan-  
18                 tification Act of 2010 (Public Law 111–291; 124  
19                 Stat. 3096) is amended, in the matter preceding  
20                 clause (i), by striking “shall be” and all that follows  
21                 through “subsection (b)(2)(C)” and inserting “shall  
22                 be returned to the general fund of the Treasury”.

23                 (2) CONFORMING AMENDMENT.—Section  
24                 312(b)(2) of the White Mountain Apache Tribe  
25                 Water Rights Quantification Act of 2010 (Public

1 Law 111–291; 124 Stat. 3093; 132 Stat. 1626) is  
2 amended by striking subparagraph (B) and inserting  
3 the following:

4 “(B) TRANSFERS TO FUND.—There is au-  
5 thorized to be appropriated to the Secretary for  
6 deposit in the WMAT Settlement Fund  
7 \$78,500,000.”.

8 **SEC. 108. DESALINATION RESEARCH AUTHORIZATION.**

9 The Water Desalination Act of 1996 (42 U.S.C.  
10 10301 note; Public Law 104–298) is amended—

11 (1) in section 3(e)—

12 (A) in paragraph (5), by striking “and”;

13 (B) in paragraph (6), by striking the pe-  
14 riod at the end and inserting “; and”; and

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

16 “(7) to minimize the impacts of seawater desali-  
17 nation on aquatic life and coastal ecosystems, includ-  
18 ing technologies to monitor and reduce those im-  
19 pacts.”; and

20 (2) in section 8(a)—

21 (A) by striking “\$5,000,000 per year for  
22 fiscal years 1997 through 2021” and inserting  
23 “\$20,000,000 per year for fiscal years 2023  
24 through 2027”; and

1 (B) by striking “\$1,000,000” and insert-  
2 ing “\$15,000,000”.

3 **SEC. 109. WATER RESOURCES RESEARCH ACT AMEND-**  
4 **MENTS.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
6 104(f)(1) of the Water Resources Research Act of 1984  
7 (42 U.S.C. 10303(f)(1)) is amended by striking “2025”  
8 and inserting “2030”.

9 (b) ADDITIONAL APPROPRIATIONS WHERE RE-  
10 SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE  
11 NATURE.—Section 104(g)(1) of the Water Resources Re-  
12 search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended  
13 by striking “\$3,000,000 for each of fiscal years 2022  
14 through 2025” and inserting “\$6,000,000 for each of fis-  
15 cal years 2023 through 2032”.

16 (c) GRANTS.—Section 104(c) of the Water Resources  
17 Research Act of 1984 (42 U.S.C. 10303(c)) is amended  
18 by—

19 (1) redesignating paragraph (2) as paragraph  
20 (4); and

21 (2) insertng after paragraph (1) the following:

22 “(2) ALLOCATION.—From the sums appro-  
23 priated, the Secretary shall allocate a minimum of—

24 “(A) 80 percent of the sums to base grants  
25 consistent with subsection (f)(1); and

1           “(B) 20 percent of the sums to research  
2           focused on water problems of interstate nature  
3           consistent with subsection (g)(1).

4           “(3) ADDITIONAL SPECIAL PROJECTS.—Any  
5           sums Congress delineates for specific topics and  
6           water priorities shall fall under subsection (g)(1). All  
7           sums under subsection (g)(1), including congression-  
8           ally delineated sums for specific topics and water  
9           priorities, shall not exceed 20 percent of the sums  
10          appropriated for the Water Resources Research Act  
11          program.”.

12 **SEC. 110. SALINE LAKE ECOSYSTEMS IN THE GREAT BASIN**  
13                   **STATES ASSESSMENT AND MONITORING PRO-**  
14                   **GRAM.**

15          (a) DEFINITIONS.—In this section:

16               (1) PROGRAM.—The term “Program” means  
17               the Saline Lake Ecosystems in the Great Basin  
18               States Assessment and Monitoring Program estab-  
19               lished under subsection (b).

20               (2) COORDINATING ENTITIES.—The term “co-  
21               ordinating entities” includes—

22                   (A) Federal, State, Tribal, and local agen-  
23                   cies;

24                   (B) institutions of higher education;

25                   (C) nonprofit organizations; and

1 (D) local stakeholders.

2 (3) SALINE LAKE ECOSYSTEMS.—The term “sa-  
3 line lake ecosystems” means the ecosystems associ-  
4 ated with the following lakes:

5 (A) Lake Abert in Oregon.

6 (B) Eagle Lake in California.

7 (C) Franklin Lake in Nevada.

8 (D) Goose Lake in California and Oregon.

9 (E) Great Salt Lake in Utah.

10 (F) Harney Lake in Oregon.

11 (G) Honey Lake in California.

12 (H) Lahontan Valley wetlands, including  
13 Carson Lake, Carson Sink, and Stillwater  
14 Marsh in Nevada.

15 (I) Malheur Lake in Oregon.

16 (J) Mono Lake in California.

17 (K) Owens Lake in California.

18 (L) Pyramid Lake in Nevada.

19 (M) Ruby Lake in Nevada.

20 (N) Sevier Lake in Utah.

21 (O) Silver Lake in Oregon.

22 (P) Summer Lake in Oregon.

23 (Q) Walker Lake in Nevada.

24 (R) Warner Lake in Oregon.

25 (S) Winnemucca Lake in Nevada.



1           (4) SECRETARY.—The term “Secretary” means  
2 the Secretary of the Interior, acting through the Di-  
3 rector of the United States Geological Survey.

4           (5) WORK AND IMPLEMENTATION PLAN.—The  
5 term “work and implementation plan” means the  
6 multiyear work and implementation plan established  
7 under subsection (c)(1).

8           (b) ESTABLISHMENT.—The Secretary shall establish  
9 a program to be known as the “Saline Lake Ecosystems  
10 in the Great Basin States Assessment and Monitoring  
11 Program” to—

12           (1) assess and monitor the hydrology of saline  
13 lake ecosystems and the migratory birds and other  
14 wildlife that depend on saline lake ecosystems; and

15           (2) inform and support coordinated manage-  
16 ment and conservation actions to benefit saline lake  
17 ecosystems, migratory birds, and other wildlife.

18           (c) WORK AND IMPLEMENTATION PLAN.—

19           (1) IN GENERAL.—In carrying out the Pro-  
20 gram, the Secretary, in coordination with the Direc-  
21 tor of the United States Fish and Wildlife Service  
22 and coordinating entities, shall establish a multiyear  
23 work and implementation plan to assess, monitor,  
24 and conserve saline lake ecosystems and migratory

1 birds and other wildlife that depend on saline lake  
2 ecosystems.

3 (2) INCLUSIONS.—The work and implementa-  
4 tion plan shall include—

5 (A) a synthesis of available information,  
6 literature, and data, and an assessment of sci-  
7 entific and informational needs, relating to sa-  
8 line lake ecosystems with respect to—

9 (i) water quantity, water quality,  
10 water use, and water demand;

11 (ii) migratory bird and other wildlife  
12 populations, habitats, and ecology;

13 (iii) annual lifecycle needs of migra-  
14 tory birds; and

15 (iv) environmental changes and other  
16 stressors, including climatic stressors;

17 (B) a description of how the work and im-  
18 plementation plan will address the scientific and  
19 informational needs described in subparagraph  
20 (A), including monitoring activities, data infra-  
21 structure needs, and development of tools nec-  
22 essary to implement the Program;

23 (C) recommendations and a cost assess-  
24 ment for the work and implementation plan;  
25 and

1 (D) other matters, as determined necessary  
2 by the Secretary.

3 (3) REPORT.—Not later than 1 year after the  
4 date of the enactment of this Act, the Secretary  
5 shall submit to Congress a report describing the  
6 work and implementation plan.

7 (d) IMPLEMENTATION.—The Secretary shall imple-  
8 ment the Program based on the information, findings, and  
9 recommendations contained in the work and implementa-  
10 tion plan.

11 (e) COOPERATIVE AGREEMENTS AND GRANTS.—The  
12 Secretary may use funds made available pursuant to sub-  
13 section (g) to enter into cooperative funding agreements  
14 with, or provide grants to, coordinating entities for the  
15 purposes of—

16 (1) participating in developing, or providing in-  
17 formation to inform the development of, the work  
18 and implementation plan;

19 (2) carrying out assessments and monitoring of  
20 water quality, quantity, use, and demand under the  
21 Program; and

22 (3) carrying out ecological, biological, and avian  
23 assessments and monitoring under the Program.

24 (f) EFFECT.—The work and implementation plan  
25 shall not affect—

1           (1) any interstate water compacts in existence  
2           on the date of the enactment of this Act, including  
3           full development of any apportionment made in ac-  
4           cordance with those compacts;

5           (2) valid and existing water rights in any State  
6           located wholly or partially within the Great Basin;

7           (3) water rights held by the United States in  
8           the Great Basin; or

9           (4) the management and operation of Bear  
10          Lake or Stewart Dam, including the storage, man-  
11          agement, and release of water.

12          (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
13          authorized to be appropriated to the Secretary \$5,000,000  
14          for each of fiscal years 2023 through 2027 to carry out  
15          the Program.

16          (h) PRIORITY.—In carrying out the Program, the  
17          Secretary shall give priority to the following saline lake  
18          ecosystems:

19                 (1) Lake Abert in Oregon.

20                 (2) Great Salt Lake in Utah.

21                 (3) Lahontan Valley Wetlands, including Car-  
22          son Sink, Carson Lake, and Stillwater Marsh in Ne-  
23          vada.

24                 (4) Ruby Lake in Nevada.

25                 (5) Walker Lake in Nevada.

1 (6) Mono Lake in California.

2 (7) Owens Lake in California.

3 (8) Summer Lake in Oregon.

4 **SEC. 111. EXTENSION OF AUTHORIZATIONS RELATED TO**  
5 **FISH RECOVERY PROGRAMS.**

6 Section 3 of Public Law 106–392 (114 Stat. 1603)  
7 is amended—

8 (1) by striking “2023” each place it appears  
9 and inserting “2024”;

10 (2) in subsection (b)(1), by striking  
11 “\$179,000,000” and inserting “\$184,000,000”;

12 (3) in subsection (b)(2), by striking  
13 “\$30,000,000” and inserting “\$25,000,000”;

14 (4) in subsection (h), by striking “, at least 1  
15 year prior to such expiration,”; and

16 (5) in subsection (j), by striking “2021” each  
17 place it appears and inserting “2022”.

18 **SEC. 112. RECLAMATION CLIMATE CHANGE AND WATER**  
19 **PROGRAM.**

20 Section 9503(f) of the Omnibus Public Land Man-  
21 agement Act of 2009 (42 U.S.C. 10363(f)) is amended

22 by striking “2023” and inserting “2033”.

1 **SEC. 113. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
2 **LAS VEGAS WASH PROGRAM.**

3 Section 529(b)(3) of the Water Resources Develop-  
4 ment Act of 2000 (114 Stat. 2658; 119 Stat. 2255; 125  
5 Stat. 865) is amended by striking “\$30,000,000” and in-  
6 serting “\$55,000,000”.

7 **SEC. 114. TERMINAL LAKES ASSISTANCE.**

8 Section 2507(f) of the Farm Security and Rural In-  
9 vestment Act of 2002 (16 U.S.C. 3839bb–6(f)) is amend-  
10 ed by striking “2023” and inserting “2025”.

11 **SEC. 115. EXPEDITED MEASURES FOR DROUGHT RE-**  
12 **SPONSE.**

13 (a) EXPEDITED PROGRAM IMPLEMENTATION.—Sec-  
14 tion 40905(h) of the Infrastructure Investment and Jobs  
15 Act (43 U.S.C. 3205(h); 135 Stat. 1124) is amended by  
16 striking “Not later than 1 year after the date of enact-  
17 ment of this Act” and inserting “Not later than August  
18 31, 2022”.

19 (b) ESTABLISHMENT OF PROGRAM.—Section  
20 40907(b) of the Infrastructure Investment and Jobs Act  
21 (43 U.S.C. 3207(b); 135 Stat. 1125) is amended by strik-  
22 ing “Not later than 1 year after the date of enactment  
23 of this Act” and inserting “Not later than August 31,  
24 2022”.

1 **SEC. 116. WATER EFFICIENCY, CONSERVATION, AND SUS-**  
2 **TAINABILITY.**

3 (a) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-  
5 trator” means the Administrator of the Environ-  
6 mental Protection Agency.

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
8 ty” means any of the following:

9 (A) A State, local, or Tribal government,  
10 or any special-purpose unit of such a govern-  
11 ment (including a municipal water authority).

12 (B) A public water system.

13 (C) A nonprofit organization.

14 (3) ENERGY STAR PROGRAM.—The term “En-  
15 ergy Star program” means the Energy Star program  
16 established by section 324A of the Energy Policy  
17 and Conservation Act (42 U.S.C. 6294a).

18 (4) LOW-INCOME HOUSEHOLD.—The term  
19 “low-income household” means a household that  
20 meets the income qualifications established under—

21 (A) section 2605(b)(2) of the Low-Income  
22 Home Energy Assistance Act of 1981 (42  
23 U.S.C. 8624(b)(2)); or

24 (B) the Low-Income Household Drinking  
25 Water and Wastewater Emergency Assistance  
26 Program authorized by section 533 of division

1 H of the Consolidated Appropriations Act, 2021  
2 (Public Law 116–260; 134 Stat. 1627).

3 (5) PUBLIC WATER SYSTEM.—The term “public  
4 water system” has the meaning given the term in  
5 section 1401 of the Safe Drinking Water Act (42  
6 U.S.C. 300f).

7 (6) WATER EFFICIENCY INCENTIVE PRO-  
8 GRAM.—The term “water efficiency incentive pro-  
9 gram” means a program for providing incentives, in-  
10 cluding direct installation services, to residential,  
11 commercial, or industrial customers of a public  
12 water system for the purchase, lease, installation,  
13 use, or implementation, as applicable, of water-effi-  
14 cient upgrades.

15 (7) WATER-EFFICIENT UPGRADE.—

16 (A) IN GENERAL.—The term “water-effi-  
17 cient upgrade” means a product, landscape,  
18 label, process, or service for a residential, com-  
19 mercial, or industrial building, or the landscape  
20 of such a building, that is—

21 (i) rated for water efficiency and per-  
22 formance under the WaterSense program  
23 or the Energy Star program; or

24 (ii) otherwise determined by the Ad-  
25 ministrator to improve water-use efficiency.



- 1 (B) INCLUSIONS.—The term “water-effi-  
2 cient upgrade” includes—
- 3 (i) a faucet;
  - 4 (ii) a showerhead;
  - 5 (iii) a dishwasher;
  - 6 (iv) a toilet;
  - 7 (v) a clothes washer;
  - 8 (vi) an irrigation product or service;
  - 9 (vii) advanced metering infrastruc-  
10 ture;
  - 11 (viii) a flow monitoring device;
  - 12 (ix) a landscaping or gardening prod-  
13 uct, including moisture control or water-  
14 enhancing technology;
  - 15 (x) xeriscaping, turf removal, or an-  
16 other landscape conversion that reduces  
17 water use (except for the installation of ar-  
18 tificial turf); and
  - 19 (xi) any other product, landscape,  
20 process, or service—
- 21 (I) certified pursuant to the  
22 WaterSense program; or
  - 23 (II) otherwise determined by the  
24 Administrator to reduce water use or  
25 water loss, including products rated

1 for water efficiency and performance  
2 under the Energy Star program.

3 (8) WATER LOSS CONTROL PROGRAM.—The  
4 term “water loss control program” means a program  
5 to identify and quantify water uses and losses, im-  
6 plement controls to reduce or eliminate losses and  
7 leaks, and evaluate the effectiveness of such controls.

8 (9) WATERSENSE PROGRAM.—The term  
9 “WaterSense program” means the program estab-  
10 lished by section 324B of the Energy Policy and  
11 Conservation Act (42 U.S.C. 6294b).

12 (b) WATER EFFICIENCY AND CONSERVATION GRANT  
13 PROGRAM.—

14 (1) IN GENERAL.—The Administrator shall es-  
15 tablish a program to award grants to eligible entities  
16 that have established water efficiency incentive pro-  
17 grams to carry out those water efficiency incentive  
18 programs (referred to in this subsection as the  
19 “grant program”).

20 (2) DISTRIBUTION.—In carrying out the grant  
21 program, the Administrator shall award not less  
22 than 50 percent of the amounts made available to  
23 carry out this subsection in each fiscal year to eligi-  
24 ble entities that service an area that—

1 (A) has been designated as D2 (severe  
2 drought) or greater according to the United  
3 States Drought Monitor for a minimum of 4  
4 weeks during any of the 3 years preceding the  
5 date of the grant award; or

6 (B) is within a county for which a drought  
7 emergency has been declared by the applicable  
8 Governor at any time during the 3-year period  
9 preceding the date of the grant award.

10 (3) GRANT AMOUNT.—

11 (A) IN GENERAL.—Subject to subpara-  
12 graph (B), a grant awarded under the grant  
13 program shall be in an amount that is not less  
14 than \$250,000.

15 (B) SMALL PUBLIC WATER SYSTEMS.—The  
16 Administrator may award a grant in an amount  
17 that is less than \$250,000 if the grant is  
18 awarded to, or for the benefit of, a public water  
19 system that serves fewer than 10,000 cus-  
20 tomers.

21 (4) USE OF FUNDS.—An eligible entity receiv-  
22 ing a grant under the grant program shall—

23 (A) use grant funds to carry out a water  
24 efficiency incentive program for customers of a  
25 public water system; or

1 (B) provide grant funds to another eligible  
2 entity to carry out a water efficiency incentive  
3 program described in subparagraph (A).

4 (5) MINIMUM REQUIREMENT.—An eligible enti-  
5 ty receiving a grant under the grant program shall  
6 use not less than 40 percent of the amount of the  
7 grant to provide water-efficient upgrades to low-in-  
8 come households.

9 (6) COST SHARE.—

10 (A) IN GENERAL.—Subject to subpara-  
11 graph (B), the Federal share of the cost of car-  
12 rying out a water efficiency incentive program  
13 using a grant awarded under the grant program  
14 shall not exceed 80 percent.

15 (B) WAIVER.—The Administrator may in-  
16 crease the Federal share under subparagraph  
17 (A) to 100 percent if the Administrator deter-  
18 mines that an eligible entity is unable to pay,  
19 or would experience significant financial hard-  
20 ship if required to pay, the non-Federal share.

21 (7) SUPPLEMENT, NOT SUPPLANT.—Amounts  
22 provided under a grant under the grant program  
23 shall be used to supplement, and not supplant, other  
24 Federal, State, local, or Tribal funds made available  
25 to carry out water efficiency incentive programs.

1 (8) AUTHORIZATION OF APPROPRIATIONS.—

2 (A) IN GENERAL.—There is authorized to  
3 be appropriated to carry out this subsection  
4 \$50,000,000 for each of fiscal years 2023  
5 through 2028.

6 (B) ADMINISTRATIVE COSTS.—Of the  
7 amounts made available under subparagraph  
8 (A) each fiscal year, the Administrator may use  
9 not more than 4 percent to pay the administra-  
10 tive costs of the Administrator.

11 (c) SUSTAINABLE WATER LOSS CONTROL PRO-  
12 GRAM.—

13 (1) TECHNICAL ASSISTANCE AND GRANT PRO-  
14 GRAM.—The Administrator shall establish and carry  
15 out a program (referred to in this subsection as the  
16 “program”)—

17 (A) to make grants and provide technical  
18 assistance to eligible entities to perform annual  
19 audits of public water systems that are—

20 (i) conducted in accordance with the  
21 procedures contained in the manual pub-  
22 lished by the American Water Works Asso-  
23 ciation entitled “M36 Water Audits and  
24 Loss Control Programs, Fourth Edition”

1 (or any successor manual determined ap-  
2 propriate by the Administrator); and

3 (ii) validated under such criteria as  
4 may be specified by the Administrator; and

5 (B) to make grants and provide technical  
6 assistance to eligible entities—

7 (i) to implement controls to address  
8 real water losses, apparent water losses, or  
9 a combination of real and apparent water  
10 losses that are identified in an audit con-  
11 ducted and validated in accordance with  
12 the procedures and criteria described in  
13 subparagraph (A); and

14 (ii) to help public water systems that  
15 have conducted and validated such an  
16 audit establish water loss control pro-  
17 grams.

18 (2) CRITERIA.—In selecting eligible entities to  
19 receive grants and technical assistance under the  
20 program, the Administrator shall consider—

21 (A) whether the public water system that  
22 would be served by the grants or technical as-  
23 sistance serves a disadvantaged community (as  
24 defined in section 1452(d)(3) of the Safe

1 Drinking Water Act (42 U.S.C. 300j–  
2 12(d)(3)); and

3 (B) the ability of the public water system  
4 that would be served by the grants or technical  
5 assistance, on completion of an audit conducted  
6 and validated in accordance with the procedures  
7 and criteria described in paragraph (1)(A)—

8 (i) to successfully sustain a water loss  
9 control program; and

10 (ii) to demonstrate that the water loss  
11 control program will reduce real water  
12 losses, apparent water losses, or a com-  
13 bination of real and apparent water losses  
14 from the public water system.

15 (3) ANNUAL WATER SAVINGS.—The Adminis-  
16 trator shall—

17 (A) annually compile, by Environmental  
18 Protection Agency region, information on the  
19 amount of water savings achieved pursuant to  
20 this subsection; and

21 (B) publish on the website of the Adminis-  
22 trator the information compiled under subpara-  
23 graph (A).

24 (4) AUTHORIZATION OF APPROPRIATIONS.—

1 (A) IN GENERAL.—There is authorized to  
2 be appropriated to carry out this subsection  
3 \$40,000,000 for each of fiscal years 2023  
4 through 2028, of which—

5 (i) \$20,000,000 each fiscal year shall  
6 be used to carry out paragraph (1)(A); and

7 (ii) \$20,000,000 each fiscal year shall  
8 be used to carry out paragraph (1)(B).

9 (B) ADMINISTRATIVE COSTS.—Of the  
10 amounts made available under subparagraph  
11 (A) for grants under the program each fiscal  
12 year, the Administrator may use not more than  
13 4 percent to pay the administrative costs of  
14 making such grants.

15 **TITLE II—FUTURE WESTERN**  
16 **WATER AND DROUGHT RESIL-**  
17 **IENCY**

18 **SEC. 201. SHORT TITLE.**

19 This title may be cited as the “Furthering Underuti-  
20 lized Technologies and Unleashing Responsible Expendi-  
21 tures for Western Water and Drought Resiliency Act” or  
22 the “FUTURE Western Water and Drought Resiliency  
23 Act”.

24 **SEC. 202. DEFINITIONS.**

25 In this title:



1 (1) RELEVANT COMMITTEES OF CONGRESS.—

2 The term “relevant committees of Congress”  
3 means—

4 (A) the Committee on Natural Resources  
5 of the House of Representatives; and

6 (B) the Committee on Energy and Natural  
7 Resources of the Senate.

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

12 (3) SECRETARY.—The term “Secretary” means  
13 the Secretary of the Interior, unless otherwise de-  
14 fined in a particular provision.

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

19 **Subtitle A—Assistance for Projects**  
20 **With Fastest Construction**  
21 **Timelines**

22 **SEC. 211. WATER RECYCLING AND REUSE PROJECTS.**

23 (a) SHORT TITLE.—This section may be cited as the  
24 “Water Recycling Investment and Improvement Act”.

1 (b) FUNDING PRIORITY.—Section 1602(f) of the  
2 Reclamation Wastewater and Groundwater Study and Fa-  
3 cilities Act (title XVI of Public Law 102–575; 43 U.S.C.  
4 390h et seq.) is amended by striking paragraphs (2) and  
5 (3) and inserting the following:

6 “(2) PRIORITY.—When funding projects under  
7 paragraph (1), the Secretary shall give funding pri-  
8 ority to projects that meet one or more of the fol-  
9 lowing criteria:

10 “(A) Projects that are likely to provide a  
11 more reliable water supply for States and local  
12 governments.

13 “(B) Projects that are likely to increase  
14 the water management flexibility and reduce  
15 impacts on environmental resources from  
16 projects operated by Federal and State agen-  
17 cies.

18 “(C) Projects that are regional in nature.

19 “(D) Projects with multiple stakeholders.

20 “(E) Projects that provide multiple bene-  
21 fits, including water supply reliability, eco-sys-  
22 tem benefits, groundwater management and en-  
23 hancements, and water quality improvements.”.

24 (c) LIMITATION ON FUNDING.—Section 1631(d) of  
25 the Reclamation Wastewater and Groundwater Study and

1 Facilities Act (43 U.S.C. 390h–13(d)) is amended by  
2 striking “\$20,000,000 (October 1996 prices)” and insert-  
3 ing “\$50,000,000 (July 2022 prices)”.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
5 tion to amounts otherwise available, there is authorized  
6 to be appropriated \$600,000,000 to remain available until  
7 expended for water recycling and reuse projects authorized  
8 in accordance with the Reclamation Wastewater and  
9 Groundwater Study and Facilities Act (43 U.S.C. 390h  
10 et seq.) that are—

11 (1) authorized or approved for construction  
12 funding by an Act of Congress; or

13 (2) selected for funding under the competitive  
14 grant program authorized under section 1602(f) of  
15 the Reclamation Wastewater and Groundwater  
16 Study and Facilities Act (43 U.S.C. 390h(f)), with  
17 funding under this section to be provided in accord-  
18 ance with that section, notwithstanding section 4013  
19 of the Water Infrastructure Improvements for the  
20 Nation Act (43 U.S.C. 390b note; Public Law 114–  
21 322), except that section 1602(g)(2) of the Reclama-  
22 tion Wastewater and Groundwater Study and Facili-  
23 ties Act (43 U.S.C. 390h(g)(2)) shall not apply to  
24 amounts made available under this section.

1 **SEC. 212. DESALINATION PROJECT DEVELOPMENT.**

2 (a) SHORT TITLE.—This section may be cited as the  
3 “Desalination Development Act”.

4 (b) DESALINATION PROJECTS AUTHORIZATION.—  
5 Section 4(a) of the Water Desalination Act of 1996 (42  
6 U.S.C. 10301 note; Public Law 104–298) is amended by  
7 striking paragraph (2) and inserting the following:

8 “(2) PROJECTS.—

9 “(A) DEFINITION OF ELIGIBLE DESALINA-  
10 TION PROJECT.—In this paragraph, the term  
11 ‘eligible desalination project’ means any project  
12 located in a Reclamation State that—

13 “(i) involves an ocean or brackish  
14 water desalination facility—

15 “(I) constructed, operated, and  
16 maintained by a State, Indian Tribe,  
17 irrigation district, water district, or  
18 other organization with water or  
19 power delivery authority; or

20 “(II) sponsored or funded by any  
21 State, department of a State, subdivi-  
22 sion of a State, or public agency orga-  
23 nized pursuant to State law, includ-  
24 ing—

25 “(aa) direct sponsorship or  
26 funding; or

1                   “(bb) indirect sponsorship or  
2                   funding, such as by paying for  
3                   the water provided by the facility;

4                   “(ii) provides a Federal benefit in ac-  
5                   cordance with the reclamation laws; and

6                   “(iii) is consistent with all applicable  
7                   State and Federal resource protection  
8                   laws, including the protection of marine  
9                   protected areas.

10                  “(B) DEFINITION OF DESIGNATED DESALI-  
11                  NATION PROJECT.—The term ‘designated de-  
12                  salination project’ means an eligible desalina-  
13                  tion project that—

14                   “(i) is an ocean desalination project  
15                   that uses a subsurface intake;

16                   “(ii) has a total estimated cost of  
17                   \$80,000,000 or less; and

18                   “(iii) is designed to serve a commu-  
19                   nity or group of communities that collec-  
20                   tively import more than 75 percent of their  
21                   water supplies.

22                  “(C) COST-SHARING REQUIREMENT.—

23                   “(i) IN GENERAL.—Subject to the re-  
24                   quirements of this paragraph, the Federal  
25                   share of an eligible desalination project

1 carried out under this subsection shall  
2 be—

3 “(I) not more than 25 percent of  
4 the total cost of the eligible desalina-  
5 tion project; or

6 “(II) in the case of a designated  
7 desalination project, the applicable  
8 percentage determined in accordance  
9 with clause (ii).

10 “(ii) COST-SHARING REQUIREMENT  
11 FOR CONSTRUCTION COSTS.—In the case  
12 of a designated desalination project carried  
13 out under this subsection, the Federal  
14 share of the cost of construction of the  
15 designated desalination project shall not  
16 exceed the greater of—

17 “(I) 35 percent of the total cost  
18 of construction, up to a Federal cost  
19 of \$20,000,000; or

20 “(II) 25 percent of the total cost  
21 of construction.

22 “(D) STATE ROLE.—The Secretary shall  
23 not participate in an eligible desalination  
24 project under this paragraph unless—

1 “(i)(I) the eligible desalination project  
2 is included in a State-approved plan; or

3 “(II) the participation has been re-  
4 quested by the Governor of the State in  
5 which the eligible desalination project is lo-  
6 cated; and

7 “(ii) the State or local sponsor of the  
8 eligible desalination project determines,  
9 and the Secretary concurs, that—

10 “(I) the eligible desalination  
11 project—

12 “(aa) is technically and fi-  
13 nancially feasible;

14 “(bb) provides a Federal  
15 benefit in accordance with the  
16 reclamation laws; and

17 “(cc) is consistent with ap-  
18 plicable State laws, State regula-  
19 tions, State coastal zone manage-  
20 ment plans, and other State  
21 plans such as California’s Water  
22 Quality Control Plan for the  
23 Ocean Waters in California;

1                   “(II) sufficient non-Federal fund-  
2                   ing is available to complete the eligible  
3                   desalination project; and

4                   “(III) the eligible desalination  
5                   project sponsors are financially sol-  
6                   vent; and

7                   “(iii) the Secretary submits to Con-  
8                   gress a written notification of the deter-  
9                   minations under clause (ii) by not later  
10                  than 30 days after the date of the deter-  
11                  minations.

12                  “(E) ENVIRONMENTAL LAWS.—In partici-  
13                  pating in an eligible desalination project under  
14                  this paragraph, the Secretary shall comply with  
15                  all applicable environmental laws, including the  
16                  National Environmental Policy Act of 1969 (42  
17                  U.S.C. 4321 et seq.) and State laws imple-  
18                  menting the Coastal Zone Management Act.

19                  “(F) INFORMATION.—In participating in  
20                  an eligible desalination project under this sub-  
21                  section, the Secretary—

22                  “(i) may rely on reports prepared by  
23                  the sponsor of the eligible desalination  
24                  project, including feasibility or equivalent



1 studies, environmental analyses, and other  
2 pertinent reports and analyses; but

3 “(ii) shall retain responsibility for  
4 making the independent determinations de-  
5 scribed in subparagraph (D).

6 “(G) FUNDING.—

7 “(i) AUTHORIZATION OF APPROPRIA-  
8 TIONS.—There is authorized to be appro-  
9 priated to carry out this paragraph  
10 \$260,000,000 for the period of fiscal years  
11 2023 through 2027.

12 “(ii) CONGRESSIONAL APPROVAL INI-  
13 TIALY REQUIRED.—

14 “(I) IN GENERAL.—Each initial  
15 award under this paragraph for de-  
16 sign and study or for construction of  
17 an eligible desalination project shall  
18 be approved by an Act of Congress.

19 “(II) RECLAMATION REC-  
20 OMMENDATIONS.—The Commissioner  
21 of Reclamation shall submit rec-  
22 ommendations regarding the initial  
23 award of preconstruction and con-  
24 struction funding for consideration  
25 under subclause (I) to—

1                   “(aa) the Committee on Ap-  
2                   propriations of the Senate;

3                   “(bb) the Committee on En-  
4                   ergy and Natural Resources of  
5                   the Senate;

6                   “(cc) the Committee on Ap-  
7                   propriations of the House of Rep-  
8                   resentatives; and

9                   “(dd) the Committee on  
10                  Natural Resources of the House  
11                  of Representatives.

12                  “(iii)        SUBSEQUENT        FUNDING  
13                  AWARDS.—After approval by Congress of  
14                  an initial award of preconstruction or con-  
15                  struction funding for an eligible desalina-  
16                  tion project under clause (ii), the Commis-  
17                  sioner of Reclamation may award addi-  
18                  tional preconstruction or construction  
19                  funding, respectively, for the eligible desali-  
20                  nation project without further congres-  
21                  sional approval.”.

22                  (c) PRIORITIZATION FOR PROJECTS.—Section 4 of  
23                  the Water Desalination Act of 1996 (42 U.S.C. 10301  
24                  note; Public Law 104–298) is amended by striking sub-  
25                  section (c) and inserting the following:

1           “(c) PRIORITIZATION.—In carrying out demonstra-  
2 tion and development activities under this section, the Sec-  
3 retary and the Commissioner of Reclamation shall each  
4 prioritize projects—

5           “(1) for the benefit of drought-stricken States  
6 and communities;

7           “(2) for the benefit of States that have author-  
8 ized funding for research and development of desali-  
9 nation technologies and projects;

10           “(3) that demonstrably reduce a reliance on im-  
11 ported water supplies that have an impact on species  
12 listed under the Endangered Species Act of 1973  
13 (16 U.S.C. 1531 et seq.);

14           “(4) that, in a measurable and verifiable man-  
15 ner, reduce a reliance on imported water supplies  
16 from imperiled ecosystems such as the Sacramento-  
17 San Joaquin River Delta;

18           “(5) that demonstrably leverage the experience  
19 of international partners with considerable expertise  
20 in desalination, such as the State of Israel;

21           “(6) that maximize use of renewable energy to  
22 power desalination facilities;

23           “(7) that maximize energy efficiency so that the  
24 lifecycle energy demands of desalination are mini-  
25 mized;

1           “(8) located in regions that have employed  
2 strategies to increase water conservation and the  
3 capture and recycling of wastewater and stormwater;  
4 and

5           “(9) that meet the following criteria, if they are  
6 ocean desalination facilities—

7           “(A) use a subsurface intake or, if a sub-  
8 surface intake is not technologically feasible, an  
9 intake that uses the best available site, design,  
10 technology, and mitigation measures to mini-  
11 mize the mortality of all forms of marine life  
12 and impacts to coastal dependent resources;

13           “(B) are sited and designed to ensure that  
14 the disposal of wastewaters including brine  
15 from the desalination process—

16           “(i) are not discharged to impaired  
17 bodies of water or State or Federal Marine  
18 Protected Areas; and

19           “(ii) achieve ambient salinity levels  
20 within a reasonable distance from the dis-  
21 charge point;

22           “(C) are sited, designed, and operated in a  
23 manner that maintains indigenous marine life  
24 and a healthy and diverse marine community;

1           “(D) do not cause significant unmitigated  
2           harm to aquatic life; and

3           “(E) include a construction and operation  
4           plan designed to minimize loss of coastal habi-  
5           tat and aesthetic, noise, and air quality im-  
6           pacts.”.

7           (d) RECOMMENDATIONS TO CONGRESS.—In deter-  
8           mining project recommendations to Congress under sec-  
9           tion 4(a)(2)(G)(ii)(II) of the Water Desalination Act of  
10          1996, the Commissioner of Reclamation shall establish a  
11          priority scoring system that assigns priority scores to each  
12          project evaluated based on the prioritization criteria of  
13          section 4(c) of the Water Desalination Act of 1996 (42  
14          U.S.C. 10301 note; Public Law 104–298).

15       **SEC. 213. ASSISTANCE FOR DISADVANTAGED COMMU-**  
16                               **NITIES WITHOUT ADEQUATE DRINKING**  
17                               **WATER.**

18          (a) IN GENERAL.—The Secretary shall provide  
19          grants within the Reclamation States to assist eligible ap-  
20          plicants in planning, designing, or carrying out projects  
21          to help disadvantaged communities address a significant  
22          decline in the quantity or quality of drinking water.

23          (b) ELIGIBLE APPLICANTS.—To be eligible to receive  
24          a grant under this section, an applicant shall submit an  
25          application to the Secretary that includes a proposal of

1 the project or activity in subsection (c) to be planned, de-  
2 signed, constructed, or implemented, the service area of  
3 which—

4 (1) is not located in a city or town with a popu-  
5 lation of more than 60,000 residents; and

6 (2) has a median household income of less than  
7 100 percent of the nonmetropolitan median house-  
8 hold income of the State.

9 (c) ELIGIBLE PROJECTS.—Projects eligible for  
10 grants under this program may be used for—

11 (1) emergency water supplies;

12 (2) distributed treatment facilities;

13 (3) construction of new wells and connections to  
14 existing water source systems;

15 (4) water distribution facilities;

16 (5) connection fees to existing systems;

17 (6) assistance to households to connect to water  
18 facilities;

19 (7) local resource sharing, including voluntary  
20 agreements between water systems to jointly con-  
21 tract for services or equipment, or to study or imple-  
22 ment the physical consolidation of two or more water  
23 systems;

1           (8) technical assistance, planning, and design  
2           for any of the activities described in paragraphs (1)  
3           through (7); or

4           (9) any combination of activities described in  
5           paragraphs (1) through (8).

6           (d) **PRIORITIZATION.**—In determining priorities for  
7           funding projects, the Secretary shall take into consider-  
8           ation—

9           (1) where the decline in the quantity or quality  
10           of water poses the greatest threat to public health  
11           and safety;

12           (2) the degree to which the project provides a  
13           long-term solution to the water needs of the commu-  
14           nity; and

15           (3) whether the applicant has the ability to  
16           qualify for alternative funding sources.

17           (e) **MAXIMUM AMOUNT.**—The amount of a grant pro-  
18           vided under this section may be up to 100 percent of costs,  
19           including—

20           (1) initial operation costs incurred for startup  
21           and testing of project facilities;

22           (2) costs of components to ensure such facilities  
23           and components are properly operational; and

1           (3) costs of operation or maintenance incurred  
2           subsequent to placing the facilities or components  
3           into service.

4           (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
5           authorized to be appropriated to carry out this section  
6           \$100,000,000, to remain available until expended.

7           (g) COORDINATION REQUIRED.—In carrying out this  
8           section, the Secretary shall consult with the Secretary of  
9           Agriculture and the Administrator of the Environmental  
10          Protection Agency to identify opportunities to improve the  
11          efficiency, effectiveness, and impact of activities carried  
12          out under this section to help disadvantaged communities  
13          address a significant decline in the quantity or quality of  
14          drinking water.

## 15                   **Subtitle B—Improved Water** 16                   **Technology and Data**

### 17   **SEC. 221. X-PRIZE FOR WATER TECHNOLOGY BREAK-** 18                   **THROUGHS.**

19          (a) DEFINITIONS.—In this section:

20                  (1) BOARD.—The term “board” means the  
21                  board established under subsection (c).

22                  (2) ELIGIBLE PERSON.—The term “eligible per-  
23                  son” means—

24                          (A) an individual who is—



1 (i) a citizen or legal resident of the  
2 United States; or

3 (ii) a member of a group that includes  
4 citizens or legal residents of the United  
5 States;

6 (B) an entity that is incorporated and  
7 maintains its primary place of business in the  
8 United States; or

9 (C) a public water agency.

10 (3) FINANCIAL AWARD COMPETITION.—The  
11 term “financial award competition” means the  
12 award competition under subsection (d)(1).

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

15 (b) WATER TECHNOLOGY AWARD PROGRAM ESTAB-  
16 LISHED.—The Secretary, working through the Bureau of  
17 Reclamation, and in coordination with the Secretary of  
18 Energy, shall establish a program to award prizes to eligi-  
19 ble persons for achievement in one or more of the following  
20 applications of water technology:

21 (1) Demonstration of wastewater and industrial  
22 process water purification for reuse or desalination  
23 of brackish water or seawater with significantly less  
24 energy than current municipally and commercially  
25 adopted technologies.

1           (2) Demonstration of portable or modular de-  
2           salination units that can process 1 to 5,000,000 gal-  
3           lons per day that could be deployed for temporary  
4           emergency uses in coastal communities or commu-  
5           nities with brackish groundwater supplies.

6           (3) Demonstration of significant advantages  
7           over current municipally and commercially adopted  
8           reverse osmosis technologies as determined by the  
9           board established under subsection (c).

10          (4) Demonstration of significant improvements  
11          in the recovery of residual or waste energy from the  
12          desalination process.

13          (5) Reducing open water evaporation.

14          (c) ESTABLISHMENT OF BOARD.—

15           (1) IN GENERAL.—The Secretary shall establish  
16           a board to administer the program.

17           (2) MEMBERSHIP.—The board shall be com-  
18           posed of not less than 15 and not more than 21  
19           members appointed by the Secretary, of whom not  
20           less than 2 shall—

21           (A) be a representative of the interests of  
22           public water districts or other public organiza-  
23           tions with water delivery authority;

24           (B) be a representative of the interests of  
25           academic organizations with expertise in the

1 field of water technology, including desalination  
2 or water reuse;

3 (C) be representative of a non-profit con-  
4 servation organization;

5 (D) have expertise in administering award  
6 competitions; and

7 (E) be a representative of the Bureau of  
8 Reclamation of the Department of the Interior  
9 with expertise in the deployment of desalination  
10 or water reuse.

11 (d) AWARDS.—Subject to the availability of appro-  
12 priations, the board may make the following awards:

13 (1) FINANCIAL PRIZE.—A financial award given  
14 through a competition in an amount determined be-  
15 fore the commencement of the competition to the  
16 first competitor to meet such criteria as the board  
17 shall establish.

18 (2) RECOGNITION PRIZE.—A non-monetary  
19 award, through which the board recognizes an eligi-  
20 ble person for superlative achievement in 1 or more  
21 applications described in subsection (a). An award  
22 under this paragraph shall not include any financial  
23 remuneration.

24 (e) ADMINISTRATION.—

1           (1) CONTRACTING.—The board may contract  
2 with a private organization to administer a financial  
3 award competition described in subsection (d)(1).

4           (2) SOLICITATION OF FUNDS.—A member of  
5 the board or any administering organization with  
6 which the board has a contract under paragraph (1)  
7 may solicit gifts from private and public entities to  
8 be used for a financial award competition.

9           (3) LIMITATION ON PARTICIPATION OF DO-  
10 NORS.—The board may allow a donor who is a pri-  
11 vate person described in paragraph (2) to participate  
12 in the determination of criteria for an award under  
13 subsection (d), but such donor may not solely deter-  
14 mine the criteria for such award.

15           (4) NO ADVANTAGE FOR DONATION.—A donor  
16 who is a private person described in paragraph (3)  
17 shall not be entitled to any special consideration or  
18 advantage with respect to participation in a financial  
19 award competition.

20           (f) INTELLECTUAL PROPERTY.—The Federal Gov-  
21 ernment may not acquire an intellectual property right in  
22 any product or idea by virtue of the submission of such  
23 product or idea in the financial award competition.

24           (g) LIABILITY.—The board may require a competitor  
25 in a financial award competition to waive liability against

1 the Federal Government for injuries and damages that re-  
2 sult from participation in such competition.

3 (h) ANNUAL REPORT.—Each year, the board shall  
4 submit to the relevant committees of Congress a report  
5 on the program.

6 (i) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There are authorized to be  
8 appropriated sums for the program as follows:

9 (A) For administration of the awards  
10 under subsection (d), \$750,000 for each fiscal  
11 year through fiscal year 2027.

12 (B) For the financial prize award under  
13 subsection (d)(1), in addition to any amounts  
14 received under subsection (e)(2), \$5,000,000 for  
15 each fiscal year through fiscal year 2027.

16 (2) AVAILABILITY.—Amounts appropriated  
17 under paragraph (1) shall remain available until ex-  
18 pended.

19 **SEC. 222. WATER TECHNOLOGY INVESTMENT PROGRAM ES-**  
20 **TABLISHED.**

21 (a) IN GENERAL.—The Secretary, acting through the  
22 Bureau of Reclamation, shall establish a program, pursu-  
23 ant to the Reclamation Wastewater and Groundwater  
24 Study and Facilities Act (Public Law 102–575, title XVI),  
25 the Water Desalination Act of 1996 (Public Law 104–

1 298), and other applicable laws, to promote the expanded  
2 use of technology for improving availability and resiliency  
3 of water supplies and power deliveries, which shall include  
4 investments to enable expanded and accelerated—

5 (1) deployment of desalination technology; and

6 (2) use of recycled water.

7 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There  
8 are authorized to be appropriated \$5,000,000 for each fis-  
9 cal year through fiscal year 2027 for the Secretary to  
10 carry out the purposes and provisions of this section.

11 **SEC. 223. FEDERAL PRIORITY STREAMGAGES.**

12 (a) **FEDERAL PRIORITY STREAMGAGES.**—The Sec-  
13 retary shall make every reasonable effort to make oper-  
14 ational all streamgages identified as Federal Priority  
15 Streamgages by the United States Geological Survey not  
16 later than 10 years after the date of the enactment of this  
17 Act.

18 (b) **COLLABORATION WITH STATES.**—The Secretary  
19 shall, to the maximum extent practicable, seek to leverage  
20 Federal investments in Federal Priority Streamgages  
21 through collaborative partnerships with States and local  
22 agencies that invest non-Federal funds to maintain and  
23 enhance streamgage networks to improve both environ-  
24 mental quality and water supply reliability.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
2 tion to amounts otherwise available, there is authorized  
3 to be appropriated \$150,000,000 to the Secretary to carry  
4 out this section, to remain available until expended.

5 **Subtitle C—Drought Response and**  
6 **Preparedness for Ecosystems**

7 **SEC. 231. AQUATIC ECOSYSTEM RESTORATION PROGRAM.**

8 In addition to amounts otherwise available, there is  
9 authorized to be appropriated \$400,000,000 to remain  
10 available until expended for design, study, and construc-  
11 tion of aquatic ecosystem restoration and protection  
12 projects in accordance with section 1109 of division FF  
13 of the Consolidated Appropriations Act, 2021 (Public Law  
14 116–260).

15 **SEC. 232. WATERSHED HEALTH PROGRAM.**

16 In addition to amounts otherwise available, there is  
17 authorized to be appropriated \$200,000,000 to carry out  
18 section 40907 of the Infrastructure Investment and Jobs  
19 Act (43 U.S.C. 3207), to remain available until expended.

20 **SEC. 233. WATERBIRD HABITAT CREATION PROGRAM.**

21 (a) AUTHORIZATION OF HABITAT CREATION PRO-  
22 GRAM.—The Secretary shall establish a program to  
23 incentivize farmers to keep fields flooded during appro-  
24 priate time periods for the purposes of waterbird habitat  
25 creation and maintenance, including waterfowl and

1 shorebird habitat creation and maintenance, provided  
2 that—

3 (1) such incentives may not exceed \$3,500,000  
4 annually, either directly or through credits against  
5 other contractual payment obligations;

6 (2) the holder of a water contract receiving pay-  
7 ments under this section pass such payments  
8 through to farmers participating in the program,  
9 less reasonable contractor costs, if any; and

10 (3) the Secretary determines that habitat cre-  
11 ation activities receiving financial support under this  
12 section will create new habitat that is not likely to  
13 be created without the financial incentives provided  
14 under this section.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to the Secretary \$3,500,000  
17 for each fiscal year through fiscal year 2027 to carry out  
18 this section, to remain available until expended.

19 (c) REPORT.—Not later than October 1, 2023, and  
20 every 2 years thereafter, the Secretary shall submit to  
21 Congress a report summarizing the environmental per-  
22 formance of activities that are receiving, or have received,  
23 assistance under the program authorized by this section.



1 **SEC. 234. SUPPORT FOR REFUGE WATER DELIVERIES.**

2 (a) REPORT ON HISTORIC REFUGE WATER DELIV-  
3 ERIES.—Not later than 90 days after the date of the en-  
4 actment of this Act, the Secretary shall submit to the rel-  
5 evant committees of Congress and make publicly available  
6 a report that describes the following:

7 (1) Compliance with section 3406(d)(1) and  
8 section 3406(d)(2) of the Central Valley Project Im-  
9 provement Act (title XXXIV of Public Law 102–  
10 575) in each of years 1992 through 2018, including  
11 an indication of the amount of water identified as  
12 the Level 2 amount and incremental Level 4 amount  
13 for each wetland area.

14 (2) The difference between the mandated quan-  
15 tity of water to be delivered to each wetland habitat  
16 area described in section 3406(d)(2) and the actual  
17 quantity of water delivered since October 30, 1992,  
18 including a listing of every year in which the full de-  
19 livery of water to wetland habitat areas was achieved  
20 in accordance with Level 4 of the “Dependable  
21 Water Supply Needs” table, described in section  
22 3406(d)(2) of the Central Valley Project Improve-  
23 ment Act (title XXXIV of Public Law 102–575).

24 (3) Which of the authorities granted to the Sec-  
25 retary under Public Law 102–575 to achieve the full  
26 Level 4 deliveries of water to wetland habitat areas

1 was employed in achieving the increment of water  
2 delivery above the Level 2 amount for each wetland  
3 habitat area, including whether water conservation,  
4 conjunctive use, water purchases, water leases, dona-  
5 tions, water banking, or other authorized activities  
6 have been used and the extent to which such au-  
7 thorities have been used.

8 (4) An assessment of the degree to which the  
9 elimination of water transaction fees for the dona-  
10 tion of water rights to wildlife refuges would help  
11 advance the goals of the Central Valley Project Im-  
12 provement Act (title XXXIV of Public Law 102–  
13 575).

14 (b) PRIORITY CONSTRUCTION LIST.—The Secretary  
15 shall establish, through a public process and in consulta-  
16 tion with the Interagency Refuge Water Management  
17 Team, a priority list for the completion of the conveyance  
18 construction projects at the wildlife habitat areas de-  
19 scribed in section 3406(d)(2) of the Central Valley Project  
20 Improvement Act (title XXXIV of Public Law 102–575),  
21 including the Mendota Wildlife Area, Pixley National  
22 Wildlife Refuge and Sutter National Wildlife Refuge.

23 (c) ECOLOGICAL MONITORING AND EVALUATION  
24 PROGRAM.—Not later than 1 year after the date of the  
25 enactment of this Act, the Secretary, acting through the

1 Director of the United States Fish and Wildlife Service,  
2 shall design and implement an ecological monitoring and  
3 evaluation program, for all Central Valley wildlife refuges,  
4 that produces an annual report based on existing and  
5 newly collected information, including—

6 (1) the United States Fish and Wildlife Service  
7 Animal Health Lab disease reports;

8 (2) mid-winter waterfowl inventories;

9 (3) nesting and brood surveys;

10 (4) additional data collected regularly by the  
11 refuges, such as herptile distribution and abundance;

12 (5) a new coordinated systemwide monitoring  
13 effort for at least one key migrant species and two  
14 resident species listed as threatened and endangered  
15 pursuant to the Endangered Species Act of 1973  
16 (16 U.S.C. 1531 et seq.) (including one warm-blood-  
17 ed and one cold-blooded), that identifies population  
18 numbers and survival rates for the 3 previous years;  
19 and

20 (6) an estimate of the bioenergetic food produc-  
21 tion benefits to migrant waterfowl, consistent with  
22 the methodology used by the Central Valley Joint  
23 Venture, to compliment and inform the Central Val-  
24 ley Joint Venture implementation plan.

1 (d) ADEQUATE STAFFING FOR REFUGE WATER DE-  
2 LIVERY OBJECTIVES.—The Secretary shall ensure that  
3 adequate staffing is provided to advance the refuge water  
4 supply delivery objectives under the Central Valley Project  
5 Improvement Act (title XXXIV of Public Law 102–575).

6 (e) FUNDING.—There is authorized to be appro-  
7 priated \$25,000,000 to carry out subsections (a) through  
8 (d), which shall remain available until expended.

9 (f) EFFECT ON OTHER FUNDS.—Amounts author-  
10 ized under this section shall be in addition to amounts col-  
11 lected or appropriated under the Central Valley Project  
12 Improvement Act (title XXXIV of Public Law 102–575).

13 **SEC. 235. DROUGHT PLANNING AND PREPAREDNESS FOR**  
14 **CRITICALLY IMPORTANT FISHERIES.**

15 (a) DEFINITIONS.—In this section:

16 (1) CRITICALLY IMPORTANT FISHERIES.—The  
17 term “critically important fisheries” means—

18 (A) commercially and recreationally impor-  
19 tant fisheries located within the Reclamation  
20 States;

21 (B) fisheries containing fish species that  
22 are listed as threatened or endangered pursuant  
23 to the Endangered Species Act of 1973 (16  
24 U.S.C. 1531 et seq.) within the Reclamation  
25 States; or

1 (C) fisheries used by Indian Tribes within  
2 the Reclamation States for ceremonial, subsist-  
3 ence, or commercial purposes.

4 (2) QUALIFIED TRIBAL GOVERNMENT.—The  
5 term “qualified Tribal Government” means any gov-  
6 ernment of an Indian Tribe that the Secretary deter-  
7 mines—

8 (A) is involved in fishery management and  
9 recovery activities including under the Endan-  
10 gered Species Act of 1973 (16 U.S.C. 1531 et  
11 seq.); or

12 (B) has the management and organiza-  
13 tional capability to maximize the benefits of as-  
14 sistance provided under this section.

15 (b) DROUGHT PLAN FOR CRITICALLY IMPORTANT  
16 FISHERIES.—Not later than January 1, 2024, and every  
17 three years thereafter, the Secretary, acting through the  
18 Director of the United States Fish and Wildlife Service  
19 shall, in consultation with the National Marine Fisheries  
20 Service, the Bureau of Reclamation, the Army Corps of  
21 Engineers, State fish and wildlife agencies, and affected  
22 Indian Tribes, prepare a plan to sustain the survival of  
23 critically important fisheries within the Reclamation  
24 States during periods of extended drought. The plan shall  
25 focus on actions that can aid the survival of critically im-

1 portant fisheries during the driest years. In preparing  
2 such plan, the Director shall consider—

3 (1) habitat restoration efforts designed to pro-  
4 vide drought refugia and increased fisheries resil-  
5 ience during droughts;

6 (2) relocating the release location and timing of  
7 hatchery fish to avoid predation and temperature  
8 impacts;

9 (3) barging of hatchery release fish to improve  
10 survival and reduce straying;

11 (4) coordination with water users, the Bureau  
12 of Reclamation, State fish and wildlife agencies, and  
13 interested public water agencies regarding voluntary  
14 water transfers, including through groundwater sub-  
15 stitution activities, to determine if water releases can  
16 be collaboratively managed in a way that provides  
17 additional benefits for critically important fisheries  
18 without negatively impacting wildlife habitat;

19 (5) hatchery management modifications, such  
20 as expanding hatchery production of fish during the  
21 driest years, if appropriate for a particular river  
22 basin;

23 (6) hatchery retrofit projects, such as the in-  
24 stallation and operation of filtration equipment and  
25 chillers, to reduce disease outbreaks, egg mortality

1 and other impacts of droughts and high water tem-  
2 peratures;

3 (7) increasing rescue operations of upstream  
4 migrating fish;

5 (8) improving temperature modeling and related  
6 forecasted information to predict water management  
7 impacts to the habitat of critically important fish-  
8 eries with a higher degree of accuracy than current  
9 models;

10 (9) testing the potential for parentage-based  
11 tagging and other genetic testing technologies to im-  
12 prove the management of hatcheries;

13 (10) programs to reduce predation losses at ar-  
14 tificially created predation hot spots; and

15 (11) retrofitting existing water facilities to pro-  
16 vide improved temperature conditions for fish.

17 (c) PUBLIC COMMENT.—The Director of the United  
18 States Fish and Wildlife Service shall provide for a public  
19 comment period of not less than 90 days before finalizing  
20 a plan under subsection (b).

21 (d) AUTHORIZATION OF APPROPRIATIONS FOR FISH  
22 RECOVERY EFFORTS.—There is authorized to be appro-  
23 priated \$25,000,000 for the United States Fish and Wild-  
24 life Service for fiscal year 2023 for fish, stream, and  
25 hatchery activities related to fish recovery efforts, includ-

1 ing work with the National Marine Fisheries Service, the  
2 Bureau of Reclamation, the Army Corps of Engineers,  
3 State fish and wildlife agencies, or a qualified Tribal Gov-  
4 ernment.

5 (e) EFFECT.—Nothing in this section is intended to  
6 expand, diminish, or affect any obligation under Federal  
7 or State environmental law.

8 **SEC. 236. REAUTHORIZATION OF THE FISHERIES RESTORA-**  
9 **TION AND IRRIGATION MITIGATION ACT OF**  
10 **2000.**

11 Section 10(a) of the Fisheries Restoration and Irriga-  
12 tion Mitigation Act of 2000 (16 U.S.C. 777 note; Public  
13 Law 106–502) is amended by striking “\$15 million  
14 through 2021” and inserting “\$25,000,000 through  
15 2028”.

16 **SEC. 237. SUSTAINING BIODIVERSITY DURING DROUGHTS.**

17 Section 9503(b) of the Omnibus Public Land Man-  
18 agement Act of 2009 (42 U.S.C. 10363(b)) is amended—

19 (1) in paragraph (3)(D), by inserting “and na-  
20 tive biodiversity” after “wildlife habitat”; and

21 (2) in paragraph (4)(B), by inserting “and  
22 drought biodiversity plans to address sustaining na-  
23 tive biodiversity during periods of drought” after  
24 “restoration plans”.



1 **SEC. 238. WATER RESOURCE EDUCATION.**

2 (a) GENERAL AUTHORITY.—In accordance with this  
3 section, the Secretary may enter into a cooperative agree-  
4 ment or contract or provide financial assistance in the  
5 form of a grant, to support activities related to education  
6 on water resources.

7 (b) ELIGIBLE ACTIVITIES.—The Secretary may enter  
8 into a cooperative agreement or contract or provide finan-  
9 cial assistance for activities that improve water resources  
10 education, including through tours, publications or other  
11 activities that—

12 (1) disseminate information on water resources  
13 via educational tools, materials or programs;

14 (2) publish relevant information on water re-  
15 source issues, including environmental and ecological  
16 conditions;

17 (3) advance projects that improve public under-  
18 standing of water resource issues or management  
19 challenges, including education on drought, drought  
20 awareness, and drought resiliency;

21 (4) provide training or related education for  
22 teachers, faculty, or related personnel, including in  
23 a specific geographic area or region; or

24 (5) enable tours, conferences, or other activities  
25 to foster cooperation in addressing water resources  
26 or management challenges, including cooperation re-

1       lating to water resources shared by the United  
2       States and Canada or Mexico.

3       (c) GRANT PRIORITY.—In making grants under this  
4       section, the Secretary shall give priority to activities  
5       that—

6               (1) provide training for the professional devel-  
7       opment of legal and technical experts in the field of  
8       water resources management; or

9               (2) help educate the public, teachers or key  
10      stakeholders on—

11                   (A) a new or significantly improved water  
12      resource management practice, method, or tech-  
13      nique;

14                   (B) the existence of a water resource man-  
15      agement practice, method, or technique that  
16      may have wide application;

17                   (C) a water resource management practice,  
18      method, or technique related to a scientific field  
19      or skill identified as a priority by the Secretary;  
20      or

21                   (D) general water resource issues or man-  
22      agement challenges, including as part of a  
23      science curricula in elementary or secondary  
24      education setting.

1           **TITLE III—OPEN ACCESS**  
2           **EVAPOTRANSPIRATION DATA**

3   **SEC. 301. SHORT TITLE.**

4           This title may be cited as the “Open Access  
5   Evapotranspiration Data Act”.

6   **SEC. 302. DEFINITIONS.**

7           In this title:

8           (1)    **EVAPOTRANSPIRATION.**—The    term  
9           “evapotranspiration” or “ET” means the process by  
10          which water is transferred from the land to the at-  
11          mosphere by—

12                  (A) evaporation from soil and other sur-  
13                  faces; and

14                  (B) transpiration from plants.

15           (2) **PROGRAM.**—The term “Program” means  
16          the Open Access Evapotranspiration (OpenET) Data  
17          Program established under section 304(a).

18           (3) **PROGRAM PARTNER.**—The term “Program  
19          partner” means—

20                  (A) an institution of higher education;

21                  (B) a State (including a State agency);

22                  (C) an Indian Tribe as defined in section  
23          4 of the Indian Self-Determination and Edu-  
24          cation Assistance Act (25 U.S.C. 5304);

25                  (D) a private sector entity;

1 (E) a nongovernmental organization; or

2 (F) any other entity determined to be ap-  
3 propriate by the Secretary.

4 (4) SECRETARY.—The term “Secretary” means  
5 the Secretary of the Interior, acting through the Di-  
6 rector of the United States Geological Survey.

7 **SEC. 303. FINDINGS.**

8 Congress finds that—

9 (1) evapotranspiration is the second largest  
10 component of the water budget, which is an account-  
11 ing of the allocation of water resources to various  
12 water uses;

13 (2) evapotranspiration is a measure of the  
14 water that is consumed and lost from a water sys-  
15 tem, removed from available supplies, and unavail-  
16 able for other uses within a watershed;

17 (3) accurate information on evapotranspiration  
18 is required to balance water supply and water de-  
19 mand in a watershed and ensure that adequate  
20 water supplies for beneficial uses are available over  
21 time;

22 (4) water users and managers are impeded in  
23 more efficient decision making by—

24 (A) the lack of consistent and comprehen-  
25 sive water use data; and

1 (B) the fact that access to existing data is  
2 often limited and cost-prohibitive; and

3 (5) evapotranspiration data may be applied for  
4 the purposes of—

5 (A) assisting users and decisionmakers to  
6 better manage resources and protect financial  
7 viability of farm operations during drought;

8 (B) developing more accurate water budg-  
9 ets and innovative management programs to  
10 better promote conservation and sustainability  
11 efforts; and

12 (C) employing greater groundwater man-  
13 agement practices and understanding impacts  
14 of consumptive water use.

15 **SEC. 304. OPEN ACCESS EVAPOTRANSPIRATION (OPENET)**

16 **DATA PROGRAM.**

17 (a) ESTABLISHMENT.—The Secretary shall establish  
18 a program to be known as the “Open Access  
19 Evapotranspiration (OpenET) Data Program” under  
20 which the Secretary shall provide for the delivery of sat-  
21 ellite-based evapotranspiration data, as available, sup-  
22 ported by other ET methods—

23 (1) to advance the quantification of evaporation  
24 and consumptive water use; and

1           (2) to provide data users with estimates of  
2           evapotranspiration data across large landscapes over  
3           certain periods of time, with a priority for Landsat  
4           scale (30–100m) when available.

5           (b) PURPOSE.—The purpose of the Program is to  
6           support the operational distribution of satellite-based  
7           evapotranspiration data generated under the Program to  
8           sustain and enhance water resources in the United States.

9           (c) DUTIES.—In carrying out the Program, the Sec-  
10          retary shall—

11           (1) evaluate, use, and modify sources of sat-  
12           ellite-based evapotranspiration data, supported by  
13           other ET methods, based on best available science  
14           and technologies; and

15           (2) coordinate and consult with—

16           (A) the heads of other relevant Federal  
17           agencies, including—

18                   (i) the Commissioner of Reclamation;

19                   (ii) the Administrator of the National  
20                   Aeronautics and Space Administration;

21                   (iii) the Administrator of the National  
22                   Oceanic and Atmospheric Administration;

23                   (iv) the Administrator of the Agricul-  
24                   tural Research Service; and

1 (v) the Chief of the Natural Resources  
2 Conservation Service; and

3 (B) Program partners.

4 (d) COMPONENTS.—In carrying out the Program, the  
5 Secretary shall, in coordination with other relevant agen-  
6 cies, carry out activities to develop, maintain, establish,  
7 expand, or advance delivery of satellite-based  
8 evapotranspiration data, supported by other ET methods,  
9 to advance the quantification of evaporation and consump-  
10 tive water use, with an emphasis on carrying out activities  
11 that—

12 (1) support the development and maintenance  
13 of evapotranspiration data and software systems and  
14 associated research and development in a manner  
15 that ensures that Program data are reflective of the  
16 best available science, including by providing support  
17 to Program partners, or coordinating activities with  
18 other programs within the Department of the Inte-  
19 rior, that have developed and are maintaining  
20 evapotranspiration software systems and datasets;

21 (2) demonstrate or test new and existing  
22 evapotranspiration measurement technology;

23 (3) improve evapotranspiration measurement  
24 science and technology; and

1           (4) develop or refine the application of satellite-  
2           based evapotranspiration data available to Federal  
3           agencies, States, and Indian Tribes, including pro-  
4           grams within both the Water Resources and Core  
5           Science Systems divisions of the United States Geo-  
6           logical Survey. These may include—

7                   (A) the Water Availability and Use Science  
8                   Program, the National Water Census, and Inte-  
9                   grated Water Availability Assessments; and

10                   (B) the National Land Imaging Program,  
11                   the Land Change Science Program, and the  
12                   Science Analytics and Synthesis Program.

13           (e) WATER USE AND AVAILABILITY OF PROGRAM  
14 DATA.—The Secretary—

15                   (1) shall incorporate, to the maximum extent  
16                   practicable, program information and data for pur-  
17                   poses of determining consumptive water use on irri-  
18                   gated or other vegetated landscapes for use by water  
19                   resource management agencies;

20                   (2) may continue to coordinate data analyses,  
21                   use, and collection efforts with other Federal agen-  
22                   cies, States, and Tribal governments through exist-  
23                   ing coordinating organizations, such as—

24                   (A) the Western States Water Council; and



1 (B) the Western States Federal Agency  
2 Support Team; and

3 (3) may provide information collected and ana-  
4 lyzed under the Program to Program partners  
5 through appropriate mechanisms, including through  
6 agreements with Federal agencies, States (including  
7 State agencies), or Indian Tribes, leases, contracts,  
8 cooperative agreements, grants, loans, and memo-  
9 randa of understanding.

10 (f) COOPERATIVE AGREEMENTS.—The Secretary  
11 shall—

12 (1) enter into cooperative agreements with Pro-  
13 gram partners to provide for the efficient and cost-  
14 effective administration of the Program, including  
15 through cost sharing or by providing additional in-  
16 kind resources necessary to carry out the Program;  
17 and

18 (2) provide nonreimbursable matching funding,  
19 as permissible, for programmatic and operational ac-  
20 tivities under this section, in consultation with Pro-  
21 gram partners.

22 (g) ENVIRONMENTAL LAWS.—Nothing in this title  
23 modifies any obligation of the Secretary to comply with  
24 applicable Federal and State environmental laws in car-  
25 rying out this title.

1 **SEC. 305. REPORT.**

2 Not later than 5 years after the date of the enact-  
3 ment of this title, the Secretary shall submit to the Com-  
4 mittees on Energy and Natural Resources, Agriculture,  
5 Nutrition, and Forestry, and Appropriations of the Senate  
6 and the Committees on Natural Resources, Agriculture,  
7 and Appropriations of the House of Representatives a re-  
8 port that includes—

9 (1) a status update on the operational incorpo-  
10 ration of Program data into modeling, water plan-  
11 ning, and reporting efforts of relevant Federal agen-  
12 cies; and

13 (2) a list of Federal agencies and Program  
14 partners that are applying Program data to bene-  
15 ficial use, including a description of examples of ben-  
16 efiticial uses.

17 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to the Sec-  
19 retary to carry out this title \$23,000,000 for each of fiscal  
20 years 2023 through 2027, to remain available until ex-  
21 pended.

1 **TITLE IV—COLORADO RIVER IN-**  
2 **DIAN TRIBES WATER RESIL-**  
3 **IENCY**

4 **SEC. 401. SHORT TITLE.**

5 This title may be cited as the “Colorado River Indian  
6 Tribes Water Resiliency Act of 2022”.

7 **SEC. 402. FINDINGS.**

8 The purposes of this title are to authorize—

9 (1) the CRIT to enter into lease or exchange  
10 agreements, storage agreements, and agreements for  
11 conserved water for the economic well-being of the  
12 CRIT; and

13 (2) the Secretary to approve any lease or ex-  
14 change agreements, storage agreements, or agree-  
15 ments for conserved water entered into by the CRIT.

16 **SEC. 403. DEFINITIONS.**

17 In this title:

18 (1) **AGREEMENT FOR CONSERVED WATER.**—

19 The term “agreement for conserved water” means  
20 an agreement for the creation of system conserva-  
21 tion, storage of conserved water in Lake Mead, or  
22 other mechanisms for voluntarily leaving a portion of  
23 the CRIT reduced consumptive use in Lake Mead.

1           (2) ALLOTTEE.—The term “allottee” means an  
2 individual who holds a beneficial real property inter-  
3 est in an allotment of Indian land that is—

4                   (A) located within the exterior boundaries  
5 of the Reservation; and

6                   (B) held in trust by the United States.

7           (3) CONSOLIDATED DECREE.—The term “Con-  
8 solidated Decree” means the decree entered by the  
9 Supreme Court of the United States in *Arizona v.*  
10 *California* (547 U.S. 150 (2006)).

11           (4) CONSUMPTIVE USE.—The term “consump-  
12 tive use” means a portion of the decreed allocation  
13 that has a recent history of use by the CRIT within  
14 the exterior boundary of the Reservation. Any  
15 verified reduction in consumptive use pursuant to a  
16 lease or exchange agreement, storage agreement, or  
17 agreement for conserved water, shall be deemed to  
18 be a consumptive use in the year in which the reduc-  
19 tion occurred, if the reduction is reflected in the  
20 Water Accounting Report.

21           (5) CRIT.—The term “CRIT” means the Colo-  
22 rado River Indian Tribes, a federally recognized In-  
23 dian Tribe.

24           (6) DECREED ALLOCATION.—The term “de-  
25 creed allocation” means the volume of water of the

1 mainstream of the Colorado River allocated to the  
2 CRIT that is accounted for as part of the apportion-  
3 ment for the State in part I–A of the Appendix of  
4 the Consolidated Decree.

5 (7) LOWER BASIN.—The term “Lower Basin”  
6 has the meaning given the term in article II(g) of  
7 the Colorado River Compact of 1922, as approved by  
8 Federal law in section 13 of the Boulder Canyon  
9 Project Act (43 U.S.C. 617l) and by the Presidential  
10 Proclamation of June 25, 1929 (46 Stat. 3000).

11 (8) PERSON.—The term “person” means an in-  
12 dividual, a public or private corporation, a company,  
13 a partnership, a joint venture, a firm, an associa-  
14 tion, a society, an estate or trust, a private organiza-  
15 tion or enterprise, the United States, an Indian  
16 Tribe, a governmental entity, or a political subdivi-  
17 sion or municipal corporation organized under, or  
18 subject to, the constitution and laws of the State.

19 (9) RESERVATION.—The term “Reservation”  
20 means the portion of the reservation established for  
21 the CRIT that is located in the State.

22 (10) SECRETARY.—The term “Secretary”  
23 means the Secretary of the Interior.

24 (11) STATE.—Except for purposes of section  
25 416, the term “State” means the State of Arizona.

1           (12) STORAGE.—The term “storage” means the  
2           underground storage, in accordance with State law,  
3           of a portion of the consumptive use off the Reserva-  
4           tion within the Lower Basin in the State.

5           (13) WATER ACCOUNTING REPORT.—The term  
6           “Water Accounting Report” means the annual re-  
7           port of the Bureau of Reclamation entitled the “Col-  
8           orado River Accounting and Water Use Report: Ari-  
9           zona, California, and Nevada” which includes the  
10          compilation of records in accordance with article V  
11          of the Consolidated Decree.

12 **SEC. 404. LEASE OR EXCHANGE AGREEMENTS.**

13          (a) AUTHORIZATION.—Notwithstanding section 2116  
14          of the Revised Statutes (commonly known as the “Indian  
15          Trade and Intercourse Act”; 25 U.S.C. 177) or any other  
16          provision of law, the CRIT is authorized, subject to the  
17          approval of the Secretary under section 407(a), and has  
18          the sole authority, to enter into, with any person, an  
19          agreement to lease or exchange, or an option to lease or  
20          exchange, a portion of the consumptive use for a use off  
21          the Reservation (referred to in this title as a “lease or  
22          exchange agreement”), on the condition that the use off  
23          the Reservation is located in the Lower Basin in the State  
24          and is not in Navajo, Apache, or Cochise counties.

1 (b) TERM OF LEASE OR EXCHANGE AGREEMENT.—

2 The term of any lease or exchange agreement entered into  
3 under subsection (a) shall be mutually agreed, except that  
4 the term shall not exceed 100 years.

5 (c) MODIFICATIONS.—Any lease or exchange agree-  
6 ment entered into under subsection (a) may be renegoti-  
7 ated or modified at any time during the term of the lease  
8 or exchange agreement, subject to the approval of the Sec-  
9 retary under section 407(a), on the condition that the  
10 term of the renegotiated lease or exchange agreement does  
11 not exceed 100 years.

12 (d) APPLICABLE LAW.—Any person entering into a  
13 lease or exchange agreement with the CRIT under this  
14 section shall use the water received under the lease or ex-  
15 change agreement in accordance with applicable Federal  
16 and State law.

17 **SEC. 405. STORAGE AGREEMENTS.**

18 (a) AUTHORIZATION.—Notwithstanding section 2116  
19 of the Revised Statutes (commonly known as the “Indian  
20 Trade and Intercourse Act”; 25 U.S.C. 177) or any other  
21 provision of law, the CRIT is authorized, subject to the  
22 approval of the Secretary under section 407(a), and has  
23 the sole authority, to enter into an agreement, including  
24 with the Arizona Water Banking Authority (or successor  
25 agency or entity), for the storage of a portion of the con-

1 sumptive use, or the water received under an exchange  
2 pursuant to an exchange agreement under section 404, at  
3 1 or more underground storage facilities or groundwater  
4 savings facilities off the Reservation (referred to in this  
5 title as a “storage agreement”), on the condition that the  
6 facility is located in the Lower Basin in the State and  
7 is not in Navajo, Apache, or Cochise counties.

8 (b) APPLICABLE LAW.—Any storage agreement en-  
9 tered into under this section shall be in accordance with  
10 applicable Federal and State law.

11 (c) DELEGATION OF RIGHTS.—The CRIT may assign  
12 or sell any long-term storage credits accrued as a result  
13 of a storage agreement, on the condition that the assign-  
14 ment or sale is in accordance with applicable State law.

15 **SEC. 406. AGREEMENTS FOR CREATION OF WATER FOR**  
16 **THE COLORADO RIVER SYSTEM OR FOR**  
17 **STORING WATER IN LAKE MEAD.**

18 (a) AUTHORIZATION.—Notwithstanding section 2116  
19 of the Revised Statutes (commonly known as the “Indian  
20 Trade and Intercourse Act”; 25 U.S.C. 177) or any other  
21 provision of law, the CRIT is authorized, subject to the  
22 approval of the Secretary under section 407(a), and has  
23 the sole authority, to enter into, with any person, an  
24 agreement for conserved water on the condition that if the  
25 conserved water is delivered, the delivery is to a location



1 in the Lower Basin of the State and not in Navajo,  
2 Apache, or Cochise counties.

3 (b) TERM OF AN AGREEMENT FOR CONSERVED  
4 WATER.—The term of any agreement for conserved water  
5 entered into under subsection (a) shall be mutually agreed,  
6 except that the term shall not exceed 100 years.

7 (c) APPLICABLE LAW.—Any person entering into an  
8 agreement for conserved water with the CRIT under this  
9 section shall use the water received in accordance with ap-  
10 plicable Federal and State law.

11 **SEC. 407. SECRETARIAL APPROVAL; DISAPPROVAL; AGREE-**  
12 **MENTS.**

13 (a) AUTHORIZATION.—The Secretary shall approve  
14 or disapprove any—

15 (1) lease or exchange agreement;

16 (2) modification to a lease or exchange agree-  
17 ment;

18 (3) storage agreement;

19 (4) modification to a storage agreement; or

20 (5) agreement for conserved water.

21 (b) SECRETARIAL AGREEMENTS.—The Secretary is  
22 authorized to enter lease or exchange agreements, storage  
23 agreements, or agreements for conserved water with the  
24 CRIT, provided the Secretary pays the fair market value  
25 for the CRIT reduced consumptive use.

1 (c) REQUIREMENTS.—

2 (1) IN GENERAL.—The Secretary shall not ap-  
3 prove any lease or exchange agreement, or any modi-  
4 fication to a lease or exchange agreement, any stor-  
5 age agreement, or any modification to a storage  
6 agreement that is not in compliance with—

7 (A) this title; and

8 (B) the agreement entered into between  
9 the CRIT, the State, and the Secretary under  
10 section 410(a).

11 (2) CONSERVED WATER.—The Secretary shall  
12 not approve any agreement for conserved water that  
13 is not in compliance with—

14 (A) this title; and

15 (B) other applicable Federal law.

16 (3) PERMANENT ALIENATION.—The Secretary  
17 shall not approve any lease or exchange agreement,  
18 or any modification to a lease or exchange agree-  
19 ment, or any storage agreement, or modification to  
20 a storage agreement, or agreement for conserved  
21 water that permanently alienates any portion of the  
22 CRIT decreed allocation.

23 (d) OTHER REQUIREMENTS.—The requirement for  
24 Secretarial approval under subsection (a) shall satisfy the  
25 requirements of section 2116 of the Revised Statutes

1 (commonly known as the “Indian Trade and Intercourse  
2 Act”; 25 U.S.C. 177).

3 (e) **AUTHORITY OF THE SECRETARY.**—Nothing in  
4 this title, or any agreement entered into or approved by  
5 the Secretary under this title, including any lease or ex-  
6 change agreement, storage agreement, or agreement for  
7 conserved water, shall diminish or abrogate the authority  
8 of the Secretary to act under applicable Federal law or  
9 regulation, including the Consolidated Decree.

10 **SEC. 408. RESPONSIBILITIES OF THE SECRETARY.**

11 (a) **COMPLIANCE.**—When approving a lease or ex-  
12 change agreement, a storage agreement, or an agreement  
13 for conserved water, the Secretary shall promptly comply  
14 with all aspects of the National Environmental Policy Act  
15 of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species  
16 Act of 1973 (16 U.S.C. 1531 et seq.), and all other appli-  
17 cable environmental Acts and regulations.

18 (b) **DOCUMENTATION.**—The Secretary shall docu-  
19 ment any lease or exchange agreement, storage agreement,  
20 or agreement for conserved water in the Water Accounting  
21 Report.

22 **SEC. 409. AGREEMENT BETWEEN THE CRIT AND THE**  
23 **STATE.**

24 (a) **IN GENERAL.**—Before entering into the first  
25 lease or exchange agreement or storage agreement, the

1 CRIT shall enter into an agreement with the State that  
2 outlines all notice, information sharing, and collaboration  
3 requirements that shall apply to any potential lease or ex-  
4 change agreement or storage agreement the CRIT may  
5 enter into.

6 (b) REQUIREMENT.—The agreement required under  
7 subsection (a) shall include a provision that requires the  
8 CRIT to submit to the State all documents regarding a  
9 potential lease or exchange agreement or storage agree-  
10 ment.

11 **SEC. 410. AGREEMENT BETWEEN THE CRIT, THE STATE,**  
12 **AND THE SECRETARY.**

13 (a) IN GENERAL.—Before approving the first lease  
14 or exchange agreement or storage agreement under sec-  
15 tion 407, the Secretary shall enter into an agreement with  
16 the State and the CRIT that describes the procedural,  
17 technical, and accounting methodologies for any lease or  
18 exchange agreement or storage agreement the CRIT may  
19 enter into, including quantification of the reduction in con-  
20 sumptive use and water accounting.

21 (b) NEPA.—The execution of the agreement re-  
22 quired under subsection (a) shall not constitute a major  
23 Federal action for purposes of the National Environ-  
24 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

1 (c) EFFECT.—Nothing in this title shall prohibit the  
2 Secretary from agreeing with the CRIT and the State to  
3 a modification to an agreement entered into under sub-  
4 section (a) (including an appendix or exhibit to the agree-  
5 ment) if that the modification—

6 (1) is in compliance with this title; and

7 (2) does not otherwise require congressional ap-  
8 proval under section 2116 of the Revised Statutes  
9 (commonly known as the “Indian Trade and Inter-  
10 course Act”; 25 U.S.C. 177) or any other provision  
11 of law.

12 **SEC. 411. NO EFFECT ON THE CRIT DECREED ALLOCATION.**

13 (a) TEMPORARY USE.—A lease or exchange agree-  
14 ment, storage agreement, or agreement for conserved  
15 water—

16 (1) shall provide for the temporary use, storage  
17 or conservation of a portion of the consumptive use  
18 off the Reservation; and

19 (2) shall not permanently alienate the decreed  
20 allocation.

21 (b) PRIORITY STATUS.—

22 (1) IN GENERAL.—The lease or exchange of a  
23 portion of the consumptive use shall not cause that  
24 portion to lose or change its priority under the Con-  
25 solidated Decree.

1           (2) NONUSE.—Any nonuse by a person who is  
2           a party to any lease or exchange agreement or stor-  
3           age agreement with the CRIT shall not result in for-  
4           feiture, abandonment, relinquishment, or other loss  
5           by the CRIT of all or any portion of the decreed al-  
6           location.

7           (c) RESERVATION OF RIGHTS.—The lease, exchange,  
8           storage, or conservation of a portion of the consumptive  
9           use shall not reduce or limit the right of the CRIT to use  
10          the remaining portion of the decreed allocation on the Res-  
11          ervation.

12          (d) STORAGE AGREEMENTS.—A storage agreement  
13          entered into under this title shall account for the quantity  
14          of water in storage off the Reservation in accordance with  
15          applicable State law.

16   **SEC. 412. ALLOTTEE USE OF WATER.**

17          (a) INTERFERENCE.—The lease, exchange, storage,  
18          or conservation of a portion of the consumptive use shall  
19          not directly or indirectly interfere with, or diminish, any  
20          entitlement to water for an allottee under Federal or Trib-  
21          al law.

22          (b) WATER RIGHTS OF ALLOTTEES.—The Secretary  
23          shall protect the rights of the allottees to a just and equi-  
24          table distribution of water for irrigation purposes, pursu-  
25          ant to section 7 of the Act of February 8, 1887 (commonly

1 known as the “Indian General Allotment Act”; 24 Stat.  
2 390, chapter 119; 25 U.S.C. 381) (referred to in this sec-  
3 tion as the “Act”).

4 (c) RELIEF UNDER TRIBAL LAW.—Prior to asserting  
5 any claim against the United States pursuant to the Act,  
6 or any other applicable law, an allottee shall exhaust all  
7 remedies available under applicable Tribal law.

8 (d) RELIEF UNDER THE INDIAN GENERAL ALLOT-  
9 MENT ACT.—Following an exhaustion of remedies avail-  
10 able under applicable Tribal law, an allottee may seek re-  
11 lief under the Act, or any other applicable law.

12 (e) RELIEF FROM THE SECRETARY.—Following ex-  
13 haustion of remedies available under the Act, or any other  
14 applicable law, an allottee may petition the Secretary for  
15 relief.

16 **SEC. 413. CONSIDERATION PAID TO THE CRIT.**

17 The CRIT, and not the United States in any capac-  
18 ity, shall be entitled to all consideration due to the CRIT  
19 under any lease or exchange agreement, storage agree-  
20 ment, or agreement for conserved water.

21 **SEC. 414. LIABILITY OF THE UNITED STATES.**

22 (a) LIMITATION OF LIABILITY.—The United States  
23 shall not be liable to the CRIT or to any party to a lease  
24 or exchange agreement, storage agreement, or agreement  
25 for conserved water in any claim relating to the negotia-

1 tion, execution, or approval of any lease or exchange  
2 agreement, storage agreement, or an agreement for con-  
3 served water, including any claim relating to the terms  
4 included in such an agreement, except for claims related  
5 to section 408(a).

6 (b) OBLIGATIONS.—The United States shall have no  
7 trust obligation or other obligation to monitor, administer,  
8 or account for—

9 (1) any funds received by the CRIT as consid-  
10 eration under any lease or exchange agreement, stor-  
11 age agreement, or agreement for conserved water; or

12 (2) the expenditure of such funds.

13 **SEC. 415. APPLICATION.**

14 (a) IN GENERAL.—This title shall apply only to the  
15 portion of the decreed allocation that is available for use  
16 in the State.

17 (b) REQUIREMENT.—The portion of the decreed allo-  
18 cation that is available for use in the State shall not be  
19 used, directly or indirectly, outside the Lower Basin in the  
20 State or in Navajo, Apache, or Cochise counties.

21 **SEC. 416. RULE OF CONSTRUCTION.**

22 Nothing in this title establishes, or shall be consid-  
23 ered to establish, a precedent in any litigation involving,  
24 or alters, affects, or quantifies, any water right with re-  
25 spect to—



- 1 (1) the United States;
- 2 (2) any other Indian Tribe, band, or commu-
- 3 nity;
- 4 (3) any State or political subdivision or district
- 5 of a State; or
- 6 (4) any person.

7 **TITLE V— HUALAPAI TRIBE**  
8 **WATER RIGHTS SETTLEMENT**

9 **SEC. 501. SHORT TITLE.**

10 This title may be cited as the “Hualapai Tribe Water  
11 Rights Settlement Act of 2022”.

12 **SEC. 502. PURPOSES.**

13 The purposes of this title are—

14 (1) to resolve, fully and finally, all claims to  
15 rights to water in the State, including the Verde  
16 River, the Bill Williams River, and the Colorado  
17 River, of—

18 (A) the Hualapai Tribe, on behalf of the  
19 Hualapai Tribe and the members of the  
20 Hualapai Tribe; and

21 (B) the United States, acting as trustee  
22 for the Hualapai Tribe, the members of the  
23 Hualapai Tribe, and the allottees;

24 (2) to authorize, ratify, and confirm the  
25 Hualapai Tribe water rights settlement agreement,

1 to the extent that agreement is consistent with this  
2 title;

3 (3) to authorize and direct the Secretary to exe-  
4 cute and perform the duties and obligations of the  
5 Secretary under the Hualapai Tribe water rights  
6 settlement agreement and this title; and

7 (4) to authorize the appropriation of funds nec-  
8 essary to carry out the Hualapai Tribe water rights  
9 settlement agreement and this title.

10 **SEC. 503. DEFINITIONS.**

11 In this title:

12 (1) 1947 JUDGMENT.—The term “1947 Judg-  
13 ment” means the Judgment and the Stipulation and  
14 Agreement, including exhibits to the Judgment and  
15 the Stipulation and Agreement, entered on March  
16 13, 1947, in United States v. Santa Fe Pac. R.R.  
17 Co., No. E-190 (D. Ariz.) and attached to the  
18 Hualapai Tribe water rights settlement agreement  
19 as Exhibit 3.1.1.

20 (2) AFY.—The term “AFY” means acre-feet  
21 per year.

22 (3) ALLOTMENT.—The term “allotment” means  
23 any of the 4 off-reservation parcels that are—

24 (A) held in trust by the United States for  
25 individual Indians in the Big Sandy River basin

1 in Mohave County, Arizona, under the patents  
2 numbered 1039995, 1039996, 1039997, and  
3 1019494; and

4 (B) identified as Parcels 1A, 1B, 1C, and  
5 2 on the map attached to the Hualapai Tribe  
6 water rights settlement agreement as Exhibit  
7 3.1.6.

8 (4) ALLOTTEE.—The term “allottee” means  
9 any Indian owner of an allotment.

10 (5) AVAILABLE CAP SUPPLY.—The term “avail-  
11 able CAP supply” means, for any year—

12 (A) all fourth priority water available for  
13 delivery through the Central Arizona Project;

14 (B) water available from Central Arizona  
15 Project dams and reservoirs other than the  
16 Modified Roosevelt Dam; and

17 (C) return flows captured by the Secretary  
18 for Central Arizona Project use.

19 (6) BILL WILLIAMS ACT.—The term “Bill Wil-  
20 liams Act” means the Bill Williams River Water  
21 Rights Settlement Act of 2014 (Public Law 113–  
22 223; 128 Stat. 2096).

23 (7) BILL WILLIAMS AGREEMENTS.—The term  
24 “Bill Williams agreements” means the Amended and  
25 Restated Big Sandy River-Planet Ranch Water

1 Rights Settlement Agreement and the Amended and  
2 Restated Hualapai Tribe Bill Williams River Water  
3 Rights Settlement Agreement, including all exhibits  
4 to each agreement, copies of which (excluding exhib-  
5 its) are attached to the Hualapai Tribe water rights  
6 settlement agreement as Exhibit 3.1.11.

7 (8) BILL WILLIAMS RIVER PHASE 2 ENFORCE-  
8 ABILITY DATE.—The term “Bill Williams River  
9 Phase 2 Enforceability Date” means the date de-  
10 scribed in section 514(d).

11 (9) BILL WILLIAMS RIVER PHASE 2 WATER  
12 RIGHTS SETTLEMENT AGREEMENT.—The term “Bill  
13 Williams River phase 2 water rights settlement  
14 agreement” means the agreement of that name that  
15 is attached to, and incorporated in, the Hualapai  
16 Tribe water rights settlement agreement as Exhibit  
17 4.3.3.

18 (10) CAP CONTRACT.—The term “CAP con-  
19 tract” means a long-term contract (as defined in the  
20 CAP repayment stipulation) with the United States  
21 for delivery of CAP water through the CAP system.

22 (11) CAP CONTRACTOR.—The term “CAP con-  
23 tractor”—

24 (A) means a person that has entered into  
25 a CAP contract; and

1 (B) includes the Hualapai Tribe.

2 (12) CAP FIXED OM&R CHARGE.—The term  
3 “CAP fixed OM&R charge” has the meaning given  
4 the term “Fixed OM&R Charge” in the CAP repay-  
5 ment stipulation.

6 (13) CAP M&I PRIORITY WATER.—The term  
7 “CAP M&I priority water” means water within the  
8 available CAP supply having a municipal and indus-  
9 trial delivery priority.

10 (14) CAP NIA PRIORITY WATER.—The term  
11 “CAP NIA priority water” means water within the  
12 available CAP supply having a non-Indian agricul-  
13 tural delivery priority.

14 (15) CAP OPERATING AGENCY.—The term  
15 “CAP operating agency” means—

16 (A) the 1 or more entities authorized to as-  
17 sume responsibility for the care, operation,  
18 maintenance, and replacement of the CAP sys-  
19 tem; and

20 (B) as of the date of the enactment of this  
21 title, the Central Arizona Water Conservation  
22 District.

23 (16) CAP PUMPING ENERGY CHARGE.—The  
24 term “CAP pumping energy charge” has the mean-

1           ing given the term “Pumping Energy Charge” in the  
2           CAP repayment stipulation.

3           (17) CAP REPAYMENT CONTRACT.—The term  
4           “CAP repayment contract” means—

5                   (A) the contract dated December 1, 1988  
6                   (Contract No. 14–06–W–245, Amendment No.  
7                   1), between the United States and the Central  
8                   Arizona Water Conservation District for the  
9                   Delivery of Water and Repayment of Costs of  
10                   the Central Arizona Project; and

11                   (B) any amendment to, or revision of, that  
12                   contract.

13           (18) CAP REPAYMENT STIPULATION.—The  
14           term “CAP repayment stipulation” means the Stipu-  
15           lated Judgment and the Stipulation for Judgment,  
16           including any exhibits to those documents, entered  
17           on November 21, 2007, in the United States District  
18           Court for the District of Arizona in the consolidated  
19           civil action Central Arizona Water Conservation Dis-  
20           trict v. United States, numbered CIV 95–625–TUC–  
21           WDB (EHC) and CIV 95–1720–PHX–EHC.

22           (19) CAP SUBCONTRACT.—The term “CAP sub-  
23           contract” means a long-term subcontract (as defined  
24           in the CAP repayment stipulation) with the United  
25           States and the Central Arizona Water Conservation

1 District for the delivery of CAP water through the  
2 CAP system.

3 (20) CAP SUBCONTRACTOR.—The term “CAP  
4 subcontractor” means a person that has entered into  
5 a CAP subcontract.

6 (21) CAP SYSTEM.—The term “CAP system”  
7 means—

8 (A) the Mark Wilmer Pumping Plant;

9 (B) the Hayden-Rhodes Aqueduct;

10 (C) the Fannin-McFarland Aqueduct;

11 (D) the Tucson Aqueduct;

12 (E) any pumping plant or appurtenant  
13 work of a feature described in subparagraph  
14 (A), (B), (C), or (D); and

15 (F) any extension of, addition to, or re-  
16 placement for a feature described in subpara-  
17 graph (A), (B), (C), (D), or (E).

18 (22) CAP WATER.—The term “CAP water” has  
19 the meaning given the term “Project Water” in the  
20 CAP repayment stipulation.

21 (23) CENTRAL ARIZONA PROJECT.—The term  
22 “Central Arizona Project” means the reclamation  
23 project authorized and constructed by the United  
24 States in accordance with title III of the Colorado  
25 River Basin Project Act (43 U.S.C. 1521 et seq.).

1           (24) CENTRAL ARIZONA WATER CONSERVATION  
2 DISTRICT.—The term “Central Arizona Water Con-  
3 servation District” means the political subdivision of  
4 the State that is the contractor under the CAP re-  
5 payment contract.

6           (25) COLORADO RIVER COMPACT.—The term  
7 “Colorado River Compact” means the Colorado  
8 River Compact of 1922, as ratified and reprinted in  
9 article 2 of chapter 7 of title 45, Arizona Revised  
10 Statutes.

11           (26) COLORADO RIVER WATER ENTITLE-  
12 MENT.—The term “Colorado River water entitle-  
13 ment” means the right or authorization to use Colo-  
14 rado River water in the State through a mainstem  
15 contract with the Secretary pursuant to section 5 of  
16 the Boulder Canyon Project Act (43 U.S.C. 617d).

17           (27) DIVERSION.—The term “diversion” means  
18 an act to divert.

19           (28) DIVERT.—The term “divert” means to re-  
20 ceive, withdraw, develop, produce, or capture water  
21 using—

22           (A) a ditch, canal, flume, bypass, pipeline,  
23 pit, collection or infiltration gallery, conduit,  
24 well, pump, turnout, dam, or any other mechan-  
25 ical device; or



1 (B) any other act of man.

2 (29) DOMESTIC PURPOSE.—

3 (A) IN GENERAL.—The term “domestic  
4 purpose” means any use relating to the supply,  
5 service, or activity of a household or private res-  
6 idence.

7 (B) INCLUSIONS.—The term “domestic  
8 purpose” includes the application of water to  
9 not more than 2 acres of land to produce a  
10 plant or parts of a plant for—

11 (i) sale or human consumption; or

12 (ii) use as feed for livestock, range  
13 livestock, or poultry.

14 (30) EFFLUENT.—The term “effluent” means  
15 water that—

16 (A) has been used in the State for domes-  
17 tic, municipal, or industrial purposes, other  
18 than solely for hydropower generation; and

19 (B) is available for reuse for any purpose,  
20 regardless or whether the water has been treat-  
21 ed to improve the quality of the water.

22 (31) ENFORCEABILITY DATE.—The term “En-  
23 forceability Date” means the date described in sec-  
24 tion 514(a).

1           (32) EXCHANGE.—The term “exchange” means  
2           a trade between 1 or more persons of any water for  
3           any other water, if each person has a right or claim  
4           to use the water the person provides in the trade, re-  
5           gardless of whether the water is traded in equal  
6           quantities or other consideration is included in the  
7           trade.

8           (33) FOURTH PRIORITY WATER.—The term  
9           “fourth priority water” means Colorado River water  
10          that is available for delivery in the State for the sat-  
11          isfaction of entitlements—

12                 (A) in accordance with contracts, Secre-  
13                 tarial reservations, perfected rights, and other  
14                 arrangements between the United States and  
15                 water users in the State entered into or estab-  
16                 lished after September 30, 1968, for use on  
17                 Federal, State, or privately owned land in the  
18                 State, in a total quantity of not greater than  
19                 164,652 AFY of diversions; and

20                 (B) after first providing for the delivery of  
21                 Colorado River water for the CAP system, in-  
22                 cluding for use on Indian land, under section  
23                 304(e) of the Colorado River Basin Project Act  
24                 (43 U.S.C. 1524(e)), in accordance with the  
25                 CAP repayment contract.

1 (34) FREEPORT.—The term “Freeport”—

2 (A) means the Delaware corporation  
3 named “Freeport Minerals Corporation”; and

4 (B) includes all subsidiaries, affiliates, suc-  
5 cessors, and assigns of Freeport Minerals Cor-  
6 poration, including Byner Cattle Company, a  
7 Nevada corporation.

8 (35) GILA RIVER ADJUDICATION.—The term  
9 “Gila River adjudication” means the action pending  
10 in the Superior Court of the State, in and for the  
11 County of Maricopa, In Re the General Adjudication  
12 of All Rights To Use Water In The Gila River Sys-  
13 tem and Source, W–1 (Salt), W–2 (Verde), W–3  
14 (Upper Gila), W–4 (San Pedro) (Consolidated).

15 (36) GILA RIVER ADJUDICATION COURT.—The  
16 term “Gila River adjudication court” means the Su-  
17 perior Court of the State, in and for the County of  
18 Maricopa, exercising jurisdiction over the Gila River  
19 adjudication.

20 (37) GILA RIVER ADJUDICATION DECREE.—The  
21 term “Gila River adjudication decree” means the  
22 judgment or decree entered by the Gila River adju-  
23 dication court in substantially the same form as the  
24 form of judgment attached to the Hualapai Tribe  
25 water rights settlement agreement as Exhibit 3.1.43.

1           (38) GROUNDWATER.—The term “ground-  
2 water” means all water beneath the surface of the  
3 Earth within the State that is not—

4           (A) surface water;

5           (B) effluent; or

6           (C) Colorado River water.

7           (39) HUALAPAI FEE LAND.—The term  
8 “Hualapai fee land” means land, other than  
9 Hualapai trust land, that—

10           (A) is located in the State;

11           (B) is located outside the exterior bound-  
12 aries of the Hualapai Reservation or Hualapai  
13 trust land; and

14           (C) as of the Enforceability Date, is owned  
15 by the Hualapai Tribe, including by a tribally  
16 owned corporation.

17           (40) HUALAPAI LAND.—The term “Hualapai  
18 land” means—

19           (A) the Hualapai Reservation;

20           (B) Hualapai trust land; and

21           (C) Hualapai fee land.

22           (41) HUALAPAI RESERVATION.—The term  
23 “Hualapai Reservation” means the land within the  
24 exterior boundaries of the Hualapai Reservation, in-  
25 cluding—

1 (A) all land withdrawn by the Executive  
2 order dated January 4, 1883, as modified by  
3 the May 28, 1942, order of the Secretary pur-  
4 suant to the Act of February 20, 1925 (43  
5 Stat. 954, chapter 273);

6 (B) the land identified by the Executive or-  
7 ders dated December 22, 1898, May 14, 1900,  
8 and June 2, 1911; and

9 (C) the land added to the Hualapai Res-  
10 ervation by sections 511 and 512.

11 (42) HUALAPAI TRIBE.—The term “Hualapai  
12 Tribe” means the Hualapai Tribe, a federally recog-  
13 nized Indian Tribe of Hualapai Indians organized  
14 under section 16 of the Act of June 18, 1934 (25  
15 U.S.C. 5123; commonly known as the “Indian Reor-  
16 ganization Act”).

17 (43) HUALAPAI TRIBE CAP WATER.—The term  
18 “Hualapai Tribe CAP water” means the 4,000 AFY  
19 of the CAP NIA priority water that—

20 (A) was previously allocated to non-Indian  
21 agricultural entities;

22 (B) was retained by the Secretary for re-  
23 allocation to Indian Tribes in the State pursu-  
24 ant to section 104(a)(1)(A)(iii) of the Central

1 Arizona Project Settlement Act of 2004 (Public  
2 Law 108–451; 118 Stat. 3487); and

3 (C) is reallocated to the Hualapai Tribe  
4 pursuant to section 513.

5 (44) HUALAPAI TRIBE WATER DELIVERY CON-  
6 TRACT.—The term “Hualapai Tribe water delivery  
7 contract” means the contract entered into in accord-  
8 ance with the Hualapai Tribe water rights settle-  
9 ment agreement and section 513(c) for the delivery  
10 of Hualapai Tribe CAP water.

11 (45) HUALAPAI TRIBE WATER RIGHTS SETTLE-  
12 MENT AGREEMENT.—

13 (A) IN GENERAL.—The term “Hualapai  
14 Tribe water rights settlement agreement”  
15 means the agreement, including exhibits, enti-  
16 tled “Hualapai Tribe Water Rights Settlement  
17 Agreement” and dated February 11, 2019.

18 (B) INCLUSIONS.—The term “Hualapai  
19 Tribe water rights settlement agreement” in-  
20 cludes—

21 (i) any amendments necessary to  
22 make the Hualapai Tribe water rights set-  
23 tlement agreement consistent with this  
24 title; and

1 (ii) any other amendments approved  
2 by the parties to the Hualapai Tribe water  
3 rights settlement agreement and the Sec-  
4 retary.

5 (46) HUALAPAI TRUST LAND.—The term  
6 “Hualapai trust land” means land, other than  
7 Hualapai fee land, that is—

8 (A) located—

9 (i) in the State; and

10 (ii) outside the exterior boundaries of  
11 the Hualapai Reservation; and

12 (B) as of the Enforceability Date, held in  
13 trust by the United States for the benefit of the  
14 Hualapai Tribe.

15 (47) HUALAPAI WATER PROJECT.—The term  
16 “Hualapai Water Project” means the project con-  
17 structed in accordance with section 506(a)(7)(A).

18 (48) HUALAPAI WATER TRUST FUND AC-  
19 COUNT.—The term “Hualapai Water Trust Fund  
20 Account” means the account established under sec-  
21 tion 506(a)(1).

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

1 (50) INJURY TO WATER RIGHTS.—

2 (A) IN GENERAL.—The term “injury to  
3 water rights” means any interference with, dim-  
4 inution of, or deprivation of, a water right  
5 under Federal, State, or other law.

6 (B) EXCLUSION.—The term “injury to  
7 water rights” does not include any injury to  
8 water quality.

9 (51) LOWER BASIN.—The term “lower basin”  
10 has the meaning given the term in article II(g) of  
11 the Colorado River Compact.

12 (52) LOWER COLORADO RIVER BASIN DEVELOP-  
13 MENT FUND.—The term “Lower Colorado River  
14 Basin Development Fund” means the fund estab-  
15 lished by section 403(a) of the Colorado River Basin  
16 Project Act (43 U.S.C. 1543(a)).

17 (53) MEMBER.—The term “member” means  
18 any person duly enrolled as a member of the  
19 Hualapai Tribe.

20 (54) OM&R.—The term “OM&R” means—

21 (A) any recurring or ongoing activity relat-  
22 ing to the day-to-day operation of a project;

23 (B) any activity relating to scheduled or  
24 unscheduled maintenance of a project; and



1 (C) any activity relating to replacing a fea-  
2 ture of a project.

3 (55) PARCEL 1.—The term “Parcel 1” means  
4 the parcel of land that is—

5 (A) depicted as 3 contiguous allotments  
6 identified as 1A, 1B, and 1C on the map at-  
7 tached to the Hualapai Tribe water rights set-  
8 tlement agreement as Exhibit 3.1.6; and

9 (B) held in trust for certain allottees.

10 (56) PARCEL 2.—The term “Parcel 2” means  
11 the parcel of land that is—

12 (A) depicted as “Parcel 2” on the map at-  
13 tached to the Hualapai Tribe water rights set-  
14 tlement agreement as Exhibit 3.1.6; and

15 (B) held in trust for certain allottees.

16 (57) PARCEL 3.—The term “Parcel 3” means  
17 the parcel of land that is—

18 (A) depicted as “Parcel 3” on the map at-  
19 tached to the Hualapai Tribe water rights set-  
20 tlement agreement as Exhibit 3.1.6;

21 (B) held in trust for the Hualapai Tribe;  
22 and

23 (C) part of the Hualapai Reservation pur-  
24 suant to Executive Order 1368, dated June 2,  
25 1911.

1           (58) PARTY.—The term “party” means a per-  
2           son that is a signatory to the Hualapai Tribe water  
3           rights settlement agreement.

4           (59) SECRETARY.—The term “Secretary”  
5           means the Secretary of the Interior.

6           (60) STATE.—The term “State” means the  
7           State of Arizona.

8           (61) STOCK WATERING.—The term “stock wa-  
9           tering” means the watering of livestock, range live-  
10          stock, or poultry.

11          (62) SURFACE WATER.—The term “surface  
12          water” means all water in the State that is appro-  
13          priable under State law.

14          (63) TRUXTON BASIN.—The term “Truxton  
15          Basin” means the groundwater aquifer described in  
16          the report issued by the United States Geological  
17          Survey entitled “Groundwater Availability in the  
18          Truxton Basin, Northwestern Arizona”, Scientific  
19          Investigations Report No. 2020–5017–A.

20          (64) WATER.—The term “water”, when used  
21          without a modifying adjective, means—

22                   (A) groundwater;

23                   (B) surface water;

24                   (C) effluent; and

25                   (D) Colorado River water.

1           (65) WATER RIGHT.—The term “water right”  
2 means any right in or to groundwater, surface  
3 water, effluent, or Colorado River water under Fed-  
4 eral, State, or other law.

5 **SEC. 504. RATIFICATION AND EXECUTION OF HUALAPAI**  
6                   **TRIBE WATER RIGHTS SETTLEMENT AGREE-**  
7                   **MENT.**

8           (a) RATIFICATION.—

9           (1) IN GENERAL.—Except as modified by this  
10 title and to the extent the Hualapai Tribe water  
11 rights settlement agreement does not conflict with  
12 this title, the Hualapai Tribe water rights settlement  
13 agreement is authorized, ratified, and confirmed.

14           (2) AMENDMENTS.—If an amendment to the  
15 Hualapai Tribe water rights settlement agreement,  
16 or to any exhibit attached to the Hualapai Tribe  
17 water rights settlement agreement requiring the sig-  
18 nature of the Secretary, is executed in accordance  
19 with this title to make the Hualapai Tribe water  
20 rights settlement agreement consistent with this  
21 title, the amendment is authorized, ratified, and con-  
22 firmed, to the extent the amendment is consistent  
23 with this title.

24           (b) EXECUTION.—

1           (1) IN GENERAL.—To the extent the Hualapai  
2 Tribe water rights settlement agreement does not  
3 conflict with this title, the Secretary shall execute  
4 the Hualapai Tribe water rights settlement agree-  
5 ment, including all exhibits to, or parts of, the  
6 Hualapai Tribe water rights settlement agreement  
7 requiring the signature of the Secretary.

8           (2) MODIFICATIONS.—Nothing in this title pro-  
9 hibits the Secretary from approving any modification  
10 to an appendix or exhibit to the Hualapai Tribe  
11 water rights settlement agreement that is consistent  
12 with this title, to the extent the modification does  
13 not otherwise require congressional approval under  
14 section 2116 of the Revised Statutes (25 U.S.C.  
15 177) or any other applicable provision of Federal  
16 law.

17 (c) ENVIRONMENTAL COMPLIANCE.—

18           (1) IN GENERAL.—In implementing the  
19 Hualapai Tribe water rights settlement agreement  
20 (including all exhibits to the Hualapai Tribe water  
21 rights settlement agreement requiring the signature  
22 of the Secretary) and this title, the Secretary shall  
23 comply with all applicable provisions of—

24                   (A) the Endangered Species Act of 1973  
25                   (16 U.S.C. 1531 et seq.);

1 (B) the National Environmental Policy Act  
2 of 1969 (42 U.S.C. 4321 et seq.), including the  
3 implementing regulations of that Act; and

4 (C) all other applicable Federal environ-  
5 mental laws and regulations.

6 (2) COMPLIANCE.—

7 (A) IN GENERAL.—In implementing the  
8 Hualapai Tribe water rights settlement agree-  
9 ment and this title, the Hualapai Tribe shall  
10 prepare any necessary environmental docu-  
11 ments, consistent with all applicable provisions  
12 of—

13 (i) the Endangered Species Act of  
14 1973 (16 U.S.C. 1531 et seq.);

15 (ii) the National Environmental Policy  
16 Act of 1969 (42 U.S.C. 4321 et seq.), in-  
17 cluding the implementing regulations of  
18 that Act; and

19 (iii) all other applicable Federal envi-  
20 ronmental laws and regulations.

21 (B) AUTHORIZATIONS.—The Secretary  
22 shall—

23 (i) independently evaluate the docu-  
24 mentation submitted under subparagraph  
25 (A); and

1 (ii) be responsible for the accuracy,  
2 scope, and contents of that documentation.

3 (3) EFFECT OF EXECUTION.—The execution of  
4 the Hualapai Tribe water rights settlement agree-  
5 ment by the Secretary under this section shall not  
6 constitute a major action for purposes of the Na-  
7 tional Environmental Policy Act of 1969 (42 U.S.C.  
8 4321 et seq.).

9 **SEC. 505. WATER RIGHTS.**

10 (a) WATER RIGHTS TO BE HELD IN TRUST.—

11 (1) HUALAPAI TRIBE.—The United States shall  
12 hold the following water rights in trust for the ben-  
13 efit of the Hualapai Tribe:

14 (A) The water rights for the Hualapai  
15 Reservation described in subparagraph 4.2 of  
16 the Hualapai Tribe water rights settlement  
17 agreement.

18 (B) The water rights for Hualapai trust  
19 land described in subparagraph 4.4 of the  
20 Hualapai Tribe water rights settlement agree-  
21 ment.

22 (C) The water rights described in section  
23 512(e)(2) for any land taken into trust by the  
24 United States for the benefit of the Hualapai  
25 Tribe—

- 1 (i) after the Enforceability Date; and
- 2 (ii) in accordance with section
- 3 512(e)(1).

4 (D) All Hualapai Tribe CAP water.

5 (2) ALLOTTEES.—The United States shall hold  
6 in trust for the benefit of the allottees all water  
7 rights for the allotments described in subparagraph  
8 4.3.2 of the Hualapai Tribe water rights settlement  
9 agreement.

10 (b) FORFEITURE AND ABANDONMENT.—The fol-  
11 lowing water rights shall not be subject to loss through  
12 non-use, forfeiture, abandonment, or other operation of  
13 law:

14 (1) The water rights for the Hualapai Reserva-  
15 tion described in subparagraph 4.2 of the Hualapai  
16 Tribe water rights settlement agreement.

17 (2) The water rights for Hualapai trust land  
18 described in subparagraph 4.4 of the Hualapai Tribe  
19 water rights settlement agreement.

20 (3) Any Colorado River water entitlement pur-  
21 chased by the Hualapai Tribe wholly or substantially  
22 with amounts in the Economic Development Fund  
23 described in section 8.1 of the Amended and Re-  
24 stated Hualapai Tribe Bill Williams River Water  
25 Rights Settlement Agreement.

1           (c) ALIENATION.—Any Colorado River water entitle-  
2 ment purchased by the Hualapai Tribe wholly or substan-  
3 tially with amounts in the Economic Development Fund  
4 described in section 8.1 of the Amended and Restated  
5 Hualapai Tribe Bill Williams River Water Rights Settle-  
6 ment Agreement shall be restricted against permanent  
7 alienation by the Hualapai Tribe.

8           (d) HUALAPAI TRIBE CAP WATER.—The Hualapai  
9 Tribe shall have the right to divert, use, and store the  
10 Hualapai Tribe CAP water in accordance with section  
11 513.

12           (e) COLORADO RIVER WATER ENTITLEMENTS.—

13               (1) USES.—The Hualapai Tribe shall have the  
14 right to use any Colorado River water entitlement  
15 purchased by or donated to the Hualapai Tribe at  
16 the location to which the entitlement is appurtenant  
17 on the date on which the entitlement is purchased  
18 or donated.

19               (2) STORAGE.—

20                   (A) IN GENERAL.—Subject to paragraphs  
21 (3) and (5), the Hualapai Tribe may store Colo-  
22 rado River water available under any Colorado  
23 River water entitlement purchased by or do-  
24 nated to the Hualapai Tribe at underground  
25 storage facilities or groundwater savings facili-



1           ties located within the State and in accordance  
2           with State law.

3           (B) ASSIGNMENTS.—The Hualapai Tribe  
4           may assign any long-term storage credits ac-  
5           crued as a result of storage under subpara-  
6           graph (A) in accordance with State law.

7           (3) TRANSFERS.—The Hualapai Tribe may  
8           transfer the entitlement for use or storage under  
9           paragraph (1) or (2), respectively, to another loca-  
10          tion within the State, including the Hualapai Res-  
11          ervation, in accordance with the Hualapai Tribe  
12          water rights settlement agreement and all applicable  
13          Federal and State laws governing the transfer of  
14          Colorado River water entitlements within the State.

15          (4) LEASES.—The Hualapai Tribe may lease  
16          any Colorado River water entitlement for use or  
17          storage under paragraph (1) or (2), respectively, to  
18          a water user within the State, in accordance with  
19          the Hualapai Tribe water rights settlement agree-  
20          ment and all applicable Federal and State laws gov-  
21          erning the transfer of Colorado River water entitle-  
22          ments within the State.

23          (5) TRANSPORTS.—The Hualapai Tribe, or any  
24          person who leases a Colorado River water entitle-  
25          ment from the Hualapai Tribe under paragraph (4),

1 may transport Colorado River water available under  
2 the Colorado River water entitlement through the  
3 Central Arizona Project in accordance with all laws  
4 of the United States and the agreements between  
5 the United States and the Central Arizona Water  
6 Conservation District governing the use of the Cen-  
7 tral Arizona Project to transport water other than  
8 CAP water.

9 (f) USE OFF-RESERVATION.—No water rights to  
10 groundwater under the Hualapai Reservation or Hualapai  
11 trust land, or to surface water on the Hualapai Reserva-  
12 tion or Hualapai trust land, may be sold, leased, trans-  
13 ferred, or used outside the boundaries of the Hualapai  
14 Reservation or Hualapai trust land, other than under an  
15 exchange.

16 (g) GROUNDWATER TRANSPORTATION.—

17 (1) FEE LAND.—Groundwater may be trans-  
18 ported in accordance with State law away from  
19 Hualapai fee land and away from land acquired in  
20 fee by the Hualapai Tribe, including by a tribally  
21 owned corporation, after the Enforceability Date.

22 (2) LAND ADDED TO HUALAPAI RESERVA-  
23 TION.—Groundwater may be transported in accord-  
24 ance with State law away from land added to the

1 Hualapai Reservation by sections 511 and 512 to  
2 other land within the Hualapai Reservation.

3 **SEC. 506. HUALAPAI WATER TRUST FUND ACCOUNT; CON-**  
4 **STRUCTION OF HUALAPAI WATER PROJECT;**  
5 **FUNDING.**

6 (a) HUALAPAI WATER TRUST FUND ACCOUNT.—

7 (1) ESTABLISHMENT.—The Secretary shall es-  
8 tablish a trust fund account, to be known as the  
9 “Hualapai Water Trust Fund Account”, to be man-  
10 aged, invested, and distributed by the Secretary and  
11 to remain available until expended, withdrawn, or re-  
12 verted to the general fund of the Treasury, con-  
13 sisting of the amounts deposited in the Hualapai  
14 Water Trust Fund Account under paragraph (2), to-  
15 gether with any interest earned on those amounts,  
16 for the purposes of carrying out this title.

17 (2) DEPOSITS.—The Secretary shall deposit in  
18 the Hualapai Water Trust Fund Account the  
19 amounts made available pursuant to section  
20 507(a)(1).

21 (3) MANAGEMENT AND INTEREST.—

22 (A) MANAGEMENT.—On receipt and de-  
23 posit of funds into the Hualapai Water Trust  
24 Fund Account, the Secretary shall manage, in-  
25 vest, and distribute all amounts in the Hualapai

1 Water Trust Fund Account in a manner that is  
2 consistent with the investment authority of the  
3 Secretary under—

4 (i) the first section of the Act of June  
5 24, 1938 (25 U.S.C. 162a);

6 (ii) the American Indian Trust Fund  
7 Management Reform Act of 1994 (25  
8 U.S.C. 4001 et seq.); and

9 (iii) this subsection.

10 (B) INVESTMENT EARNINGS.—In addition  
11 to the deposits made to the Hualapai Water  
12 Trust Fund Account under paragraph (2), any  
13 investment earnings, including interest, credited  
14 to amounts held in the Hualapai Water Trust  
15 Fund Account are authorized to be used in ac-  
16 cordance with paragraph (7).

17 (4) AVAILABILITY OF AMOUNTS.—

18 (A) IN GENERAL.—Amounts appropriated  
19 to, and deposited in, the Hualapai Water Trust  
20 Fund Account, including any investment earn-  
21 ings, shall be made available to the Hualapai  
22 Tribe by the Secretary beginning on the En-  
23 forceability Date, subject to the requirements of  
24 this section.

1 (B) USE.—Notwithstanding subparagraph  
2 (A), amounts deposited in the Hualapai Water  
3 Trust Fund Account shall be available to the  
4 Hualapai Tribe on the date on which the  
5 amounts are deposited for environmental com-  
6 pliance, as provided in section 508.

7 (5) WITHDRAWALS.—

8 (A) WITHDRAWALS UNDER THE AMERICAN  
9 INDIAN TRUST FUND MANAGEMENT REFORM  
10 ACT OF 1994.—

11 (i) IN GENERAL.—The Hualapai  
12 Tribe may withdraw any portion of the  
13 amounts in the Hualapai Water Trust  
14 Fund Account on approval by the Sec-  
15 retary of a Tribal management plan sub-  
16 mitted by the Tribe in accordance with the  
17 American Indian Trust Fund Management  
18 Reform Act of 1994 (25 U.S.C. 4001 et  
19 seq.).

20 (ii) REQUIREMENTS.—In addition to  
21 the requirements under the American In-  
22 dian Trust Fund Management Reform Act  
23 of 1994 (25 U.S.C. 4001 et seq.), the  
24 Tribal management plan under this sub-  
25 paragraph shall require that the Hualapai

1 Tribe spend all amounts withdrawn from  
2 the Hualapai Water Trust Fund Account  
3 and any investment earnings accrued  
4 through the investments under the Tribal  
5 management plan in accordance with this  
6 title.

7 (iii) ENFORCEMENT.—The Secretary  
8 may carry out such judicial and adminis-  
9 trative actions as the Secretary determines  
10 to be necessary to enforce the Tribal man-  
11 agement plan under this subparagraph to  
12 ensure that amounts withdrawn by the  
13 Hualapai Tribe from the Hualapai Water  
14 Trust Fund Account under clause (i) are  
15 used in accordance with this title.

16 (B) WITHDRAWALS UNDER EXPENDITURE  
17 PLAN.—

18 (i) IN GENERAL.—The Hualapai  
19 Tribe may submit to the Secretary a re-  
20 quest to withdraw funds from the  
21 Hualapai Water Trust Fund Account pur-  
22 suant to an approved expenditure plan.

23 (ii) REQUIREMENTS.—To be eligible  
24 to withdraw amounts under an expenditure  
25 plan under this subparagraph, the

1 Hualapai Tribe shall submit to the Sec-  
2 retary an expenditure plan for any portion  
3 of the Hualapai Water Trust Fund Ac-  
4 count that the Hualapai Tribe elects to  
5 withdraw pursuant to this subparagraph,  
6 subject to the condition that the amounts  
7 shall be used for the purposes described in  
8 this title.

9 (iii) INCLUSIONS.—An expenditure  
10 plan under this subparagraph shall include  
11 a description of the manner and purpose  
12 for which the amounts proposed to be  
13 withdrawn from the Hualapai Water Trust  
14 Fund Account will be used by the  
15 Hualapai Tribe, in accordance with para-  
16 graph (7).

17 (iv) APPROVAL.—The Secretary shall  
18 approve an expenditure plan submitted  
19 under clause (ii) if the Secretary deter-  
20 mines that the plan—

21 (I) is reasonable; and

22 (II) is consistent with, and will  
23 be used for, the purposes of this title.

24 (v) ENFORCEMENT.—The Secretary  
25 may carry out such judicial and adminis-

1           trative actions as the Secretary determines  
2           to be necessary to enforce an expenditure  
3           plan to ensure that amounts disbursed  
4           under this subparagraph are used in ac-  
5           cordance with this title.

6           (6) EFFECT OF TITLE.—Nothing in this section  
7           gives the Hualapai Tribe the right to judicial review  
8           of a determination of the Secretary relating to  
9           whether to approve a Tribal management plan under  
10          paragraph (5)(A) or an expenditure plan under  
11          paragraph (5)(B) except under subchapter II of  
12          chapter 5, and chapter 7, of title 5, United States  
13          Code (commonly known as the “Administrative Pro-  
14          cedure Act”).

15          (7) USES.—Amounts from the Hualapai Water  
16          Trust Fund Account shall be used by the Hualapai  
17          Tribe—

18                 (A) to plan, design, construct, and conduct  
19                 related activities, including compliance with  
20                 Federal environmental laws under section 508,  
21                 the Hualapai Water Project, which shall be de-  
22                 signed to divert, treat, and convey up to 3,414  
23                 AFY of water from the Colorado River in the  
24                 lower basin in the State, including locations on  
25                 or directly adjacent to the Hualapai Reserva-



1           tion, for municipal, commercial, and industrial  
2           uses on the Hualapai Reservation;

3           (B) to perform OM&R on the Hualapai  
4           Water Project;

5           (C) to construct facilities to transport elec-  
6           trical power to pump water for the Hualapai  
7           Water Project;

8           (D) to construct, repair, and replace such  
9           infrastructure as may be necessary for ground-  
10          water wells on the Hualapai Reservation and to  
11          construct infrastructure for delivery and use of  
12          such groundwater on the Hualapai Reservation;

13          (E) to acquire land, interests in land, and  
14          water rights outside the exterior boundaries of  
15          the Hualapai Reservation that are located in  
16          the Truxton Basin;

17          (F) to reimburse the Hualapai Tribe for  
18          any—

19               (i) planning, design, and engineering  
20               costs associated with the Hualapai Water  
21               Project that the Hualapai Tribe incurs  
22               using Tribal funds during the period—

23                       (I) beginning on the date of the  
24                       enactment of this title; and

1 (II) ending on the Enforceability  
2 Date; and

3 (ii) construction costs associated with  
4 the Hualapai Water Project that the  
5 Hualapai Tribe incurs using Tribal funds  
6 during the period—

7 (I) beginning on the date on  
8 which the Secretary issues a record of  
9 decision; and

10 (II) ending on the Enforceability  
11 Date; and

12 (G) to make contributions to the Economic  
13 Development Fund described in section 8.1 of  
14 the Amended and Restated Hualapai Tribe Bill  
15 Williams River Water Rights Settlement Agree-  
16 ment for the purpose of purchasing additional  
17 Colorado River water entitlements and appur-  
18 tenant land.

19 (8) LIABILITY.—The Secretary and the Sec-  
20 retary of the Treasury shall not be liable for the ex-  
21 penditure or investment of any amounts withdrawn  
22 from the Hualapai Water Trust Fund Account by  
23 the Hualapai Tribe under paragraph (5).

24 (9) TITLE TO INFRASTRUCTURE.—Title to, con-  
25 trol over, and operation of any project constructed

1 using funds from the Hualapai Water Trust Fund  
2 Account shall remain in the Hualapai Tribe.

3 (10) OM&R.—All OM&R costs of any project  
4 constructed using funds from the Hualapai Water  
5 Trust Fund Account shall be the responsibility of  
6 the Hualapai Tribe.

7 (11) NO PER CAPITA DISTRIBUTIONS.—No por-  
8 tion of the Hualapai Water Trust Fund Account  
9 shall be distributed on a per capita basis to any  
10 member of the Hualapai Tribe.

11 (12) EXPENDITURE REPORTS.—The Hualapai  
12 Tribe shall annually submit to the Secretary an ex-  
13 penditure report describing accomplishments and  
14 amounts spent from use of withdrawals under a  
15 Tribal management plan or an expenditure plan  
16 under this title.

17 (b) HUALAPAI WATER SETTLEMENT IMPLEMENTA-  
18 TION FUND ACCOUNT.—

19 (1) ESTABLISHMENT.—There is established in  
20 the Treasury of the United States a nontrust, inter-  
21 est-bearing account, to be known as the “Hualapai  
22 Water Settlement Implementation Fund Account”  
23 (referred to in this subsection as the “Implementa-  
24 tion Fund Account”) to be managed and distributed

1 by the Secretary, for use by the Secretary for car-  
2 rying out this title.

3 (2) DEPOSITS.—The Secretary shall deposit in  
4 the Implementation Fund Account the amounts  
5 made available pursuant to section 507(a)(2).

6 (3) USES.—The Implementation Fund Account  
7 shall be used by the Secretary to carry out section  
8 515(c), including for groundwater monitoring in the  
9 Truxton Basin.

10 (4) INTEREST.—In addition to the deposits  
11 under paragraph (2), any investment earnings, in-  
12 cluding interest, credited to amounts unexpended in  
13 the Implementation Fund Account are authorized to  
14 be appropriated to be used in accordance with para-  
15 graph (3).

16 **SEC. 507. AUTHORIZATIONS OF APPROPRIATIONS.**

17 (a) AUTHORIZATIONS.—

18 (1) HUALAPAI WATER TRUST FUND AC-  
19 COUNT.—There is authorized to be appropriated to  
20 the Secretary for deposit in the Hualapai Water  
21 Trust Fund Account \$180,000,000, to be available  
22 until expended, withdrawn, or reverted to the gen-  
23 eral fund of the Treasury.

24 (2) HUALAPAI WATER SETTLEMENT IMPLEMEN-  
25 TATION FUND ACCOUNT.—There is authorized to be

1       appropriated to the Secretary for deposit in the  
2       Hualapai Water Settlement Implementation Fund  
3       account established by section 506(b)(1) \$5,000,000.

4       (b) FLUCTUATION IN COSTS.—

5           (1) IN GENERAL.—The amount authorized to  
6       be appropriated under subsection (a)(1) shall be in-  
7       creased or decreased, as appropriate, by such  
8       amounts as may be justified by reason of ordinary  
9       fluctuations in costs occurring after the date of the  
10      enactment of this title, as indicated by the Bureau  
11      of Reclamation Construction Cost Index—Composite  
12      Trend.

13          (2) CONSTRUCTION COSTS ADJUSTMENT.—The  
14      amount authorized to be appropriated under sub-  
15      section (a)(1) shall be adjusted to address construc-  
16      tion cost changes necessary to account for unfore-  
17      seen market volatility that may not otherwise be  
18      captured by engineering cost indices as determined  
19      by the Secretary, including repricing applicable to  
20      the types of construction and current industry  
21      standards involved.

22          (3) REPETITION.—The adjustment process  
23      under this subsection shall be repeated for each sub-  
24      sequent amount appropriated until the amount au-  
25      thorized, as adjusted, has been appropriated.

1           (4) PERIOD OF INDEXING.—The period of in-  
2           dexing adjustment for any increment of funding  
3           shall end on the date on which the funds are depos-  
4           ited in the Hualapai Water Trust Fund Account.

5 **SEC. 508. ENVIRONMENTAL COMPLIANCE.**

6           (a) IN GENERAL.—Effective beginning on the date  
7           of deposit of funds in the Hualapai Water Trust Fund  
8           Account, the Hualapai Tribe may commence any environ-  
9           mental, cultural, and historical compliance activities nec-  
10          essary to implement the Hualapai Tribe water rights set-  
11          tlement agreement and this title, including activities nec-  
12          essary to comply with all applicable provisions of—

13           (1) the Endangered Species Act of 1973 (16  
14          U.S.C. 1531 et seq.);

15           (2) the National Environmental Policy Act of  
16          1969 (42 U.S.C. 4321 et seq.), including the imple-  
17          menting regulations of that Act; and

18           (3) all other applicable Federal environmental  
19          or historical and cultural protection laws and regula-  
20          tions.

21          (b) NO EFFECT ON OUTCOME.—Nothing in this title  
22          affects or directs the outcome of any analysis under the  
23          National Environmental Policy Act of 1969 (42 U.S.C.  
24          4321 et seq.) or any other applicable Federal environ-  
25          mental or historical and cultural protection law.

1 (c) COMPLIANCE COSTS.—Any costs associated with  
2 the performance of the compliance activities under sub-  
3 section (a) shall be paid from funds deposited in the  
4 Hualapai Water Trust Fund Account, subject to the con-  
5 dition that any costs associated with the performance of  
6 Federal approval or other review of such compliance work  
7 or costs associated with inherently Federal functions shall  
8 remain the responsibility of the Secretary.

9 (d) RECORD OF DECISION.—Construction of the  
10 Hualapai Water Project shall not commence until the Sec-  
11 retary issues a record of decision after completion of an  
12 environmental impact statement for the Hualapai Water  
13 Project.

14 (e) CONSTRUCTION COSTS.—Any costs of construc-  
15 tion incurred by the Hualapai Tribe during the period be-  
16 ginning on the date on which the Secretary issues a record  
17 of decision and ending on the Enforceability Date shall  
18 be paid by the Hualapai Tribe and not from funds depos-  
19 ited in the Hualapai Water Trust Fund Account, subject  
20 to the condition that, pursuant to section 506(a)(7)(F),  
21 the Hualapai Tribe may be reimbursed after the Enforce-  
22 ability Date from the Hualapai Water Trust Fund Ac-  
23 count for any such costs of construction incurred by the  
24 Hualapai Tribe prior to the Enforceability Date.

1 **SEC. 509. WAIVERS, RELEASES, AND RETENTIONS OF**  
2 **CLAIMS.**

3 (a) WAIVERS AND RELEASES OF CLAIMS BY THE  
4 HUALAPAI TRIBE.—

5 (1) CLAIMS AGAINST THE STATE AND OTH-  
6 ERS.—

7 (A) IN GENERAL.—Except as provided in  
8 subparagraph (C), the Hualapai Tribe, on be-  
9 half of the Hualapai Tribe and the members of  
10 the Hualapai Tribe (but not members in the ca-  
11 pacity of the members as allottees) and the  
12 United States, acting as trustee for the  
13 Hualapai Tribe and the members of the  
14 Hualapai Tribe (but not members in the capac-  
15 ity of the members as allottees), as part of the  
16 performance of the respective obligations of the  
17 Hualapai Tribe and the United States under  
18 the Hualapai Tribe water rights settlement  
19 agreement and this title, are authorized to exe-  
20 cute a waiver and release of any claims against  
21 the State (or any agency or political subdivision  
22 of the State) and any other individual, entity,  
23 corporation, or municipal corporation under  
24 Federal, State, or other law for all—

25 (i) past, present, and future claims for  
26 water rights, including rights to Colorado



1 River water, for Hualapai land, arising  
2 from time immemorial and, thereafter, for-  
3 ever;

4 (ii) past, present, and future claims  
5 for water rights, including rights to Colo-  
6 rado River water, arising from time imme-  
7 morial and, thereafter, forever, that are  
8 based on the aboriginal occupancy of land  
9 by the Hualapai Tribe, the predecessors of  
10 the Hualapai Tribe, the members of the  
11 Hualapai Tribe, or predecessors of the  
12 members of the Hualapai Tribe;

13 (iii) past and present claims for injury  
14 to water rights, including injury to rights  
15 to Colorado River water, for Hualapai  
16 land, arising from time immemorial  
17 through the Enforceability Date;

18 (iv) past, present, and future claims  
19 for injury to water rights, including injury  
20 to rights to Colorado River water, arising  
21 from time immemorial and, thereafter, for-  
22 ever, that are based on the aboriginal occu-  
23 pancy of land by the Hualapai Tribe, the  
24 predecessors of the Hualapai Tribe, the  
25 members of the Hualapai Tribe, or prede-

1           cessors of the members of the Hualapai  
2           Tribe;

3           (v) claims for injury to water rights,  
4           including injury to rights to Colorado  
5           River water, arising after the Enforce-  
6           ability Date, for Hualapai land, resulting  
7           from the off-reservation diversion or use of  
8           surface water, Colorado River water, or ef-  
9           fluent in a manner not in violation of the  
10          Hualapai Tribe water rights settlement  
11          agreement or State law;

12          (vi) past, present, and future claims  
13          arising out of, or relating in any manner  
14          to, the negotiation, execution, or adoption  
15          of the Hualapai Tribe water rights settle-  
16          ment agreement, any judgment or decree  
17          approving or incorporating the Hualapai  
18          Tribe water rights settlement agreement,  
19          or this title;

20          (vii) claims for water rights of the  
21          Hualapai Tribe or the United States, act-  
22          ing as trustee for the Hualapai Tribe and  
23          members of the Hualapai Tribe, with re-  
24          spect to Parcel 3, in excess of 300 AFY;

1 (viii) claims for injury to water rights  
2 arising after the Enforceability Date for  
3 Hualapai land resulting from the off-res-  
4 ervation diversion or use of groundwater  
5 from—

6 (I) any well constructed outside  
7 of the Truxton Basin on or before the  
8 date of the enactment of this title;

9 (II) any well constructed outside  
10 of the Truxton Basin, and not more  
11 than 2 miles from the exterior bound-  
12 aries of the Hualapai Reservation,  
13 after the date of the enactment of this  
14 title if—

15 (aa) the well was con-  
16 structed to replace a well in ex-  
17 istence on the date of the enact-  
18 ment of this title;

19 (bb) the replacement well  
20 was constructed within 660 feet  
21 of the well being replaced; and

22 (cc) the pumping capacity  
23 and case diameter of the replace-  
24 ment well do not exceed the  
25 pumping capacity and case di-

1 ameter of the well being replaced;  
2 or  
3 (III) any well constructed outside  
4 the Truxton Basin, and not less than  
5 2 miles from the exterior boundaries  
6 of the Hualapai Reservation, after the  
7 date of the enactment of this title,  
8 subject to the condition that the au-  
9 thorizations and restrictions regarding  
10 the location, size, and operation of  
11 wells in the Bill Williams River water-  
12 shed set forth in the Bill Williams  
13 agreements and the Bill Williams Act,  
14 and the waivers of claims in the Bill  
15 Williams agreements and the Bill Wil-  
16 liams Act, shall continue to apply to  
17 the parties to the Bill Williams agree-  
18 ments, notwithstanding the provisions  
19 of this subsection; and  
20 (ix) claims for injury to water rights  
21 arising after the Enforceability Date, for  
22 Hualapai land, resulting from the off-res-  
23 ervation diversion or use of groundwater in  
24 the Truxton Basin from—

1 (I) any well constructed within  
2 the Truxton Basin for domestic pur-  
3 poses or stock watering—

4 (aa) on or before the date on  
5 which the Secretary provides  
6 written notice to the State pursu-  
7 ant to section 515(c)(2); or

8 (bb) after the date on which  
9 the Secretary provides written  
10 notice to the State pursuant to  
11 that section if—

12 (AA) the well was con-  
13 structed to replace a well in  
14 existence on the date on  
15 which the notice was pro-  
16 vided;

17 (BB) the replacement  
18 well was constructed within  
19 660 feet of the well being re-  
20 placed; and

21 (CC) the pumping ca-  
22 pacity and case diameter of  
23 the replacement well do not  
24 exceed the pumping capacity

1                   and case diameter of the  
2                   well being replaced; and

3                   (II) any well constructed within  
4                   the Truxton Basin for purposes other  
5                   than domestic purposes or stock wa-  
6                   tering—

7                   (aa) on or before the date of  
8                   the enactment of this title;

9                   (bb) after the date of the en-  
10                  actment of this title if the Sec-  
11                  retary has not provided written  
12                  notice to the State pursuant to  
13                  section 515(c)(2); or

14                  (cc) after the date of the en-  
15                  actment of this title if the Sec-  
16                  retary has provided written no-  
17                  tice to the State pursuant to sec-  
18                  tion 515(c)(2) and if—

19                  (AA) the well was con-  
20                  structed to replace a well in  
21                  existence on the on which  
22                  date the notice was pro-  
23                  vided;

24                  (BB) the replacement  
25                  well was constructed within

1                                   660 feet of the well being re-  
2                                   placed; and

3                                   (CC) the pumping ca-  
4                                   pacity and case diameter of  
5                                   the replacement well do not  
6                                   exceed the pumping capacity  
7                                   and case diameter of the  
8                                   well being replaced.

9                                   (B) EFFECTIVE DATE.—The waiver and  
10                                  release of claims described in subparagraph (A)  
11                                  shall take effect on the Enforceability Date.

12                                  (C) RESERVATION OF RIGHTS AND RETEN-  
13                                  TION OF CLAIMS.—Notwithstanding the waiver  
14                                  and release of claims described in subparagraph  
15                                  (A), the Hualapai Tribe, acting on behalf of the  
16                                  Hualapai Tribe and the members of the  
17                                  Hualapai Tribe, and the United States, acting  
18                                  as trustee for the Hualapai Tribe and the mem-  
19                                  bers of the Hualapai Tribe (but not members in  
20                                  the capacity of the members as allottees), shall  
21                                  retain any right—

22                                   (i) subject to subparagraph 12.7 of  
23                                   the Hualapai Tribe water rights settlement  
24                                   agreement, to assert claims for injuries to,  
25                                   and seek enforcement of, the rights of the

1 Hualapai Tribe under the Hualapai Tribe  
2 water rights settlement agreement or this  
3 title in any Federal or State court of com-  
4 petent jurisdiction;

5 (ii) to assert claims for injuries to,  
6 and seek enforcement of, the rights of the  
7 Hualapai Tribe under any judgment or de-  
8 cree approving or incorporating the  
9 Hualapai Tribe water rights settlement  
10 agreement;

11 (iii) to assert claims for water rights  
12 based on State law for land owned or ac-  
13 quired by the Hualapai Tribe in fee, under  
14 subparagraph 4.8 of the Hualapai Tribe  
15 water rights settlement agreement;

16 (iv) to object to any claims for water  
17 rights or injury to water rights by or for  
18 any Indian Tribe or the United States, act-  
19 ing on behalf of any Indian Tribe;

20 (v) to assert past, present, or future  
21 claims for injury to water rights against  
22 any Indian Tribe or the United States, act-  
23 ing on behalf of any Indian Tribe;

24 (vi) to assert claims for injuries to,  
25 and seek enforcement of, the rights of the



1 Hualapai Tribe under the Bill Williams  
2 agreements or the Bill Williams Act in any  
3 Federal or State court of competent juris-  
4 diction;

5 (vii) subject to paragraphs (1), (3),  
6 (4), and (5) of section 505(e), to assert the  
7 rights of the Hualapai Tribe under any  
8 Colorado River water entitlement pur-  
9 chased by or donated to the Hualapai  
10 Tribe; and

11 (viii) to assert claims for injury to  
12 water rights arising after the Enforce-  
13 ability Date for Hualapai land resulting  
14 from any off-reservation diversion or use of  
15 groundwater, without regard to quantity,  
16 from—

17 (I) any well constructed after the  
18 date of the enactment of this Act out-  
19 side of the Truxton Basin and not  
20 more than 2 miles from the exterior  
21 boundaries of the Hualapai Reserva-  
22 tion, except a replacement well de-  
23 scribed in subparagraph (A)(viii)(II),  
24 subject to the authorizations and re-  
25 strictions regarding the location, size,

1 and operation of wells in the Bill Wil-  
2 liams River watershed, and the waiv-  
3 ers of claims, set forth in the Bill Wil-  
4 liams agreements and the Bill Wil-  
5 liams Act;

6 (II) any well constructed within  
7 the Truxton Basin for domestic pur-  
8 poses or stock watering after the date  
9 on which the Secretary has provided  
10 written notice to the State pursuant  
11 to section 515(c)(2), except for a re-  
12 placement well described in subpara-  
13 graph (A)(ix)(I)(bb); and

14 (III) any well constructed within  
15 the Truxton Basin for purposes other  
16 than domestic purposes or stock wa-  
17 tering after the date of the enactment  
18 of this Act, if the Secretary has pro-  
19 vided notice to the State pursuant to  
20 section 515(c)(2), except for a re-  
21 placement well as described in sub-  
22 paragraph (A)(ix)(II)(cc).

23 (2) CLAIMS AGAINST UNITED STATES.—

24 (A) IN GENERAL.—Except as provided in  
25 subparagraph (C), the Hualapai Tribe, acting

1           on behalf of the Hualapai Tribe and the mem-  
2           bers of the Hualapai Tribe (but not members in  
3           the capacity of the members as allottees) as  
4           part of the performance of the obligations of  
5           the Hualapai Tribe under the Hualapai Tribe  
6           water rights settlement agreement and this  
7           title, is authorized to execute a waiver and re-  
8           lease of all claims against the United States, in-  
9           cluding agencies, officials, and employees of the  
10          United States, under Federal, State, or other  
11          law for all—

12                   (i) past, present, and future claims for  
13                   water rights, including rights to Colorado  
14                   River water, for Hualapai land, arising  
15                   from time immemorial and, thereafter, for-  
16                   ever;

17                   (ii) past, present, and future claims  
18                   for water rights, including rights to Colo-  
19                   rado River water, arising from time imme-  
20                   morial and, thereafter, forever, that are  
21                   based on the aboriginal occupancy of land  
22                   by the Hualapai Tribe, the predecessors of  
23                   the Hualapai Tribe, the members of the  
24                   Hualapai Tribe, or predecessors of the  
25                   members of the Hualapai Tribe;

1 (iii) past and present claims relating  
2 in any manner to damages, losses, or in-  
3 jury to water rights (including injury to  
4 rights to Colorado River water), land, or  
5 other resources due to loss of water or  
6 water rights (including damages, losses, or  
7 injuries to hunting, fishing, gathering, or  
8 cultural rights due to loss of water or  
9 water rights, claims relating to interference  
10 with, diversion, or taking of water, or  
11 claims relating to the failure to protect, ac-  
12 quire, or develop water, water rights, or  
13 water infrastructure) within the State that  
14 first accrued at any time prior to the En-  
15 forceability Date;

16 (iv) past and present claims for injury  
17 to water rights, including injury to rights  
18 to Colorado River water, for Hualapai  
19 land, arising from time immemorial  
20 through the Enforceability Date;

21 (v) past, present, and future claims  
22 for injury to water rights, including injury  
23 to rights to Colorado River water, arising  
24 from time immemorial and, thereafter, for-  
25 ever, that are based on the aboriginal occu-

1           pancy of land by the Hualapai Tribe, the  
2           predecessors of the Hualapai Tribe, the  
3           members of the Hualapai Tribe, or prede-  
4           cessors of the members of the Hualapai  
5           Tribe;

6           (vi) claims for injury to water rights,  
7           including injury to rights to Colorado  
8           River water, arising after the Enforce-  
9           ability Date for Hualapai land, resulting  
10          from the off-reservation diversion or use of  
11          surface water, Colorado River water, or ef-  
12          fluent in a manner not in violation of the  
13          Hualapai Tribe water rights settlement  
14          agreement or State law;

15          (vii) past, present, and future claims  
16          arising out of, or relating in any manner  
17          to, the negotiation, execution, or adoption  
18          of the Hualapai Tribe water rights settle-  
19          ment agreement, any judgment or decree  
20          approving or incorporating the Hualapai  
21          Tribe water rights settlement agreement,  
22          or this title;

23          (viii) claims for injury to water rights  
24          arising after the Enforceability Date for  
25          Hualapai land resulting from the off-Res-

1                   ervation diversion or use of groundwater  
2                   from—

3                   (I) any well constructed on public  
4                   domain land outside of the Truxton  
5                   Basin on or before the date of the en-  
6                   actment of this title;

7                   (II) any well constructed on pub-  
8                   lic domain land outside of the Truxton  
9                   Basin, and not more than 2 miles  
10                  from the exterior boundaries of the  
11                  Hualapai Reservation, after the date  
12                  of the enactment of this title if—

13                  (aa) the well was con-  
14                  structed to replace a well in ex-  
15                  istence on the date of the enact-  
16                  ment of this title;

17                  (bb) the replacement well  
18                  was constructed within 660 feet  
19                  of the well being replaced; and

20                  (cc) the pumping capacity  
21                  and case diameter of the replace-  
22                  ment well do not exceed the  
23                  pumping capacity and case di-  
24                  ameter of the well being replaced;  
25                  or

1 (III) any well constructed on  
2 public domain land outside of the  
3 Truxton Basin, and not less than 2  
4 miles from the exterior boundaries of  
5 the Hualapai Reservation, after the  
6 date of the enactment of this Act,  
7 subject to the condition that the au-  
8 thorizations and restrictions regarding  
9 the location, size, and operation of  
10 wells in the Bill Williams River water-  
11 shed set forth in the Bill Williams  
12 agreements and the Bill Williams Act,  
13 and the waivers of claims in the Bill  
14 Williams agreements and the Bill Wil-  
15 liams Act, shall continue to apply to  
16 the parties to the Bill Williams agree-  
17 ments, notwithstanding the provisions  
18 of this subsection; and

19 (ix) claims for injury to water rights  
20 arising after the Enforceability Date for  
21 Hualapai land resulting from the off-res-  
22 ervation diversion or use of groundwater in  
23 the Truxton Basin from—

24 (I) any well constructed on public  
25 domain land within the Truxton Basin

1 for domestic purposes or stock water-  
2 ing—

3 (aa) on or before the date on  
4 which the Secretary provides  
5 written notice to the State pursu-  
6 ant to section 515(c)(2); or

7 (bb) after the date on which  
8 the Secretary provides written  
9 notice to the State pursuant to  
10 that section if—

11 (AA) the well was con-  
12 structed to replace a well in  
13 existence on the date on  
14 which the notice was pro-  
15 vided;

16 (BB) the replacement  
17 well was constructed within  
18 660 feet of the well being re-  
19 placed; and

20 (CC) the pumping ca-  
21 pacity and case diameter of  
22 the replacement well do not  
23 exceed the pumping capacity  
24 and case diameter of the  
25 well being replaced; and



1 (II) any well constructed on pub-  
2 lic domain land within the Truxton  
3 Basin for purposes other than domes-  
4 tic purposes or stock watering—

5 (aa) on or before the date of  
6 the enactment of this title;

7 (bb) after the date of the en-  
8 actment of this title if the Sec-  
9 retary has not provided written  
10 notice to the State pursuant to  
11 section 515(c)(2); or

12 (cc) after the date of the en-  
13 actment of this title if the Sec-  
14 retary has provided written no-  
15 tice to the State pursuant to sec-  
16 tion 515(c)(2) and if—

17 (AA) the well was con-  
18 structed to replace a well in  
19 existence on the date on  
20 which the notice was pro-  
21 vided;

22 (BB) the replacement  
23 well was constructed within  
24 660 feet of the well being re-  
25 placed; and

1 (CC) the pumping ca-  
2 pacity and case diameter of  
3 the replacement well do not  
4 exceed the pumping capacity  
5 and case diameter of the  
6 well being replaced.

7 (B) EFFECTIVE DATE.—The waiver and  
8 release of claims described in subparagraph (A)  
9 shall take effect on the Enforceability Date.

10 (C) RETENTION OF CLAIMS.—Notwith-  
11 standing the waiver and release of claims de-  
12 scribed in subparagraph (A), the Hualapai  
13 Tribe and the members of the Hualapai Tribe  
14 (but not members in the capacity of the mem-  
15 bers as allottees) shall retain any right—

16 (i) subject to subparagraph 12.7 of  
17 the Hualapai Tribe water rights settlement  
18 agreement, to assert claims for injuries to,  
19 and seek enforcement of, the rights of the  
20 Hualapai Tribe under the Hualapai Tribe  
21 water rights settlement agreement or this  
22 title in any Federal or State court of com-  
23 petent jurisdiction;

24 (ii) to assert claims for injuries to,  
25 and seek enforcement of, the rights of the

1 Hualapai Tribe under any judgment or de-  
2 cree approving or incorporating the  
3 Hualapai Tribe water rights settlement  
4 agreement;

5 (iii) to assert claims for water rights  
6 based on State law for land owned or ac-  
7 quired by the Hualapai Tribe in fee under  
8 subparagraph 4.8 of the Hualapai Tribe  
9 water rights settlement agreement;

10 (iv) to object to any claims for water  
11 rights or injury to water rights by or for  
12 any Indian Tribe or the United States, act-  
13 ing on behalf of any Indian Tribe;

14 (v) to assert past, present, or future  
15 claims for injury to water rights against  
16 any Indian Tribe or the United States, act-  
17 ing on behalf of any Indian Tribe;

18 (vi) to assert claims for injuries to,  
19 and seek enforcement of, the rights of the  
20 Hualapai Tribe under the Bill Williams  
21 agreements or the Bill Williams Act in any  
22 Federal or State court of competent juris-  
23 diction;

24 (vii) subject to paragraphs (1), (3),  
25 (4), and (5) of section 505(e), to assert the

1 rights of the Hualapai Tribe under any  
2 Colorado River water entitlement pur-  
3 chased by or donated to the Hualapai  
4 Tribe; and

5 (viii) to assert any claims for injury to  
6 water rights arising after the Enforce-  
7 ability Date for Hualapai land resulting  
8 from any off-reservation diversion or use of  
9 groundwater, without regard to quantity,  
10 from—

11 (I) any well constructed after the  
12 date of the enactment of this title on  
13 public domain land outside of the  
14 Truxton Basin and not more than 2  
15 miles from the exterior boundaries of  
16 the Hualapai Reservation, except for a  
17 replacement well described in subpara-  
18 graph (A)(viii)(II), subject to the au-  
19 thorizations and restrictions regarding  
20 the location, size, and operation of  
21 wells in the Bill Williams River water-  
22 shed, and the waivers of claims, set  
23 forth in the Bill Williams agreements  
24 and the Bill Williams Act;

1 (II) any well constructed on pub-  
2 lic domain land within the Truxton  
3 Basin for domestic purposes or stock  
4 watering after the date on which the  
5 Secretary has provided written notice  
6 to the State pursuant to section  
7 515(c)(2), except for a replacement  
8 well described in subparagraph  
9 (A)(ix)(I)(bb); and

10 (III) any well constructed on  
11 public domain land within the  
12 Truxton Basin for purposes other  
13 than domestic purposes or stock wa-  
14 tering after the date of the enactment  
15 of this title, if the Secretary has pro-  
16 vided notice to the State pursuant to  
17 section 515(c)(2), except for a re-  
18 placement well as described in sub-  
19 paragraph (A)(ix)(II)(cc).

20 (b) WAIVERS AND RELEASES OF CLAIMS BY UNITED  
21 STATES, ACTING AS TRUSTEE FOR ALLOTTEES.—

22 (1) IN GENERAL.—Except as provided in para-  
23 graph (3), the United States, acting as trustee for  
24 the allottees of the Hualapai Tribe, as part of the  
25 performance of the obligations of the United States

1 under the Hualapai Tribe water rights settlement  
2 agreement and this title, is authorized to execute a  
3 waiver and release of any claims against the State  
4 (or any agency or political subdivision of the State),  
5 the Hualapai Tribe, and any other individual, entity,  
6 corporation, or municipal corporation under Federal,  
7 State, or other law, for all—

8 (A) past, present, and future claims for  
9 water rights, including rights to Colorado River  
10 water, for the allotments, arising thereafter,  
11 forever, that are based on the aboriginal occu-  
12 pancy of land by the allottees or predecessors of  
13 the allottees from time immemorial and, there-  
14 after, forever;

15 (B) past, present, and future claims for  
16 water rights, including rights to Colorado River  
17 water, arising from time immemorial and,

18 (C) past and present claims for injury to  
19 water rights, including injury to rights to Colo-  
20 rado River water, for the allotments, arising  
21 from time immemorial through the Enforce-  
22 ability Date;

23 (D) past, present, and future claims for in-  
24 jury to water rights, if any, including injury to  
25 rights to Colorado River water, arising from

1 time immemorial and, thereafter, forever, that  
2 are based on the aboriginal occupancy of land  
3 by the allottees or predecessors of the allottees;

4 (E) claims for injury to water rights, in-  
5 cluding injury to rights to Colorado River  
6 water, arising after the Enforceability Date, for  
7 the allotments, resulting from the off-reserva-  
8 tion diversion or use of water in a manner not  
9 in violation of the Hualapai Tribe water rights  
10 settlement agreement or State law;

11 (F) past, present, and future claims aris-  
12 ing out of, or relating in any manner to, the ne-  
13 gotiation, execution, or adoption of the  
14 Hualapai Tribe water rights settlement agree-  
15 ment, any judgment or decree approving or in-  
16 corporating the Hualapai Tribe water rights  
17 settlement agreement, or this title; and

18 (G) claims for any water rights of the  
19 allottees or the United States acting as trustee  
20 for the allottees with respect to—

21 (i) Parcel 1, in excess of 82 AFY; or

22 (ii) Parcel 2, in excess of 312 AFY.

23 (2) EFFECTIVE DATE.—The waiver and release  
24 of claims under paragraph (1) shall take effect on  
25 the Enforceability Date.

1           (3) RETENTION OF CLAIMS.—Notwithstanding  
2           the waiver and release of claims described in para-  
3           graph (1), the United States, acting as trustee for  
4           the allottees of the Hualapai Tribe, shall retain any  
5           right—

6                   (A) subject to subparagraph 12.7 of the  
7                   Hualapai Tribe water rights settlement agree-  
8                   ment, to assert claims for injuries to, and seek  
9                   enforcement of, the rights of the allottees, if  
10                  any, under the Hualapai Tribe water rights set-  
11                  tlement agreement or this title in any Federal  
12                  or State court of competent jurisdiction;

13                   (B) to assert claims for injuries to, and  
14                   seek enforcement of, the rights of the allottees  
15                   under any judgment or decree approving or in-  
16                   corporating the Hualapai Tribe water rights  
17                   settlement agreement;

18                   (C) to object to any claims for water rights  
19                   or injury to water rights by or for—

20                           (i) any Indian Tribe other than the  
21                           Hualapai Tribe; or

22                           (ii) the United States, acting on be-  
23                           half of any Indian Tribe other than the  
24                           Hualapai Tribe;



1 (D) to assert past, present, or future  
2 claims for injury to water rights against—

3 (i) any Indian Tribe other than the  
4 Hualapai Tribe; or

5 (ii) the United States, acting on be-  
6 half of any Indian Tribe other than the  
7 Hualapai Tribe; and

8 (E) to assert claims for injuries to, and  
9 seek enforcement of, the rights of the allottees  
10 under the Bill Williams agreements or the Bill  
11 Williams Act in any Federal or State court of  
12 competent jurisdiction.

13 (c) WAIVER AND RELEASE OF CLAIMS BY UNITED  
14 STATES AGAINST HUALAPAI TRIBE.—

15 (1) IN GENERAL.—Except as provided in para-  
16 graph (3), the United States, in all capacities (ex-  
17 cept as trustee for an Indian Tribe other than the  
18 Hualapai Tribe), as part of the performance of the  
19 obligations of the United States under the Hualapai  
20 Tribe water rights settlement agreement and this  
21 title, is authorized to execute a waiver and release  
22 of all claims against the Hualapai Tribe, the mem-  
23 bers of the Hualapai Tribe, or any agency, official,  
24 or employee of the Hualapai Tribe, under Federal,  
25 State or any other law for all—

1 (A) past and present claims for injury to  
2 water rights, including injury to rights to Colo-  
3 rado River water, resulting from the diversion  
4 or use of water on Hualapai land arising from  
5 time immemorial through the Enforceability  
6 Date;

7 (B) claims for injury to water rights, in-  
8 cluding injury to rights to Colorado River  
9 water, arising after the Enforceability Date, re-  
10 sulting from the diversion or use of water on  
11 Hualapai land in a manner that is not in viola-  
12 tion of the Hualapai Tribe water rights settle-  
13 ment agreement or State law; and

14 (C) past, present, and future claims aris-  
15 ing out of, or related in any manner to, the ne-  
16 gotiation, execution, or adoption of the  
17 Hualapai Tribe water rights settlement agree-  
18 ment, any judgment or decree approving or in-  
19 corporating the Hualapai Tribe water rights  
20 settlement agreement, or this title.

21 (2) EFFECTIVE DATE.—The waiver and release  
22 of claims under paragraph (1) shall take effect on  
23 the Enforceability Date.

24 (3) RETENTION OF CLAIMS.—Notwithstanding  
25 the waiver and release of claims described in para-

1 graph (1), the United States shall retain any right  
2 to assert any claim not expressly waived in accord-  
3 ance with that paragraph, including any right to as-  
4 sert a claim for injury to, and seek enforcement of,  
5 any right of the United States under the Bill Wil-  
6 liams agreements or the Bill Williams Act, in any  
7 Federal or State court of competent jurisdiction.

8 (d) BILL WILLIAMS RIVER PHASE 2 WATER RIGHTS  
9 SETTLEMENT AGREEMENT WAIVER, RELEASE, AND RE-  
10 TENTION OF CLAIMS.—

11 (1) CLAIMS AGAINST FREEPORT.—

12 (A) IN GENERAL.—Except as provided in  
13 subparagraph (C), the United States, acting  
14 solely on behalf of the Department of the Inte-  
15 rior (including the Bureau of Land Manage-  
16 ment and the United States Fish and Wildlife  
17 Service), as part of the performance of the obli-  
18 gations of the United States under the Bill Wil-  
19 liams River phase 2 water rights settlement  
20 agreement, is authorized to execute a waiver  
21 and release of all claims of the United States  
22 against Freeport under Federal, State, or any  
23 other law for—

24 (i) any past or present claim for in-  
25 jury to water rights resulting from—

1 (I) the diversion or use of water  
2 by Freeport pursuant to the water  
3 rights described in Exhibit 4.1(ii) to  
4 the Bill Williams River phase 2 water  
5 rights settlement agreement; and

6 (II) any other diversion or use of  
7 water for mining purposes authorized  
8 by the Bill Williams River phase 2  
9 water rights settlement agreement;

10 (ii) any claim for injury to water  
11 rights arising after the Bill Williams River  
12 Phase 2 Enforceability Date resulting  
13 from—

14 (I) the diversion or use of water  
15 by Freeport pursuant to the water  
16 rights described in Exhibit 4.1(ii) to  
17 the Bill Williams River phase 2 water  
18 rights settlement agreement in a man-  
19 ner not in violation of the Bill Wil-  
20 liams River phase 2 water rights set-  
21 tlement agreement;

22 (II) the diversion of up to 2,500  
23 AFY of water by Freeport from Sycamore  
24 Creek as permitted by section  
25 4.3(iv) of the Bill Williams River

1 phase 2 water rights settlement agree-  
2 ment; and

3 (III) any other diversion or use  
4 of water by Freeport authorized by  
5 the Bill Williams River phase 2 water  
6 rights settlement agreement, subject  
7 to the condition that such a diversion  
8 and use of water is conducted in a  
9 manner not in violation of the Bill  
10 Williams River phase 2 water rights  
11 settlement agreement; and

12 (iii) any past, present, or future claim  
13 arising out of, or relating in any manner  
14 to, the negotiation or execution of the Bill  
15 Williams River phase 2 water rights settle-  
16 ment agreement, the Hualapai Tribe water  
17 rights settlement agreement, or this title.

18 (B) EFFECTIVE DATE.—The waiver and  
19 release of claims under subparagraph (A) shall  
20 take effect on the Bill Williams River Phase 2  
21 Enforceability Date.

22 (C) RETENTION OF CLAIMS.—The United  
23 States shall retain all rights not expressly  
24 waived in the waiver and release of claims  
25 under subparagraph (A), including, subject to

1 section 6.4 of the Bill Williams River phase 2  
2 water rights settlement agreement, the right to  
3 assert a claim for injury to, and seek enforce-  
4 ment of, the Bill Williams River phase 2 water  
5 rights settlement agreement or this title, in any  
6 Federal or State court of competent jurisdiction  
7 (but not a Tribal court).

8 (2) NO PRECEDENTIAL EFFECT.—

9 (A) PENDING AND FUTURE PRO-  
10 CEEDINGS.—The Bill Williams River phase 2  
11 water rights settlement agreement shall have no  
12 precedential effect in any other administrative  
13 or judicial proceeding, including—

14 (i) any pending or future general  
15 stream adjudication, or any other litigation  
16 involving Freeport or the United States,  
17 including any proceeding to establish or  
18 quantify a Federal reserved water right;

19 (ii) any pending or future administra-  
20 tive or judicial proceeding relating to an  
21 application—

22 (I) to appropriate water (for  
23 instream flow or other purposes);

24 (II) to sever and transfer a water  
25 right;

1 (III) to change a point of diver-  
2 sion; or

3 (IV) to change a place of use for  
4 any water right; and

5 (iii) any proceeding regarding water  
6 rights or a claim relating to any Federal  
7 land.

8 (B) NO METHODOLOGY OR STANDARD.—

9 Nothing in the Bill Williams River phase 2  
10 water rights settlement agreement establishes  
11 any standard or methodology to be used for the  
12 quantification of any claim to water rights  
13 (whether based on Federal or State law) in any  
14 judicial or administrative proceeding, other than  
15 a proceeding to enforce the terms of the Bill  
16 Williams River phase 2 water rights settlement  
17 agreement.

18 **SEC. 510. SATISFACTION OF WATER RIGHTS AND OTHER**  
19 **BENEFITS.**

20 (a) HUALAPAI TRIBE AND MEMBERS.—

21 (1) IN GENERAL.—The benefits realized by the  
22 Hualapai Tribe and the members of the Hualapai  
23 Tribe (but not members in the capacity of the mem-  
24 bers as allottees) under the Hualapai Tribe water  
25 rights settlement agreement, this title, the Bill Wil-

1 liams agreements, and the Bill Williams Act shall be  
2 in full satisfaction of all claims of the Hualapai  
3 Tribe, the members of the Hualapai Tribe, and the  
4 United States, acting in the capacity of the United  
5 States as trustee for the Hualapai Tribe and the  
6 members of the Hualapai Tribe, for water rights and  
7 injury to water rights under Federal, State, or other  
8 law with respect to Hualapai land.

9 (2) SATISFACTION.—Any entitlement to water  
10 of the Hualapai Tribe and the members of the  
11 Hualapai Tribe (but not members in the capacity of  
12 the members as allottees) or the United States, act-  
13 ing in the capacity of the United States as trustee  
14 for the Hualapai Tribe and the members of the  
15 Hualapai Tribe (but not members in the capacity of  
16 the members as allottees), for Hualapai land shall be  
17 satisfied out of the water resources and other bene-  
18 fits granted, confirmed, quantified, or recognized by  
19 the Hualapai Tribe water rights settlement agree-  
20 ment, this title, the Bill Williams agreements, and  
21 the Bill Williams Act to or for the Hualapai Tribe,  
22 the members of the Hualapai Tribe (but not mem-  
23 bers in the capacity of the members as allottees),  
24 and the United States, acting in the capacity of the  
25 United States as trustee for the Hualapai Tribe and



1 the members of the Hualapai Tribe (but not mem-  
2 bers in the capacity of the members as allottees).

3 (b) ALLOTTEE WATER CLAIMS.—

4 (1) IN GENERAL.—The benefits realized by the  
5 allottees of the Hualapai Tribe under the Hualapai  
6 Tribe water rights settlement agreement, this title,  
7 the Bill Williams agreements, and the Bill Williams  
8 Act shall be in complete replacement of and substi-  
9 tution for, and full satisfaction of, all claims with re-  
10 spect to allotments of the allottees and the United  
11 States, acting in the capacity of the United States  
12 as trustee for the allottees, for water rights and in-  
13 jury to water rights under Federal, State, or other  
14 law.

15 (2) SATISFACTION.—Any entitlement to water  
16 of the allottees or the United States, acting in the  
17 capacity of the United States as trustee for the  
18 allottees, for allotments shall be satisfied out of the  
19 water resources and other benefits granted, con-  
20 firmed, or recognized by the Hualapai Tribe water  
21 rights settlement agreement, this title, the Bill Wil-  
22 liams agreements, and the Bill Williams Act to or  
23 for the allottees and the United States, acting as  
24 trustee for the allottees.

1 (c) EFFECT.—Notwithstanding subsections (a) and  
2 (b), nothing in this title or the Hualapai Tribe water  
3 rights settlement agreement—

4 (1) recognizes or establishes any right of a  
5 member of the Hualapai Tribe or an allottee to  
6 water on Hualapai land; or

7 (2) prohibits the Hualapai Tribe or an allottee  
8 from acquiring additional water rights by purchase  
9 of land, credits, or water rights.

10 **SEC. 511. LAND ADDED TO HUALAPAI RESERVATION.**

11 The following land in the State is added to the  
12 Hualapai Reservation:

13 (1) PUBLIC LAW 93–560.—The land held in  
14 trust by the United States for the Hualapai Tribe  
15 pursuant to the first section of Public Law 93–560  
16 (88 Stat. 1820).

17 (2) 1947 JUDGMENT.—The land deeded to the  
18 United States in the capacity of the United States  
19 as trustee for the Hualapai Tribe pursuant to the  
20 1947 judgment.

21 (3) TRUXTON TRIANGLE.—That portion of the  
22 S1/2 sec. 3, lying south of the south boundary of the  
23 Hualapai Reservation and north of the north right-  
24 of-way boundary of Arizona Highway 66, and  
25 bounded by the west section line of that sec. 3 and

1 the south section line of that sec. 3, T. 24 N., R.  
2 12 W., Gila and Salt River Base and Meridian, Mo-  
3 have County, Arizona.

4 (4) HUNT PARCEL 4.—SW1/4NE1/4 sec. 7, T.  
5 25 N., R. 13 W., Gila and Salt River Base and Me-  
6 ridian, Mohave County, Arizona.

7 (5) HUNT PARCELS 1 AND 2.—In T. 26 N., R.  
8 14 W., Gila and Salt River Base and Meridian, Mo-  
9 have County, Arizona—

10 (A) NE1/4SW1/4 sec. 9; and

11 (B) NW1/4SE1/4 sec. 27.

12 (6) HUNT PARCEL 3.—SW1/4NE1/4 sec. 25, T.  
13 27 N., R. 15 W., Gila and Salt River Base and Me-  
14 ridian, Mohave County, Arizona.

15 (7) HUNT PARCEL 5.—In sec. 1, T. 25 N., R.  
16 14 W., Gila and Salt River Base and Meridian, Mo-  
17 have County, Arizona—

18 (A) SE1/4;

19 (B) E1/2 SW1/4; and

20 (C) SW1/4 SW1/4.

21 (8) VALENTINE CEMETERY PARCEL.—W1/2  
22 NW1/4 SW1/4 sec. 22, T. 23 N., R. 13 W., Gila and  
23 Salt River Base and Meridian, Mohave County, Ari-  
24 zona, excepting and reserving to the United States  
25 a right-of-way for ditches or canals constructed by

1 the authority of the United States, pursuant to the  
2 Act of August 30, 1890 (43 U.S.C. 945).

3 **SEC. 512. TRUST LAND.**

4 (a) LAND TO BE TAKEN INTO TRUST.—

5 (1) IN GENERAL.—On the date of the enact-  
6 ment of this Act, the Secretary is authorized and di-  
7 rected to take legal title to the land described in  
8 paragraph (2) and hold such land in trust for the  
9 benefit of the Hualapai Tribe.

10 (2) CHOLLA CANYON RANCH PARCELS.—The  
11 land referred to in paragraph (1) is, in T. 16 N., R.  
12 13 W., Gila and Salt River Base and Meridian, Mo-  
13 have County, Arizona—

14 (A) SW1/4 sec. 25; and

15 (B) NE1/4 and NE1/4 SE1/4 sec. 35.

16 (b) RESERVATION STATUS.—The land taken into  
17 trust under subsection (a) shall be part of the Hualapai  
18 Reservation and administered in accordance with the laws  
19 and regulations generally applicable to land held in trust  
20 by the United States for an Indian Tribe.

21 (c) VALID EXISTING RIGHTS.—The land taken into  
22 trust under subsection (a) shall be subject to valid existing  
23 rights, including easements, rights-of-way, contracts, and  
24 management agreements.

1 (d) LIMITATIONS.—Nothing in subsection (a) af-  
2 fects—

3 (1) any water right of the Hualapai Tribe in ex-  
4 istence under State law before the date of the enact-  
5 ment of this Act; or

6 (2) any right or claim of the Hualapai Tribe to  
7 any land or interest in land in existence before the  
8 date of the enactment of this title.

9 (e) FUTURE TRUST LAND.—

10 (1) NEW STATUTORY REQUIREMENT.—Effective  
11 beginning on the date of the enactment of this title,  
12 and except as provided in subsection (a), any land  
13 located in the State outside the exterior boundaries  
14 of the Hualapai Reservation may only be taken into  
15 trust by the United States for the benefit of the  
16 Hualapai Tribe by an Act of Congress—

17 (A) that specifically authorizes the transfer  
18 of the land for the benefit of the Hualapai  
19 Tribe; and

20 (B) the date of the enactment of which is  
21 after the date of the enactment of this title.

22 (2) WATER RIGHTS.—Any land taken into trust  
23 for the benefit of the Hualapai Tribe under para-  
24 graph (1)—

1 (A) shall include water rights only under  
2 State law; and

3 (B) shall not include any federally reserved  
4 water rights.

5 **SEC. 513. REALLOCATION OF CAP NIA PRIORITY WATER;**  
6 **FIRMING; WATER DELIVERY CONTRACT; COL-**  
7 **ORADO RIVER ACCOUNTING.**

8 (a) REALLOCATION TO THE HUALAPAI TRIBE.—On  
9 the Enforceability Date, the Secretary shall reallocate to  
10 the Hualapai Tribe the Hualapai Tribe CAP water.

11 (b) FIRMING.—

12 (1) HUALAPAI TRIBE CAP WATER.—Except as  
13 provided in subsection (c)(2)(H), the Hualapai Tribe  
14 CAP water shall be firmed as follows:

15 (A) In accordance with section  
16 105(b)(1)(B) of the Central Arizona Project  
17 Settlement Act of 2004 (Public Law 108–451;  
18 118 Stat. 3492), for the 100-year period begin-  
19 ning on January 1, 2008, the Secretary shall  
20 firm 557.50 AFY of the Hualapai Tribe CAP  
21 water to the equivalent of CAP M&I priority  
22 water.

23 (B) In accordance with section  
24 105(b)(2)(B) of the Central Arizona Project  
25 Settlement Act of 2004 (Public Law 108–451;

1 118 Stat. 3492), for the 100-year period begin-  
2 ning on January 1, 2008, the State shall firm  
3 557.50 AFY of the Hualapai Tribe CAP water  
4 to the equivalent of CAP M&I priority water.

5 (2) ADDITIONAL FIRING.—The Hualapai  
6 Tribe may, at the expense of the Hualapai Tribe,  
7 take additional actions to firm or supplement the  
8 Hualapai Tribe CAP water, including by entering  
9 into agreements for that purpose with the Central  
10 Arizona Water Conservation District, the Arizona  
11 Water Banking Authority, or any other lawful au-  
12 thority, in accordance with State law.

13 (c) HUALAPAI TRIBE WATER DELIVERY CON-  
14 TRACT.—

15 (1) IN GENERAL.—In accordance with the  
16 Hualapai Tribe water rights settlement agreement  
17 and the requirements described in paragraph (2),  
18 the Secretary shall enter into the Hualapai Tribe  
19 water delivery contract.

20 (2) REQUIREMENTS.—The requirements re-  
21 ferred to in paragraph (1) are the following:

22 (A) IN GENERAL.—The Hualapai Tribe  
23 water delivery contract shall—

1 (i) be for permanent service (as that  
2 term is used in section 5 of the Boulder  
3 Canyon Project Act (43 U.S.C. 617d));

4 (ii) take effect on the Enforceability  
5 Date; and

6 (iii) be without limit as to term.

7 (B) HUALAPAI TRIBE CAP WATER.—

8 (i) IN GENERAL.—The Hualapai  
9 Tribe CAP water may be delivered for use  
10 in the lower basin in the State through—

11 (I) the Hualapai Water Project;

12 or

13 (II) the CAP system.

14 (ii) METHOD OF DELIVERY.—The  
15 Secretary shall authorize the delivery of  
16 Hualapai Tribe CAP water under this sub-  
17 paragraph to be effected by the diversion  
18 and use of water directly from the Colo-  
19 rado River in the State.

20 (C) CONTRACTUAL DELIVERY.—The Sec-  
21 retary shall deliver the Hualapai Tribe CAP  
22 water to the Hualapai Tribe in accordance with  
23 the terms and conditions of the Hualapai Tribe  
24 water delivery contract.



1 (D) DISTRIBUTION OF CAP NIA PRIORITY  
2 WATER.—

3 (i) IN GENERAL.—Except as provided  
4 in clause (ii), if, for any year, the available  
5 CAP supply is insufficient to meet all de-  
6 mands under CAP contracts and CAP sub-  
7 contracts for the delivery of CAP NIA pri-  
8 ority water, the Secretary and the CAP op-  
9 erating agency shall prorate the available  
10 CAP NIA priority water among the CAP  
11 contractors and CAP subcontractors hold-  
12 ing contractual entitlements to CAP NIA  
13 priority water on the basis of the quantity  
14 of CAP NIA priority water used by each  
15 such CAP contractor and CAP subcon-  
16 tractor in the last year in which the avail-  
17 able CAP supply was sufficient to fill all  
18 orders for CAP NIA priority water.

19 (ii) EXCEPTION.—

20 (I) IN GENERAL.—Notwith-  
21 standing clause (i), if the available  
22 CAP supply is insufficient to meet all  
23 demands under CAP contracts and  
24 CAP subcontracts for the delivery of  
25 CAP NIA priority water in the year

1 following the year in which the En-  
2 forceability Date occurs, the Secretary  
3 shall assume that the Hualapai Tribe  
4 used the full volume of Hualapai  
5 Tribe CAP water in the last year in  
6 which the available CAP supply was  
7 sufficient to fill all orders for CAP  
8 NIA priority water.

9 (II) CONTINUATION.—The as-  
10 sumption described in subclause (I)  
11 shall continue until the available CAP  
12 supply is sufficient to meet all de-  
13 mands under CAP contracts and CAP  
14 subcontracts for the delivery of CAP  
15 NIA priority water.

16 (III) DETERMINATION.—The  
17 Secretary shall determine the quantity  
18 of CAP NIA priority water used by  
19 the Gila River Indian Community and  
20 the Tohono O’odham Nation in the  
21 last year in which the available CAP  
22 supply was sufficient to fill all orders  
23 for CAP NIA priority water in a man-  
24 ner consistent with the settlement  
25 agreements with those Tribes.

1           (E) LEASES AND EXCHANGES OF  
2 HUALAPAI TRIBE CAP WATER.—On and after  
3 the date on which the Hualapai Tribe water de-  
4 livery contract becomes effective, the Hualapai  
5 Tribe may, with the approval of the Secretary,  
6 enter into contracts or options to lease, or con-  
7 tracts or options to exchange, the Hualapai  
8 Tribe CAP water within the lower basin in the  
9 State, and not in Navajo, Apache, or Cochise  
10 counties, providing for the temporary delivery  
11 to other persons of any portion of Hualapai  
12 Tribe CAP water.

13           (F) TERM OF LEASES AND EXCHANGES.—

14           (i) LEASING.—Contracts or options to  
15 lease under subparagraph (E) shall be for  
16 a term of not more than 100 years.

17           (ii) EXCHANGING.—Contracts or op-  
18 tions to exchange under subparagraph (E)  
19 shall be for the term provided for in the  
20 contract or option, as applicable.

21           (iii) RENEGOTIATION.—The Hualapai  
22 Tribe may, with the approval of the Sec-  
23 retary, renegotiate any lease described in  
24 subparagraph (E), at any time during the

1 term of the lease, if the term of the re-  
2 negotiated lease does not exceed 100 years.

3 (G) PROHIBITION ON PERMANENT ALIEN-  
4 ATION.—No Hualapai Tribe CAP water may be  
5 permanently alienated.

6 (H) NO FIRING OF LEASED WATER.—  
7 The firming obligations described in subsection  
8 (b)(1) shall not apply to any Hualapai Tribe  
9 CAP water leased by the Hualapai Tribe to an-  
10 other person.

11 (I) ENTITLEMENT TO LEASE AND EX-  
12 CHANGE FUNDS; OBLIGATIONS OF UNITED  
13 STATES.—

14 (i) ENTITLEMENT.—

15 (I) IN GENERAL.—The Hualapai  
16 Tribe shall be entitled to all consider-  
17 ation due to the Hualapai Tribe under  
18 any contract to lease, option to lease,  
19 contract to exchange, or option to ex-  
20 change the Hualapai Tribe CAP water  
21 entered into by the Hualapai Tribe.

22 (II) EXCLUSION.—The United  
23 States shall not, in any capacity, be  
24 entitled to the consideration described  
25 in subclause (I).

1 (ii) OBLIGATIONS OF UNITED  
2 STATES.—The United States shall not, in  
3 any capacity, have any trust or other obli-  
4 gation to monitor, administer, or account  
5 for, in any manner, any funds received by  
6 the Hualapai Tribe as consideration under  
7 any contract to lease, option to lease, con-  
8 tract to exchange, or option to exchange  
9 the Hualapai Tribe CAP water entered  
10 into by the Hualapai Tribe, except in a  
11 case in which the Hualapai Tribe deposits  
12 the proceeds of any lease, option to lease,  
13 contract to exchange, or option to ex-  
14 change into an account held in trust for  
15 the Hualapai Tribe by the United States.

16 (J) WATER USE AND STORAGE.—

17 (i) IN GENERAL.—The Hualapai  
18 Tribe may use the Hualapai Tribe CAP  
19 water on or off the Hualapai Reservation  
20 within the lower basin in the State for any  
21 purpose.

22 (ii) STORAGE.—The Hualapai Tribe,  
23 in accordance with State law, may store  
24 the Hualapai Tribe CAP water at 1 or  
25 more underground storage facilities or

1 groundwater savings facilities, subject to  
2 the condition that, if the Hualapai Tribe  
3 stores Hualapai Tribe CAP water that has  
4 been firmed pursuant to subsection (b)(1),  
5 the stored water may only be—

6 (I) used by the Hualapai Tribe;

7 or

8 (II) exchanged by the Hualapai  
9 Tribe for water that will be used by  
10 the Hualapai Tribe.

11 (iii) ASSIGNMENT.—The Hualapai  
12 Tribe, in accordance with State law, may  
13 assign any long-term storage credit ac-  
14 crued as a result of storage described in  
15 clause (ii), subject to the condition that the  
16 Hualapai Tribe shall not assign any long-  
17 term storage credit accrued as a result of  
18 the storage of Hualapai Tribe CAP water  
19 that has been firmed pursuant to sub-  
20 section (b)(1).

21 (K) USE LIMITATION.—The Hualapai  
22 Tribe may not use, lease, exchange, forbear, or  
23 otherwise transfer any Hualapai Tribe CAP  
24 water for use directly or indirectly outside of

1 the lower basin in the State or in Navajo,  
2 Apache, or Cochise counties.

3 (L) CAP FIXED OM&R CHARGES.—

4 (i) IN GENERAL.—The CAP operating  
5 agency shall be paid the CAP fixed OM&R  
6 charges associated with the delivery of all  
7 Hualapai Tribe CAP water.

8 (ii) PAYMENT OF CHARGES.—Except  
9 as provided in subparagraph (O), all CAP  
10 fixed OM&R charges associated with the  
11 delivery of the Hualapai Tribe CAP water  
12 to the Hualapai Tribe shall be paid by—

13 (I) the Secretary, pursuant to  
14 section 403(f)(2)(A) of the Colorado  
15 River Basin Project Act (43 U.S.C.  
16 1543(f)(2)(A)), subject to the condi-  
17 tion that funds for that payment are  
18 available in the Lower Colorado River  
19 Basin Development Fund; and

20 (II) if the funds described in sub-  
21 clause (I) become unavailable, the  
22 Hualapai Tribe.

23 (M) CAP PUMPING ENERGY CHARGES.—

24 (i) IN GENERAL.—The CAP operating  
25 agency shall be paid the CAP pumping en-

1           ergy charges associated with the delivery of  
2           Hualapai Tribe CAP water only in cases in  
3           which the CAP system is used for the de-  
4           livery of that water.

5                   (ii) PAYMENT OF CHARGES.—Except  
6           for CAP water not delivered through the  
7           CAP system, which does not incur a CAP  
8           pumping energy charge, or water delivered  
9           to other persons as described in subpara-  
10          graph (O), any applicable CAP pumping  
11          energy charges associated with the delivery  
12          of the Hualapai Tribe CAP water shall be  
13          paid by the Hualapai Tribe.

14                   (N) WAIVER OF PROPERTY TAX EQUIVA-  
15          LENCY PAYMENTS.—No property tax or in-lieu  
16          property tax equivalency shall be due or payable  
17          by the Hualapai Tribe for the delivery of CAP  
18          water or for the storage of CAP water in an un-  
19          derground storage facility or groundwater sav-  
20          ings facility.

21                   (O) LESSEE RESPONSIBILITY FOR  
22          CHARGES.—

23                   (i) IN GENERAL.—Any lease or option  
24          to lease providing for the temporary deliv-  
25          ery to other persons of any Hualapai Tribe



1 CAP water shall require the lessee to pay  
2 the CAP operating agency all CAP fixed  
3 OM&R charges and all CAP pumping en-  
4 ergy charges associated with the delivery of  
5 the leased water.

6 (ii) NO RESPONSIBILITY FOR PAY-  
7 MENT.—Neither the Hualapai Tribe nor  
8 the United States in any capacity shall be  
9 responsible for the payment of any charges  
10 associated with the delivery of the  
11 Hualapai Tribe CAP water leased to other  
12 persons.

13 (P) ADVANCE PAYMENT.—No Hualapai  
14 Tribe CAP water shall be delivered unless the  
15 CAP fixed OM&R charges and any applicable  
16 CAP pumping energy charges associated with  
17 the delivery of that water have been paid in ad-  
18 vance.

19 (Q) CALCULATION.—The charges for deliv-  
20 ery of the Hualapai Tribe CAP water pursuant  
21 to the Hualapai Tribe water delivery contract  
22 shall be calculated in accordance with the CAP  
23 repayment stipulation.

24 (R) CAP REPAYMENT.—For purposes of  
25 determining the allocation and repayment of

1 costs of any stages of the CAP system con-  
2 structed after November 21, 2007, the costs as-  
3 sociated with the delivery of the Hualapai Tribe  
4 CAP water, regardless of whether the Hualapai  
5 Tribe CAP water is delivered for use by the  
6 Hualapai Tribe or in accordance with any lease,  
7 option to lease, exchange, or option to exchange  
8 providing for the delivery to other persons of  
9 the Hualapai Tribe CAP water, shall be—

10 (i) nonreimbursable; and

11 (ii) excluded from the repayment obli-  
12 gation of the Central Arizona Water Con-  
13 servation District.

14 (S) NONREIMBURSABLE CAP CONSTRUC-  
15 TION COSTS.—

16 (i) IN GENERAL.—With respect to the  
17 costs associated with the construction of  
18 the CAP system allocable to the Hualapai  
19 Tribe—

20 (I) the costs shall be nonreim-  
21 bursable; and

22 (II) the Hualapai Tribe shall  
23 have no repayment obligation for the  
24 costs.

1 (ii) CAPITAL CHARGES.—No CAP  
2 water service capital charges shall be due  
3 or payable for the Hualapai Tribe CAP  
4 water, regardless of whether the Hualapai  
5 Tribe CAP water is delivered—

6 (I) for use by the Hualapai  
7 Tribe; or

8 (II) under any lease, option to  
9 lease, exchange, or option to exchange  
10 entered into by the Hualapai Tribe.

11 (d) COLORADO RIVER ACCOUNTING.—All Hualapai  
12 Tribe CAP water diverted directly from the Colorado  
13 River shall be accounted for as deliveries of CAP water  
14 within the State.

15 **SEC. 514. ENFORCEABILITY DATE.**

16 (a) IN GENERAL.—Except as provided in subsection  
17 (d), the Hualapai Tribe water rights settlement agree-  
18 ment, including the waivers and releases of claims de-  
19 scribed in section 509, shall take effect and be fully en-  
20 forceable on the date on which the Secretary publishes in  
21 the Federal Register a statement of findings that—

22 (1) to the extent the Hualapai Tribe water  
23 rights settlement agreement conflicts with this  
24 title—

1 (A) the Hualapai Tribe water rights settle-  
2 ment agreement has been revised through an  
3 amendment to eliminate the conflict; and

4 (B) the revised Hualapai Tribe water  
5 rights settlement agreement, including any ex-  
6 hibits requiring execution by any party to the  
7 Hualapai Tribe water rights settlement agree-  
8 ment, has been executed by the required party;

9 (2) the waivers and releases of claims described  
10 in section 509 have been executed by the Hualapai  
11 Tribe and the United States;

12 (3) the abstracts referred to in subparagraphs  
13 4.8.1.2, 4.8.2.1, and 4.8.2.2 of the Hualapai Tribe  
14 water rights settlement agreement have been com-  
15 pleted by the Hualapai Tribe;

16 (4) the full amount described in section  
17 507(a)(1), as adjusted by section 507(b), has been  
18 deposited in the Hualapai Water Trust Fund Ac-  
19 count;

20 (5) the Gila River adjudication decree has been  
21 approved by the Gila River adjudication court sub-  
22 stantially in the form of the judgment and decree at-  
23 tached to the Hualapai Tribe water rights settlement  
24 agreement as Exhibit 3.1.43, as amended to ensure  
25 consistency with this title;

1           (6) the Secretary has executed the Hualapai  
2       Tribe water delivery contract described in section  
3       513(c); and

4           (7) the Secretary has issued the record of deci-  
5       sion required by section 508(d).

6       (b) REPEAL ON FAILURE TO MEET ENFORCEABILITY  
7       DATE.—

8           (1) IN GENERAL.—Except as provided in para-  
9       graph (2), if the Secretary fails to publish in the  
10      Federal Register a statement of findings under sub-  
11      section (a) by April 15, 2029, or such alternative  
12      later date as may be agreed to by the Hualapai  
13      Tribe, the Secretary, and the State—

14                   (A) this title is repealed;

15                   (B) any action taken by the Secretary and  
16      any contract or agreement entered into pursu-  
17      ant to this title shall be void; and

18                   (C) any amounts appropriated under sec-  
19      tion 507, together with any investment earnings  
20      on those amounts, less any amounts expended  
21      under section 506(a)(4)(B), shall revert imme-  
22      diately to the general fund of the Treasury.

23           (2) SEVERABILITY.—Notwithstanding para-  
24      graph (1), if the Secretary fails to publish in the  
25      Federal Register a statement of findings under sub-

1 section (a) by April 15, 2029, or such alternative  
2 later date as may be agreed to by the Hualapai  
3 Tribe, the Secretary, and the State, section 511 and  
4 subsections (a), (b), (c), and (d) of section 512 shall  
5 remain in effect.

6 (c) RIGHT TO OFFSET.—If the Secretary has not  
7 published in the Federal Register the statement of find-  
8 ings under subsection (a) by April 15, 2029, or such alter-  
9 native later date as may be agreed to by the Hualapai  
10 Tribe, the Secretary, and the State, the United States  
11 shall be entitled to offset any Federal amounts made avail-  
12 able under section 506(a)(4)(B) that were used or author-  
13 ized for any use under that section against any claim as-  
14 serted by the Hualapai Tribe against the United States  
15 described in section 509(a)(2)(A).

16 (d) BILL WILLIAMS RIVER PHASE 2 ENFORCE-  
17 ABILITY DATE.—Notwithstanding any other provision of  
18 this title, the Bill Williams River phase 2 water rights set-  
19 tlement agreement (including the waivers and releases de-  
20 scribed in section 509(d) of this title and section 5 of the  
21 Bill Williams River phase 2 water rights settlement agree-  
22 ment) shall take effect and become enforceable among the  
23 parties to the Bill Williams River phase 2 water rights  
24 settlement agreement on the date on which all of the fol-  
25 lowing conditions have occurred:

1           (1) The Hualapai Tribe water rights settlement  
2 agreement has become enforceable pursuant to sub-  
3 section (a).

4           (2) Freeport has submitted to the Arizona De-  
5 partment of Water Resources a conditional with-  
6 drawal of any objection to the Bill Williams River  
7 watershed instream flow applications pursuant to  
8 section 4.4(i) of the Bill Williams River phase 2  
9 water rights settlement agreement, which withdrawal  
10 shall take effect on the Bill Williams River Phase 2  
11 Enforceability Date described in this subsection.

12           (3) Not later than the Enforceability Date, the  
13 Arizona Department of Water Resources has issued  
14 an appealable, conditional decision and order for the  
15 Bill Williams River watershed instream flow applica-  
16 tions pursuant to section 4.4(iii) of the Bill Williams  
17 River phase 2 water rights settlement agreement,  
18 which order shall become nonconditional and effec-  
19 tive on the Bill Williams River Phase 2 Enforce-  
20 ability Date described in this subsection.

21           (4) The conditional decision and order de-  
22 scribed in paragraph (3)—

23                   (A) becomes final; and

24                   (B) is not subject to any further appeal.

1 **SEC. 515. ADMINISTRATION.**

2 (a) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—

3 (1) WAIVER.—

4 (A) IN GENERAL.—In any circumstance  
5 described in paragraph (2)—

6 (i) the United States or the Hualapai  
7 Tribe may be joined in the action described  
8 in the applicable subparagraph of that  
9 paragraph; and

10 (ii) subject to subparagraph (B), any  
11 claim by the United States or the Hualapai  
12 Tribe to sovereign immunity from the ac-  
13 tion is waived.

14 (B) LIMITATION.—A waiver under sub-  
15 paragraph (A)(ii)—

16 (i) shall only be for the limited and  
17 sole purpose of the interpretation or en-  
18 forcement of—

19 (I) this title;

20 (II) the Hualapai Tribe water  
21 rights settlement agreement, as rati-  
22 fied by this title; or

23 (III) the Bill Williams River  
24 phase 2 water right settlement agree-  
25 ment, as ratified by this title; and



1                   (ii) shall not include any award  
2                   against the United States or the Hualapai  
3                   Tribe for money damages, court costs, or  
4                   attorney fees.

5                   (2) CIRCUMSTANCES DESCRIBED.—A cir-  
6                   cumstance referred to in paragraph (1)(A) is any of  
7                   the following:

8                   (A) Any party to the Hualapai Tribe water  
9                   rights settlement agreement—

10                   (i) brings an action in any court of  
11                   competent jurisdiction relating only and di-  
12                   rectly to the interpretation or enforcement  
13                   of—

14                   (I) this title; or

15                   (II) the Hualapai Tribe water  
16                   rights settlement agreement; and

17                   (ii) names the United States or the  
18                   Hualapai Tribe as a party in that action.

19                   (B) Any landowner or water user in the  
20                   Verde River Watershed—

21                   (i) brings an action in any court of  
22                   competent jurisdiction relating only and di-  
23                   rectly to the interpretation or enforcement  
24                   of—

1 (I) paragraph 10.0 of the  
2 Hualapai Tribe water rights settle-  
3 ment agreement;

4 (II) Exhibit 3.1.43 to the  
5 Hualapai Tribe water rights settle-  
6 ment agreement; or

7 (III) section 509; and

8 (ii) names the United States or the  
9 Hualapai Tribe as a party in that action.

10 (C) Any party to the Bill Williams River  
11 phase 2 settlement agreement—

12 (i) brings an action in any court of  
13 competent jurisdiction relating only and di-  
14 rectly to the interpretation or enforcement  
15 of—

16 (I) this title; or

17 (II) the Bill Williams River phase  
18 2 settlement agreement; and

19 (ii) names the United States or the  
20 Hualapai Tribe as a party in that action.

21 (b) EFFECT ON CURRENT LAW.—Nothing in this  
22 section alters the law with respect to pre-enforcement re-  
23 view of Federal environmental or safety-related enforce-  
24 ment actions.

1 (c) BASIN GROUNDWATER WITHDRAWAL ESTI-  
2 MATES.—

3 (1) GROUNDWATER WITHDRAWAL ESTI-  
4 MATES.—

5 (A) IN GENERAL.—Not later than 1 year  
6 of the date of the enactment of this title, the  
7 Secretary, acting through the United States Ge-  
8 ological Survey Water Use Program, shall issue  
9 an estimate for groundwater withdrawals in the  
10 Truxton Basin outside the boundaries of the  
11 Hualapai Reservation.

12 (B) ANNUAL ESTIMATES.—Each year after  
13 publication of the initial estimate required by  
14 subparagraph (A), the Secretary, acting  
15 through the United States Geological Survey  
16 Water Use Program, shall issue an estimate for  
17 groundwater withdrawals in the Truxton Basin  
18 outside the boundaries of the Hualapai Res-  
19 ervation until such time as the Secretary, after  
20 consultation with the Hualapai Tribe, deter-  
21 mines that annual estimates are not warranted.

22 (2) NOTICE TO THE STATE.—Based on the esti-  
23 mates under paragraph (1), the Secretary shall no-  
24 tify the State, in writing, if the total withdrawal of  
25 groundwater from the Truxton Basin outside the

1 boundaries of the Hualapai Reservation exceeds the  
2 estimate prepared pursuant to that paragraph by  
3 3,000 or more AFY, exclusive of any diversion or  
4 use of groundwater on Hualapai fee land and any  
5 land acquired by the Hualapai Tribe, including by a  
6 tribally owned corporation, in fee after the Enforce-  
7 ability Date.

8 (d) ANTIDEFICIENCY.—Notwithstanding any author-  
9 ization of appropriations to carry out this title, the United  
10 States shall not be liable for any failure of the United  
11 States to carry out any obligation or activity authorized  
12 by this title (including all agreements or exhibits ratified  
13 or confirmed by this title) if—

14 (1) adequate appropriations are not provided  
15 expressly by Congress to carry out the purposes of  
16 this title; or

17 (2) there are not enough monies available to  
18 carry out this title in the Lower Colorado River  
19 Basin Development Fund.

20 (e) APPLICATION OF RECLAMATION REFORM ACT OF  
21 1982.—The Reclamation Reform Act of 1982 (43 U.S.C.  
22 390aa et seq.) and any other acreage limitation or full-  
23 cost pricing provision of Federal law shall not apply to  
24 any person, entity, or tract of land solely on the basis of—

25 (1) receipt of any benefit under this title;

1           (2) execution or performance of this title; or  
2           (3) the use, storage, delivery, lease, or exchange  
3 of CAP water.

4 (f) EFFECT.—

5           (1) NO MODIFICATION OR PREEMPTION OF  
6 OTHER LAW.—Unless expressly provided in this title,  
7 nothing in this title modifies, conflicts with, pre-  
8 empts, or otherwise affects—

9           (A) the Boulder Canyon Project Act (43  
10 U.S.C. 617 et seq.);

11           (B) the Boulder Canyon Project Adjust-  
12 ment Act (43 U.S.C. 618 et seq.);

13           (C) the Act of April 11, 1956 (commonly  
14 known as the “Colorado River Storage Project  
15 Act”) (43 U.S.C. 620 et seq.);

16           (D) the Colorado River Basin Project Act  
17 (Public Law 90–537; 82 Stat. 885);

18           (E) the Treaty between the United States  
19 of America and Mexico respecting utilization of  
20 waters of the Colorado and Tijuana Rivers and  
21 of the Rio Grande, signed at Washington Feb-  
22 ruary 3, 1944 (59 Stat. 1219);

23           (F) the Colorado River Compact;

24           (G) the Upper Colorado River Basin Com-  
25 pact;

1 (H) the Omnibus Public Land Manage-  
2 ment Act of 2009 (Public Law 111–11; 123  
3 Stat. 991); or

4 (I) case law concerning water rights in the  
5 Colorado River system other than any case to  
6 enforce the Hualapai Tribe water rights settle-  
7 ment agreement or this title.

8 (2) EFFECT ON AGREEMENTS.—Nothing in this  
9 title or the Hualapai Tribe water rights settlement  
10 agreement limits the right of the Hualapai Tribe to  
11 enter into any agreement for the storage or banking  
12 of water in accordance with State law with—

13 (A) the Arizona Water Banking Authority  
14 (or a successor agency or entity); or

15 (B) any other lawful authority.

16 (3) EFFECT OF TITLE.—Nothing in this title—

17 (A) quantifies or otherwise affects the  
18 water rights, claims, or entitlements to water of  
19 any Indian Tribe other than the Hualapai  
20 Tribe;

21 (B) affects the ability of the United States  
22 to take action on behalf of any Indian Tribe  
23 other than the Hualapai Tribe, the members of  
24 the Hualapai Tribe, and the allottees; or

1 (C) limits the right of the Hualapai Tribe  
2 to use any water of the Hualapai Tribe in any  
3 location on the Hualapai Reservation.

## 4 **TITLE VI—WATER DATA**

### 5 **SEC. 601. DEFINITIONS.**

6 In this title:

7 (1) **ADVISORY COMMITTEE.**—The term “Advi-  
8 sory Committee” means the Advisory Committee on  
9 Water Information established by section 604(a).

10 (2) **COUNCIL.**—The term “Council” means the  
11 Water Data Council established under section  
12 603(a).

13 (3) **DATA STANDARDS.**—The term “data stand-  
14 ards” means standards relating to the manner in  
15 which data and metadata are to be structured, popu-  
16 lated, and encoded in machine-readable formats, and  
17 made interoperable for data exchange.

18 (4) **DEPARTMENTS.**—The term “Departments”  
19 means each of the following:

20 (A) The Department of Agriculture.

21 (B) The Department of Commerce.

22 (C) The Department of Defense.

23 (D) The Department of Energy.

24 (E) The Department of Health and  
25 Human Services.

1 (F) The Department of Homeland Secu-  
2 rity.

3 (G) The Department of the Interior.

4 (H) The Environmental Protection Agency.

5 (I) The National Aeronautics and Space  
6 Administration.

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

11 (6) NATIONAL WATER DATA FRAMEWORK.—  
12 The term “National Water Data Framework” means  
13 the national water data framework developed under  
14 section 602.

15 (7) SECRETARY.—The term “Secretary” means  
16 the Secretary of the Interior.

17 (8) WATER DATA.—The term “water data”  
18 means measurements and observations of basic prop-  
19 erties relating to the planning and management of  
20 water resources, including streamflow, precipitation,  
21 groundwater, soil moisture, snow, evaporation, water  
22 quality, and water use in agriculture, industry, nat-  
23 ural systems, and municipal uses.



1           (9) WATER DATA GRANT PROGRAM.—The term  
2           “Water Data Grant Program” means the water data  
3           grant program established under section 605(a).

4           (10) WATER DATA INFRASTRUCTURE.—The  
5           term “water data infrastructure” means an inte-  
6           grated system of information technologies that in-  
7           cludes common data standards and metadata, data  
8           formats, geospatial referencing, and tools to make  
9           water data available, easy to find, access, and share  
10          online.

11 **SEC. 602. NATIONAL WATER DATA FRAMEWORK.**

12          (a) IN GENERAL.—For the purpose of improving  
13          water resources management and access across the United  
14          States, including addressing drought, floods, and other  
15          water management challenges, the heads of the Depart-  
16          ments shall jointly develop and implement a national water  
17          data framework for observing, integrating, sharing, and  
18          using water data.

19          (b) REQUIREMENTS.—In developing and imple-  
20          menting the National Water Data Framework, the De-  
21          partments shall—

22                (1) identify and prioritize key water data need-  
23                ed to support water resources management and  
24                planning, including—

1 (A) water data sets, types, observations,  
2 and associated metadata; and

3 (B) water data infrastructure, tech-  
4 nologies, and tools;

5 (2) develop and adopt common national water  
6 data standards for collecting, sharing, and inte-  
7 grating water data, infrastructure, technologies, and  
8 tools in consultation with States, Indian Tribes, local  
9 governments, and relevant bodies;

10 (3) ensure that Federal water data are made  
11 findable, accessible, interoperable, and reusable in  
12 accordance with the standards developed and adopt-  
13 ed pursuant to this title;

14 (4) integrate water data and tools through com-  
15 mon approaches to data and observing infrastruc-  
16 ture, platforms, models, and tool development;

17 (5) establish a common, national geospatial  
18 index for publishing and linking water data from  
19 Federal, State, Tribal, and other non-Federal  
20 sources for online discovery;

21 (6) harmonize and align policies, programs, pro-  
22 tocols, budgets, and funding programs relating to  
23 water data to achieve the purposes of this title, as  
24 appropriate;

1           (7) participate in and coordinate water data ac-  
2           tivities with the Council; and

3           (8) support the adoption of new technologies  
4           and the development of tools for water data collec-  
5           tion, observing, sharing, and standardization by  
6           Federal, State, Tribal, local, and other entities.

7   **SEC. 603. WATER DATA COUNCIL.**

8           (a) **IN GENERAL.**—The heads of the Departments  
9           shall establish an interagency Council, to be known as the  
10          “Water Data Council”, to support the development and  
11          implementation of the National Water Data Framework.

12          (b) **MEMBERSHIP.**—

13               (1) **DUTIES OF SECRETARY.**—The Secretary,  
14               acting through the Director of the United States Ge-  
15               ological Survey, shall—

16                       (A) serve as the Chair of the Council;

17                       (B) in collaboration with the Administra-  
18                       tors of the National Oceanic and Atmospheric  
19                       Administration and Environmental Protection  
20                       Agency, and the Director of the Office of  
21                       Science and Technology Policy, convene the  
22                       Council not less frequently than 4 times each  
23                       year; and

24                       (C) provide staff support for the Council  
25                       through the United States Geological Survey.

1           (2) MEMBERS.—Council Members shall include  
2           the heads of the following entities:

3                   (A) The Departments.

4                   (B) Bureaus and offices of the Depart-  
5                   ments that have a significant role or interest in  
6                   water data, including—

7                           (i) the Corps of Engineers;

8                           (ii) the Bureau of Indian Affairs;

9                           (iii) the Bureau of Reclamation;

10                           (iv) the Federal Emergency Manage-  
11                           ment Agency;

12                           (v) the Federal Energy Regulatory  
13                           Commission;

14                           (vi) the United States Fish and Wild-  
15                           life Service;

16                           (vii) the Indian Health Service;

17                           (viii) the Forest Service;

18                           (ix) the National Laboratories;

19                           (x) the Natural Resources Conserva-  
20                           tion Service;

21                           (xi) the National Oceanic and Atmos-  
22                           pheric Administration; and

23                           (xii) the Rural Development program  
24                           of the Department of Agriculture.

1 (C) Offices of the Executive Office of the  
2 President, including—

3 (i) the Council on Environmental  
4 Quality;

5 (ii) the Office of Management and  
6 Budget; and

7 (iii) the Office of Science and Tech-  
8 nology Policy.

9 (D) Other Federal entities that the Chair  
10 and a majority of the members of the Council  
11 described in subparagraphs (A) through (C) de-  
12 termine to be appropriate.

13 (c) DUTIES.—The Council shall—

14 (1) support the development and implementa-  
15 tion of the National Water Data Framework; and

16 (2) facilitate communication and collaboration  
17 among members of the Council—

18 (A) to establish, adopt, and implement  
19 common national water data standards;

20 (B) to promote water data sharing and in-  
21 tegration across Federal departments and agen-  
22 cies, including—

23 (i) water data collection, observation,  
24 documentation, maintenance, distribution,  
25 and preservation strategies; and

1 (ii) development and use of water data  
2 infrastructure, tools, and technologies to  
3 support water management and planning;

4 (C) to align the policies, programs, proto-  
5 cols, budgets, and funding programs relating to  
6 water data of the members of the Council, as  
7 appropriate; and

8 (D) to promote partnerships across Fed-  
9 eral entities and non-Federal entities—

10 (i) to advance innovation and solu-  
11 tions in water data, technology, tools, plan-  
12 ning, and management; and

13 (ii) to develop guidelines for data  
14 sharing and protecting data privacy and  
15 security.

16 (d) WATER DATA COUNCIL REPORTS.—Not later  
17 than 180 days after the date of enactment of this Act,  
18 and annually thereafter, in conjunction with the annual  
19 budget submission of the President to Congress under sec-  
20 tion 1105(a) of title 31, United States Code, the Sec-  
21 retary, acting on behalf of the Council, shall submit to  
22 members of the Council and the appropriate committees  
23 of Congress and make available publicly online a report  
24 that describes—

25 (1) the National Water Data Framework;

1           (2) the actions undertaken by the Departments  
2 to implement this title pursuant to section 602;

3           (3) key water data sets, types, and infrastruc-  
4 ture needed to support water management and plan-  
5 ning;

6           (4) goals, targets, and actions to carry out the  
7 National Water Data Framework in the subsequent  
8 fiscal year;

9           (5) a summary and evaluation of the progress  
10 of the Departments in achieving any prior goals, tar-  
11 gets, and actions to carry out the National Water  
12 Data Framework;

13           (6) recommendations to align policies, pro-  
14 grams, and budgetary resources to carry out the Na-  
15 tional Water Data Framework, where appropriate,  
16 in the subsequent fiscal year;

17           (7) grants and assistance provided to State,  
18 Tribal, and local entities toward the development  
19 and adoption of new technologies and tools;

20           (8) opportunities to develop and incentivize the  
21 deployment of promising next-generation tech-  
22 nologies, including new water data technologies and  
23 tools, in partnership with the private sector and oth-  
24 ers to accomplish the purposes of this title; and

1 (9) metrics for achieving the National Water  
2 Data Framework.

3 **SEC. 604. ADVISORY COMMITTEE ON WATER INFORMATION.**

4 (a) ESTABLISHMENT.—There is established within  
5 the Department of the Interior an advisory committee, to  
6 be known as the “Advisory Committee on Water Informa-  
7 tion”, to advise the Secretary, Departments, and Council  
8 on the development and implementation of the National  
9 Water Data Framework.

10 (b) MEMBERSHIP.—

11 (1) COMPOSITION.—The Advisory Committee  
12 shall be composed of members, to be appointed by  
13 the Secretary, in consultation with the Administra-  
14 tors of the National Oceanic and Atmospheric Ad-  
15 ministration and the Environmental Protection  
16 Agency, in a manner that provides for—

17 (A) balanced representation among various  
18 entities involved in water-related activities; and

19 (B) consideration for a geographic balance  
20 of individuals representing localities across the  
21 United States.

22 (2) SELECTION.—Members of the Advisory  
23 Committee shall be selected by the Secretary from  
24 among entities involved in water-related activities,  
25 including—



- 1 (A) States;
- 2 (B) Indian Tribes;
- 3 (C) local governments;
- 4 (D) Federal entities;
- 5 (E) water agencies, utilities, conservation  
6 districts, irrigation districts, acequias, and  
7 other water user associations;
- 8 (F) organizations that facilitate collabora-  
9 tion across States and multi-state instrumental-  
10 ities;
- 11 (G) educational institutions;
- 12 (H) professional organizations;
- 13 (I) water data and technology-related ex-  
14 perts, professionals, and industries;
- 15 (J) private sector entities; and
- 16 (K) nonprofit organizations.

17 (3) TERM.—Members of the Advisory Com-  
18 mittee shall be appointed by the Secretary for a  
19 term not to exceed 4 years.

20 (c) CHAIR.—The Secretary shall serve as the Chair  
21 of the Advisory Committee.

22 (d) STAFF SUPPORT.—The United States Geological  
23 Survey shall provide support services for the Advisory  
24 Committee.

1 (e) MEETINGS.—The Advisory Committee shall meet  
2 at the call of the Chair, but not less frequently than 4  
3 times each year.

4 (f) DUTIES.—The duties of the Advisory Committee  
5 are to advise the Secretary, Departments, and Council  
6 on—

7 (1) the development and implementation of the  
8 National Water Data Framework;

9 (2) efforts to operate a cost-effective national  
10 network of water data collection and analysis that  
11 meets the priority water information needs of the  
12 Federal Government and, to the extent practicable  
13 using available resources, the needs of the non-Fed-  
14 eral community that are tied to national interests;

15 (3) efforts to develop uniform standards, guide-  
16 lines, and procedures for the collection, analysis,  
17 management, and dissemination of water informa-  
18 tion to improve quality, consistency, and accessibility  
19 nationwide; and

20 (4) the effectiveness of existing water informa-  
21 tion programs and recommended modifications need-  
22 ed to respond to changes in legislation, technology,  
23 and other conditions.

24 (g) COORDINATION.—To the extent practicable, the  
25 Advisory Committee shall coordinate with the National

1 Water Quality Monitoring Council and other water data  
2 related entities convened by the Federal Government.

3 (h) REPORT.—Not later than two years after the date  
4 of enactment of this Act, and every two years thereafter,  
5 the Advisory Committee shall submit a report of activities  
6 carried out by the Advisory Committee and a rec-  
7 ommendation to continue, modify the duties of, or termi-  
8 nate the Advisory Committee.

9 (i) APPLICABILITY OF FACCA.—

10 (1) IN GENERAL.—Except as provided in para-  
11 graph (2), the Federal Advisory Committee Act (5  
12 U.S.C. App.) shall apply to the Advisory Committee.

13 (2) NO TERMINATION.—Section 14(a)(2) of the  
14 Federal Advisory Committee Act (5 U.S.C. App.)  
15 shall not apply to the Advisory Committee.

16 **SEC. 605. WATER DATA GRANT PROGRAM.**

17 (a) IN GENERAL.—The Secretary shall establish a  
18 water data grant program under which the Secretary shall  
19 award grants—

20 (1) to support non-Federal entities in making  
21 water data sets findable, accessible, interoperable,  
22 and reusable in accordance with the water data  
23 standards established under this title;

1           (2) to advance the development of water data  
2 infrastructure, observations, tools, and technologies  
3 to facilitate the sharing and use of water data;

4           (3) to support programs and projects that fa-  
5 cilitate water data sharing and use in water re-  
6 sources management and the implementation of the  
7 National Water Data Framework; and

8           (4) to provide a prize for accelerating innova-  
9 tion and developing next-generation water data tools  
10 and technologies.

11       (b) COORDINATION WITH THE COUNCIL.—The Sec-  
12 retary shall consult and coordinate with the Council in cre-  
13 ating and implementing the Water Data Grant Program  
14 to ensure that—

15           (1) the Water Data Grant Program is aligned  
16 with and carries out the purposes of this title; and

17           (2) grants and programs are harmonized across  
18 the Departments and members of the Council to  
19 achieve the purposes of this title, as appropriate.

20       (c) ELIGIBLE ENTITIES.—An entity eligible for a  
21 grant under the Water Data Grant Program—

22           (1) shall demonstrate significant needs or capa-  
23 bilities for advancing water data sharing and tools  
24 with a significant public benefit; and

25           (2) may include—

1 (A) a State, multistate instrumentality, In-  
2 dian Tribe, or other unit of local government;

3 (B) a water agency, utility, conservation  
4 district, irrigation district, acequia, mutual do-  
5 mestic association, or other entity organized  
6 pursuant to Federal, Tribal, or local laws for  
7 the purpose of water-related activities;

8 (C) an educational institution or nonprofit  
9 organization; and

10 (D) in the case of carrying out activities  
11 described in subsection (a)(4)—

12 (i) an individual who is a citizen or  
13 legal resident of the United States; or

14 (ii) an entity that is incorporated and  
15 maintains the primary place of business of  
16 the entity in the United States.

17 (d) REQUIREMENTS.—

18 (1) DATA SHARING AND STANDARDS.—Any  
19 project funded through the Water Data Grant Pro-  
20 gram shall be implemented in accordance with the  
21 water data standards established under section 602.

22 (2) USE OF EXISTING WATER DATA INFRA-  
23 STRUCTURE.—The recipient of a grant shall, to the  
24 extent practicable, leverage existing water data and  
25 water data infrastructure.

1 (e) REPORT.—Not later than 1 year after the date  
2 of enactment of this Act, and annually thereafter, in con-  
3 junction with the annual budget submission of the Presi-  
4 dent to Congress under section 1105(a) of title 31, United  
5 States Code, the Secretary shall submit to Congress a re-  
6 port that describes the implementation of the Water Data  
7 Grant Program, including—

8 (1) a description of the use and deployment of  
9 amounts made available under the Water Data  
10 Grant Program;

11 (2) an accounting of all grants awarded under  
12 the Water Data Grant Program, including a descrip-  
13 tion of—

14 (A) each grant recipient; and

15 (B) each project funded under the Water  
16 Data Grant Program;

17 (3) an assessment of the success of the Water  
18 Data Grant Program in advancing the purposes of  
19 this title; and

20 (4) a plan for the subsequent fiscal year to  
21 achieve the purposes of this title.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to the Secretary to carry  
24 out the Water Data Grant Program \$25,000,000 for each

1 of fiscal years 2023 through 2027, to remain available  
2 until expended.

3 (g) ADMINISTRATIVE COSTS.—Of the funds author-  
4 ized to be appropriated under subsection (f), not more  
5 than 3 percent may be used by the Secretary for adminis-  
6 trative costs.

7 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There is authorized to be appro-  
9 priated to the Secretary to carry out sections 602 through  
10 604 \$15,000,000 for each of fiscal years 2023 through  
11 2027, to remain available until expended.

12 (b) TRANSFER OF FUNDS.—The Secretary may  
13 transfer to the Departments, including the Environmental  
14 Protection Agency, funds made available under subsection  
15 (a) to carry out sections 602 through 604.

16 **TITLE VII—NOGALES**  
17 **WASTEWATER IMPROVEMENT**

18 **SEC. 701. SHORT TITLE.**

19 This title may be cited as the “Nogales Wastewater  
20 Improvement Act of 2022”.

21 **SEC. 702. AMENDMENTS TO THE ACT OF JULY 27, 1953.**

22 The first section of the Act of July 27, 1953 (67 Stat.  
23 195, chapter 242; 22 U.S.C. 277d–10), is amended by  
24 striking the period at the end and inserting “: *Provided*  
25 *further*, That the equitable portion of the Nogales sanita-

1 tion project for the city of Nogales, Arizona, shall be lim-  
2 ited to the costs directly associated with the treatment and  
3 conveyance of the wastewater of the city and, to the extent  
4 practicable, shall not include any costs directly associated  
5 with the quality or quantity of wastewater originating in  
6 Mexico.”.

7 **SEC. 703. NOGALES SANITATION PROJECT.**

8 (a) DEFINITIONS.—In this section:

9 (1) CITY.—The term “City” means the City of  
10 Nogales, Arizona.

11 (2) COMMISSION.—The term “Commission”  
12 means the United States Section of the Inter-  
13 national Border and Water Commission.

14 (3) INTERNATIONAL OUTFALL INTERCEPTOR.—  
15 The term “International Outfall Interceptor” means  
16 the pipeline that conveys wastewater from the  
17 United States-Mexico border to the Nogales Inter-  
18 national Wastewater Treatment Plant.

19 (4) NOGALES INTERNATIONAL WASTEWATER  
20 TREATMENT PLANT.—The term “Nogales Inter-  
21 national Wastewater Treatment Plant” means the  
22 wastewater treatment plant that—

23 (A) is operated by the Commission;

24 (B) is located in Rio Rico, Santa Cruz  
25 County, Arizona, after manhole 99; and



1 (C) treats sewage and wastewater origi-  
2 nating from—

3 (i) Nogales, Sonora, Mexico; and

4 (ii) Nogales, Arizona.

5 (b) OWNERSHIP AND CONTROL.—

6 (1) IN GENERAL.—Subject to paragraph (2)  
7 and in accordance with authority under the Act of  
8 July 27, 1953 (67 Stat. 195, chapter 242; 22  
9 U.S.C. 277d–10 et seq.), on transfer by donation  
10 from the City of the current stake of the City in the  
11 International Outfall Interceptor to the Commission,  
12 the Commission shall enter into such agreements as  
13 are necessary to assume full ownership and control  
14 over the International Outfall Interceptor.

15 (2) AGREEMENTS REQUIRED.—The Commission  
16 shall assume full ownership and control over the  
17 International Outfall Interceptor under paragraph  
18 (1) after all applicable governing bodies in the State  
19 of Arizona, including the City, have—

20 (A) signed memoranda of understanding  
21 granting to the Commission access to existing  
22 easements for a right of entry to the Inter-  
23 national Outfall Interceptor for the life of the  
24 International Outfall Interceptor;

1 (B) entered into an agreement with respect  
2 to the flows entering the International Outfall  
3 Interceptor that are controlled by the City; and

4 (C) agreed to work in good faith to expedi-  
5 tiously enter into such other agreements as are  
6 necessary for the Commission to operate and  
7 maintain the International Outfall Interceptor.

8 (c) OPERATIONS AND MAINTENANCE.—

9 (1) IN GENERAL.—Beginning on the date on  
10 which the Commission assumes full ownership and  
11 control of the International Outfall Interceptor  
12 under subsection (b)(1), but subject to subsection  
13 (e), the Commission shall be responsible for the op-  
14 erations and maintenance of the International Out-  
15 fall Interceptor.

16 (2) AUTHORIZATION OF APPROPRIATIONS.—  
17 There are authorized to be appropriated to the Com-  
18 mission to carry out this subsection, to remain avail-  
19 able until expended—

20 (A) \$4,400,000 for fiscal year 2023; and

21 (B) not less than \$2,500,000 for fiscal  
22 year 2024 and each fiscal year thereafter.

23 (d) DEBRIS SCREEN.—

24 (1) DEBRIS SCREEN REQUIRED.—

1           (A) IN GENERAL.—The Commission shall  
2           construct, operate, and maintain a debris screen  
3           at Manhole One of the International Outfall In-  
4           terceptor for intercepting debris and drug bun-  
5           dles coming to the United States from Nogales,  
6           Sonora, Mexico.

7           (B) REQUIREMENT.—In constructing and  
8           operating the debris screen under subparagraph  
9           (A), the Commission and the Commissioner of  
10          U.S. Customs and Border Protection shall co-  
11          ordinate—

12                   (i) the removal of drug bundles and  
13                   other illicit goods caught in the debris  
14                   screen; and

15                   (ii) other operations at the Inter-  
16                   national Outfall Interceptor that require  
17                   coordination.

18          (2) AUTHORIZATION OF APPROPRIATIONS.—  
19          There are authorized to be appropriated to the Com-  
20          mission, to remain available until expended—

21                   (A) \$11,900,000 for fiscal year 2023 for  
22                   construction of the debris screen described in  
23                   paragraph (1)(A); and

24                   (B) \$2,200,000 for fiscal year 2024 and  
25                   each fiscal year thereafter for the operations

1 and maintenance of the debris screen described  
2 in paragraph (1)(A).

3 (e) LIMITATION OF CLAIMS.—Chapter 171 and sec-  
4 tion 1346(b) of title 28, United States Code (commonly  
5 known as the “Federal Tort Claims Act”), shall not apply  
6 to any claim arising from the activities of the Commission  
7 in carrying out this section, including any claim arising  
8 from damages that result from overflow of the Inter-  
9 national Outfall Interceptor due to excess inflow to the  
10 International Outfall Interceptor originating from  
11 Nogales, Sonora, Mexico.

## 12 **TITLE VIII—RIO GRANDE WATER** 13 **SECURITY**

### 14 **SEC. 801. SHORT TITLE.**

15 This title may be cited as the “Rio Grande Water  
16 Security Act”.

## 17 **Subtitle A—Rio Grande Water** 18 **Security**

### 19 **SEC. 811. DEFINITIONS.**

20 In this subtitle:

21 (1) **BASIN PLAN.**—The term “Basin Plan”  
22 means the integrated water resources management  
23 plan for the Rio Grande Basin developed under sec-  
24 tion 812(a).

1           (2) **BASIN STATE.**—The term “Basin State”  
2 means each of the following States:

3                   (A) Colorado.

4                   (B) New Mexico.

5                   (C) Texas, which shall participate upon  
6 consent and agreement by the State of Texas,  
7 acting through the Texas Commission on Envi-  
8 ronmental Quality.

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

13           (4) **NATURE-BASED FEATURE.**—The term “na-  
14 ture-based feature” has the meaning given the term  
15 in section 9502 of the Omnibus Public Land Man-  
16 agement Act of 2009 (42 U.S.C. 10362).

17           (5) **RIO GRANDE BASIN.**—The term “Rio  
18 Grande Basin” means the mainstem of the Rio  
19 Grande from the headwaters of the Rio Grande in  
20 Colorado to the mouth of the Rio Grande and any  
21 hydrologically connected groundwater, aquifers, and  
22 tributaries within the Basin States.

23           (6) **SECRETARY.**—The term “Secretary” means  
24 the Secretary of the Interior.

1           (7) WORKING GROUP.—The term “Working  
2           Group” means the Rio Grande Basin Working  
3           Group convened under section 812(a).

4   **SEC. 812. INTEGRATED WATER RESOURCES MANAGEMENT**  
5                           **PLAN FOR THE RIO GRANDE BASIN.**

6           (a) IN GENERAL.—Not later than 120 days after the  
7           date of enactment of this Act, the Secretary shall convene  
8           a Federal Working Group, to be known as the “Rio  
9           Grande Basin Working Group”, to consult and collaborate  
10          with the Basin States, Indian Tribes, units of local govern-  
11          ment, irrigation districts, conservation districts, acequias,  
12          land grant-mercedes, and other local partners in the Rio  
13          Grande Basin to develop and implement an integrated  
14          water resources management plan for the Rio Grande  
15          Basin using the best available science, data, and local  
16          knowledge.

17          (b) PURPOSE.—The purpose of the Basin Plan is to  
18          improve—

19                 (1) water security and quality for communities  
20                 throughout the Rio Grande Basin;

21                 (2) river and watershed health for ecosystems,  
22                 fish, and wildlife in the Rio Grande Basin;

23                 (3) the resilience of communities and eco-  
24                 systems in the Rio Grande Basin to drought and hy-  
25                 drologic change; and

1           (4) consultation, collaboration, and partnerships  
2           among Federal agencies, Basin States, Indian  
3           Tribes, and local partners within the Rio Grande  
4           Basin.

5           (c) REQUIREMENTS.—The Basin Plan shall in-  
6           clude—

7           (1) a list of recommended projects and activi-  
8           ties to achieve the purpose described in subsection  
9           (b), using the best available science for current and  
10          future conditions in the Rio Grande Basin, including  
11          recommendations for—

12                   (A) improving infrastructure design, main-  
13                   tenance, repair, planning, management, and op-  
14                   erations throughout the Rio Grande Basin;

15                   (B) improving science, data, monitoring,  
16                   and collaboration to improve understanding of  
17                   the Rio Grande Basin, including—

18                           (i) the hydrology and other processes  
19                           of the Rio Grande Basin; and

20                           (ii) the long-term availability of water  
21                           across the Rio Grande Basin;

22                   (C) increasing water conservation in the  
23                   Rio Grande Basin through partnerships with  
24                   communities and water users;

1 (D) investments in nature-based features,  
2 infrastructure, and habitat improvements to im-  
3 prove river health, resilience, water security,  
4 and hazard mitigation in the Rio Grande Basin;

5 (E) updating reservoir operations authori-  
6 ties and water control manuals; and

7 (F) improving consultation, collaboration,  
8 and partnerships throughout the Rio Grande  
9 Basin to achieve the objectives described in sub-  
10 paragraphs (A) through (E);

11 (2) a list of potential changes to existing Fed-  
12 eral authorities that may be needed to implement  
13 the Basin Plan; and

14 (3) a timeline for implementing the Basin Plan  
15 over a 30-year period.

16 (d) REPORT TO CONGRESS.—Not later than 3 years  
17 after the date of enactment of this Act, the Secretary  
18 shall—

19 (1) submit the Basin Plan to—

20 (A) the appropriate committees of Con-  
21 gress; and

22 (B) the Basin States, Indian Tribes lo-  
23 cated within the Rio Grande Basin, and local  
24 partners; and



1           (2) make the Basin Plan publicly available on-  
2 line.

3           (e) IMPLEMENTATION.—

4           (1) IN GENERAL.—On submission of the Basin  
5 Plan to Congress under subsection (d)(1)(A), the  
6 relevant agencies of the Working Group may imple-  
7 ment recommended projects and activities from the  
8 Basin Plan to achieve the purposes of this subtitle,  
9 including—

10           (A) water conservation and restoration  
11 projects;

12           (B) streamflow and groundwater recharge  
13 improvements;

14           (C) optimization of Federal project man-  
15 agement, including—

16           (i) improvements and flexibility in res-  
17 ervoir, irrigation, and flood control project  
18 operations; and

19           (ii) updates and amendments to par-  
20 ticular reservoir operations authorities,  
21 contracts, and water control manuals with-  
22 in the Rio Grande Basin, consistent with  
23 the recommendations provided in sub-  
24 section (c)(1)(E);

1 (D) studies of relevant projects and activi-  
2 ties requiring further authorization;

3 (E) the establishment of a collaborative  
4 science, data, and monitoring program for the  
5 Rio Grande Basin; and

6 (F) the establishment of a coordinated  
7 technical assistance program to support Rio  
8 Grande Basin stakeholders in accessing re-  
9 sources and programs to achieve the purposes  
10 of this subtitle.

11 (2) WAIVER.—In implementing this subsection,  
12 the relevant agencies of the Working Group may  
13 waive or reduce Federal cost-share requirements for  
14 projects and activities that demonstrate significant  
15 public benefits in accordance with the purpose de-  
16 scribed in subsection (b).

17 (f) REQUIREMENTS.—The projects and activities im-  
18 plemented pursuant to subsection (e) shall be—

19 (1) subject to required authorization and appro-  
20 priation by Congress;

21 (2) contingent on the completion of applicable  
22 feasibility studies, environmental reviews, and cost-  
23 benefit analyses that include favorable recommenda-  
24 tions for the proposed projects and activities; and

25 (3) implemented—

- 1 (A) in accordance with applicable law, in-
- 2 cluding—
  - 3 (i) the National Environmental Policy
  - 4 Act of 1969 (42 U.S.C. 4321 et seq.);
  - 5 (ii) the Endangered Species Act of
  - 6 1973 (16 U.S.C. 1531 et seq.); and
  - 7 (iii) the Federal Water Pollution Con-
  - 8 trol Act (33 U.S.C. 1251 et seq.);
- 9 (B) in consultation with and in accordance
- 10 with State, Tribal, and local authorities in the
- 11 Basin States;
- 12 (C) within the State of Colorado—
  - 13 (i) only upon the consent of the State
  - 14 of Colorado, acting through the Colorado
  - 15 Division of Water Resources; and
  - 16 (ii) rely on and not duplicate existing
  - 17 studies and models developed and main-
  - 18 tained by the State of Colorado to the
  - 19 greatest extent practicable;
- 20 (D) in accordance with interstate and
- 21 international agreements applicable to the Rio
- 22 Grande Basin; and
- 23 (E) in accordance with the water rights of
- 24 any Indian Tribe or agreements between any
- 25 Indian Tribe and the United States.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the heads of the agen-  
3 cies represented on the Working Group such sums as are  
4 necessary to carry out this subtitle for each of fiscal years  
5 2023 through 2052.

6 **SEC. 813. RIO GRANDE BASIN WORKING GROUP.**

7 (a) COMPOSITION.—The Working Group shall be  
8 composed of the following members:

9 (1) The Administrator of the Environmental  
10 Protection Agency.

11 (2) The Assistant Secretary of the Army for  
12 Civil Works.

13 (3) The Chief of the Forest Service.

14 (4) The Chief of the Natural Resources Con-  
15 servation Service.

16 (5) The Commissioner of the International  
17 Boundary and Water Commission.

18 (6) The Commissioner of Reclamation.

19 (7) The Director of any National Laboratory lo-  
20 cated in a Basin State.

21 (8) The Director of the Bureau of Indian Af-  
22 fairs.

23 (9) The Director of the Bureau of Land Man-  
24 agement.

25 (10) The Director of the National Park Service.

1           (11) The Director of the United States Fish  
2           and Wildlife Service.

3           (12) The Director of the United States Geologi-  
4           cal Survey.

5           (13) The Secretary of Energy.

6           (14) The Under Secretary for Rural Develop-  
7           ment.

8           (15) The heads of any other relevant Federal  
9           agencies, as determined to be appropriate by a ma-  
10          jority of the members of the Working Group de-  
11          scribed in paragraphs (1) through (14).

12         (b) DUTIES.—The Working Group shall consult, col-  
13         laborate, and work with Basin States, Indian Tribes lo-  
14         cated within the Rio Grande Basin, and local partners—

15                 (1) to develop and implement a Basin Plan; and

16                 (2) on submission of the Basin Plan to Con-  
17         gress under section 812(d)(1)(A), to support ongo-  
18         ing collaboration across the Rio Grande Basin  
19         among Federal stakeholders and non-Federal stake-  
20         holders within the Rio Grande Basin.

21         **SEC. 814. EFFECT OF SUBTITLE.**

22         Nothing in this subtitle—

23                 (1) affects, waives, abrogates, diminishes, de-  
24         fines, or interprets any water right of any Indian

1 Tribe or agreement between any Indian Tribe and  
2 the United States;

3 (2) affects a contract or benefit in existence on  
4 the date of enactment of this Act that was executed  
5 pursuant to the reclamation laws, unless otherwise  
6 agreed to by the parties to the contract or benefit;

7 (3) amends, modifies, or is in conflict with any  
8 interstate or international agreement regarding the  
9 Rio Grande and the waters of the Rio Grande, or  
10 any other interstate compact or agreement regarding  
11 water, including the Rio Grande Compact consented  
12 to by Congress in the Act of May 31, 1939 (53 Stat.  
13 785. Ch.155), or the Colorado River Compact con-  
14 sented to by Congress in the Act of August 19, 1921  
15 (42 Stat. 171, Ch. 72), the 1906 Convention, the  
16 1944 Treaty with Mexico, and Upper Colorado River  
17 Basin Compact consented to by Congress in the Act  
18 of April 6, 1949 (63 Stat. 31);

19 (4) affects any ongoing treaty obligations;

20 (5) changes the commitments and requirements  
21 contained in Public Law 92-514 concerning the  
22 Closed Basin Project; or

23 (6) limits or affects any Basin State or Indian  
24 Tribe in the management of water quantity or qual-

1           ity in accordance with State or Tribal laws, as appli-  
2           cable.

### 3           **Subtitle B—Pueblo Irrigation**

#### 4   **SEC. 821. REAUTHORIZATION OF PUEBLO IRRIGATION IN-** 5                           **FRASTRUCTURE GRANTS.**

6           Section 9106(g)(2) of the Omnibus Public Land  
7   Management Act of 2009 (Public Law 111–11; 123 Stat.  
8   1309) is amended—

9                   (1) by striking “is authorized” and inserting  
10           “are authorized”; and

11                   (2) by striking “\$6,000,000” and all that fol-  
12           lows through the period at the end and inserting  
13           “such sums as are necessary for each of fiscal years  
14           2022 through 2032.”.

### 15   **DIVISION       C—OTHER       FIRE,** 16           **DROUGHT,   AND   EXTREME** 17           **WEATHER PROGRAMS**

### 18   **TITLE I—INFRASTRUCTURE,** 19           **ENERGY, AND ASSISTANCE**

#### 20   **SEC. 101. NATURAL DISASTER GRID MITIGATION MAP.**

21           (a) ESTABLISHMENT.—The Secretary shall establish  
22   and maintain a Natural Disaster Grid Mitigation Map  
23   that identifies critical electric grid infrastructure in each  
24   State that is vulnerable to natural disasters.

25           (b) REPORT.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of enactment of this Act, and annually  
3 thereafter, the Secretary shall develop a report  
4 that—

5                   (A) analyzes how vulnerable critical electric  
6 grid infrastructure in each State is to natural  
7 disasters; and

8                   (B) identifies parts of such critical electric  
9 grid infrastructure that are high risk for energy  
10 disruptions caused by natural disasters.

11           (2) AVAILABILITY.—The Secretary shall make  
12 the report developed under paragraph (1) available  
13 to other relevant Federal agencies to consider when  
14 funding disaster mitigation and resiliency efforts.

15 (c) DEFINITIONS.—In this section:

16           (1) CRITICAL ELECTRIC GRID INFRASTRUC-  
17 TURE.—The term “critical electric grid infrastruc-  
18 ture” includes transmission lines of 66 kilovolt-am-  
19 peres and above and other infrastructure, as deter-  
20 mined by the Secretary.

21           (2) NATURAL DISASTER.—The term “natural  
22 disaster” means a wildfire, hurricane, tornado, ex-  
23 treme temperature, storm, flood, earthquake, vol-  
24 canic eruption, or other natural occurrence of such



1 magnitude or severity so as to be considered disas-  
2 trous, as determined by the Secretary.

3 (3) SECRETARY.—The term “Secretary” means  
4 the Secretary of Energy.

5 (4) STATE.—The term “State” means each of  
6 the several States, the District of Columbia, any ter-  
7 ritory or possession of the United States, and any  
8 federally recognized Indian Tribe.

9 **SEC. 102. INTERREGIONAL MINIMUM TRANSFER CAPA-**  
10 **BILITY REQUIREMENTS.**

11 (a) FINDING.—Congress finds that extreme weather  
12 is increasing in frequency and poses a significant risk to  
13 the reliability of the electric grid.

14 (b) RULEMAKING.—Not later than 18 months after  
15 the date of enactment of this Act, the Federal Energy  
16 Regulatory Commission shall, pursuant to section 206 of  
17 the Federal Power Act (16 U.S.C. 824e), promulgate a  
18 final rule that establishes minimum transfer capability re-  
19 quirements between transmission planning regions.

20 (c) ELECTRIC RELIABILITY.—Section 215 of the  
21 Federal Power Act (16 U.S.C. 824o) is amended—

22 (1) in subsection (a)(3)—

23 (A) by striking “to enlarge such facilities  
24 or”; and

1 (B) by striking “new transmission capacity  
2 or”; and  
3 (2) in subsection (i)(2), by striking “or trans-  
4 mission”.

5 **SEC. 103. CRITICAL DOCUMENT FEE WAIVER.**

6 Section 1238(a) of the Disaster Recovery Reform Act  
7 of 2018 (42 U.S.C. 5174b) is amended—

8 (1) in paragraph (2), by striking “applies re-  
9 gardless” and inserting “and the requirement of the  
10 President to waive fees under paragraph (4) apply  
11 regardless”;

12 (2) by redesignating paragraph (4) as para-  
13 graph (5); and

14 (3) by inserting after paragraph (3) the fol-  
15 lowing:

16 “(4) MANDATORY AUTOMATIC WAIVER.—The  
17 President, in consultation with the Governor of a  
18 State, shall automatically provide a fee waiver de-  
19 scribed in paragraph (1) to an individual or house-  
20 hold that has been adversely affected by a major dis-  
21 aster declared under section 401 of the Robert T.  
22 Stafford Disaster Relief and Emergency Assistance  
23 Act (42 U.S.C. 5170)—

1           “(A) for which the President provides as-  
2           sistance to individuals and households under  
3           section 408 of that Act (42 U.S.C. 5174); and

4           “(B) that destroyed a critical document de-  
5           scribed in paragraph (1) of the individual or  
6           household.”.

7 **SEC. 104. HERMIT’S PEAK/CALF CANYON FIRE ASSISTANCE.**

8           (a) FINDINGS AND PURPOSES.—

9           (1) FINDINGS.—Congress finds that—

10           (A) on April 6, 2022, the Forest Service  
11           initiated the Las Dispensas-Gallinas prescribed  
12           burn on Federal land in the Santa Fe National  
13           Forest in San Miguel County, New Mexico,  
14           when erratic winds were prevalent in the area  
15           that was also suffering from severe drought  
16           after many years of insufficient precipitation;

17           (B) on April 6, 2022, the prescribed burn,  
18           which became known as the “Hermit’s Peak  
19           Fire”, exceeded the containment capabilities of  
20           the Forest Service, was declared a wildfire, and  
21           spread to other Federal and non-Federal land;

22           (C) on April 19, 2022, the Calf Canyon  
23           Fire, also in San Miguel County, New Mexico,  
24           began burning on Federal land and was later  
25           identified as the result of a pile burn in Janu-

1           ary 2022 that remained dormant under the sur-  
2           face before reemerging;

3           (D) on April 27, 2022, the Hermit’s Peak  
4           Fire and the Calf Canyon Fire merged, and  
5           both fires were reported as the Hermit’s Peak  
6           Fire or the Hermit’s Peak/Calf Canyon Fire,  
7           (referred hereafter in this subsection as the  
8           “Hermit’s Peak/Calf Canyon Fire”);

9           (E) by May 2, 2022, the fire had grown in  
10          size and caused evacuations in multiple villages  
11          and communities in San Miguel County and  
12          Mora County, including in the San Miguel  
13          county jail, the State’s psychiatric hospital, the  
14          United World College, and New Mexico High-  
15          lands University;

16          (F) on May 4, 2022, the President issued  
17          a major disaster declaration for the counties of  
18          Colfax, Mora, and San Miguel, New Mexico;

19          (G) on May 20, 2022, U.S. Forest Service  
20          Chief Randy Moore ordered a 90-day review of  
21          prescribed burn policies to reduce the risk of  
22          wildfires and ensure the safety of the commu-  
23          nities involved;

1 (H) the U.S. Forest Service has assumed  
2 responsibility for the Hermit's Peak/Calf Can-  
3 yon Fire;

4 (I) the fire resulted in the loss of Federal,  
5 State, local, Tribal, and private property; and

6 (J) the United States should compensate  
7 the victims of the Hermit's Peak/Calf Canyon  
8 Fire.

9 (2) PURPOSES.—The purposes of this section  
10 are—

11 (A) to compensate victims of the Hermit's  
12 Peak/Calf Canyon Fire, for injuries resulting  
13 from the fire; and

14 (B) to provide for the expeditious consider-  
15 ation and settlement of claims for those inju-  
16 ries.

17 (b) DEFINITIONS.—In this section:

18 (1) ADMINISTRATOR.—The term “Adminis-  
19 trator” means—

20 (A) the Administrator of the Federal  
21 Emergency Management Agency; or

22 (B) if a Manager is appointed under sub-  
23 section (c)(1)(C), the Manager.

24 (2) HERMIT'S PEAK/CALF CANYON FIRE.—The  
25 term “Hermit's Peak/Calf Canyon Fire” means—

1 (A) the fire resulting from the initiation by  
2 the Forest Service of a prescribed burn in the  
3 Santa Fe National Forest in San Miguel Coun-  
4 ty, New Mexico, on April 6, 2022;

5 (B) the pile burn holdover resulting from  
6 the prescribed burn by the Forest Service,  
7 which reemerged on April 19, 2022; and

8 (C) the merger of the two fires described  
9 in subparagraphs (A) and (B), reported as the  
10 Hermit’s Peak Fire or the Hermit’s Peak Fire/  
11 Calf Canyon Fire.

12 (3) INDIAN TRIBE.—The term “Indian Tribe”  
13 means the recognized governing body of any Indian  
14 or Alaska Native Tribe, band, nation, pueblo, village,  
15 community, component band, or component reserva-  
16 tion individually identified (including parenthetically)  
17 in the list published most recently as of the date of  
18 enactment of this Act pursuant to section 104 of the  
19 Federally Recognized Indian Tribe List Act of 1994  
20 (25 U.S.C. 5131).

21 (4) INJURED PERSON.—The term “injured per-  
22 son” means—

23 (A) an individual, regardless of the citizen-  
24 ship or alien status of the individual; or

1 (B) an Indian Tribe, corporation, Tribal  
2 corporation, partnership, company, association,  
3 county, township, city, State, school district, or  
4 other non-Federal entity (including a legal rep-  
5 resentative) that suffered injury resulting from  
6 the Hermit’s Peak/Calf Canyon Fire.

7 (5) INJURY.—The term “injury” has the same  
8 meaning as the term “injury or loss of property, or  
9 personal injury or death” as used in section  
10 1346(b)(1) of title 28, United States Code.

11 (6) MANAGER.—The term “Manager” means  
12 an Independent Claims Manager appointed under  
13 subsection (c)(1)(C).

14 (7) OFFICE.—The term “Office” means the Of-  
15 fice of Hermit’s Peak/Calf Canyon Fire Claims es-  
16 tablished by subsection (c)(1)(B).

17 (8) TRIBAL ENTITY.—The term “Tribal entity”  
18 includes any Indian Tribe, tribal organization, In-  
19 dian-controlled organization serving Indians, Native  
20 Hawaiian organization, or Alaska Native entity, as  
21 such terms are defined or used in section 166 of the  
22 Workforce Innovation and Opportunity Act (25  
23 U.S.C. 5304).

24 (c) COMPENSATION FOR VICTIMS OF HERMIT’S  
25 PEAK/CALF CANYON FIRE.—

1 (1) IN GENERAL.—

2 (A) COMPENSATION.—Each injured person  
3 shall be entitled to receive from the United  
4 States compensation for injury suffered by the  
5 injured person as a result of the Hermit’s Peak/  
6 Calf Canyon Fire.

7 (B) OFFICE OF HERMIT’S PEAK/CALF CAN-  
8 YON FIRE CLAIMS.—

9 (i) IN GENERAL.—There is established  
10 within the Federal Emergency Manage-  
11 ment Agency an Office of Hermit’s Peak/  
12 Calf Canyon Fire Claims.

13 (ii) PURPOSE.—The Office shall re-  
14 ceive, process, and pay claims in accord-  
15 ance with this section.

16 (iii) FUNDING.—The Office—

17 (I) shall be funded from funds  
18 made available to the Administrator  
19 under this section;

20 (II) may appoint and fix the  
21 compensation of such temporary per-  
22 sonnel as may be necessary, without  
23 regard to the provisions of title 5,  
24 United States Code, governing ap-  
25 pointments in competitive service; and



1 (III) may reimburse other Fed-  
2 eral agencies for claims processing  
3 support and assistance.

4 (C) OPTION TO APPOINT INDEPENDENT  
5 CLAIMS MANAGER.—The Administrator may ap-  
6 point an Independent Claims Manager to—

- 7 (i) head the Office; and  
8 (ii) assume the duties of the Adminis-  
9 trator under this section.

10 (2) SUBMISSION OF CLAIMS.—Not later than 2  
11 years after the date on which regulations are first  
12 promulgated under paragraph (6), an injured person  
13 may submit to the Administrator a written claim for  
14 1 or more injuries suffered by the injured person in  
15 accordance with such requirements as the Adminis-  
16 trator determines to be appropriate.

17 (3) INVESTIGATION OF CLAIMS.—

18 (A) IN GENERAL.—The Administrator  
19 shall, on behalf of the United States, inves-  
20 tigate, consider, ascertain, adjust, determine,  
21 grant, deny, or settle any claim for money dam-  
22 ages asserted under paragraph (2).

23 (B) APPLICABILITY OF STATE LAW.—Ex-  
24 cept as otherwise provided in this section, the  
25 laws of the State of New Mexico shall apply to

1 the calculation of damages under paragraph  
2 (4)(D).

3 (C) EXTENT OF DAMAGES.—Any payment  
4 under this section—

5 (i) shall be limited to actual compen-  
6 satory damages measured by injuries suf-  
7 fered; and

8 (ii) shall not include—

9 (I) interest before settlement or  
10 payment of a claim; or

11 (II) punitive damages.

12 (4) PAYMENT OF CLAIMS.—

13 (A) DETERMINATION AND PAYMENT OF  
14 AMOUNT.—

15 (i) IN GENERAL.—

16 (I) PAYMENT.—Not later than  
17 180 days after the date on which a  
18 claim is submitted under this section,  
19 the Administrator shall determine and  
20 fix the amount, if any, to be paid for  
21 the claim.

22 (II) PRIORITY.—The Adminis-  
23 trator, to the maximum extent prac-  
24 ticable, shall pay subrogation claims  
25 submitted under this section only

1 after paying claims submitted by in-  
2 jured parties that are not insurance  
3 companies seeking payment as  
4 subrogees.

5 (ii) PARAMETERS OF DETERMINA-  
6 TION.—In determining and settling a claim  
7 under this section, the Administrator shall  
8 determine only—

9 (I) whether the claimant is an in-  
10 jured person;

11 (II) whether the injury that is  
12 the subject of the claim resulted from  
13 the fire;

14 (III) the amount, if any, to be al-  
15 lowed and paid under this section; and

16 (IV) the person or persons enti-  
17 tled to receive the amount.

18 (iii) INSURANCE AND OTHER BENE-  
19 FITS.—

20 (I) IN GENERAL.—In deter-  
21 mining the amount of, and paying, a  
22 claim under this section, to prevent  
23 recovery by a claimant in excess of ac-  
24 tual compensatory damages, the Ad-  
25 ministrator shall reduce the amount

1 to be paid for the claim by an amount  
2 that is equal to the total of insurance  
3 benefits (excluding life insurance ben-  
4 efits) or other payments or settle-  
5 ments of any nature that were paid,  
6 or will be paid, with respect to the  
7 claim.

8 (II) GOVERNMENT LOANS.—This  
9 subparagraph shall not apply to the  
10 receipt by a claimant of any govern-  
11 ment loan that is required to be re-  
12 paid by the claimant.

13 (B) PARTIAL PAYMENT.—

14 (i) IN GENERAL.—At the request of a  
15 claimant, the Administrator may make 1  
16 or more advance or partial payments be-  
17 fore the final settlement of a claim, includ-  
18 ing final settlement on any portion or as-  
19 pect of a claim that is determined to be  
20 severable.

21 (ii) JUDICIAL DECISION.—If a claim-  
22 ant receives a partial payment on a claim  
23 under this section, but further payment on  
24 the claim is subsequently denied by the  
25 Administrator, the claimant may—

1 (I) seek judicial review under  
2 paragraph (9); and

3 (II) keep any partial payment  
4 that the claimant received, unless the  
5 Administrator determines that the  
6 claimant—

7 (aa) was not eligible to re-  
8 ceive the compensation; or

9 (bb) fraudulently procured  
10 the compensation.

11 (C) RIGHTS OF INSURER OR OTHER THIRD  
12 PARTY.—If an insurer or other third party pays  
13 any amount to a claimant to compensate for an  
14 injury described in paragraph (1), the insurer  
15 or other third party shall be subrogated to any  
16 right that the claimant has to receive any pay-  
17 ment under this section or any other law.

18 (D) ALLOWABLE DAMAGES.—

19 (i) LOSS OF PROPERTY.—A claim that  
20 is paid for loss of property under this sec-  
21 tion may include otherwise uncompensated  
22 damages resulting from the Hermit’s Peak/  
23 Calf Canyon Fire for—

24 (I) an uninsured or underinsured  
25 property loss;

1 (II) a decrease in the value of  
2 real property;

3 (III) damage to physical infra-  
4 structure, including irrigation infra-  
5 structure such as acequia systems;

6 (IV) a cost resulting from lost  
7 subsistence from hunting, fishing,  
8 firewood gathering, timbering, graz-  
9 ing, or agricultural activities con-  
10 ducted on land damaged by the Her-  
11 mit's Peak/Calf Canyon Fire;

12 (V) a cost of reforestation or re-  
13 vegetation on Tribal or non-Federal  
14 land, to the extent that the cost of re-  
15 forestation or revegetation is not cov-  
16 ered by any other Federal program;  
17 and

18 (VI) any other loss that the Ad-  
19 ministrator determines to be appro-  
20 priate for inclusion as loss of prop-  
21 erty.

22 (ii) BUSINESS LOSS.—A claim that is  
23 paid for injury under this section may in-  
24 clude damages resulting from the Hermit's  
25 Peak/Calf Canyon Fire for the following

1 types of otherwise uncompensated business  
2 loss:

3 (I) Damage to tangible assets or  
4 inventory.

5 (II) Business interruption losses.

6 (III) Overhead costs.

7 (IV) Employee wages for work  
8 not performed.

9 (V) Any other loss that the Ad-  
10 ministrator determines to be appro-  
11 priate for inclusion as business loss.

12 (iii) FINANCIAL LOSS.—A claim that  
13 is paid for injury under this section may  
14 include damages resulting from the Her-  
15 mit’s Peak/Calf Canyon Fire for the fol-  
16 lowing types of otherwise uncompensated  
17 financial loss:

18 (I) Increased mortgage interest  
19 costs.

20 (II) An insurance deductible.

21 (III) A temporary living or relo-  
22 cation expense.

23 (IV) Lost wages or personal in-  
24 come.

25 (V) Emergency staffing expenses.

1 (VI) Debris removal and other  
2 cleanup costs.

3 (VII) Costs of reasonable efforts,  
4 as determined by the Administrator,  
5 to reduce the risk of wildfire, flood, or  
6 other natural disaster in the counties  
7 impacted by the Hermit's Peak/Calf  
8 Canyon Fire to risk levels prevailing  
9 in those counties before the Hermit's  
10 Peak/Calf Canyon Fire, that are in-  
11 curred not later than the date that is  
12 3 years after the date on which the  
13 regulations under paragraph (6) are  
14 first promulgated.

15 (VIII) A premium for flood in-  
16 surance that is required to be paid on  
17 or before May 31, 2024, if, as a result  
18 of the Hermit's Peak/Calf Canyon  
19 Fire, a person that was not required  
20 to purchase flood insurance before the  
21 Hermit's Peak/Calf Canyon Fire is re-  
22 quired to purchase flood insurance.

23 (IX) A disaster assistance loan  
24 received from the Small Business Ad-  
25 ministration.



1 (X) Any other loss that the Ad-  
2 ministrator determines to be appro-  
3 priate for inclusion as financial loss.

4 (5) ACCEPTANCE OF AWARD.—The acceptance  
5 by a claimant of any payment under this section, ex-  
6 cept an advance or partial payment made under  
7 paragraph (4)(B), shall—

8 (A) be final and conclusive on the claim-  
9 ant, with respect to all claims arising out of or  
10 relating to the same subject matter; and

11 (B) constitute a complete release of all  
12 claims against the United States (including any  
13 agency or employee of the United States) under  
14 chapter 171 of title 28, United States Code  
15 (commonly known as the “Federal Tort Claims  
16 Act”), or any other Federal or State law, aris-  
17 ing out of or relating to the same subject mat-  
18 ter.

19 (6) REGULATIONS AND PUBLIC INFORMA-  
20 TION.—

21 (A) REGULATIONS.—Notwithstanding any  
22 other provision of law, not later than 45 days  
23 after the date of enactment of this section, the  
24 Administrator shall promulgate and publish in  
25 the Federal Register interim final regulations

1 for the processing and payment of claims under  
2 this section.

3 (B) PUBLIC INFORMATION.—

4 (i) IN GENERAL.—At the time at  
5 which the Administrator promulgates regu-  
6 lations under subparagraph (A), the Ad-  
7 ministrator shall publish, online and in  
8 print, in newspapers of general circulation  
9 in the State of New Mexico, a clear, con-  
10 cise, and easily understandable expla-  
11 nation, in English and Spanish, of—

12 (I) the rights conferred under  
13 this section; and

14 (II) the procedural and other re-  
15 quirements of the regulations promul-  
16 gated under subparagraph (A).

17 (ii) DISSEMINATION THROUGH OTHER  
18 MEDIA.—The Administrator shall dissemi-  
19 nate the explanation published under  
20 clause (i) through websites, blogs, social  
21 media, brochures, pamphlets, radio, tele-  
22 vision, and other media that the Adminis-  
23 trator determines are likely to reach pro-  
24 spective claimants.

1           (7) CONSULTATION.—In administering this sec-  
2           tion, the Administrator shall consult with the Sec-  
3           retary of the Interior, the Secretary of Energy, the  
4           Secretary of Agriculture, the Administrator of the  
5           Small Business Administration, other Federal agen-  
6           cies, and State, local, and Tribal authorities, as de-  
7           termined to be necessary by the Administrator, to—

8                   (A) ensure the efficient administration of  
9                   the claims process; and

10                   (B) provide for local concerns.

11           (8) ELECTION OF REMEDY.—

12                   (A) IN GENERAL.—An injured person may  
13                   elect to seek compensation from the United  
14                   States for 1 or more injuries resulting from the  
15                   Hermit’s Peak/Calf Canyon Fire by—

16                           (i) submitting a claim under this sec-  
17                           tion;

18                           (ii) filing a claim or bringing a civil  
19                           action under chapter 171 of title 28,  
20                           United States Code (commonly known as  
21                           the “Federal Tort Claims Act”); or

22                           (iii) bringing an authorized civil action  
23                           under any other provision of law.

24                   (B) EFFECT OF ELECTION.—An election  
25                   by an injured person to seek compensation in

1 any manner described in subparagraph (A)  
2 shall be final and conclusive on the claimant  
3 with respect to all injuries resulting from the  
4 Hermit's Peak/Calf Canyon Fire that are suf-  
5 fered by the claimant.

6 (C) ARBITRATION.—

7 (i) IN GENERAL.—Not later than 45  
8 days after the date of enactment of this  
9 Act, the Administrator shall establish by  
10 regulation procedures under which a dis-  
11 pute regarding a claim submitted under  
12 this section may be settled by arbitration.

13 (ii) ARBITRATION AS REMEDY.—On  
14 establishment of arbitration procedures  
15 under clause (i), an injured person that  
16 submits a disputed claim under this section  
17 may elect to settle the claim through arbi-  
18 tration.

19 (iii) BINDING EFFECT.—An election  
20 by an injured person to settle a claim  
21 through arbitration under this subpara-  
22 graph shall—

23 (I) be binding; and

24 (II) preclude any exercise by the  
25 injured person of the right to judicial

1 review of a claim described in para-  
2 graph (9).

3 (D) NO EFFECT ON ENTITLEMENTS.—

4 Nothing in this section affects any right of a  
5 claimant to file a claim for benefits under any  
6 Federal entitlement program.

7 (9) JUDICIAL REVIEW.—

8 (A) IN GENERAL.—Any claimant aggrieved  
9 by a final decision of the Administrator under  
10 this section may, not later than 60 days after  
11 the date on which the decision is issued, bring  
12 a civil action in the United States District  
13 Court for the District of New Mexico, to modify  
14 or set aside the decision, in whole or in part.

15 (B) RECORD.—The court shall hear a civil  
16 action under subparagraph (A) on the record  
17 made before the Administrator.

18 (C) STANDARD.—The decision of the Ad-  
19 ministrator incorporating the findings of the  
20 Administrator shall be upheld if the decision is  
21 supported by substantial evidence on the record  
22 considered as a whole.

23 (10) ATTORNEY'S AND AGENT'S FEES.—

24 (A) IN GENERAL.—No attorney or agent,  
25 acting alone or in combination with any other

1 attorney or agent, shall charge, demand, re-  
2 ceive, or collect, for services rendered in connec-  
3 tion with a claim submitted under this section,  
4 fees in excess of the limitations established  
5 under section 2678 of title 28, United States  
6 Code.

7 (B) VIOLATION.—An attorney or agent  
8 who violates subparagraph (A) shall be fined  
9 not more than \$10,000.

10 (11) WAIVER OF REQUIREMENT FOR MATCHING  
11 FUNDS.—

12 (A) STATE AND LOCAL PROJECT.—

13 (i) IN GENERAL.—Notwithstanding  
14 any other provision of law, a State or local  
15 project that is determined by the Adminis-  
16 trator to be carried out in response to the  
17 Hermit's Peak/Calf Canyon Fire under any  
18 Federal program that applies to an area  
19 affected by the Hermit's Peak/Calf Canyon  
20 Fire shall not be subject to any require-  
21 ment for State or local matching funds to  
22 pay the cost of the project under the Fed-  
23 eral program.

1 (ii) FEDERAL SHARE.—The Federal  
2 share of the costs of a project described in  
3 clause (i) shall be 100 percent.

4 (B) OTHER NEEDS PROGRAM ASSIST-  
5 ANCE.—Notwithstanding section 408(g)(2) of  
6 the Robert T. Stafford Disaster Relief and  
7 Emergency Assistance Act (42 U.S.C.  
8 5174(g)(2)), for any emergency or major dis-  
9 aster declared by the President under that Act  
10 for the Hermit’s Peak/Calf Canyon Fire, the  
11 Federal share of assistance provided under that  
12 section shall be 100 percent.

13 (12) APPLICABILITY OF DEBT COLLECTION RE-  
14 QUIREMENTS.—Section 3711(a) of title 31, United  
15 States Code, shall not apply to any payment under  
16 this section, unless—

17 (A) there is evidence of civil or criminal  
18 fraud, misrepresentation, presentation of a false  
19 claim; or

20 (B) a claimant was not eligible under para-  
21 graph (4)(B) of this section to any partial pay-  
22 ment.

23 (13) INDIAN COMPENSATION.—Notwithstanding  
24 any other provision of law, in the case of an Indian

1 Tribe, a Tribal entity, or a member of an Indian  
2 Tribe that submits a claim under this section—

3 (A) the Bureau of Indian Affairs shall  
4 have no authority over, or any trust obligation  
5 regarding, any aspect of the submission of, or  
6 any payment received for, the claim;

7 (B) the Indian Tribe, Tribal entity, or  
8 member of an Indian Tribe shall be entitled to  
9 proceed under this section in the same manner  
10 and to the same extent as any other injured  
11 person; and

12 (C) except with respect to land damaged  
13 by the Hermit's Peak/Calf Canyon Fire that is  
14 the subject of the claim, the Bureau of Indian  
15 Affairs shall have no responsibility to restore  
16 land damaged by the Hermit's Peak/Calf Can-  
17 yon Fire.

18 (14) REPORT.—Not later than 1 year after the  
19 date of promulgation of regulations under paragraph  
20 (6)(A), and annually thereafter, the Administrator  
21 shall submit to Congress a report that describes the  
22 claims submitted under this section during the year  
23 preceding the date of submission of the report, in-  
24 cluding, for each claim—

25 (A) the amount claimed;



1 (B) a brief description of the nature of the  
2 claim; and

3 (C) the status or disposition of the claim,  
4 including the amount of any payment under  
5 this section.

6 (15) AUTHORIZATION OF APPROPRIATIONS.—

7 There are authorized to be appropriated such sums  
8 as are necessary to carry out this section.

9 **SEC. 105. FIRE MANAGEMENT ASSISTANCE COST SHARE.**

10 (a) IN GENERAL.—Section 420 of the Robert T.  
11 Stafford Disaster Relief and Emergency Assistance Act is  
12 amended—

13 (1) by redesignating subsection (e) as sub-  
14 section (f); and

15 (2) by inserting after subsection (d) the fol-  
16 lowing:

17 “(e) FEDERAL SHARE.—The Federal share of assist-  
18 ance under this section shall be not less than 75 percent  
19 of the eligible cost of such assistance.”.

20 (b) APPLICABILITY.—The amendment made by sub-  
21 section (a) shall only apply to amounts appropriated on  
22 or after the date of enactment of this Act.

23 **SEC. 106. TRANSITIONAL SHELTERING ASSISTANCE.**

24 (a) DEFINITIONS.—In this section:

1           (1) INDIVIDUAL AT RISK OF WILDFIRE SMOKE  
2 RELATED ILLNESS.—The term “individual at risk of  
3 wildfire smoke related illness” means an individual,  
4 living in an area where the air quality index is deter-  
5 mined to be unhealthy for not less than 3 consecu-  
6 tive days as a result of a wildfire, who is—

7                   (A) a low-income individual;

8                   (B) a parent or guardian with a child who  
9 has not attained 19 years of age;

10                  (C) a pregnant woman;

11                  (D) an individual who is 65 years of age  
12 or older;

13                  (E) an individual with chronic respiratory  
14 or cardiovascular illness; or

15                  (F) an individual with a chronic disease  
16 that is exacerbated by smoke inhalation.

17           (2) LOW-INCOME INDIVIDUAL.—The term “low-  
18 income individual” means an individual from a fam-  
19 ily whose taxable income (as defined in section 63 of  
20 the Internal Revenue Code of 1986) for the pre-  
21 ceding year did not exceed 200 percent of an  
22 amount equal to the poverty level, as determined by  
23 using criteria of poverty established by the Bureau  
24 of the Census.

1           (3) QUALIFIED ENTITY.—The term “qualified  
2           entity” means—

3                   (A) a State or unit of local government;

4                   (B) a local public health authority; and

5                   (C) a coordinated care organization.

6           (b) TRANSITIONAL SHELTERING ASSISTANCE PRO-  
7           GRAM.—In carrying out the Transitional Sheltering As-  
8           sistance Program of the Federal Emergency Management  
9           Agency under section 403 of the Robert T. Stafford Dis-  
10          aster Relief and Emergency Assistance Act (42 U.S.C.  
11          5170b), the President shall—

12                   (1) provide assistance to a qualified entity to  
13                   purchase and provide, to an individual at risk of  
14                   wildfire smoke related illness, smoke-inhalation pre-  
15                   vention equipment, including—

16                           (A) a portable air filtration unit;

17                           (B) an air filter;

18                           (C) a face mask or respirator, such as—

19                                   (i) an N95 respirator;

20                                   (ii) a P100 respirator; or

21                                   (iii) other equipment certified by the  
22                                   National Institute for Occupational Safety  
23                                   and Health to protect from airborne par-  
24                                   ticle exposure;

1 (D) low-cost equipment to keep smoke out  
2 of a house, such as:

3 (i) a weather strip;

4 (ii) not more than 1 portable air-con-  
5 ditioning unit per household;

6 (iii) ventilation equipment;

7 (iv) a screening and shading device; or

8 (v) a window covering; or

9 (E) other similarly effective devices; and

10 (2) in any case in which smoke-inhalation pre-  
11 vention equipment is not sufficient to mitigate the  
12 risk of illness, provide cost-efficient transitional shel-  
13 ter assistance to an individual at risk of wildfire  
14 smoke related illness.

15 (c) APPLICABILITY.—The amendments made by this  
16 section shall apply with respect to any amounts appro-  
17 priated after the date of enactment of this Act.

18 **SEC. 107. GRID RESILIENCE STUDY.**

19 (a) IN GENERAL.—Not later than 1 year after the  
20 date of enactment of this section, the Federal Energy Reg-  
21 ulatory Commission, the Department of Energy, and the  
22 Electric Reliability Organization shall jointly—

23 (1) conduct a study on the need for, and feasi-  
24 bility of, establishing or modifying a reliability

1 standard to ensure the reliable operation of thermo-  
2 electric power plants during droughts; and

3 (2) submit to the appropriate committees of  
4 Congress the results of such study.

5 (b) DEFINITIONS.—In this section:

6 (1) APPROPRIATE COMMITTEES OF CON-  
7 GRESS.—The term “appropriate committees of Con-  
8 gress” means—

9 (A) the Committee on Energy and Com-  
10 merce of the House of Representatives; and

11 (B) the Committee on Energy and Natural  
12 Resources of the Senate.

13 (2) ELECTRIC RELIABILITY ORGANIZATION; RE-  
14 LIABILITY STANDARD.—The terms “Electric Reli-  
15 ability Organization” and “reliability standard” have  
16 the meanings given such terms in section 215(a) of  
17 the Federal Power Act (16 U.S.C. 824o(a)).

18 **SEC. 108. NONNATIVE PLANT SPECIES REMOVAL GRANT**

19 **PROGRAM.**

20 (a) DEFINITIONS.—In this section:

21 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
22 ty” means a partnership between 2 or more entities  
23 that—

24 (A) shall include—

1 (i) at least 1 flood control district;  
2 and

3 (ii) at least 1 city, county, township,  
4 town, borough, parish, village, or other  
5 general purpose political subdivision of a  
6 State or Indian tribe (as defined in section  
7 4 of the Indian Self-Determination and  
8 Education Assistance Act (25 U.S.C.  
9 5304)); and

10 (B) may include any other entity (such as  
11 a nonprofit organization or institution of higher  
12 education), as determined by the Secretary.

13 (2) NONNATIVE PLANT SPECIES.—The term  
14 “nonnative plant species” means a plant species  
15 that—

16 (A) is nonnative or alien to an ecosystem;  
17 and

18 (B) if introduced to that ecosystem, will  
19 cause, or is likely to cause, economic harm, en-  
20 vironmental harm, or harm to human health.

21 (3) SECRETARY.—The term “Secretary” means  
22 the Secretary of Agriculture.

23 (b) ESTABLISHMENT.—The Secretary shall establish  
24 a grant program to award grants, on a competitive basis,  
25 to eligible entities—

1           (1) to remove nonnative plant species in ripar-  
2           ian areas that contribute to drought conditions;

3           (2) to replace those nonnative plant species  
4           with native plant species; and

5           (3) to maintain and monitor riparian areas in  
6           which nonnative plant species have been removed  
7           and replaced.

8           (c) APPLICATIONS.—

9           (1) IN GENERAL.—To be eligible to receive a  
10          grant under this section, an eligible entity shall sub-  
11          mit to the Secretary an application at such time, in  
12          such manner, and containing such information as  
13          the Secretary may require, including—

14                (A) a plan for how the eligible entity will  
15                use grant funds to carry out the activities de-  
16                scribed in paragraphs (1) through (3) of sub-  
17                section (b);

18                (B) a description of the manner in which  
19                the eligible entity has carried out the consulta-  
20                tion required under paragraph (2); and

21                (C) information demonstrating that each  
22                native plant species described in subsection  
23                (b)(2) will—

24                        (i)(I) reduce flood risk;

1 (II) improve hydrology and water  
2 storage capacities; or  
3 (III) reduce fire hazard; and  
4 (ii) protect and restore rivers and  
5 streams and associated riparian habitats,  
6 including fish and wildlife resources that  
7 are dependent on those habitats.

8 (2) CONSULTATION.—An eligible entity seeking  
9 a grant under this section shall consult with local  
10 stakeholders, including conservation groups, to cre-  
11 ate the plan described in paragraph (1)(A).

12 (d) REPORT.—An eligible entity that receives a grant  
13 under this section shall submit to the Secretary a report  
14 at such time, in such manner, and containing such infor-  
15 mation as the Secretary may require, including informa-  
16 tion on methodology and outcomes of nonnative plant spe-  
17 cies removal and replacement efforts.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out this section  
20 \$10,000,000 for fiscal year 2023 and each fiscal year  
21 thereafter.

22 **SEC. 109. CENTERS OF EXCELLENCE FOR RESEARCH ON**  
23 **WILDFIRE SMOKE.**

24 (a) IN GENERAL.—Not later than 180 days after the  
25 date of enactment of this Act, the Administrator of the



1 Environmental Protection Agency (referred to in this sec-  
2 tion as the “Administrator”) shall establish at institutions  
3 of higher education 4 centers, each of which shall be  
4 known as a “Center of Excellence for Wildfire Smoke”,  
5 to carry out research relating to—

6 (1) the effects on public health of smoke emis-  
7 sions from wildland fires; and

8 (2) the means by which communities can better  
9 respond to the impacts of emissions from wildland  
10 fires.

11 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
12 authorized to be appropriated to the Administrator to  
13 carry out this section \$10,000,000 for fiscal year 2023  
14 and each fiscal year thereafter.

15 **SEC. 110. COMMUNITY SMOKE PLANNING.**

16 (a) **IN GENERAL.**—Not later than 180 days after the  
17 date of enactment of this Act, the Administrator of the  
18 Environmental Protection Agency (referred to in this sec-  
19 tion as the “Administrator”) shall establish a competitive  
20 grant program to assist eligible entities described in sub-  
21 section (b) in developing and implementing collaborative  
22 community plans for mitigating the impacts of smoke  
23 emissions from wildland fires.

1 (b) ELIGIBLE ENTITIES.—An entity that is eligible  
2 to submit an application for a grant under subsection (a)  
3 is—

4 (1) a State, as defined in section 302 of the  
5 Clean Air Act (42 U.S.C. 7602);

6 (2) an air pollution control agency, as defined  
7 in section 302 of the Clean Air Act (42 U.S.C.  
8 7602);

9 (3) a municipality, as defined in section 302 of  
10 the Clean Air Act (42 U.S.C. 7602); or

11 (4) an Indian tribe, as defined in section 302  
12 of the Clean Air Act (42 U.S.C. 7602).

13 (c) APPLICATIONS.—To be eligible to receive a grant  
14 under subsection (a), an eligible entity described in sub-  
15 section (b) shall submit to the Administrator an applica-  
16 tion at such time, in such manner, and containing such  
17 information as the Administrator may require.

18 (d) TECHNICAL ASSISTANCE.—The Administrator  
19 may use amounts made available to carry out this section  
20 to provide to eligible entities described in subsection (b)  
21 technical assistance in—

22 (1) submitting grant applications under sub-  
23 section (c); or

24 (2) carrying out projects using a grant under  
25 this section.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to the Administrator to  
3 carry out this section \$50,000,000 for fiscal year 2023  
4 and each fiscal year thereafter.

5 **SEC. 111. DISASTER EQUITY AND FAIRNESS.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “Administrator” means the Ad-  
8 ministrator of the Agency;

9 (2) the term “Agency” means the Federal  
10 Emergency Management Agency;

11 (3) the term “emergency” means an emergency  
12 declared or determined to exist by the President  
13 under section 501 of the Robert T. Stafford Disaster  
14 Relief and Emergency Assistance Act (42 U.S.C.  
15 5191);

16 (4) the terms “Indian tribal government” and  
17 “local government” have the meanings given such  
18 terms in section 102 of the Robert T. Stafford Dis-  
19 aster Relief and Emergency Assistance Act (42  
20 U.S.C. 5122); and

21 (5) the term “major disaster” means a major  
22 disaster declared by the President under section 401  
23 of the Robert T. Stafford Disaster Relief and Emer-  
24 gency Assistance Act (42 U.S.C. 5170).

1 (b) INCREASE COST-SHARE FOR CONSECUTIVE IM-  
2 PACTS.—

3 (1) IN GENERAL.—Notwithstanding the provi-  
4 sions of law described in paragraph (2), for assist-  
5 ance provided under sections 403, 404, 406, 408,  
6 420, and 428 of the Robert T. Stafford Disaster Re-  
7 lief and Emergency Assistance Act (42 U.S.C.  
8 5170b, 5170c, 5172, 5174, 5187, 5189f) to a local  
9 government or Indian tribal government in connec-  
10 tion with the second, or subsequent, major disaster  
11 during any 3-year period, the Federal share shall be  
12 not less than 90 percent of the eligible cost of such  
13 assistance.

14 (2) PROVISIONS.—The provisions of law de-  
15 scribed in this paragraph are sections 403(b),  
16 403(c)(4), 404(a), 406(b), 408(d), 408(g)(2),  
17 420(a), and 428(e)(2)(B) of the Robert T. Stafford  
18 Disaster Relief and Emergency Assistance Act (42  
19 U.S.C. 5170b(b), 5170b(c)(4), 5170c(a), 5172(b),  
20 5174(d), 5174(g)(2), 5187(a), 5189f(e)(2)).

21 (c) STATE AND LOCAL PLANS FOR MEAL DELIV-  
22 ERY.—

23 (1) IN GENERAL.—Title IV of the Robert T.  
24 Stafford Disaster Relief and Emergency Assistance

1 Act (42 U.S.C. 5170 et seq.) is amended by adding  
2 at the end the following:

3 **“SEC. 431. STATE AND LOCAL PLANS FOR MEAL DELIVERY.**

4 “(a) IN GENERAL.—The Administrator may provide  
5 assistance to a State, local government, or Indian tribal  
6 government to reimburse the cost of coordinating food de-  
7 livery, production, and distribution in the event of a major  
8 disaster, including—

9 “(1) establishing a network to coordinate food  
10 delivery, production, and distribution with businesses  
11 and private nonprofit organizations;

12 “(2) establishing contracts with small and mid-  
13 sized restaurants, food vendors, and private non-  
14 profit organizations, including faith-based organiza-  
15 tions, food banks, and soup kitchens, to prepare  
16 healthy meals for people in need; and

17 “(3) partnering with private nonprofit organiza-  
18 tions, including faith-based organizations, food  
19 banks, and soup kitchens to purchase directly from  
20 food producers and farmers.

21 “(b) FEDERAL SHARE.—The Federal share of the  
22 cost of an activity carried out using assistance under this  
23 section shall be—

24 “(1) not less than 90 percent of the eligible cost  
25 of food delivery, production, and distribution during

1 the 30-day period beginning on the date of the dec-  
2 laration of the major disaster; and

3 “(2) not less than 90 percent of such eligible  
4 cost after the end of the 30-day period described in  
5 paragraph (1).”.

6 (2) EMERGENCIES.—Section 502(a) of the Rob-  
7 ert T. Stafford Disaster Relief and Emergency As-  
8 sistance Act (42 U.S.C. 5192(a)) is amended—

9 (A) in paragraph (7), by striking “and” at  
10 the end;

11 (B) by redesignating paragraph (8) as  
12 paragraph (9); and

13 (C) by inserting after paragraph (7) the  
14 following:

15 “(8) provide assistance for food delivery, pro-  
16 duction, and distribution in accordance with section  
17 431; and”.

18 (3) GUIDANCE.—Not later than 1 year after  
19 the date of enactment of this Act, the Administrator  
20 shall issue comprehensive guidance to States, local  
21 governments, and Indian tribal governments regard-  
22 ing receiving reimbursement for the cost of food de-  
23 livery, production, and distribution in the event of  
24 an emergency or major disaster under section 431 of  
25 the Robert T. Stafford Disaster Relief and Emer-

1 agency Assistance Act, as added by paragraph (1), in-  
2 cluding—

3 (A) establishing a coordination network;

4 (B) enabling streamlined arrangements for  
5 food production and distribution; and

6 (C) streamlined contracting and partnering  
7 with private nonprofit organizations such that  
8 private nonprofit organizations may apply di-  
9 rectly for reimbursement under such section as  
10 an agent of a State, local government, or Indian  
11 tribal government.

12 (d) **APPLICABILITY.**—The amendments made by this  
13 section shall apply with respect to any amounts appro-  
14 priated after the date of enactment of this Act.

15 **SEC. 112. FEMA IMPROVEMENT, REFORM, AND EFFICIENCY.**

16 (a) **DEFINITIONS.**—In this section—

17 (1) the term “Administrator” means the Ad-  
18 ministrator of the Agency;

19 (2) the term “Agency” means the Federal  
20 Emergency Management Agency;

21 (3) the term “appropriate committees of Con-  
22 gress” means—

23 (A) the Committee on Homeland Security  
24 and Governmental Affairs and the Committee  
25 on Appropriations of the Senate; and

1 (B) the Committee on Transportation and  
2 Infrastructure and the Committee on Appro-  
3 priations of the House of Representatives;

4 (4) the term “emergency” means an emergency  
5 declared or determined to exist by the President  
6 under section 501 of the Robert T. Stafford Disaster  
7 Relief and Emergency Assistance Act (42 U.S.C.  
8 5191);

9 (5) the terms “Indian tribal government”,  
10 “local government”, and “State” have the meanings  
11 given such terms in section 102 of the Robert T.  
12 Stafford Disaster Relief and Emergency Assistance  
13 Act (42 U.S.C. 5122); and

14 (6) the term “major disaster” means a major  
15 disaster declared by the President under section 401  
16 of the Robert T. Stafford Disaster Relief and Emer-  
17 gency Assistance Act (42 U.S.C. 5170).

18 (b) REPORT ON RELOCATION ASSISTANCE.—

19 (1) IN GENERAL.—Not later than 180 days  
20 after the date of enactment of this Act, the Adminis-  
21 trator shall submit a report regarding the use of re-  
22 location assistance under sections 203, 404, and 406  
23 of the Robert T. Stafford Disaster Relief and Emer-  
24 gency Assistance Act (42 U.S.C. 5133, 5170c, 5172)



1 for wildfire risk to the appropriate committees of  
2 Congress.

3 (2) CONTENTS.—The report submitted under  
4 paragraph (1) shall include the following:

5 (A) Any information on relocation projects  
6 that have been carried out due to fire risks or  
7 denied by the Agency, including the number  
8 and value of projects either carried out or de-  
9 nied.

10 (B) A discussion of the possible benefits or  
11 disadvantages of providing relocation assistance  
12 that may reduce, but not eliminate, the risk of  
13 loss due to wildfires.

14 (C) A discussion of how the Agency may  
15 optimize relocation assistance when entire  
16 States or geographic areas are considered sub-  
17 ject to a fire risk.

18 (D) An analysis of whether other mitiga-  
19 tion measures are more cost-effective than relo-  
20 cation assistance when the applicant is applying  
21 to move from a high-risk to a medium-risk or  
22 low-risk area with respect to wildfires.

23 (E) An analysis of the need for the Fed-  
24 eral Government to produce wildfire maps that

1 identify high-risk, moderate-risk, and low-risk  
2 wildfire zones.

3 (F) An analysis of whether other mitiga-  
4 tion measures promote greater resilience to  
5 wildfires when compared to relocation or, if ad-  
6 ditional data is required in order to carry out  
7 such an analysis, a discussion of the additional  
8 data required.

9 (G) A discussion of the ability of States,  
10 local governments, and Indian tribal govern-  
11 ments to demonstrate fire risk, and whether the  
12 level of this ability impacts the ability of States,  
13 local governments, or Indian tribal governments  
14 to access relocation assistance, including an as-  
15 sessment of existing fire mapping products and  
16 capabilities and recommendations on redressing  
17 any gaps in the ability of the Agency to assist  
18 States, local governments, and Indian tribal  
19 governments in demonstrating fire risk.

20 (H) An evaluation of—

21 (i) the scope of the data available to  
22 the Agency regarding historical wildfire  
23 losses;

1 (ii) how such data is utilized in ben-  
2 efit-cost analysis determinations by the  
3 Agency;

4 (iii) what additional data, if any, may  
5 be pertinent to such determinations; and

6 (iv) what, if any, alternative methods  
7 may be relevant to the determination of  
8 cost effectiveness.

9 (I) A discussion of the extent to which the  
10 decision process for relocation assistance appro-  
11 priately considers the change in future risks for  
12 wildfires due to a changing climate.

13 (J) An analysis of whether statutes and  
14 regulations regarding relocation assistance by  
15 the Agency present barriers for States, local  
16 governments, or Indian tribal governments try-  
17 ing to access funding to reduce wildfire risk.

18 (K) An analysis of—

19 (i) how, if at all, the Agency has  
20 modified policies and procedures to deter-  
21 mine the eligibility of proposed relocation  
22 or mitigation projects with respect to  
23 wildfires;

24 (ii) the cost effectiveness of such  
25 projects, in light of the increasing losses

1 and obligations for wildfires in recent  
2 years; and

3 (iii) the effectiveness of any modifica-  
4 tions described in clause (i).

5 (L) An analysis of how, if at all, recent  
6 changes in the availability of fire insurance has  
7 resulted in modifications of policy or procedure  
8 with respect to determining the cost efficacy of  
9 relocation assistance for wildfires.

10 (M) An analysis of how to define repetitive  
11 loss and repetitively damaged properties in the  
12 context of wildfires.

13 (N) A discussion of whether any legisla-  
14 tive, regulatory, or policy changes are necessary  
15 for the Agency to better implement relocation  
16 assistance to reduce risk from wildfires.

17 (O) Other related issues that the Adminis-  
18 trator determines appropriate.

19 (c) RED FLAG WARNINGS AND PREDISASTER AC-  
20 TIONS.—Not later than 1 year after the date of enactment  
21 of this Act, the Administrator, in coordination with the  
22 National Weather Service of the National Oceanic and At-  
23 mospheric Administration, shall—

24 (1) conduct a study of, develop recommenda-  
25 tions for, and initiate a process for the use of Red

1 Flag Warnings and similar weather alert and notifi-  
2 cation methods, including the use of emerging tech-  
3 nologies, to establish—

4 (A) plans and actions, consistent with law,  
5 that can be implemented prior to a wildfire  
6 event, including pre-impact disaster declara-  
7 tions and surge operations, that can limit the  
8 impact, duration, or severity of the fire; and

9 (B) mechanisms to increase interagency  
10 collaboration to expedite the delivery of disaster  
11 assistance; and

12 (2) submit to the appropriate committees of  
13 Congress a comprehensive report regarding the  
14 study described in paragraph (1), including any rec-  
15 ommendations of the Administrator, and the activi-  
16 ties of the Administrator to carry out paragraph (1).

17 (d) ASSISTANCE FOR WILDFIRE DAMAGE.—Not later  
18 than 180 days after the date of enactment of this Act,  
19 the Administrator shall brief the appropriate committees  
20 of Congress regarding—

21 (1) the application for assistance and consist-  
22 ency of assistance provided by the Agency in re-  
23 sponse to wildfires; and

24 (2) the kinds of damage that result from  
25 wildfires.

1 (e) GAO REPORT ON GAPS.—Not later than 1 year  
2 after the date of enactment of this Act, the Comptroller  
3 General of the United States shall submit to the appro-  
4 priate committees of Congress a report that examines—

5 (1) gaps in the policies of the Agency related to  
6 wildfires, when compared to other hazards;

7 (2) disparities in regulations and guidance  
8 issued by the Administrator, including any oversight  
9 of the programs of the Agency, when addressing im-  
10 pacts of wildfires and other hazards;

11 (3) ways to shorten the period of time between  
12 the initiating of and the distribution of assistance,  
13 reimbursements, and grants;

14 (4) the effectiveness of the programs of the  
15 Agency in addressing wildfire hazards;

16 (5) ways to improve the ability of the Agency  
17 to assist States, local governments, and Indian tribal  
18 governments to prepare for, respond to, recover  
19 from, and mitigate against wildfire hazards;

20 (6) revising the application process for assist-  
21 ance relating to wildfires to more effectively assess  
22 uninsured and underinsured losses and serious  
23 needs; and

24 (7) ways to improve the disaster assistance pro-  
25 grams of agencies other than the Agency.

1 (f) CRISIS COUNSELING CULTURAL COMPETENCY.—  
2 Section 416 of the Robert T. Stafford Disaster Relief and  
3 Emergency Assistance Act (42 U.S.C. 5183) is amend-  
4 ed—

5 (1) by striking “The President” and inserting  
6 the following:

7 “(a) IN GENERAL.—The President”; and

8 (2) by adding at the end the following:

9 “(b) CULTURAL COMPETENCY.—The President shall,  
10 in consultation with affected States, local governments,  
11 and Indian tribal governments and cultural experts, en-  
12 sure that any individual providing professional counseling  
13 services to victims of a major disaster as authorized under  
14 subsection (a), including those working for nonprofit part-  
15 ners and recovery organizations, is appropriately trained  
16 to address—

17 “(1) cultural competency and respectful care  
18 practices; and

19 “(2) impacts from major disasters in commu-  
20 nities, and to individuals, with socio-economically  
21 disadvantaged backgrounds.”.

22 (g) CASE MANAGEMENT CULTURAL COMPETENCY.—  
23 Section 426 of the Robert T. Stafford Disaster Relief and  
24 Emergency Assistance Act (42 U.S.C. 5189d) is amend-  
25 ed—

1           (1) by striking “The President” and inserting  
2           the following:

3           “(a) IN GENERAL.—The President”; and

4           (2) by adding at the end the following:

5           “(b) CULTURAL COMPETENCY.—The President shall,  
6           in consultation with affected States, local governments,  
7           and Indian tribal governments and cultural experts, en-  
8           sure that any individual providing case management serv-  
9           ices to victims of a major disaster as authorized under  
10          subsection (a), including those working for nonprofit part-  
11          ners and recovery organizations, is appropriately trained  
12          to address—

13           “(1) cultural competency and respectful care  
14          practices; and

15           “(2) impacts from major disasters in commu-  
16          nities, and to individuals, with socio-economically  
17          disadvantaged backgrounds.”.

18          (h) STUDY AND PLAN FOR DISASTER HOUSING AS-  
19          SISTANCE.—

20           (1) STUDY.—Not later than 180 days after the  
21          date of enactment of this Act, the Administrator  
22          shall—

23           (A) conduct a study and develop a plan,  
24          consistent with law, under which the Agency  
25          will address providing housing assistance to



1 survivors of major disasters or emergencies  
2 when presented with challenges such as—

3 (i) the lack of proof of ownership or  
4 ownership documentation;

5 (ii) the presence of multiple families  
6 within a single household; and

7 (iii) the near loss of a community,  
8 with the majority of homes destroyed in  
9 that community, including as a result of a  
10 wildfire, earthquake, or other event causing  
11 a major disaster; and

12 (B) make recommendations for legislative  
13 changes needed to address—

14 (i) the unmet needs of survivors of  
15 major disasters or emergencies who are  
16 unable to document or prove ownership of  
17 the household;

18 (ii) the presence of multiple families  
19 within a single household; and

20 (iii) the near loss of a community,  
21 with the majority of homes destroyed in  
22 that community, including as a result of a  
23 wildfire, earthquake, or other event causing  
24 a major disaster.

1           (2) COMPREHENSIVE REPORT.—The Adminis-  
2           trator shall submit to the appropriate committees of  
3           Congress a report that provides a detailed discussion  
4           of the plans developed under paragraph (1)(A) and  
5           the recommendations of the Administrator under  
6           paragraph (1)(B).

7           (3) BRIEFING.—Not later than 30 days after  
8           submission of the report and recommendations  
9           under paragraph (2), the Administrator shall brief  
10          the appropriate committees of Congress on the find-  
11          ings and any recommendations made pursuant to  
12          this subsection.

13          (i) REIMBURSEMENT.—Not later than 180 days after  
14          the date of enactment of this Act, the Administrator shall  
15          brief the appropriate committees of Congress regarding  
16          the extent to which the Agency is using housing solutions  
17          proposed by a State or local government to reduce the  
18          time or cost required to implement housing solutions after  
19          a major disaster.

20          (j) WILDFIRE INSURANCE STUDY BY THE NATIONAL  
21          ACADEMIES.—

22                 (1) STUDY.—

23                         (A) IN GENERAL.—Not later than 180  
24                         days after the date of enactment of this Act,  
25                         the Administrator shall seek to enter into an

1 agreement with the National Academy of  
2 Sciences to conduct a study of—

3 (i) potential solutions to address the  
4 availability and affordability of insurance  
5 for wildfire perils in all regions of the  
6 United States, including consideration of a  
7 national all natural hazards insurance pro-  
8 gram;

9 (ii) the ability of States, communities,  
10 and individuals to mitigate wildfire risks,  
11 including the affordability and feasibility of  
12 such mitigation activities;

13 (iii) the current and potential future  
14 effects of land use policies and building  
15 codes on the potential solutions;

16 (iv) the reasons why many properties  
17 at risk of wildfire lack insurance coverage;

18 (v) the role of insurers in providing  
19 incentives for wildfire risk mitigation ef-  
20 forts;

21 (vi) the state of catastrophic insur-  
22 ance and reinsurance markets and the ap-  
23 proaches in providing insurance protection  
24 to different sectors of the population of the  
25 United States;

1 (vii) the role of the Federal Govern-  
2 ment and State and local governments in  
3 providing incentives for feasible wildfire  
4 risk mitigation efforts and the cost of pro-  
5 viding assistance in the absence of insur-  
6 ance;

7 (viii) the state of modeling and map-  
8 ping wildfire risk and solutions for accu-  
9 rately and adequately identifying future  
10 wildfire risk;

11 (ix) approaches to insuring wildfire  
12 risk in the United States; and

13 (x) such other issues that may be nec-  
14 essary or appropriate for the report.

15 (B) CONSULTATION.—The agreement to  
16 conduct the study described in subparagraph  
17 (A) shall require that, in conducting the study,  
18 the National Academy of Sciences shall consult  
19 with State insurance regulators, consumer orga-  
20 nizations, representatives of the insurance and  
21 reinsurance industry, policyholders, and other  
22 organizations and experts, as appropriate.

23 (2) SUBMISSION.—Not later than 2 years after  
24 the date of enactment of this Act, the Administrator

1 shall submit to Congress the results of the study  
2 commissioned under paragraph (1).

3 (k) INCREASED CAP FOR EMERGENCY DECLARA-  
4 TIONS BASED ON REGIONAL COST OF LIVING.—Not later  
5 than 180 days after the date of enactment of this Act,  
6 the Administrator shall brief the appropriate committees  
7 of Congress regarding the benefits and drawbacks of es-  
8 tablishing a maximum amount for assistance provided for  
9 an emergency that is based on the cost of living in the  
10 region in which the emergency occurs.

11 (l) FACILITATING DISPOSAL OF TEMPORARY TRANS-  
12 PORTABLE HOUSING UNITS TO SURVIVORS.—Section  
13 408(d)(2)(B)(i) of the Robert T. Stafford Disaster Relief  
14 and Emergency Assistance Act (42 U.S.C.  
15 5174(d)(2)(B)(i)) is amended by inserting “, with priority  
16 given to a survivor of a major disaster who suffered a  
17 property loss as a result of the major disaster” after “any  
18 person”.

19 (m) DEADLINE ON CODE ENFORCEMENT AND MAN-  
20 AGEMENT COST ELIGIBILITY.—Section 406(a)(2)(D) of  
21 the Robert T. Stafford Disaster Relief and Emergency As-  
22 sistance Act (42 U.S.C. 5172(a)(2)(D)) is amended by  
23 striking “180 days” and inserting “1 year”.

24 (n) PERMIT APPLICATIONS FOR TRIBAL UPGRADES  
25 TO EMERGENCY OPERATIONS CENTERS.—Section 614(a)

1 of the Robert T. Stafford Disaster Relief and Emergency  
2 Assistance Act (42 U.S.C. 5196c(a)) is amended by insert-  
3 ing “and Indian tribal governments” after “grants to  
4 States”.

5 (o) APPLICABILITY.—The amendments made by this  
6 section shall apply with respect to any amounts appro-  
7 priated after the date of enactment of this Act.

8 **SEC. 113. FIRE INVESTIGATIONS.**

9 The Federal Fire Prevention and Control Act of 1974  
10 (15 U.S.C. 2201 et seq.) is amended by adding at the end  
11 the following:

12 **“SEC. 38. INVESTIGATION AUTHORITIES.**

13 “(a) IN GENERAL.—In the case of any major fire,  
14 the Administrator may send incident investigators, which  
15 may include safety specialists, fire protection engineers,  
16 codes and standards experts, researchers, and fire training  
17 specialists, to the site of the fire to conduct an investiga-  
18 tion as described in subsection (b).

19 “(b) INVESTIGATION REQUIRED.—A fire investiga-  
20 tion conducted under this section—

21 “(1) shall be conducted in coordination and co-  
22 operation with appropriate Federal, State, and local  
23 authorities, including Federal agencies that are au-  
24 thorized to investigate a major fire or an incident of  
25 which the major fire is a part; and

1           “(2) shall examine the determined cause and  
2           origin of the fire and assess broader systematic mat-  
3           ters to include use of codes and standards, demo-  
4           graphics, structural characteristics, smoke and fire  
5           dynamics (movement) during the event, and costs of  
6           associated injuries and deaths.

7           “(c) REPORT.—Upon concluding any fire investiga-  
8           tion under this section, the Administrator shall issue a  
9           public report to local, State, and Federal authorities on  
10          the findings of such investigation, or collaborate with an-  
11          other investigating Federal agency on that agency’s re-  
12          port, including recommendations on—

13           “(1) any other buildings with similar character-  
14          istics that may bear similar fire risks;

15           “(2) improving tactical response to similar fires;

16           “(3) improving civilian safety practices;

17           “(4) assessing the costs and benefits to the  
18          community of adding fire safety features; and

19           “(5) how to mitigate the causes of such fire.

20          “(d) DISCRETIONARY AUTHORITY.—In addition to  
21          investigations conducted pursuant to subsection (a), the  
22          Administrator may send fire investigators to conduct in-  
23          vestigations at the site of any fire with unusual or remark-  
24          able context that results in losses less severe than those  
25          occurring as a result of a major fire, in coordination with

1 appropriate Federal, State, and local authorities, including  
2 Federal agencies that are authorized to investigate a  
3 major fire or an incident of which the major fire is a part.

4 “(e) MAJOR FIRE DEFINED.—For purposes of this  
5 section, the term ‘major fire’ shall have the meaning given  
6 such term under regulations to be issued by the Adminis-  
7 trator.”.

8 **SEC. 114. CRITICAL INFRASTRUCTURE AND MICROGRID**  
9 **PROGRAM.**

10 (a) DEFINITIONS.—In this section:

11 (1) CRITICAL FACILITY.—

12 (A) IN GENERAL.—The term “critical fa-  
13 cility” means a facility that provides services or  
14 may be used—

15 (i) to save lives;

16 (ii) to protect property, public health,  
17 and public safety; or

18 (iii) to lessen or avert the threat of a  
19 catastrophe.

20 (B) INCLUSIONS.—The term “critical facil-  
21 ity” includes—

22 (i) a hospital;

23 (ii) an outpatient clinic;

24 (iii) a nursing home;

25 (iv) a police station;



- 1 (v) an emergency operation center;
- 2 (vi) a jail or prison;
- 3 (vii) a fire station;
- 4 (viii) a facility in the communications  
5 sector, as determined by the Secretary;
- 6 (ix) a facility in the chemical sector,  
7 as determined by the Secretary;
- 8 (x) a school or other large building  
9 that may serve as a temporary gathering  
10 space;
- 11 (xi) a utility station, such as a water  
12 and wastewater station;
- 13 (xii) a facility described in subpara-  
14 graph (A) that is owned or operated by, or  
15 provides services to, an Indian Tribe (as  
16 defined in section 4 of the Indian Self-De-  
17 termination and Education Assistance Act  
18 (25 U.S.C. 5304));
- 19 (xiii) a Federal facility, including a  
20 military base or installation; and
- 21 (xiv) any other facility described in  
22 subparagraph (A), as determined by the  
23 Secretary.

24 (2) SECRETARY.—The term “Secretary” means  
25 the Secretary of Energy.

1 (b) CRITICAL INFRASTRUCTURE AND MICROGRID  
2 PROGRAM.—

3 (1) IN GENERAL.—The Secretary shall establish  
4 a program—

5 (A) to improve the energy resilience and  
6 power needs of critical facilities through the use  
7 of microgrids, renewable energy, energy effi-  
8 ciency, reduced electricity demand, and on-site  
9 storage;

10 (B) to improve the energy efficiency of  
11 critical facilities by decreasing the size and cost  
12 of generators;

13 (C) to provide technical assistance and fa-  
14 cilitate the distribution and sharing of informa-  
15 tion to develop more resilient electricity systems  
16 (including bulk systems and localized systems);  
17 and

18 (D) to promulgate consumer-facing infor-  
19 mation and resources to inform the public on  
20 best practices and resources related to increas-  
21 ing resilience of electricity systems and reducing  
22 the impacts of extreme weather events on elec-  
23 tricity systems.

1           (2) REQUIREMENTS.—In carrying out the pro-  
2           gram established under paragraph (1), the Secretary  
3           shall ensure, with respect to critical facilities—

4                   (A) provision of on-site back-up power with  
5                   renewable resources, low-carbon liquid fuels,  
6                   and on-site energy storage technologies; and

7                   (B) installation, at the transmission and  
8                   distribution level, of interoperable technologies,  
9                   advanced power flow control, dynamic line rat-  
10                  ing, topology optimization, and communications  
11                  systems.

12           (3) INTERESTED PARTY INPUT.—In estab-  
13           lishing the program under paragraph (1), the Sec-  
14           retary shall seek the input of State energy regu-  
15           lators, electric utilities (as defined in section 3 of the  
16           Federal Power Act (16 U.S.C. 796)), regional trans-  
17           mission organizations and independent system oper-  
18           ators, electric utility customers and ratepayer orga-  
19           nizations, local governments, community choice  
20           aggregators or regional energy collaboratives, and  
21           other interested parties.

22           (c) AUTHORIZATION OF APPROPRIATIONS.—

23                   (1) IN GENERAL.—There is authorized to be  
24                   appropriated to the Secretary \$100,000,000 to carry  
25                   out this section, to remain available until expended.

1           (2) ADMINISTRATIVE COSTS.—Of the amount  
2           used to carry out this section, not more than 10 per-  
3           cent shall be used for salaries and expenses, admin-  
4           istrative management, and oversight of the program  
5           established under subsection (b)(1).

6           **TITLE II—NATIONAL DISASTER**  
7           **SAFETY BOARD ACT**

8           **SEC. 201. ESTABLISHMENT AND PURPOSE.**

9           (a) ORGANIZATION.—There is established in the exec-  
10          utive branch a National Disaster Safety Board, which  
11          shall be an independent establishment, as defined in sec-  
12          tion 104 of title 5, United States Code.

13          (b) PURPOSE.—The purposes of the Board are—

14               (1) to reduce loss of life, injury, and economic  
15               injury caused by future incidents by learning from  
16               natural hazards, including the impacts and under-  
17               lying factors of such incidents, in a standardized  
18               way;

19               (2) to maintain a focus that is future-looking  
20               and national in scope, by applying what the Board  
21               learns through the trends that emerge from the inci-  
22               dents the Board reviews nationally to prevent loss of  
23               life, or human or economic injury, not only in the af-  
24               fected jurisdiction, but nationally, as the Board de-  
25               termines relevant;

1           (3) in carrying out reviews, analyses, and rec-  
2           ommendations, not to be accusatory in nature and  
3           the Board shall not seek to find blame in any indi-  
4           vidual or organization, or second-guess any relevant  
5           authorities;

6           (4) to address systemic causes behind the loss  
7           of life and human or economic injury in incidents,  
8           including by recommending the augmentation of re-  
9           sources available to entities responsible for man-  
10          aging incident consequences; and

11          (5) while preventing economic injury as part of  
12          the mission of the Board, when relevant, to prioritize  
13          efforts that focus on lifesaving and injury preven-  
14          tion, especially in disproportionately impacted com-  
15          munities, as its work determines them to be.

16 **SEC. 202. GENERAL AUTHORITY.**

17          (a) **AUTHORITY TO REVIEW.—**

18           (1) **IN GENERAL.—**Subject to subsection (b),  
19           the Board shall review and establish the facts, cir-  
20           cumstances, and cause or probable cause of the loss  
21           of life, human injury, and economic injury due to a  
22           natural hazard with 10 or more fatalities or that  
23           meets the requirements described in paragraph (5)  
24           or (6) of subsection (b) that occurs after the date  
25           of enactment of this Act.

1           (2) DUE TO A NATURAL HAZARD INCIDENT DE-  
2           FINED.—For purposes of paragraph (1), the term  
3           “due to a natural hazard” means a fatality that, if  
4           not for the natural hazard incident, as the case may  
5           be, would not have occurred within the time frame  
6           of the incident, as defined by standards developed by  
7           the Board.

8           (b) DETERMINATION OF WHETHER INCIDENT WAR-  
9           RANTS BOARD REVIEW.—In carrying out subsection (a),  
10          the Board—

11           (1) may begin the review of an incident, includ-  
12           ing by monitoring the natural hazard and collecting  
13           facts, before the total number of fatalities is known  
14           if the Board determines that the natural hazard in-  
15           cident has the potential to cause 10 or more fatali-  
16           ties at its onset, in accordance with the policies and  
17           procedures established by the Board;

18           (2) may, by a two-thirds vote, decide that an in-  
19           cident that caused 10 or more fatalities does not re-  
20           quire a review and shall issue a public statement ex-  
21           plaining the determination;

22           (3) may, by a majority vote, decide to review  
23           any natural hazard incident that occurs after the  
24           date of enactment of this Act upon request from a  
25           representative of an affected State, Tribal govern-

1       ment, or unit of local government, regardless of the  
2       number of fatalities;

3           (4) may, by a majority vote, decide to review  
4       any natural hazard incident that occurs after the  
5       date of enactment of this Act upon recommendation  
6       by the Office for the Protection of Disproportion-  
7       ately Impacted Communities of the Board, which the  
8       Office may make because of the incident’s impacts  
9       on populations that are socially, medically, or eco-  
10      nomicly vulnerable, as decided by the Office; and

11          (5) may, by a majority vote, decide to review a  
12      natural hazard incident that occurs after the date of  
13      enactment of this Act if—

14           (A) the Board determines that information  
15      may be gained by the review that will be useful  
16      in reducing systemic causes behind the loss of  
17      life and human or economic injury; and

18           (B) the incident—

19              (i) did not result in 10 or more fatali-  
20              ties; and

21              (ii)(I) could have resulted in a large  
22              number of fatalities if not for swift inter-  
23              vention or a shift in the course of events;

24              or

1 (II) resulted in, as determined by the  
2 Board—

3 (aa) a significant amount of eco-  
4 nomic or infrastructure damage;

5 (bb) significant human displace-  
6 ment; or

7 (cc) a significant number of se-  
8 vere non-fatal injuries or cases of se-  
9 vere illness; and

10 (6) shall, by majority vote, determine whether  
11 each incident for which the President issues a major  
12 disaster declaration under section 401 of the Robert  
13 T. Stafford Disaster Relief and Emergency Assist-  
14 ance Act (42 U.S.C. 5170) meets the criteria for re-  
15 view under paragraph (5).

16 (c) NATURE OF REVIEW.—

17 (1) IN GENERAL.—In carrying out a review  
18 under this title, the Board shall—

19 (A) conduct the review to determine the  
20 facts, conditions, and circumstances relating to  
21 the loss of life, human injury, and economic in-  
22 jury due to an incident;

23 (B) following an initial assessment of an  
24 incident by the Board, notify any individual or  
25 organization that the Board anticipates will be



1 affected by the review as to the extent of the  
2 expected review response of the Board;

3 (C) use the results of the review under  
4 subparagraph (A) to—

5 (i) determine how and why people die  
6 and are injured during an incident; and

7 (ii) issue recommendations to prevent  
8 or mitigate the loss of life, human injury,  
9 or economic injury due to similar incidents;  
10 and

11 (D) report on the facts and circumstances  
12 of the incident review, including the pre-inci-  
13 dent resilience or vulnerabilities of the incident  
14 area or population.

15 (2) GENERALIZED NATURE OF REVIEWS.—A  
16 review of loss of life and injury conducted by the  
17 Board shall—

18 (A) be generalized;

19 (B) focus on trends across an incident; and

20 (C) not aim to determine the exact indi-  
21 vidual cause of death or injury of any affected  
22 people.

23 (3) FACT-FINDING PROCEEDING.—Any review  
24 of an incident by the Board under this title shall be  
25 a fact-finding proceeding with no adverse parties.

1 (4) LIMITATION OF APPLICABILITY OF OTHER  
2 ACTS.—

3 (A) ADMINISTRATIVE PROCEDURE ACT.—

4 Any review proceedings of the Board under this  
5 title shall not be—

6 (i) subject to the Administrative Pro-  
7 cedure Act (5 U.S.C. 551 et seq.); or

8 (ii) conducted for the purpose of de-  
9 termining the rights, liabilities, or blame of  
10 any person, as the review is not an adju-  
11 dicatory proceeding.

12 (B) PAPERWORK REDUCTION ACT.—Chap-  
13 ter 35 of title 44, United States Code (com-  
14 monly known as the “Paperwork Reduction  
15 Act”), shall not apply to the review proceedings  
16 of the Board under this title.

17 (C) FEDERAL ADVISORY COMMITTEE  
18 ACT.—The Federal Advisory Committee Act (5  
19 U.S.C. App.) shall not apply to the Board.

20 (5) INITIATING REVIEWS.—The Board shall ini-  
21 tiate a review of an incident by monitoring the situa-  
22 tion and assessing available facts to determine the  
23 appropriate review response, without interfering in  
24 any ongoing lifesaving and life sustaining efforts un-  
25 derway by other entities.

1           (6) ALIGNMENT AND COORDINATION.—In car-  
2           rying out this title, the Board shall coordinate with  
3           Federal, State, local, and Tribal entities to—

4                   (A) establish or adopt standard methods of  
5                   measuring the impacts of natural hazards and  
6                   accessing response capacity and capabilities to  
7                   maintain consistency and allow for the analysis  
8                   of trends over time;

9                   (B) ensure that the standard data sets and  
10                  formats necessary for reviews developed under  
11                  subparagraph (A) are propagated among Fed-  
12                  eral, State, local, and tribal entities that may be  
13                  involved in response operations;

14                  (C) leverage, to the extent practicable,  
15                  data collected using standard data sets and for-  
16                  mats established under subparagraph (B) by  
17                  Federal entities involved in response operations  
18                  to avoid any duplication of data collection; and

19                  (D) during incident response operations,  
20                  coordinate with partners active in the operation  
21                  to collect data remotely or take other actions  
22                  that the Board finds necessary to align and co-  
23                  ordinate the requirements of the review with  
24                  ongoing operations, including through the re-  
25                  quirements of paragraph (7).

1 (7) INCIDENT COMMAND.—The Board shall—

2 (A) recognize the role of incident command  
3 systems to address incidents;

4 (B) observe the incident command system  
5 to identify and coordinate review needs related  
6 to the preservation and collection of information  
7 and evidence; and

8 (C) shall collect information and evidence  
9 from the incident command in a timely and rea-  
10 sonable manner so as not to interfere with the  
11 operations of the incident command.

12 (8) PARTIES TO THE REVIEW.—

13 (A) PARTICIPANTS.—Subject to subpara-  
14 graph (B), the Board may invite one or more  
15 entities to serve as a party in a review on a vol-  
16 untary basis, and any party participant shall be  
17 required to follow all directions and instructions  
18 from the Board.

19 (B) ELIGIBLE ENTITY.—In designating an  
20 entity to serve as a party under subparagraph  
21 (A), the Board may designate only a Federal,  
22 State, or local government agency or private or-  
23 ganization whose employees, functions, activi-  
24 ties, or products were involved in the incident,  
25 including responsible parties, and that can pro-

1           vide suitable qualified technical personnel to ac-  
2           tively assist in the review.

3           (C) REPRESENTATIVES OF ELIGIBLE ENTI-  
4           TIES.—To the extent practicable, a representa-  
5           tive proposed by an entity designated as a party  
6           under subparagraph (A) to participate in the  
7           review may not be an individual who had direct  
8           involvement in the incident under review.

9           (D) REVOCATION OF PARTY STATUS.—A  
10          designation as a party under subparagraph (A)  
11          may be revoked or suspended by the Board if  
12          the party fails to comply with assigned duties  
13          and instructions, withholds information, or oth-  
14          erwise acts in a manner prejudicial or disrup-  
15          tive to a review.

16          (E) RULE OF CONSTRUCTION.—Nothing in  
17          this paragraph shall be construed to establish a  
18          right for any entity to participate in a Board  
19          review as a party.

20          (F) INTERNAL REVIEW BY A PARTY.—To  
21          assure coordination of concurrent efforts, a  
22          party to a review that conducts or authorizes an  
23          internal review of the processes and procedures  
24          of the party as a result of an incident that the  
25          Board is reviewing shall—

1 (i) inform the Board of the nature of  
2 the review; and

3 (ii) provide to the Board findings  
4 from the review.

5 (9) REVIEW PROCEDURES.—In addition to any  
6 procedures required under this title, the Board shall  
7 determine and publish detailed review procedures as  
8 the Board determines necessary.

9 (10) PRODUCTS.—The Board may use any me-  
10 dium that will effectively convey the findings and  
11 recommendations of the Board to the targeted audi-  
12 ence of such findings or recommendations.

13 (d) REVIEW BY AFFECTED AUTHORITIES.—

14 (1) IN GENERAL.—When the Board has com-  
15 pleted the findings and recommendations or other  
16 products as a result of a review under this title, the  
17 Board shall provide all affected States, Tribal gov-  
18 ernments, and units of local government, or their  
19 designees, an opportunity to review and comment  
20 not later than 30 days before the publication of the  
21 findings or recommendations.

22 (2) REQUIREMENT.—The Board shall make  
23 every reasonable effort, within its discretion, to re-  
24 spond to requests for additional information and  
25 context that an affected jurisdiction may make and

1 to edit their findings and recommendations with any  
2 useful additional information or context provided by  
3 any affected jurisdiction in its comments without af-  
4 fecting the integrity or independence of the review  
5 and its findings and recommendations, as the Board  
6 shall determine.

7 (e) DISPROPORTIONATELY IMPACTED COMMU-  
8 NITIES.—

9 (1) IN GENERAL.—In carrying out a review of  
10 an incident under this section, including in deter-  
11 mining whether to launch a review, the Board shall  
12 ensure the potential development of findings that  
13 would benefit the prevention of loss of life and  
14 human or economic injury to populations that are  
15 socially, medically, or economically vulnerable, as de-  
16 cided by the Board.

17 (2) DATA REQUIREMENT.—To forward the  
18 analysis and identification of trends of fatalities and  
19 injuries as a result of incidents, the Board shall pub-  
20 lish information regarding the number of fatalities  
21 and injuries, and the facts and circumstances sur-  
22 rounding them, disaggregated by race, color or eth-  
23 nicity, religion, nationality, sex, age, disability,  
24 English proficiency, occupation, or economic status,

1 and other demographic characteristics that the  
2 Board may determine appropriate.

3 (f) COORDINATION WITH OTHER REVIEWS AND IN-  
4 VESTIGATIONS.—

5 (1) IN GENERAL.—Subject to the requirements  
6 of this section, a review of a natural hazard incident  
7 by the Board under subsection (a)(1) shall have pri-  
8 ority over any investigation by another department,  
9 agency, or instrumentality of the Federal Govern-  
10 ment or a State, Tribal, or local government.

11 (2) PARTICIPATION BY OTHER AGENCIES.—The  
12 Board shall provide for appropriate participation by  
13 other departments, agencies, or instrumentalities in  
14 a review conducted by the Board, except that an-  
15 other department, agency, or instrumentality may  
16 not influence the final findings of the Board.

17 (3) COORDINATION.—The Board shall coordi-  
18 nate with all other Federal, State, Tribal, or local le-  
19 gally mandated investigations or reviews and may  
20 share information with those entities, according to  
21 policies and procedures that the Board will provide,  
22 to ensure that appropriate findings and recommen-  
23 dations to reduce loss of life, injury, and economic  
24 injury caused by future incidents are produced as ef-  
25 ficiently as possible.



1           (4) MEMORANDA OF UNDERSTANDING.—Not  
2 later than 1 year after the date of enactment of this  
3 Act, and biennially thereafter, the Chairman of the  
4 Board shall enter into memoranda of understanding  
5 with the Director of the National Institute of Stand-  
6 ards and Technology, the Administrator of the Fed-  
7 eral Emergency Management Agency, the Chairman  
8 of the Chemical Safety Board, and the Chairman of  
9 the National Transportation Safety Board, respec-  
10 tively, and may enter into additional memoranda of  
11 understanding with any other Federal entity that re-  
12 quests such due to the relationship that the require-  
13 ments of the Federal entity may have with the re-  
14 quirements with the Board, in order to—

15                   (A) determine the appropriate roles and re-  
16 sponsibilities of the Board with respect to the  
17 other agency or board;

18                   (B) avoid any duplication of effort; and

19                   (C) ensure that appropriate findings and  
20 recommendations to reduce loss of life, injury,  
21 and economic injury caused by future incidents  
22 are provided.

23           (g) PARTICIPATION IN SUPPORT OF ANOTHER AGEN-  
24 CY.—

25           (1) IN GENERAL.—

1           (A) INVESTIGATION OF ACTS OF VIO-  
2           LENCE.—The Board may participate in an in-  
3           vestigation of an act of violence in support of  
4           another Federal department or agency, or other  
5           Federal investigative body with statutory au-  
6           thority to lead such an investigation, if the head  
7           of the lead investigative agency determines that  
8           the participation of the Board would be bene-  
9           ficial to reduce the likelihood of the loss of life  
10          and human or economic injury, for future simi-  
11          lar incidents.

12          (B) INVESTIGATION OF TECHNOLOGICAL  
13          INCIDENTS.—

14               (i) IN GENERAL.—The Board may  
15               participate in an investigation of a techno-  
16               logical incident—

17                       (I) in support of another Federal  
18                       department or agency, or other Fed-  
19                       eral investigative body with statutory  
20                       authority to lead such an investiga-  
21                       tion, if the head of the lead investiga-  
22                       tive agency determines that the par-  
23                       ticipation of the Board would be bene-  
24                       ficial to reduce the likelihood of the

1 loss of life and human or economic in-  
2 jury, for future similar incidents; or

3 (II) in the case of no statutory  
4 authority for another Federal depart-  
5 ment or agency, or other Federal in-  
6 vestigative body, to lead such an in-  
7 vestigation, as the lead investigative  
8 entity.

9 (ii) MEMORANDA OF UNDER-  
10 STANDING.—Not later than 1 year after  
11 the date of enactment of this Act, and bi-  
12 ennially thereafter, the Chairman of the  
13 Board shall enter into memoranda of un-  
14 derstanding with the heads of appropriate  
15 Federal agencies in order to—

16 (I) determine the appropriate  
17 roles and responsibilities of the Board  
18 in investigating technological incidents  
19 with respect to the other agency;

20 (II) avoid any duplication of ef-  
21 fort; and

22 (III) ensure that appropriate  
23 findings and recommendations to re-  
24 duce loss of life, injury, and economic

1 injury caused by future incidents are  
2 provided.

3 (2) FINDINGS.—If the Board participates in an  
4 act of violence or technological incident investigation  
5 under subparagraph (A), the Board may issue inde-  
6 pendent findings and recommendations notwith-  
7 standing the outcome of any investigation conducted  
8 by another Federal agency or other Federal inves-  
9 tigative body.

10 (3) CRIMINAL CIRCUMSTANCES.—If the Attor-  
11 ney General, in consultation with the Chairperson,  
12 determines and notifies the Board that circum-  
13 stances reasonably indicate that the act of violence  
14 or technological incident described in subparagraph  
15 (A) may have been caused by an intentional criminal  
16 act, the Board shall relinquish investigative priority  
17 to the responsible Federal law enforcement entity.

18 (4) RULE OF CONSTRUCTION.—This section  
19 shall not be construed to affect the authority of an-  
20 other department, agency, or instrumentality of the  
21 Federal Government to investigate an incident under  
22 applicable law or to obtain information directly from  
23 the parties involved in, and witnesses to, the inci-  
24 dent. The Board and other departments, agencies,  
25 and instrumentalities shall ensure that appropriate

1 information developed about the incident is ex-  
2 changed in a timely manner.

3 (h) TECHNICAL ASSISTANCE.—The Board may make  
4 the following types of technical assistance available to  
5 Federal, State, Tribal, and local government agencies and  
6 to private entities as designated by a Federal, State, Trib-  
7 al, or local government agency:

8 (1) INDEPENDENT REVIEW.—The Board shall  
9 disseminate best practices to develop disaster inves-  
10 tigation and review capacity within State, Tribal,  
11 and local governments.

12 (2) IMPLEMENTATION OF RECOMMENDA-  
13 TIONS.—The Board—

14 (A) may provide technical assistance to  
15 any entity identified as responsible for imple-  
16 menting a recommendation under section  
17 203(a)(1) to assist the entity in implementing  
18 the recommendation; and

19 (B) to the extent possible, shall provide the  
20 technical assistance described in subparagraph  
21 (A) in coordination with technical assistance of-  
22 fered by another Federal department or agency.

23 (3) PRIORITIZATION.—In offering technical as-  
24 sistance under this subsection, the Board shall use

1 a risk-based method of prioritization, as the Board  
2 determines appropriate.

3 (i) FINDINGS.—

4 (1) IN GENERAL.—Except as provided in para-  
5 graph (2), not later than 1 year after the date on  
6 which the Board initiates a review conducted under  
7 this section, the Board shall make the findings and  
8 relevant underlying data of the review available to  
9 the public.

10 (2) EXTENSION OF DEADLINE.—The Chair-  
11 person of the Board may extend the 1-year period  
12 described in paragraph (1) if the Chairperson, before  
13 the end of such 1-year period—

14 (A) provides an explanation for the exten-  
15 sion; and

16 (B) makes available to the public all avail-  
17 able interim findings and underlying data.

18 **SEC. 203. RECOMMENDATIONS AND RESPONSES.**

19 (a) IN GENERAL.—If the Board issues a recommen-  
20 dation about an incident, the Board shall—

21 (1) explain the relationship between any rec-  
22 ommendation and the results of a fact-finding re-  
23 view;

24 (2) identify each relevant entity responsible for  
25 making the change called for in the recommenda-

1       tion, including State, local, or private entities, as ap-  
2       propriate;

3           (3) publish any responses to the recommenda-  
4       tion publicly; and

5           (4) assess whether the responses adequately  
6       lower the likelihood that a future similar incident  
7       will result in loss of life, or human or economic in-  
8       jury in the view of the Board.

9       (b) FEDERAL RESPONSES TO RECOMMENDATIONS.—

10           (1) IN GENERAL.—All Federal departments and  
11       agencies identified in a recommendation made by the  
12       Board shall reply to the recommendations not later  
13       than 90 days after the date on which the rec-  
14       ommendation is published by the Board.

15           (2) RESPONSE DESCRIBED.—A response under  
16       paragraph (1) made by a Federal department or  
17       agency shall include—

18           (A) whether the department or agency in-  
19       tends to adopt the recommendation in whole, in  
20       part, or not at all;

21           (B) an explanation of the reasons for only  
22       adopting the recommendation in part or not at  
23       all; and

1           (C) a proposed timetable for completing  
2           the action the Federal department or agency  
3           has agreed to.

4           (3) PROGRESS UPDATES.—A Federal depart-  
5           ment or agency that agrees to adopt a recommenda-  
6           tion of the Board shall—

7                   (A) track the progress of the department  
8                   or agency toward completion; and

9                   (B) provide an update to the Board, to be  
10                  published publicly, periodically, and not less fre-  
11                  quently than annually.

12          (c) PUBLIC AVAILABILITY.—

13                  (1) IN GENERAL.—Not later than 1 year after  
14                  the date on which a final determination is made on  
15                  a recommendation under this section, the Board  
16                  shall make a copy of the recommendation and re-  
17                  sponse to the recommendation available to the pub-  
18                  lic.

19                  (2) EXTENSION OF DEADLINE.—The Chair-  
20                  person of the Board may extend the 1-year period  
21                  described in paragraph (1) if the Chairperson, before  
22                  the end of such 1-year period—

23                          (A) provides an explanation for the exten-  
24                          sion; and



1 (B) makes available to the public any  
2 available interim response to the recommenda-  
3 tion and underlying data.

4 (d) DISSEMINATION.—The Board shall propagate  
5 each recommendation issued under this section, including  
6 by—

7 (1) incorporating the recommendation, and any  
8 related findings, into training material used by Fed-  
9 eral, State, Tribal, and private training facilities  
10 specializing in building resilience to and responding  
11 to and recovering from natural hazards, as the  
12 Board deems appropriate;

13 (2) coordinating with professional associations  
14 related to building resilience to and responding to  
15 and recovering from natural hazards;

16 (3) collaborating with relevant Federal, State,  
17 and Tribal authorities and private organizations;  
18 and

19 (4) coordinating with private and public institu-  
20 tions of higher education and research institutions.

21 **SEC. 204. REPORTS AND STUDIES.**

22 (a) STUDIES AND OTHER REPORTS.—

23 (1) IN GENERAL.—The Board shall annually  
24 submit a report containing the information described  
25 in paragraph (2) to—

- 1 (A) Congress;
- 2 (B) any department, agency, or instrumen-
- 3 tality of the Federal Government concerned
- 4 with natural hazards;
- 5 (C) all State and Tribal governments; and
- 6 (D) the general public.

7 (2) INFORMATION DESCRIBED.—The informa-

8 tion described in this paragraph is—

- 9 (A) the results of special studies on how to
- 10 reduce morbidity and mortality from incidents;
- 11 (B) an examination of techniques and
- 12 methods of evaluating measures to protect the
- 13 public from incidents and periodically publish
- 14 recommended procedures for reviews;
- 15 (C) evaluation and examination of the ef-
- 16 fectiveness of the findings of the Board about
- 17 the natural hazard resilience of other depart-
- 18 ments, agencies, and instrumentalities of the
- 19 Federal Government and their effectiveness in
- 20 preventing loss of life, or human or economic
- 21 injury; and
- 22 (D) recommend meaningful responses to
- 23 reduce the likelihood of loss of life, or human
- 24 or economic injury, according to the findings of

1 the above-mentioned research, including na-  
2 tional and regional policies and programs.

3 (b) BIENNIAL REPORT.—Not later than June 1,  
4 2023, and once every 2 years thereafter, the Board shall  
5 submit a report to Congress, which shall include—

6 (1) a statistical and analytical summary of the  
7 reviews conducted and reviewed by the Board during  
8 the prior 2 calendar years;

9 (2) a survey and summary of the recommenda-  
10 tions made by the Board and the observed response  
11 to each recommendation, including the classification,  
12 containing a written justification and explanation of  
13 each recommendation as—

14 (A) open, if, in the determination of the  
15 Board, sufficient action to fulfill the intent of  
16 the recommendation has not been taken and  
17 still should be;

18 (B) closed, if, in the determination of the  
19 Board, sufficient action to fulfill the intent of  
20 the recommendation has been taken and no fur-  
21 ther action is necessary; and

22 (C) outdated, if, in the determination of  
23 the Board, the recommendation is no longer rel-  
24 evant because of any change in circumstances

1 or actions by parties other than the intended  
2 recipient of the recommendation;

3 (3) an assessment of efforts of Federal, State,  
4 Tribal, and local governments to respond to rec-  
5 ommendations made by the Board, if such entities  
6 have voluntarily provided information to the Board  
7 on the progress of the entity;

8 (4) a description of the training undertaken by  
9 the Board and its staff and persons sponsored by  
10 the Board;

11 (5) a list of natural hazards that caused 10 or  
12 more fatalities that the Board did not review and a  
13 recommendation with justification by the Board of  
14 whether similar incidents should be reviewed in the  
15 future;

16 (6) a recommendation on how, if at all, the  
17 thresholds and triggers for a review by the Board  
18 should change;

19 (7) an assessment of the sufficiency of Federal  
20 resources provided to State, Tribal, and local gov-  
21 ernments in aggregate relative to any vulnerabilities  
22 that the Board determines the governments have;

23 (8) a list of all requests for review from Gov-  
24 ernors of States and territories and chief executives  
25 of Tribal governments or recommended by the office

1 established under section 205(f)(2) that the Board  
2 rejected, including comments and recommendations  
3 from the Board regarding whether similar incidents  
4 should be reviewed in the future; and

5 (9) a list of ongoing reviews that have exceeded  
6 the expected time allotted for completion by Board  
7 order and an explanation for the additional time re-  
8 quired to complete each such review.

9 (c) DISSEMINATION.—The Board shall propagate the  
10 information described in subsection (a)(2), including by—

11 (1) incorporating the information into training  
12 material used by Federal, State, Tribal, and private  
13 training facilities specializing in building resilience  
14 to and responding to and recovering from natural  
15 hazards, as the Board deems appropriate;

16 (2) coordinating with professional associations  
17 related to building resilience to and responding to  
18 and recovering from natural hazards;

19 (3) collaborating with relevant Federal, State,  
20 and Tribal authorities and private organizations;  
21 and

22 (4) coordinating with private and public institu-  
23 tions of higher education and research institutions.

24 **SEC. 205. APPOINTMENT AND ORGANIZATION.**

25 (a) APPOINTMENT OF MEMBERS.—

1           (1) IN GENERAL.—The Board shall be com-  
2           posed of 7 members, who shall, in accordance with  
3           paragraph (2) and subject to paragraph (3), be ap-  
4           pointed by the President, by and with the advice and  
5           consent of the Senate.

6           (2) PROCEDURE.—

7           (A) INITIAL APPOINTMENTS.—The Presi-  
8           dent shall, in consultation with the National  
9           Academies of Sciences, Engineering, and Medi-  
10          cine and relevant professional associations and  
11          leaders in the private sector, appoint the 7  
12          members of the Board from among a list of 14  
13          individuals provided by both houses of Con-  
14          gress, of which—

15                 (i) the majority leader of the Senate  
16                 shall provide the names of 4 individuals;

17                 (ii) the minority leader of the Senate  
18                 shall provide the names of 3 individuals;

19                 (iii) the Speaker of the House of Rep-  
20                 resentatives shall provide the names of 4  
21                 individuals; and

22                 (iv) the minority leader of the House  
23                 of Representatives shall provide the names  
24                 of 3 individuals.

1 (B) SUBSEQUENT APPOINTMENTS.—Any  
2 vacancy of the Board shall be filled in the same  
3 manner as the original appointment.

4 (3) REQUIREMENTS.—Of the 7 members ap-  
5 pointed under paragraph (1)—

6 (A) not more than 4 members may be ap-  
7 pointed from the same political party;

8 (B) all members shall be appointed on the  
9 basis of technical qualification, professional  
10 standing, and demonstrated knowledge in emer-  
11 gency management, fire management, emer-  
12 gency medical services, public-health, physical  
13 sciences, social science, behavioral science, or  
14 architectural and engineering with post-disaster  
15 evaluation or building forensics expertise in  
16 their respective field;

17 (C) a minimum of 2 members shall have  
18 experience working at the State or municipal  
19 level in 1 of the fields described in subpara-  
20 graph (B); and

21 (D) a minimum of 2 members shall have  
22 demonstrated professional experience working  
23 with populations that have historically been  
24 more vulnerable to incidents because of their

1 race, color, nationality, sex, age, disability,  
2 English proficiency, or economic status.

3 (b) TERMS OF OFFICE AND REMOVAL.—

4 (1) TERM OF OFFICE.—Except as provided in  
5 paragraph (2), the term of office of each member  
6 shall be 5 years.

7 (2) FILLING OF VACANCY.—An individual ap-  
8 pointed to fill a vacancy occurring before the expira-  
9 tion of the term for which the predecessor of that  
10 individual was appointed is appointed for the re-  
11 mainder of that term.

12 (3) CONTINUATION UNTIL SUCCESSOR IS AP-  
13 POINTED.—When the term of office of a member  
14 ends, the member may continue to serve until a suc-  
15 cessor is appointed and confirmed.

16 (4) REMOVAL.—The President may remove a  
17 member only for inefficiency, neglect of duty, or  
18 malfeasance in office. Immediately upon removing a  
19 member of the Board, the President shall issue a  
20 public statement that details how the actions of the  
21 removed member met the criteria of this paragraph.

22 (c) CHAIRPERSON AND VICE CHAIRPERSON.—

23 (1) CHAIRPERSON.—The President shall des-  
24 ignate, by and with the advice and consent of the



1 Senate, a member appointed under subsection (b) to  
2 serve as the Chairperson of the Board.

3 (2) VICE CHAIRPERSON.—The President shall  
4 designate a member appointed under subsection (b)  
5 to serve as the Vice Chairperson of the Board and  
6 if the Chairperson is absent or unable to serve, or  
7 if the position of Chairperson is vacant, the Vice  
8 Chairperson shall act as the Chairperson.

9 (3) TERM OF OFFICE.—The Chairperson and  
10 Vice Chairperson shall each serve in such position  
11 for a term of 3 years.

12 (d) DUTIES AND POWERS OF CHAIRPERSON.—

13 (1) IN GENERAL.—The Chairperson shall be the  
14 chief executive and administrative officer of the  
15 Board.

16 (2) POWERS.—Subject to the general policies  
17 and decisions of the Board, the Chairperson shall—

18 (A) appoint and supervise officers and em-  
19 ployees, other than regular and full-time em-  
20 ployees in the immediate offices of another  
21 member, necessary to carry out this title;

22 (B) fix the pay of officers and employees  
23 necessary to carry out this title;

1 (C) distribute business among the officers,  
2 employees, and administrative units of the  
3 Board; and

4 (D) supervise the expenditures of the  
5 Board.

6 (e) QUORUM.—

7 (1) IN GENERAL.—Subject to paragraphs (2)  
8 and (3), 4 members of the Board shall constitute a  
9 quorum for purposes of carrying out the duties and  
10 powers of the Board, subject to the limitations in  
11 the remainder of this subsection.

12 (2) PARTY LIMITATION.—Not less than 1 rep-  
13 resentative from each party shall be present for a  
14 quorum to be established.

15 (3) CHAIRPERSON.—Either the Chairperson or  
16 Vice Chairperson shall be present for a quorum to  
17 be established.

18 (f) OFFICES.—

19 (1) IN GENERAL.—The Board shall establish  
20 such offices as are necessary to carry out this title,  
21 which may include offices responsible for—

22 (A) operations;

23 (B) science and methodology;

24 (C) review and evaluation;

25 (D) communications;

- 1 (E) external coordination; or
- 2 (F) technical assistance.

3 (2) OFFICE FOR THE PROTECTION OF DIS-  
4 PROPORTIONATELY IMPACTED COMMUNITIES.—

5 (A) IN GENERAL.—The Board shall estab-  
6 lish an office to review and make recommenda-  
7 tions to mitigate and prevent the loss of life, or  
8 human or economic injury for vulnerable popu-  
9 lations, including populations that may be more  
10 vulnerable because of their race, color, religion,  
11 nationality, sex, age, disability, English pro-  
12 ficiency, or economic status, or other demo-  
13 graphic characteristics that the Board may de-  
14 termine appropriate.

15 (B) RESPONSIBILITIES.—The office estab-  
16 lished under paragraph (1) shall—

17 (i) provide recommendations to the  
18 Board for incidents to review in accordance  
19 with section 202(b)(4) that do not other-  
20 wise meet the requirements of section  
21 202(b);

22 (ii) determine and maintain a list spe-  
23 cific demographic, economic, social, and  
24 health characteristics of populations that

1 historically have shown to be disproportion-  
2 ately impacted by incidents;

3 (iii) during a review conducted by the  
4 Board, provide research and analysis on  
5 how the incident impacts populations that  
6 the Office determines to be disproportion-  
7 ately impacted;

8 (iv) provide recommendations for each  
9 review conducted by the Board and for  
10 each report developed under section 204 on  
11 actions that can be taken to reduce the im-  
12 pact to populations that are found to be  
13 disproportionately impacted under clause  
14 (ii); and

15 (v) provide training, and establish  
16 training requirements, for Board members  
17 and staff in the fields of diversity, inclu-  
18 sion, and equity in consultation with orga-  
19 nizations specializing in those fields.

20 (3) REGIONAL OFFICES.—In establishing offices  
21 under this subsection, the Board may establish re-  
22 gional offices across the United States to facilitate  
23 collaboration, coordination, and the dissemination of  
24 findings, recommendations, and best practices to  
25 State, Tribal, and local governments and the private

1 sector in such regions as the Board determines ap-  
2 propriate.

3 (4) PURPOSE.—Each office established under  
4 this subsection shall enable the Board to review, re-  
5 port on, and issue recommendations to prevent the  
6 loss of life, human injury, and economic injury and  
7 deliver technical assistance to disseminate best prac-  
8 tices in accordance with this title.

9 (g) CHIEF FINANCIAL OFFICER.—The Chairperson  
10 shall designate an officer or employee of the Board to  
11 serve as the Chief Financial Officer, who shall—

12 (1) report directly to the Chairperson on finan-  
13 cial management and budget execution;

14 (2) direct, manage, and provide policy guidance  
15 and oversight on financial management and property  
16 and inventory control; and

17 (3) review the fees, rents, and other charges im-  
18 posed by the Board for services and things of value  
19 it provides and suggest appropriate revisions to  
20 those charges to reflect costs incurred by the Board  
21 in providing those services and things of value.

22 (h) BOARD MEMBER STAFF.—

23 (1) IN GENERAL.—Each member of the Board  
24 shall appoint and supervise regular and full-time em-  
25 ployees in the immediate office of the member as

1 long as any such employee has been approved for  
2 employment by the designated agency ethics official  
3 under the same guidelines that apply to all employ-  
4 ees of the Board.

5 (2) DESIGNATION.—With respect to an indi-  
6 vidual appointed under paragraph (1)—

7 (A) the member of the Board making the  
8 appointment shall determine which grade of the  
9 General Schedule most closely corresponds with  
10 respect to the duties and functions of the posi-  
11 tion to which the individual is appointed; and

12 (B) during the period of the appoint-  
13 ment—

14 (i) the individual shall be compensated  
15 at the appropriate rate of pay for the  
16 grade of the General Schedule with respect  
17 to which the determination is made under  
18 subparagraph (A); and

19 (ii) for the purposes of title 5, United  
20 States Code, and the rules issued under  
21 that title, the individual shall be considered  
22 to be an employee, as that term is defined  
23 in section 5331(a) of title 5, United States  
24 Code.

1           (3) LIMITATION.—Except for the Chairperson,  
2           the appointment authority in paragraph (1) shall be  
3           limited to the number of full-time equivalent posi-  
4           tions, in addition to 1 senior professional staff posi-  
5           tion at a level not to exceed the GS–15 level of the  
6           General Schedule and 1 administrative staff posi-  
7           tion, allocated to each member of the Board through  
8           the annual budget and allocation process of the  
9           Board.

10          (i) DETAILED STAFF.—

11           (1) FEDERAL EMPLOYEES.—

12           (A) IN GENERAL.—Upon request of the  
13           Board, the head of an agency described in sub-  
14           paragraph (B), or any other Federal depart-  
15           ment or agency that the Board may request,  
16           may detail, on a reimbursable basis, any of the  
17           personnel of that department or agency to the  
18           Board to assist the Board in carrying out the  
19           duties of the Board under this title.

20           (B) RELEVANT AGENCIES.—For purposes  
21           of subparagraph (A), the following are agencies  
22           described in this subparagraph:

23           (i) The Federal Emergency Manage-  
24           ment Agency.

1 (ii) The Cybersecurity and Infrastruc-  
2 ture Security Agency of the Department of  
3 Homeland Security.

4 (iii) The National Oceanic and Atmos-  
5 pheric Administration, including the Na-  
6 tional Weather Service.

7 (iv) The Department of Defense, in-  
8 cluding the Army Corps of Engineers.

9 (v) The Department of Health and  
10 Human Services.

11 (vi) The National Institutes of  
12 Health.

13 (vii) The Centers for Disease Control  
14 and Prevention.

15 (viii) The Coast Guard.

16 (ix) The National Transportation  
17 Safety Board.

18 (x) The National Institute of Stand-  
19 ards and Technology.

20 (xi) The Government Accountability  
21 Office.

22 (xii) The Department of the Interior,  
23 including the United States Geological  
24 Survey.



1 (xiii) Any Office of the Inspector Gen-  
2 eral.

3 (xiv) The Small Business Administra-  
4 tion.

5 (xv) The Chemical Safety and Hazard  
6 Investigation Board.

7 (xvi) The Department of Housing and  
8 Urban Development.

9 (xvii) The Department of Agriculture.

10 (2) STATE, LOCAL, TRIBAL, AND RESEARCH  
11 STAFF.—

12 (A) IN GENERAL.—The Board may enter  
13 into agreements with State, local, and Tribal  
14 governments and relevant nonprofit institutions  
15 of higher education and research institutions to  
16 request staff, with specialized experience that  
17 the Board determines relevant, to be detailed to  
18 the Board, on a reimbursable basis, and shall  
19 consult with relevant associations and organiza-  
20 tions of those entities in developing an efficient  
21 process for requesting and receiving detailed  
22 staff.

23 (B) COMPENSATION.—The Board shall en-  
24 sure that any staff members detailed to the  
25 Board under this paragraph are compensated

1 equitably and shall pay differences in salaries  
2 based on the experience of said staff and in  
3 consultation with the Office of Personnel Man-  
4 agement.

5 (3) TERM OF DETAIL.—Any staff member de-  
6 tailed to the Board under this section shall be de-  
7 tailed for a term of 1 year and such detail may be  
8 extended for not more than two 1-year terms.

9 (4) LIMITATIONS.—Under this subsection—

10 (A) not more than 25 percent of the total  
11 number of staff members working for the  
12 Board at any time may be detailees or other-  
13 wise nonpermanent staff;

14 (B) a detailee shall serve as an adviser or  
15 supplemental professional staff in any office es-  
16 tablished by the Board under subsection (g);  
17 and

18 (C) a detailee may not—

19 (i) determine any final findings or rec-  
20 ommendations; and

21 (ii) be the sole decisionmaker in re-  
22 view or evaluation methodologies.

23 (j) SEAL.—The Board shall have a seal that shall be  
24 judicially recognized.

25 (k) OPEN MEETINGS.—

1           (1) IN GENERAL.—Except as provided in para-  
2 graph (2), the Board shall be considered an agency  
3 for purposes of section 552b of title 5, United States  
4 Code.

5           (2) NONPUBLIC COLLABORATIVE DISCUS-  
6 SIONS.—

7           (A) IN GENERAL.—Notwithstanding sec-  
8 tion 552b of title 5, United States Code, a ma-  
9 jority of the members may hold a meeting that  
10 is not open to public observation to discuss offi-  
11 cial agency business, if—

12                   (i) no formal or informal vote or other  
13 official agency action is taken at the meet-  
14 ing;

15                   (ii) each individual present at the  
16 meeting is a member or an employee of the  
17 Board;

18                   (iii) at least 1 member of the Board  
19 from each political party is present at the  
20 meeting, if applicable;

21                   (iv) the General Counsel of the Board  
22 is present at the meeting; and

23                   (v) the records of the meeting, includ-  
24 ing the names of the individuals in attend-  
25 ance, time, place, and summary to be as

1 thorough as the Board determines to be  
2 prudent, are posted publicly and online.

3 (B) DISCLOSURE OF NONPUBLIC COLLABO-  
4 RATIVE DISCUSSIONS.—Except as provided  
5 under subparagraphs (C) and (D), not later  
6 than 2 business days after the conclusion of a  
7 meeting under subparagraph (A), the Board  
8 shall make available to the public, in a place  
9 easily accessible to the public—

10 (i) a list of the individuals present at  
11 the meeting; and

12 (ii) a summary of the matters, includ-  
13 ing key issues, discussed at the meeting,  
14 except for any matter the Board properly  
15 determines may be withheld from the pub-  
16 lic under section 552b(c) of title 5, United  
17 States Code.

18 (C) SUMMARY.—If the Board properly de-  
19 termines a matter may be withheld from the  
20 public under section 552b(c) of title 5, United  
21 States Code, the Board shall provide a sum-  
22 mary with as much general information as pos-  
23 sible on each matter withheld from the public.

24 (D) ACTIVE REVIEWS.—If a discussion  
25 under subparagraph (A) directly relates to an

1 active review, the Board shall make the dislo-  
2 sure under subparagraph (B) on the date the  
3 Board adopts the final report.

4 (E) PRESERVATION OF OPEN MEETINGS  
5 REQUIREMENTS FOR AGENCY ACTION.—Noth-  
6 ing in this paragraph may be construed to limit  
7 the applicability of section 552b of title 5,  
8 United States Code, with respect to a meeting  
9 of the members other than that described in  
10 this paragraph.

11 (F) STATUTORY CONSTRUCTION.—Nothing  
12 in this paragraph may be construed—

13 (i) to limit the applicability of section  
14 552b of title 5, United States Code, with  
15 respect to any information which is pro-  
16 posed to be withheld from the public under  
17 subparagraph (B)(ii); or

18 (ii) to authorize the Board to withhold  
19 from any individual any record that is ac-  
20 cessible to that individual under section  
21 552a of title 5, United States Code.

22 **SEC. 206. METHODOLOGY.**

23 (a) IN GENERAL.—The Board shall conduct each re-  
24 view, issue each recommendation, develop each report, and  
25 deliver all technical assistance authorized under this title

1 using the methods that are in accordance with relevant  
2 professional best practices, including those by analogous  
3 review organizations, academia, and government and pri-  
4 vate organizations.

5 (b) REQUIRED REVIEW.—The Board shall—

6 (1) review, on a regular basis, the methodolo-  
7 gies of the Board; and

8 (2) update the methodologies of the Board in  
9 accordance with the findings of each review con-  
10 ducted under paragraph (1).

11 (c) REQUIREMENT.—In establishing the methodolo-  
12 gies of the Board under this section, the Board shall incor-  
13 porate all relevant information from relevant Federal,  
14 State, and local entities, including past experience with  
15 similar incidents, exercises, risk assessments, and all other  
16 past research and analysis.

17 (d) TRANSPARENCY.—The Chairperson shall include  
18 with each review report in which a recommendation is  
19 issued by the Board a methodology section detailing the  
20 process and information underlying the selection of each  
21 recommendation.

22 (e) ELEMENTS.—Except as provided in subsection  
23 (f), the methodology section under subsection (a) shall in-  
24 clude, for each recommendation—

1           (1) a brief summary of the Board’s collection  
2 and analysis of the specific information most rel-  
3 evant to the recommendation;

4           (2) a description of the Board’s use of external  
5 information, including studies, reports, and experts,  
6 other than the findings of a specific review, if any  
7 were used to inform or support the recommendation,  
8 including a brief summary of the specific resilience  
9 benefits and other effects identified by each study,  
10 report, or expert; and

11           (3) a brief summary of actions, including im-  
12 portant examples, taken by regulated entities before  
13 the publication of the recommendation, to the extent  
14 such actions are known to the Board, that were con-  
15 sistent with the recommendation.

16 (f) SAVINGS CLAUSE.—

17           (1) IN GENERAL.—Nothing in this section may  
18 be construed—

19           (A) to delay publication of the findings,  
20 cause, or probable cause of a Board review;

21           (B) to delay the issuance of an urgent rec-  
22 ommendation that the Board has determined  
23 must be issued to avoid immediate death, or  
24 human or economic injury; or

1 (C) to limit the number of examples the  
2 Board may consider before issuing a rec-  
3 ommendation.

4 (2) LIMITATION.—Notwithstanding paragraph  
5 (1), the Board shall publish the methodology re-  
6 quired under this section not later than 30 days  
7 after the date on which the review is initially pub-  
8 lished.

9 **SEC. 207. ADMINISTRATIVE.**

10 (a) AUTHORITY.—

11 (1) IN GENERAL.—The Board, and when au-  
12 thorized by the Board, a member of the Board, an  
13 administrative law judge employed by or assigned to  
14 the Board, or an officer or employee designated by  
15 the Chairperson, may conduct hearings to carry out  
16 this title, administer oaths, and require, by subpoena  
17 or otherwise, necessary witnesses and evidence.

18 (2) SUBPOENA AUTHORITY.—A witness or evi-  
19 dence in a hearing under paragraph (1) of this sub-  
20 section may be summoned or required to be pro-  
21 duced from any place in the United States to the  
22 designated place of the hearing. A witness sum-  
23 moned under this subsection is entitled to the same  
24 fee and mileage the witness would have been paid in  
25 a court of the United States.



1           (3) REQUIREMENT.—A subpoena shall be  
2 issued under the signature of the Chairperson or the  
3 Chairperson’s designee, but may be served by any  
4 person designated by the Chairperson.

5           (4) ENFORCEMENT.—If a person disobeys a  
6 subpoena, order, or inspection notice of the Board,  
7 the Board may bring a civil action in a district court  
8 of the United States to enforce the subpoena, order,  
9 or notice. An action under this paragraph may be  
10 brought in the judicial district in which the person  
11 against whom the action is brought resides, is found,  
12 or does business. The court may punish a failure to  
13 obey an order of the court to comply with the sub-  
14 poena, order, or notice as a contempt of court.

15 (b) ADDITIONAL POWERS.—The Board may—

16           (1) procure the temporary or intermittent serv-  
17 ices of experts or consultants under section 3109 of  
18 title 5, United States Code;

19           (2) make agreements and other transactions  
20 necessary to carry out this title without regard to  
21 subsections (b), (c), and (d) of section 6101 of title  
22 41, United States Code;

23           (3) use, when appropriate, available services,  
24 equipment, personnel, and facilities of a department,

1 agency, or instrumentality of the United States Gov-  
2 ernment on a reimbursable or other basis;

3 (4) confer with employees and use services,  
4 records, and facilities of State and local govern-  
5 mental authorities;

6 (5) appoint advisory committees composed of  
7 qualified private citizens and officials of the Govern-  
8 ment and State and local governments as appro-  
9 priate;

10 (6) accept voluntary and uncompensated serv-  
11 ices notwithstanding another law;

12 (7) make contracts with private entities to carry  
13 out studies related to duties and powers of the  
14 Board; and

15 (8) negotiate and enter into agreements with  
16 individuals and private entities and departments,  
17 agencies, and instrumentalities of the Federal Gov-  
18 ernment, State, Tribal, and local governments, and  
19 governments of foreign countries for the provision of  
20 facilities, technical services, or training in research  
21 theory and techniques, and require that such entities  
22 provide appropriate consideration for the reasonable  
23 costs of any facilities, goods, services, or training  
24 provided by the Board.

1           (c) COLLECTION OF FUNDS.—The Board shall de-  
2     posit in the Treasury of the United States amounts re-  
3     ceived under subsection (b)(8) of this subsection to be  
4     credited as offsetting collections to the appropriation of  
5     the Board. The Board shall maintain an annual record  
6     of collections received under subsection (b)(8).

7           (d) SUBMISSION OF CERTAIN COPIES TO CON-  
8     GRESS.—

9           (1) IN GENERAL.—When the Board submits to  
10    the President or the Director of the Office of Man-  
11    agement and Budget a budget estimate, budget re-  
12    quest, supplemental budget estimate, other budget  
13    information, a legislative recommendation, prepared  
14    testimony for congressional hearings, or comments  
15    on legislation, the Board must submit a copy to  
16    Congress at the same time.

17          (2) LIMITATION.—An officer, department,  
18    agency, or instrumentality of the Government may  
19    not require the Board to submit the estimate, re-  
20    quest, information, recommendation, testimony, or  
21    comments to another officer, department, agency, or  
22    instrumentality of the Government for approval,  
23    comment, or review before being submitted to Con-  
24    gress.

1           (3) BUDGET PROCESS.—The Board shall de-  
2       velop and approve a process for the Board’s review  
3       and comment or approval of documents submitted to  
4       the President, Director of the Office of Management  
5       and Budget, or Congress under this subsection.

6       (e) LIAISON COMMITTEES.—The Chairperson may  
7       determine the number of committees that are appropriate  
8       to maintain effective liaison with other departments, agen-  
9       cies, and instrumentalities of the Federal Government,  
10      State and local governmental authorities, and independent  
11      standard-setting authorities that carry out programs and  
12      activities related to its work. The Board may designate  
13      representatives to serve on or assist those committees.

14      (f) INQUIRIES.—The Board, or an officer or employee  
15      of the Board designated by the Chairperson, may conduct  
16      an inquiry to obtain information related to natural hazard  
17      safety after publishing notice of the inquiry in the Federal  
18      Register. The Board or designated officer or employee  
19      may require by order a department, agency, or instrumen-  
20      tality of the Federal Government, a State, Tribal, or local  
21      governmental authority, or a person transporting individ-  
22      uals or property in commerce to submit to the Board a  
23      written report and answers to requests and questions re-  
24      lated to a duty or power of the Board. The Board may  
25      prescribe the time within which the report and answers

1 must be given to the Board or to the designated officer  
2 or employee. Copies of the report and answers shall be  
3 made available for public inspection.

4 (g) REGULATIONS.—The Board may prescribe regu-  
5 lations to carry out this title.

6 (h) OVERTIME PAY.—

7 (1) IN GENERAL.—Subject to the requirements  
8 of this section and notwithstanding paragraphs (1)  
9 and (2) of section 5542(a) of title 5, United States  
10 Code, for an employee of the Board whose basic pay  
11 is at a rate which equals or exceeds the minimum  
12 rate of basic pay for GS–10 of the General Schedule,  
13 the Board may establish an overtime hourly rate of  
14 pay for the employee with respect to work performed  
15 in the field (including travel to or from) and other  
16 work that is critical to a review in an amount equal  
17 to one and one-half times the hourly rate of basic  
18 pay of the employee. All of such amount shall be  
19 considered to be premium pay.

20 (2) LIMITATION ON OVERTIME PAY TO AN EM-  
21 PLOYEE.—An employee of the Board may not re-  
22 ceive overtime pay under paragraph (1), for work  
23 performed in a calendar year, in an amount that ex-  
24 ceeds 25 percent of the annual rate of basic pay of  
25 the employee for such calendar year.

1           (3) BASIC PAY DEFINED.—In this subsection,  
2           the term “basic pay” includes any applicable local-  
3           ity-based comparability payment under section 5304  
4           of title 5, United States Code (or similar provision  
5           of law) and any special rate of pay under section  
6           5305 of such title 5 (or similar provision of law).

7           (4) ANNUAL REPORT.—Not later than January  
8           31, 2022, and annually thereafter, the Board shall  
9           transmit to Congress a report identifying the total  
10          amount of overtime payments made under this sub-  
11          section in the preceding fiscal year, and the number  
12          of employees whose overtime pay under this sub-  
13          section was limited in that fiscal year as a result of  
14          the 25 percent limit established by paragraph (2).

15          (i) ENTRY AND INSPECTION.—

16               (1) IN GENERAL.—An officer or employee of  
17               the Board—

18                     (A) on display of appropriate credentials  
19                     and written notice of authority, may—

20                             (i) enter an area where an incident  
21                             has occurred;

22                             (ii) take such actions as are necessary  
23                             to conduct a review under this section, so  
24                             long as the actions do not interfere with

1           ongoing lifesaving and life-sustaining oper-  
2           ations; and

3                   (iii) during reasonable hours, inspect  
4           any record, including an electronic record,  
5           process, control, or facility related to an in-  
6           cident under this title.

7           (2) REQUIREMENT.—The Board shall use ut-  
8           most discretion to prevent interference with ongoing  
9           response efforts, including by developing review pro-  
10          cedures with input from relevant authorities nation-  
11          wide.

12 **SEC. 208. DISCLOSURE, AVAILABILITY, AND USE OF INFOR-**  
13 **MATION.**

14          (a) DISCLOSURE OF INFORMATION.—

15               (1) IN GENERAL.—Except as provided in sub-  
16           sections (b), (c), (d), and (f) of this section, a copy  
17           of a record, information, or review submitted or re-  
18           ceived by the National Disaster Safety Board, or a  
19           member or employee of the Board, shall be posted  
20           publicly.

21               (2) RULE OF CONSTRUCTION.—Nothing in this  
22           subsection shall be construed to require the release  
23           of information described in section 552(b) of title 5,  
24           United States Code, or protected from disclosure by  
25           another law of the United States.

1 (b) TRADE SECRETS.—

2 (1) IN GENERAL.—The Board may disclose in-  
3 formation related to a trade secret referred to in sec-  
4 tion 1905 of title 18, United States Code, only—

5 (A) to another department, agency, or in-  
6 strumentality of the United States Government  
7 when requested for official use;

8 (B) to a committee of Congress having ju-  
9 risdiction over the subject matter to which the  
10 information is related, when requested by that  
11 committee;

12 (C) in a judicial proceeding under a court  
13 order that preserves the confidentiality of the  
14 information without impairing the proceeding;  
15 and

16 (D) to the public to protect health and  
17 safety after giving notice to any interested per-  
18 son to whom the information is related and an  
19 opportunity for that person to comment in writ-  
20 ing, or orally in closed session, on the proposed  
21 disclosure, if the delay resulting from notice  
22 and opportunity for comment would not be det-  
23 rimental to health and safety.

24 (2) REQUIREMENT.—Information disclosed  
25 under paragraph (1) of this subsection may be dis-



1 closed only in a way designed to preserve its con-  
2 fidentiality.

3 (3) PROTECTION OF VOLUNTARY SUBMISSION  
4 OF INFORMATION.—Notwithstanding any other pro-  
5 vision of law, neither the Board, nor any agency re-  
6 ceiving information from the Board, shall disclose  
7 voluntarily provided safety-related information if  
8 that information is not related to the exercise of the  
9 Board’s review authority under this title and if the  
10 Board finds that the disclosure of the information  
11 would inhibit the voluntary provision of that type of  
12 information.

13 (c) RECORDINGS AND TRANSCRIPTS.—

14 (1) CONFIDENTIALITY OF RECORDINGS.—Ex-  
15 cept as provided in paragraph (2), the Board may  
16 not disclose publicly any part of an original record-  
17 ing or transcript of oral communications or original  
18 and contemporary written communications between  
19 Federal, State, Tribal, or local officials responding  
20 to an incident under review by the Board.

21 (2) EXCEPTION.—Subject to subsections (b)  
22 and (g), the Board shall make public any part of a  
23 transcript, any written depiction of visual informa-  
24 tion obtained from an audio or video recording, or

1 any still image obtained from a recording the Board  
2 decides is relevant to the incident—

3 (A) if the Board holds a public hearing on  
4 the incident at the time of the hearing; or

5 (B) if the Board does not hold a public  
6 hearing, at the time a majority of the other fac-  
7 tual reports on the incident are placed in the  
8 public docket.

9 (3) REFERENCES TO INFORMATION IN MAKING  
10 SAFETY RECOMMENDATIONS.—This subsection does  
11 not prevent the Board from referring at any time to  
12 recorded or written information in making safety  
13 recommendations.

14 (d) FOREIGN REVIEWS.—

15 (1) IN GENERAL.—Notwithstanding any other  
16 provision of law, neither the Board, nor any agency  
17 receiving information from the Board, shall disclose  
18 records or information relating to its participation in  
19 foreign incident review, except that—

20 (A) the Board shall release records per-  
21 taining to such a review when the country con-  
22 ducting the review issues its final report or 2  
23 years following the date of the incident, which-  
24 ever occurs first; and

1 (B) the Board may disclose records and in-  
2 formation when authorized to do so by the  
3 country conducting the review.

4 (2) SAFETY RECOMMENDATIONS.—Nothing in  
5 this subsection shall restrict the Board at any time  
6 from referring to foreign review information in mak-  
7 ing safety recommendations.

8 (e) PRIVACY PROTECTIONS.—Before making public  
9 any still image obtained from a video recorder under sub-  
10 section (c)(2) or subsection (d)(2), the Board shall take  
11 such action as appropriate to protect from public disclo-  
12 sure any information that readily identifies an individual,  
13 including a decedent.

14 **SEC. 209. TRAINING.**

15 (a) USE OF TRAINING FACILITIES.—The Board may  
16 use, on a reimbursable basis, the services of any training  
17 facility in the Federal Government, including those oper-  
18 ated by the Department of Homeland Security, Depart-  
19 ment of Health and Human Services, and Department of  
20 Commerce. The responsible department or agency shall  
21 make such training facility and any relevant training  
22 course available to—

23 (1) the Board for safety training of employees  
24 of the Board in carrying out their duties and pow-  
25 ers; and

1           (2) other relevant personnel of the United  
2 States Government, State and local governments,  
3 governments of foreign countries, interstate authori-  
4 ties, and private organizations the Board designates  
5 in consultation with the relevant departments and  
6 agencies.

7           (b) FEES.—Training shall be provided at a reason-  
8 able fee established periodically by the Board in consulta-  
9 tion with the relevant departments and agencies. The fee  
10 shall be paid directly to the relevant departments and  
11 agencies, and shall be deposited in the Treasury.

12           (c) TRAINING OF BOARD EMPLOYEES AND OTH-  
13 ERS.—The Board may conduct training of its employees  
14 in those subjects necessary for proper performance. The  
15 Board may also authorize attendance at courses given  
16 under this subsection by other government personnel, per-  
17 sonnel of foreign governments, and personnel from indus-  
18 try or otherwise who have a requirement for training. The  
19 Board may require non-Board personnel to reimburse  
20 some or all of the training costs, and amounts so reim-  
21 bursed shall be credited to the appropriation of the Board  
22 as offsetting collections.

23 **SEC. 210. FUNDING.**

24           (a) IN GENERAL.—The Secretary of Transportation  
25 shall transfer grant funds identified pursuant to the

1 GONE Act (Public Law 114–117) that have not been ex-  
2 pended to the Board to carry out this title in the following  
3 amounts:

4 (1) \$25,000,000 for fiscal year 2022.

5 (2) \$40,000,000 for fiscal year 2023.

6 (3) \$50,000,000 for fiscal year 2024.

7 (4) \$60,000,000 for fiscal year 2025.

8 (b) REPORT.—Not later than 1 year after the date  
9 of enactment of this Act, and annually thereafter, the Sec-  
10 retary shall submit to Congress a report containing—

11 (1) the amount of funds transferred pursuant  
12 to subsection (a); and

13 (2) the grant or account for which each trans-  
14 ferred amount was initially made available.

15 (c) EMERGENCY FUND.—

16 (1) IN GENERAL.—There shall be established in  
17 the Treasury of the United States an Emergency  
18 Fund for the Board, which shall be available to the  
19 Board for necessary expenses of the Board, not oth-  
20 erwise provided for, for reviews.

21 (2) APPROPRIATIONS.—There shall be appro-  
22 priated, out of amounts in the Treasury not other-  
23 wise appropriated, to the Emergency Fund—

24 (A) \$2,000,000 for fiscal year 2022;

1 (B) such sums as are necessary to main-  
2 tain the Emergency Fund at a level not to ex-  
3 ceed \$4,000,000 for each fiscal year thereafter;  
4 and

5 (C) such other sums as Congress deter-  
6 mines necessary.

7 (d) FEES, REFUNDS, AND REIMBURSEMENTS.—

8 (1) IN GENERAL.—The Board may impose and  
9 collect such fees, refunds, and reimbursements as it  
10 determines to be appropriate for services provided by  
11 or through the Board.

12 (2) RECEIPTS CREDITED AS OFFSETTING COL-  
13 LECTIONS.—Notwithstanding section 3302 of title  
14 31, United States Code, any fee, refund, or reim-  
15 bursement collected under this subsection—

16 (A) shall be credited as offsetting collec-  
17 tions to the account that finances the activities  
18 and services for which the fee is imposed or  
19 with which the refund or reimbursement is as-  
20 sociated;

21 (B) shall be available for expenditure only  
22 to pay the costs of activities and services for  
23 which the fee is imposed or with which the re-  
24 fund or reimbursement is associated; and

25 (C) shall remain available until expended.

1           (3) REFUNDS.—The Board may refund any fee  
2       paid by mistake or any amount paid in excess of  
3       that required.

4 **SEC. 211. AUTHORITY OF THE INSPECTOR GENERAL.**

5       (a) IN GENERAL.—The Inspector General of the De-  
6       partment of Homeland Security, in accordance with the  
7       mission of the Inspector General to prevent and detect  
8       fraud and abuse, shall have authority to review only the  
9       financial management, property management, and busi-  
10      ness operations of the Board, including internal account-  
11      ing and administrative control systems, to determine com-  
12      pliance with applicable Federal laws, rules, and regula-  
13      tions.

14      (b) DUTIES.—In carrying out this section, the In-  
15      specter General shall—

16           (1) keep the Chairperson of the Board and  
17      Congress fully and currently informed about prob-  
18      lems relating to administration of the internal ac-  
19      counting and administrative control systems of the  
20      Board;

21           (2) issue findings and recommendations for ac-  
22      tions to address such problems; and

23           (3) report periodically to Congress on any  
24      progress made in implementing actions to address  
25      such problems.

1 (c) ACCESS TO INFORMATION.—In carrying out this  
2 section, the Inspector General may exercise authorities  
3 granted to the Inspector General under subsections (a)  
4 and (b) of section 6 of the Inspector General Act of 1978  
5 (5 U.S.C. App.).

6 (d) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) FUNDING.—There are authorized to be ap-  
8 propriated to the Secretary of Homeland Security  
9 for use by the Inspector General of the Department  
10 of Homeland Security such sums as may be nec-  
11 essary to cover expenses associated with activities  
12 pursuant to the authority exercised under this sec-  
13 tion.

14 (2) REIMBURSABLE AGREEMENT.—In the ab-  
15 sence of an appropriation under this subsection for  
16 an expense referred to in paragraph (1), the Inspec-  
17 tor General and the Board shall have a reimbursable  
18 agreement to cover such expense.

19 **SEC. 212. EVALUATION AND AUDIT OF NATIONAL DISASTER**  
20 **SAFETY BOARD.**

21 (a) IN GENERAL.—As determined necessary by the  
22 Comptroller General of the United States or the appro-  
23 priate congressional committees, but not less frequently  
24 than once every 2 years, the Comptroller General of the  
25 United States shall evaluate and audit the programs and



1 expenditures of the Board in order to promote economy,  
2 efficiency, and effectiveness in the administration of the  
3 programs, operations, and activities of the Board.

4 (b) RESPONSIBILITY OF COMPTROLLER GENERAL.—

5 In carrying out subsection (a), the Comptroller General  
6 of the United States shall evaluate and audit the pro-  
7 grams, operations, and activities of the Board, including—

8 (1) information management and security, in-  
9 cluding privacy protection of personally identifiable  
10 information;

11 (2) the resource levels of the Board and man-  
12 agement of such resources relative to the mission of  
13 the Board;

14 (3) workforce development;

15 (4) procurement and contracting planning,  
16 practices, and policies;

17 (5) the process and procedures to select an inci-  
18 dent to review;

19 (6) the extent to which the Board follows lead-  
20 ing practices in selected management areas;

21 (7) the extent to which the Board addresses  
22 management challenges in completing reviews;

23 (8) the extent to which the evaluation, review,  
24 and recommendation-issuing methodologies of the

1 Board are consistent with established best practice,  
2 as determined by the Comptroller General; and

3 (9) an impact evaluation of the work of the  
4 Board, using the purposes and intent described in  
5 this title and by the Board, against the realized re-  
6 sults of the Board, according to a methodology de-  
7 termined by the Comptroller General, conducted in  
8 a manner that is not overly disruptive to the work  
9 of the Board.

10 **SEC. 213. DEFINITIONS.**

11 In this title:

12 (1) **ACT OF VIOLENCE.**—The term “act of vio-  
13 lence” means an offense described in section 16(a)  
14 of title 18, United States Code.

15 (2) **BOARD.**—The term “Board” means the Na-  
16 tional Disaster Safety Board established under sec-  
17 tion 202.

18 (3) **CHAIRPERSON.**—The term “Chairperson”  
19 means the Chairperson of the Board designated  
20 under section 205.

21 (4) **ECONOMIC INJURY.**—The term “economic  
22 injury” has the meaning given the term “substantial  
23 economic injury” in section 7(b) of the Small Busi-  
24 ness Act (15 U.S.C. 636(b)).

1           (5) INCIDENT.—The term “incident” means a  
2           natural hazard or other circumstance that the Board  
3           decides to review.

4           (6) INSTITUTION OF HIGHER EDUCATION AND  
5           RESEARCH INSTITUTION.—The term “institution of  
6           higher education and research institution” means—

7                   (A) an institution of higher education (as  
8                   defined in section 101 of the Higher Education  
9                   Act (20 U.S.C. 1001));

10                   (B) a National Laboratory (as defined in  
11                   section 2 of the Energy Policy Act of 2005 (42  
12                   U.S.C. 15801));

13                   (C) a laboratory described in section  
14                   308(c)(2) of the Homeland Security Act of  
15                   2002 (6 U.S.C. 188(c)(2));

16                   (D) the National Domestic Preparedness  
17                   Consortium established under section 1204 of  
18                   the Implementing Recommendations of the 9/11  
19                   Commission Act of 2007 (6 U.S.C. 1102) and  
20                   the members of such Consortium; and

21                   (E) a research institution associated with  
22                   an institution of higher education.

23           (7) NATURAL HAZARD.—The term “natural  
24           hazard”—

1 (A) means a major disaster, as defined in  
2 paragraph (2) of section 102 of the Robert T.  
3 Stafford Disaster Relief and Emergency Assist-  
4 ance Act (42 U.S.C. 5122), that is naturally oc-  
5 ccurring, regardless of—

6 (i) whether the President makes a de-  
7 termination with respect to severity and  
8 magnitude of the disaster under such para-  
9 graph; or

10 (ii) the result of such a determination;

11 (B) includes any naturally occurring heat  
12 wave, wind storm, wildfire, wildland urban  
13 interface fire, urban conflagration fire, or dust  
14 storm;

15 (C) includes any combination of events  
16 covered by subparagraphs (A) and (B) that  
17 causes or threatens to cause loss of human life,  
18 or human or economic injury, as determined by  
19 the Board; and

20 (D) does not include a technological dis-  
21 aster.

22 (8) STATE.—The term “State” has the mean-  
23 ing given the term in section 102 of the Robert T.  
24 Stafford Disaster Relief and Emergency Assistance  
25 Act (42 U.S.C. 5122).

1           (9) TECHNOLOGICAL DISASTER.—The term  
2 “technological disaster” means an incident that—

3           (A) is caused by human error or malfunc-  
4 tion in technology, including a dam or struc-  
5 tural failure, a fire (other than a naturally oc-  
6 ccurring wildfire, wildland urban interface fire,  
7 urban conflagration fire, or arson), a hazardous  
8 material incident, a nuclear accident, and a  
9 power and telecommunications failure; and

10           (B) causes loss of human life, or human or  
11 economic injury, as determined by the Board.

12           (10) TERRORISM.—The term “terrorism” has  
13 the meaning given the term in section 2 of the  
14 Homeland Security Act of 2002 (6 U.S.C. 101).

15           (11) TRIBAL GOVERNMENT.—The term “Tribal  
16 government” means the governing body of any In-  
17 dian or Alaska Native tribe, band, nation, pueblo,  
18 village, or community that the Secretary of the Inte-  
19 rior acknowledges to exist as an Indian tribe under  
20 the Federally Recognized Indian Tribe List Act of  
21 1994 (25 U.S.C. 5130 et seq.).

1 **TITLE III—NATIONAL WILDLAND**  
2 **FIRE RISK REDUCTION PRO-**  
3 **GRAM**

4 **SEC. 301. ESTABLISHMENT OF NATIONAL WILDLAND FIRE**  
5 **RISK REDUCTION PROGRAM.**

6 The President shall establish a National Wildland  
7 Fire Risk Reduction Program with the purpose of achiev-  
8 ing major measurable reductions in the losses of life and  
9 property from wildland fires through a coordinated Fed-  
10 eral effort to—

11 (1) improve the assessment of fire environments  
12 and the understanding and prediction of wildland  
13 fires, associated smoke, and their impacts, includ-  
14 ing—

15 (A) at the wildland-urban interface;

16 (B) on communities, buildings and other  
17 infrastructure;

18 (C) on ecosystem services; and

19 (D) social and economic impacts;

20 (2) develop and encourage the adoption of  
21 science-based and cost-effective measures to enhance  
22 resilience to wildland fires and prevent and mitigate  
23 negative impacts of wildland fires and associated  
24 smoke; and

1           (3) improve the understanding and mitigation  
2           of the impacts of climate change and variability on  
3           wildland fire risk, frequency, and severity, and to in-  
4           form paragraphs (1) and (2).

5 **SEC. 302. PROGRAM ACTIVITIES.**

6           The Program shall consist of the activities described  
7           in section 306, which shall be designed—

8           (1) to support research and development, in-  
9           cluding interdisciplinary research, related to fire en-  
10          vironments, wildland fires, associated smoke, and  
11          their impacts, in furtherance of a coordinated inter-  
12          agency effort to address wildland fire risk reduction;

13          (2) to support data management and steward-  
14          ship, the development and coordination of data sys-  
15          tems and computational tools, and the creation of a  
16          centralized, integrated data collaboration environ-  
17          ment for Program agency data, to accelerate the un-  
18          derstanding of fire environments, wildland fires, as-  
19          sociated smoke, and their impacts, and the benefits  
20          of wildland fire risk mitigation measures;

21          (3) to support the development of tools and  
22          technologies, including decision support tools and  
23          risk and hazard maps, to improve understanding,  
24          monitoring, prediction, and mitigation of wildland  
25          fires, associated smoke, and their impacts;

1           (4) to support research and development activi-  
2 ties to improve data, tools, and technologies that di-  
3 rectly inform, support, and complement active land  
4 management, forest and habitat restoration, and  
5 healthy ecosystem practices executed by the Forest  
6 Service, State, local, and Tribal entities;

7           (5) to support education and training to expand  
8 the number of students and researchers in areas of  
9 study and research related to wildland fires;

10          (6) to accelerate the translation of research re-  
11 lated to wildland fires and associated smoke into op-  
12 erations to reduce risk to communities, buildings,  
13 other infrastructure, and ecosystem services;

14          (7) to conduct communication and outreach re-  
15 garding wildland fire science and wildland fire risk  
16 mitigation, to communities, energy utilities and op-  
17 erators of other critical infrastructure, and other rel-  
18 evant stakeholders;

19          (8) to support research and development  
20 projects funded under joint solicitations or through  
21 memoranda of understanding between no fewer than  
22 two agencies participating in the Program; and

23          (9) to disseminate, to the extent practicable,  
24 scientific data and related products and services in  
25 formats meeting shared standards to enhance the



1 interoperability, usability, and accessibility of Pro-  
2 gram Agency data, including data as part of para-  
3 graph (2) in order to better meet the needs of Pro-  
4 gram agencies, other Federal agencies, and relevant  
5 stakeholders.

6 **SEC. 303. INTERAGENCY COORDINATING COMMITTEE ON**  
7 **WILDLAND FIRE RISK REDUCTION.**

8 (a) ESTABLISHMENT.—Not later than 90 days after  
9 the date of enactment of this Act, the Director of the Of-  
10 fice of Science and Technology Policy shall establish an  
11 Interagency Coordinating Committee on Wildland Fire  
12 Risk Reduction (in this Act referred to as the “Com-  
13 mittee”), to be co-chaired by the Director and the Director  
14 of the National Institute of Standards and Technology.

15 (b) MEMBERSHIP.—In addition to the co-chairs, the  
16 Committee shall be composed of—

17 (1) the Director of the National Science Foun-  
18 dation;

19 (2) the Administrator of the National Oceanic  
20 and Atmospheric Administration;

21 (3) the Administrator of the Federal Emer-  
22 gency Management Agency;

23 (4) the United States Fire Administrator;

24 (5) the Chief of the Forest Service;

1           (6) the Administrator of the National Aero-  
2           nautics and Space Administration;

3           (7) the Administrator of the Environmental  
4           Protection Agency;

5           (8) the Secretary of Energy;

6           (9) the Director of the Office of Management  
7           and Budget;

8           (10) the Secretary of the Interior;

9           (11) the Director of United States Geological  
10          Survey;

11          (12) the Secretary of Health and Human Serv-  
12          ices;

13          (13) the Secretary of Defense;

14          (14) the Secretary of Housing and Urban De-  
15          velopment; and

16          (15) the head of any other Federal agency that  
17          the Director considers appropriate.

18          (c) MEETINGS.—The Committee shall meet not less  
19          than twice a year for the first 2 years and then not less  
20          than once a year at the call of the Director.

21          (d) GENERAL PURPOSE AND DUTIES.—The Com-  
22          mittee shall oversee the planning, management, and co-  
23          ordination of the Program, and solicit stakeholder input  
24          on Program goals.

1 (e) STRATEGIC PLAN.—The Committee shall develop  
2 and submit to Congress, not later than one year after the  
3 date of the enactment of this Act, and update every 4  
4 years thereafter, a Strategic Plan for the Program that  
5 includes—

6 (1) prioritized goals for the Program, consistent  
7 with the purposes of the Program as described in  
8 section 301;

9 (2) short-term, mid-term, and long-term re-  
10 search and development objectives to achieve those  
11 goals;

12 (3) a description of the role of each Program  
13 agency in achieving the prioritized goals;

14 (4) a description of how the Committee will fos-  
15 ter collaboration between and among the Program  
16 agencies and other Federal agencies to help meet the  
17 goals of the Program;

18 (5) the methods by which progress toward the  
19 goals will be assessed;

20 (6) an explanation of how the Program will fos-  
21 ter the translation of research into measurable re-  
22 ductions in the losses of life, property, and eco-  
23 system services from wildland fires, including rec-  
24 ommended outcomes and metrics for each program  
25 goal and how operational Program agencies will

1 transition demonstrated technologies and research  
2 findings into decision support tools and operations;

3 (7) a description of the research infrastructure,  
4 including databases and computational tools, needed  
5 to accomplish the research and development objec-  
6 tives outlined in paragraph (2), a description of how  
7 research infrastructure in existence at the time of  
8 the development of the plan will be used to meet the  
9 objectives, an explanation of how new research infra-  
10 structure will be developed to meet the objectives,  
11 and a description of how the program will implement  
12 the integrated data collaboration environment per  
13 section 302(2);

14 (8) a description of how Program agencies will  
15 collaborate with stakeholders and take into account  
16 stakeholder needs and recommendations in devel-  
17 oping research and development objectives;

18 (9) recommendations on the most effective  
19 means to integrate the research results into wildland  
20 fire preparedness and response actions across Fed-  
21 eral, State, local, Tribal, and territorial levels;

22 (10) guidance on how the Committee's rec-  
23 ommendations are best used in climate adaptation  
24 planning for Federal, State, local, Tribal, and terri-  
25 torial entities;

1           (11) a nationally recognized, consensus-based  
2 definition of wildland-urban interface and other key  
3 terms and definitions relating to wildland fire, devel-  
4 oped in consideration of the meaning given such  
5 term in section 4(11) of the Federal Fire Prevention  
6 and Control Act of 1974 (15 U.S.C. 2203(11)); and

7           (12) a description of opportunities to support  
8 new areas of research and development and new  
9 types of collaborations that seek to optimize building  
10 and landscape design across multiple resilience  
11 goals, including resilience to wildland fires and other  
12 natural hazards, energy efficiency, and environ-  
13 mental sustainability.

14       (f) COORDINATION WITH OTHER FEDERAL EF-  
15 FORTS.—The Director shall ensure that the activities of  
16 the Program are coordinated with other relevant Federal  
17 initiatives as appropriate.

18       (g) NATIONAL ACADEMIES STUDY.—The Committee  
19 shall assess the need for a study, or a series of studies,  
20 to be conducted by the National Academies of Sciences,  
21 Engineering, and Medicine, and how such a study, or se-  
22 ries of studies, could help identify research areas for fur-  
23 ther study and inform research objectives, including fur-  
24 ther research into the interactions between climate change  
25 and wildland fires. The Committee shall brief the Com-

1 mittee on Science, Space, and Technology of the House  
2 of Representatives and the Committee on Commerce,  
3 Science, and Transportation of the Senate on its assess-  
4 ment under this subsection not later than 1 year after the  
5 date of enactment of this Act.

6 (h) **PROGRESS REPORT.**—Not later than 18 months  
7 after the date of the transmission of the first Strategic  
8 Plan under subsection (e) to Congress and not less fre-  
9 quently than once every 2 years thereafter, the Committee  
10 shall submit to the Congress a report on the progress of  
11 the Program that includes—

12 (1) a description of the activities funded under  
13 the Program, a description of how those activities  
14 align with the prioritized goals and research objec-  
15 tives established in the Strategic Plan, and the  
16 budgets, per agency, for these activities; and

17 (2) the outcomes achieved by the Program for  
18 each of the goals identified in the Strategic Plan.

19 **SEC. 304. NATIONAL ADVISORY COMMITTEE ON WILDLAND**  
20 **FIRE RISK REDUCTION.**

21 (a) **IN GENERAL.**—The Director shall establish a Na-  
22 tional Advisory Committee on Wildland Fire Risk Reduc-  
23 tion, consisting of not fewer than 7 and not more than  
24 15 members who are qualified to provide advice on  
25 wildland fire risk reduction and represent related sci-

1 entific, architectural, and engineering disciplines, none of  
2 whom may be employees of the Federal Government, in-  
3 cluding—

4 (1) representatives of research and academic in-  
5 stitutions;

6 (2) standards development organizations;

7 (3) emergency management agencies;

8 (4) State, local, and Tribal governments;

9 (5) business communities, including the insur-  
10 ance industry; and

11 (6) other representatives as designated by the  
12 Director.

13 (b) ASSESSMENT.—The Advisory Committee shall  
14 offer assessments and recommendations on—

15 (1) trends and developments in the natural, en-  
16 gineering, and social sciences and practices of  
17 wildland fire risk mitigation;

18 (2) the priorities of the Program's Strategic  
19 Plan;

20 (3) the management, coordination, implementa-  
21 tion, and activities of the Program;

22 (4) the effectiveness of the Program in meeting  
23 its purposes; and

24 (5) the need to revise the Program.

1 (c) COMPENSATION.—The members of the Advisory  
2 Committee established under this section shall serve with-  
3 out compensation.

4 (d) REPORTS.—At least every 2 years, the Advisory  
5 Committee shall report to the Director on the assessments  
6 carried out under subsection (b) and its recommendations  
7 for ways to improve the Program.

8 (e) CHARTER.—Notwithstanding section 14(b)(2) of  
9 the Federal Advisory Committee Act (5 U.S.C. App.), the  
10 Advisory Committee shall not be required to file a charter  
11 subsequent to its initial charter, filed under section 9(c)  
12 of such Act, before the termination date specified in sub-  
13 section (f) of this section.

14 (f) TERMINATION.—The Advisory Committee shall  
15 terminate on September 30, 2026.

16 (g) CONFLICT OF INTEREST.—An Advisory Com-  
17 mittee member shall recuse himself from any Advisory  
18 Committee activity in which he has an actual pecuniary  
19 interest.

20 **SEC. 305. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.**

21 Not later than 3 years after the date of enactment  
22 of this Act, the Comptroller General of the United States  
23 shall submit a report to Congress that—

24 (1) evaluates the progress and performance of  
25 the Program in establishing and making progress to-



1 ward the goals of the Program as set forth in this  
2 Act; and

3 (2) includes such recommendations as the  
4 Comptroller General determines are appropriate to  
5 improve the Program.

6 **SEC. 306. RESPONSIBILITIES OF PROGRAM AGENCIES.**

7 (a) NATIONAL INSTITUTE OF STANDARDS AND  
8 TECHNOLOGY.—The responsibilities of the Director of the  
9 National Institute of Standards and Technology with re-  
10 spect to the Program are as follows:

11 (1) RESEARCH AND DEVELOPMENT ACTIVI-  
12 TIES.—The Director of the National Institute of  
13 Standards and Technology shall—

14 (A) carry out research on the impact of  
15 wildland fires on communities, buildings, and  
16 other infrastructure, including structure-to-  
17 structure transmission of fire and spread within  
18 communities;

19 (B) carry out research on the generation of  
20 firebrands from wildland fires and on methods  
21 and materials to prevent or reduce firebrand ig-  
22 nition of communities, buildings, and other in-  
23 frastructure;

24 (C) carry out research on novel materials,  
25 systems, structures, and construction designs to

1 harden structures, parcels, and communities to  
2 the impact of wildland fires;

3 (D) carry out research on the impact of  
4 environmental factors on wildland fire behavior,  
5 including wind, terrain, and moisture;

6 (E) support the development of perform-  
7 ance-based tools to mitigate the impact of  
8 wildland fires, and work with appropriate  
9 groups to promote and assist in the use of such  
10 tools, including through model building codes  
11 and fire codes, standard test methods, vol-  
12 untary consensus standards, and construction  
13 and retrofit best practices;

14 (F) in collaboration with the United States  
15 Fire Administration, carry out research and de-  
16 velopment of decontamination methods and  
17 technologies for firefighting gear on and off the  
18 field.

19 (G) develop and execute a research plan on  
20 public safety communication coordination  
21 standards among Federal, State, local, and  
22 Tribal wildland firefighters, fire management  
23 response officials and the National Interagency  
24 Fire Center;

1 (H) carry out research to improve and in-  
2 tegrate existing communications systems to  
3 transmit secure real-time data, alters, and accu-  
4 rate advisories to wildland firefighters;

5 (I) carry out both live and virtual field  
6 testing and measurement of equipment, soft-  
7 ware, and other technologies to determine cur-  
8 rent effectiveness and times of information dis-  
9 semination and develop standards and best  
10 practices for the delivery of useful and secure  
11 real-time data to wildland firefighters; and

12 (J) develop and publish recommendations  
13 to improve public safety communication coordi-  
14 nation standards among wildland firefighters  
15 and member agencies of the National Inter-  
16 agency Fire Center, including providing such  
17 recommendations to the Office of Management  
18 and Budget and the Office of Science and  
19 Technology Policy.

20 (2) WILDLAND-URBAN INTERFACE FIRE POST-  
21 INVESTIGATIONS.—The Director of the National In-  
22 stitute of Standards and Technology shall—

23 (A) coordinate Federal post-wildland fire  
24 investigations of fires at the wildland-urban  
25 interface; and

1 (B) develop methodologies, in collaboration  
2 with the Administrator of FEMA and in con-  
3 sultation with relevant stakeholders, to charac-  
4 terize the impact of wildland fires on commu-  
5 nities and the impact of changes in building  
6 and fire codes, including methodologies—

7 (i) for collecting, inventorying, and  
8 analyzing information on the performance  
9 of communities, buildings, and other infra-  
10 structure in wildland fires; and

11 (ii) for improved collection of perti-  
12 nent information from different sources,  
13 including first responders, the design and  
14 construction industry, insurance compa-  
15 nies, and building officials.

16 (b) NATIONAL SCIENCE FOUNDATION.—As a part of  
17 the Program, the Director of the National Science Foun-  
18 dation shall support—

19 (1) research, including large-scale convergent  
20 research, to improve the understanding and pre-  
21 diction of wildland fire risks, including the condi-  
22 tions that increase the likelihood of a wildland fire,  
23 the behavior of wildland fires, and their impacts on  
24 buildings, communities, infrastructure, ecosystems  
25 and living systems;

- 1           (2) development and improvement of tools and  
2           technologies, including databases and computational  
3           models, to enable and accelerate the understanding  
4           and prediction of wildland fires and their impacts;
- 5           (3) development of research infrastructure, as  
6           appropriate, to enable and accelerate the under-  
7           standing and prediction of wildland fires and their  
8           impacts, including upgrades or additions to the Na-  
9           tional Hazards Engineering Research Infrastructure;
- 10          (4) research to improve the understanding of—
- 11                (A) the response to wildland fire risk and  
12                response messages by individuals, communities,  
13                and policymakers;
- 14                (B) social and economic factors influencing  
15                the implementation and adoption of wildland  
16                fire risk reduction and response measures by in-  
17                dividuals, communities, and policymakers; and
- 18                (C) decision-making and emergency re-  
19                sponse to wildland fires;
- 20          (5) undergraduate and graduate research op-  
21          portunities and graduate and postdoctoral fellow-  
22          ships and traineeships in fields of study relevant to  
23          wildland fires and their impacts; and
- 24          (6) research to improve the understanding of  
25          the impacts of climate change and climate variability

1 on wildland fires, including wildland fire risk, fre-  
2 quency, and severity, and wildland fire prediction,  
3 mitigation, and resilience strategies.

4 (c) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-  
5 ISTRATION.—

6 (1) IN GENERAL.—The Administrator of the  
7 National Oceanic and Atmospheric Administration  
8 (in this subsection referred to as the “Adminis-  
9 trator”) shall conduct research, observations, mod-  
10 eling, forecasting, prediction, and historical analysis  
11 of wildland fires to improve understanding of  
12 wildland fires, and associated fire weather and  
13 smoke, for the protection of life and property and  
14 for the enhancement of the national economy.

15 (2) WEATHER FORECASTING AND DECISION  
16 SUPPORT FOR WILDLAND FIRES.—The Adminis-  
17 trator shall—

18 (A) develop and provide in consultation  
19 with the relevant Federal Agencies, as the Ad-  
20 ministrator determines appropriate, accurate,  
21 timely, and effective warnings and forecasts of  
22 wildland fires and fire weather events that en-  
23 danger life and property, which may include red  
24 flag warnings, operational fire weather alerts,

1 and any other warnings or alerts the Adminis-  
2 trator deems appropriate;

3 (B) provide stakeholders and the public  
4 with impact-based decision support services,  
5 seasonal climate predictions, air quality prod-  
6 ucts, and smoke forecasts; and

7 (C) provide on-site weather forecasts, sea-  
8 sonal climate predictions, and other decision  
9 support to wildland fire incident command  
10 posts, including by deploying incident mete-  
11 orologists for the duration of an extreme event.

12 (3) WILDLAND FIRE DATA.—The Administrator  
13 shall contribute to and support the centralized, inte-  
14 grated data collaboration environment in accordance  
15 with section 302(2) and any other relevant Federal  
16 data systems by ensuring—

17 (A) interoperability, usability, and accessi-  
18 bility of National Oceanic and Atmospheric Ad-  
19 ministration data and tools related to wildland  
20 fires, associated smoke, and their impacts;

21 (B) inclusion of historical wildland fire in-  
22 cident and fire weather data, and identifying  
23 potential gaps in such data; and

1 (C) the acquisition or collection of addi-  
2 tional data that is needed to advance wildland  
3 fire science.

4 (4) WILDLAND FIRE AND FIRE WEATHER SUR-  
5 VEILLANCE AND OBSERVATIONS.—The Adminis-  
6 trator, in coordination with Administrator of the Na-  
7 tional Aeronautics and Space Administration and in  
8 consultation with relevant stakeholders—

9 (A) shall leverage existing observations,  
10 technologies and assets and develop or acquire  
11 new technologies and data to sustain and en-  
12 hance environmental observations used for  
13 wildland fire prediction and detection, fire  
14 weather and smoke forecasting and monitoring,  
15 and post-wildland fire recovery, with a focus  
16 on—

17 (i) collecting data for pre-ignition  
18 analysis, such as drought, fuel and vegeta-  
19 tion conditions, and soil moisture, that will  
20 help predict severe wildland fire conditions  
21 on subseasonal to decadal timescales;

22 (ii) supporting identification and clas-  
23 sification of fire environments at the small-  
24 est practical scale to determine vulner-



1 ability to wildland fires and rapid wildland  
2 fire growth;

3 (iii) detecting, observing, and moni-  
4 toring wildland fires and smoke;

5 (iv) supporting research on the inter-  
6 action of weather and wildland fire behav-  
7 ior; and

8 (v) supporting post-fire assessments  
9 conducted by Program agencies and rel-  
10 evant stakeholders;

11 (B) shall prioritize the ability to detect, ob-  
12 serve, and monitor wildland fire and smoke in  
13 its requirements for its current and future ob-  
14 serving systems and commercial data purchases;  
15 and

16 (C) not later than 12 months after the  
17 date of the enactment of this Act—

18 (i) may offer to enter into contracts  
19 with one or more entities to obtain addi-  
20 tional airborne and space-based data and  
21 observations that may enhance or supple-  
22 ment the understanding, monitoring, pre-  
23 diction, and mitigation of wildland fire  
24 risks, and the relevant Program activities  
25 under section 302; and

1 (ii) in carrying out clause (i), shall  
2 consult with private sector entities through  
3 the advisory committee established pursu-  
4 ant to section 304 to identify needed tools  
5 and data that can be best provided by the  
6 National Oceanic and Atmospheric Admin-  
7 istration satellites and are most beneficial  
8 to wildfire and smoke detection and moni-  
9 toring.

10 (5) FIRE WEATHER TESTBED.—In collaboration  
11 with Program agencies and other relevant stake-  
12 holders, the Administrator shall establish a Fire  
13 Weather Testbed to evaluate physical and social  
14 science, technology, and other research to develop  
15 fire weather products and services for implementa-  
16 tion by relevant stakeholders.

17 (6) WILDLAND FIRE AND FIRE WEATHER RE-  
18 SEARCH AND DEVELOPMENT.—The Administrator  
19 shall support a wildland fire and smoke research and  
20 development program that includes both physical  
21 and social science with the goals of—

22 (A) improving the understanding, pre-  
23 diction, detection, forecasting, monitoring, and  
24 assessments of wildland fires and associated fire  
25 weather and smoke;

1 (B) developing products and services to  
2 meet stakeholder needs;

3 (C) transitioning physical and social  
4 science research into operations;

5 (D) improving modeling and technology,  
6 including coupled fire-atmosphere fire behavior  
7 modeling, in consultation with relevant Federal  
8 agencies;

9 (E) better understanding of links between  
10 fire weather events and subseasonal-to-climate  
11 impacts;

12 (F) improving the forecasting and under-  
13 standing of the impacts of prescribed fires and  
14 how those impacts differ from impacts of  
15 wildland fires; and

16 (G) pursuing high-priority fire science re-  
17 search needs applicable to the National Oceanic  
18 and Atmospheric Administration as identified  
19 by any other relevant Federal program.

20 (7) EXTRAMURAL RESEARCH.—The Adminis-  
21 trator shall collaborate with and support the non-  
22 Federal wildland fire research community, which in-  
23 cludes institutions of higher education, private enti-  
24 ties, nongovernmental organizations, and other rel-  
25 evant stakeholders, by making funds available

1 through competitive grants, contracts, and coopera-  
2 tive agreements. In carrying out the program under  
3 this paragraph, the Administrator, in collaboration  
4 with other relevant Federal agencies, may establish  
5 one or more national centers for prescribed fire and  
6 wildfire sciences that leverage Federal research and  
7 development with university and nongovernmental  
8 partnerships.

9 (8) HIGH PERFORMANCE COMPUTING.—The  
10 Administrator, in consultation with the Secretary of  
11 Energy, shall acquire high performance computing  
12 technologies and supercomputing technologies,  
13 leveraging existing resources, as practicable, to con-  
14 duct research and development activities, support re-  
15 search to operations under this section, and host  
16 operational fire and smoke forecast models.

17 (9) INCIDENT METEOROLOGIST WORKFORCE AS-  
18 SESSMENT.—Not later than 6 months after the date  
19 of enactment of this Act, the Administrator shall  
20 submit to the Committee on Science, Space, and  
21 Technology of the House of Representatives and the  
22 Committee on Commerce, Science, and Transpor-  
23 tation of the Senate the results of an assessment of  
24 National Weather Service workforce and training  
25 challenges for Incident Meteorologists and a road-

1 map for overcoming the challenges identified. Such  
2 assessment shall take into consideration information  
3 technology support, logistical and administrative op-  
4 erations, anticipated weather and climate conditions,  
5 and feedback from relevant stakeholders, and shall  
6 include, to the maximum extent practicable, an iden-  
7 tification by the National Weather Service of—

8 (A) the expected number of Incident Mete-  
9 orologists needed over the next 5 years;

10 (B) potential hiring authorities necessary  
11 to overcome the identified workforce and train-  
12 ing challenges; and

13 (C) alternative services or assistance op-  
14 tions the National Weather Service could pro-  
15 vide to meet operational needs.

16 (d) FEDERAL EMERGENCY MANAGEMENT AGEN-  
17 CY.—The Administrator of the Federal Emergency Man-  
18 agement Agency, acting through the United States Fire  
19 Administration, shall—

20 (1) support—

21 (A) the development of community risk as-  
22 sessment tools and effective mitigation tech-  
23 niques for preventing and responding to  
24 wildland fires, including at the wildland-urban  
25 interface;

1 (B) wildland and wildland-urban interface  
2 fire and operational response-related data col-  
3 lection and analysis;

4 (C) public outreach, education, and infor-  
5 mation dissemination related to wildland fires  
6 and wildland fire risk; and

7 (D) promotion of wildland and wildland-  
8 urban interface fire preparedness and commu-  
9 nity risk reduction, to include hardening the  
10 wildland-urban interface through proper con-  
11 struction materials, land use practices, sprin-  
12 klers, assessment of State and local emergency  
13 response capacity and capabilities, and other  
14 tools and approaches as appropriate;

15 (2) in collaboration with the National Institute  
16 of Standards and Technology, and other program  
17 agencies, as appropriate, promote and assist in the  
18 implementation of research results and promote fire-  
19 resistant buildings, retrofit, and land use practices  
20 within the design and construction industry, includ-  
21 ing architects, engineers, contractors, builders, plan-  
22 ners, code officials, and inspectors;

23 (3) establish and operate a wildland fire pre-  
24 paredness and mitigation technical assistance pro-  
25 gram to assist State, local, Tribal and territorial

1 governments in using wildland fire mitigation strate-  
2 gies, including through the adoption and implemen-  
3 tation of wildland and wildland-urban interface fire  
4 resistant codes, standards, and land use;

5 (4) incorporate wildland and wildland-urban  
6 interface fire risk mitigation and loss avoidance data  
7 into the Agency's existing risk, mitigation, and loss  
8 avoidance analyses;

9 (5) incorporate data on the adoption and imple-  
10 mentation of wildland and wildland-urban interface  
11 fire resistant codes and standards into the Agency's  
12 hazard resistant code tracking resources;

13 (6) translate new information and research  
14 findings into best practices to improve firefighter,  
15 fire service, and allied professions training and edu-  
16 cation in wildland fire response, crew deployment,  
17 prevention, mitigation, resilience, and firefighting;

18 (7) conduct outreach and information dissemi-  
19 nation to fire departments regarding best practices  
20 for wildland and wildland-urban interface fire-  
21 fighting, training, and fireground deployment;

22 (8) in collaboration with other relevant Pro-  
23 gram agencies and stakeholders, develop a national  
24 level, interactive and publicly accessible wildland fire  
25 hazard severity map that includes community and

1 parcel level data and that can readily integrate with  
2 risk gradations within wildland and wildland-urban  
3 interface fire resistant codes and standards;

4 (9) in coordination with the National Institute  
5 of Standards and Technology and other Federal ini-  
6 tiatives as appropriate, carry out a study to—

7 (A) examine PFAS and other potentially  
8 harmful contaminants in firefighting gear, fire  
9 retardants, and wetting agents;

10 (B) determine the lifecycle of firefighting  
11 garments; and

12 (C) evaluate exposure risks based on dif-  
13 ferent phases of the fire; and

14 (10) develop resources regarding best practices  
15 for establishing or enhancing peer-support programs  
16 within wildland fire firefighting units.

17 (e) NATIONAL AERONAUTICS AND SPACE ADMINIS-  
18 TRATION.—The responsibilities of the Administrator of  
19 the National Aeronautics and Space Administration (in  
20 this subsection referred to as the “Administrator”) with  
21 respect to the Program are as follows:

22 (1) IN GENERAL.—The Administrator shall,  
23 with respect to the Program—

24 (A) support relevant basic and applied sci-  
25 entific research and modeling;



1 (B) ensure the use in the Program of all  
2 relevant National Aeronautics and Space Ad-  
3 ministration Earth observations data for max-  
4 imum utility;

5 (C) explore and apply novel tools and tech-  
6 nologies in the activities of the Program;

7 (D) support the translation of research to  
8 operations, including to Program agencies and  
9 relevant stakeholders;

10 (E) facilitate the communication of  
11 wildland fire research, knowledge, and tools to  
12 relevant stakeholders; and

13 (F) use commercial data where such data  
14 is available and accessible through existing Fed-  
15 eral government commercial contracts, agree-  
16 ments, or other means, and purchase data that  
17 is deemed necessary based on consultation with  
18 other Program agencies.

19 (2) WILDLAND FIRE RESEARCH AND APPLICA-  
20 TIONS.—The Administrator shall support basic and  
21 applied wildland fire research and modeling activi-  
22 ties, including competitively-selected research, to—

23 (A) improve the understanding and pre-  
24 diction of fire environments, wildland fires, as-  
25 sociated smoke, and their impacts;

1 (B) improve the understanding of the im-  
2 pacts of climate change and variability on  
3 wildland fire risk, frequency, and severity;

4 (C) characterize the pre-fire phase and  
5 fire-inducing conditions, such as soil moisture  
6 and vegetative fuel availability;

7 (D) characterize the active fire phase, such  
8 as fire and smoke plume mapping, fire behavior  
9 and spread modeling, and domestic and global  
10 fire activity;

11 (E) characterize the post-fire phase, such  
12 as landscape changes, air quality, erosion, land-  
13 slides, and impacts on carbon distributions in  
14 forest biomass;

15 (F) contribute to advancing predictive  
16 wildland fire models;

17 (G) address other relevant investigations  
18 and measurements prioritized by the National  
19 Academies of Sciences, Engineering, and Medi-  
20 cine Decadal Survey on Earth Science and Ap-  
21 plications from Space;

22 (H) improve the translation of research  
23 knowledge into actionable information;

24 (I) develop research and data products, in-  
25 cluding maps, decision-support information, and

1 tools, and support related training as appro-  
2 priate and practicable;

3 (J) collaborate with other Program agen-  
4 cies and relevant stakeholders, as appropriate,  
5 on joint research and development projects, in-  
6 cluding research grant solicitations and field  
7 campaigns; and

8 (K) transition research advances to oper-  
9 ations, including to Program agencies and rel-  
10 evant stakeholders, as practicable.

11 (3) WILDLAND FIRE DATA SYSTEMS AND COM-  
12 PUTATIONAL TOOLS.—The Administrator shall—

13 (A) identify, from the National Aero-  
14 nautics and Space Administration’s Earth  
15 science data systems, data, including combined  
16 data products and relevant commercial data  
17 sets, that can contribute to improving the un-  
18 derstanding, monitoring, prediction, and mitiga-  
19 tion of wildland fires and their impacts, includ-  
20 ing data related to fire weather, plume dynam-  
21 ics, smoke and fire behavior, impacts of climate  
22 change and variability, land and property  
23 burned, wildlife and ecosystem destruction,  
24 among other areas;

1 (B) prioritize the dissemination of data  
2 identified or obtained under this subparagraph  
3 to the widest extent practicable to support rel-  
4 evant research and operational stakeholders;

5 (C) consider opportunities to support the  
6 Program under section 301 and the Program  
7 activities under section 302 when planning and  
8 developing Earth observation satellites, instru-  
9 ments, and airborne measurement platforms;

10 (D) identify opportunities, in collaboration  
11 with Program agencies and relevant stake-  
12 holders, to obtain additional airborne and  
13 space-based data and observations that may en-  
14 hance or supplement the understanding, moni-  
15 toring, prediction, and mitigation of wildland  
16 fire risks, and the relevant Program activities  
17 under section 302, and consider such options as  
18 commercial solutions, including commercial  
19 data purchases, prize authority, academic part-  
20 nerships, and ground-based or space-based in-  
21 struments, as practicable and appropriate; and

22 (E) contribute to and support, to the max-  
23 imum extent practicable, the centralized, inte-  
24 grated data collaboration environment in ac-  
25 cordance with section 302(2) and any other rel-

1           evant interagency data systems, by collecting,  
2           organizing, and integrating the National Aero-  
3           nautics and Space Administration’s scientific  
4           data, data systems, and computational tools re-  
5           lated to wildland fires, associated smoke, and  
6           their impacts, and by enhancing the interoper-  
7           ability, useability, and accessibility of National  
8           Aeronautics and Space Administration’s sci-  
9           entific data, data systems, and computational  
10          tools, including—

11                   (i) observations and available real-  
12                   time and near-real-time measurements;

13                   (ii) derived science and data products,  
14                   such as fuel conditions, risk and spread  
15                   maps, and data products to represent the  
16                   wildland-urban interface;

17                   (iii) relevant historical and archival  
18                   observations, measurements, and derived  
19                   science and data products; and

20                   (iv) other relevant decision support  
21                   and information tools.

22           (4) NOVEL TOOLS FOR ACTIVE WILDLAND FIRE  
23           MONITORING AND RISK MITIGATION.—The Adminis-  
24           trator, in collaboration with other Program agencies  
25           and relevant stakeholders shall apply novel tools and

1 technologies to support active wildland fire research,  
2 monitoring, mitigation, and risk reduction, as prac-  
3 ticable and appropriate. In particular, the Adminis-  
4 trator shall:

5 (A) Establish a program to develop and  
6 demonstrate a unified concept of operations for  
7 the safe and effective deployment of diverse air  
8 capabilities in active wildland fire monitoring,  
9 mitigation, and risk reduction. The objectives of  
10 the Program shall be to—

11 (i) develop and demonstrate a  
12 wildland fire airspace operations system  
13 accounting for piloted aircraft, uncrewed  
14 aerial systems, and other new and emerg-  
15 ing capabilities such as autonomous and  
16 high-altitude assets;

17 (ii) develop an interoperable commu-  
18 nications strategy;

19 (iii) develop a roadmap for the on-  
20 ramping of new technologies, capabilities,  
21 or entities;

22 (iv) identify additional development,  
23 testing, and demonstration that would be  
24 required to expand the scale of operations;

1 (v) identify actions that would be re-  
2 quired to transition the unified concept of  
3 operations in subparagraph (A) into ongo-  
4 ing, operational use; and

5 (vi) other objectives, as deemed appro-  
6 priate by the Administrator.

7 (B) Develop and demonstrate affordable  
8 and deployable sensing technologies, in con-  
9 sultation with other Program agencies and rel-  
10 evant stakeholders, to improve the monitoring  
11 of fire fuel and active wildland fires, wildland  
12 fire behavior models and forecast, mapping ef-  
13 forts, and the prediction and mitigation of  
14 wildland fires and their impacts. The Adminis-  
15 trator shall—

16 (i) test and demonstrate technologies  
17 such as infrared, microwave, and active  
18 sensors suitable for deployment on space-  
19 craft, aircraft, uncrewed aerial systems,  
20 and ground-based and in situ platforms, as  
21 appropriate and practicable;

22 (ii) develop and demonstrate afford-  
23 able and deployable sensing technologies  
24 that can be transitioned to operations for

1 collection of near-real-time localized meas-  
2 urements;

3 (iii) develop and demonstrate near-  
4 real-time data processing, availability,  
5 interoperability, and visualization, as prac-  
6 ticable;

7 (iv) identify opportunities and actions  
8 required, in collaboration with Program  
9 agencies and relevant stakeholders, to  
10 transition relevant technologies, tech-  
11 niques, and data to science operations,  
12 upon successful demonstration of the feasi-  
13 bility and scientific utility of the sensors  
14 and data;

15 (v) transition demonstrated tech-  
16 nologies, techniques, and data into ongo-  
17 ing, operational use, including to Program  
18 agencies and relevant stakeholders;

19 (vi) prioritize and facilitate, to the  
20 greatest extent practicable, the dissemina-  
21 tion of these science data to operations, in-  
22 cluding to Program agencies and relevant  
23 stakeholders; and

24 (vii) consider opportunities for poten-  
25 tial partnerships, including commercial



1 data purchases, among industry, govern-  
2 ment, academic institutions, and non-profit  
3 organizations and other relevant stake-  
4 holders in carrying out clauses (i) through  
5 (vi), as appropriate and practicable.

6 (f) ENVIRONMENTAL PROTECTION AGENCY.—The  
7 Administrator of the Environmental Protection Agency  
8 shall support environmental research and development ac-  
9 tivities to—

10 (1) improve the understanding of—

11 (A) wildland fire and smoke impacts on  
12 communities, including impacts on drinking  
13 water and outdoor and indoor air quality, and  
14 on freshwater ecosystems;

15 (B) wildland fire smoke plume characteris-  
16 tics, chemical transformation, chemical com-  
17 position, and transport;

18 (C) wildland fire and smoke impacts to  
19 contaminant containment and remediation;

20 (D) the contribution of wildland fire emis-  
21 sions to climate forcing emissions;

22 (E) differences between the impacts of pre-  
23 scribed fires compared to other wildland fires  
24 on communities and air and water quality; and

1 (F) climate change and variability on  
2 wildland fires and smoke plumes, including on  
3 smoke exposure;

4 (2) develop and improve tools, sensors, and  
5 technologies including databases and computational  
6 models, to accelerate the understanding, monitoring,  
7 and prediction of wildland fires and smoke exposure;

8 (3) better integrate observational data into  
9 wildland fire and smoke characterization models to  
10 improve modeling at finer temporal and spatial reso-  
11 lution; and

12 (4) improve communication of wildland fire and  
13 smoke risk reduction strategies to the public in co-  
14 ordination with relevant stakeholders and other Fed-  
15 eral agencies.

16 (g) DEPARTMENT OF ENERGY.—The Secretary of  
17 Energy shall carry out research and development activities  
18 to—

19 (1) create tools, techniques, and technologies  
20 for—

21 (A) withstanding and addressing the cur-  
22 rent and projected impact of wildland fires on  
23 energy sector infrastructure;

24 (B) providing real-time or near-time  
25 awareness of the risks posed by wildland fires

1 to the operation of energy infrastructure in af-  
2 fected and potentially affected areas, including  
3 by leveraging the Department's high-perform-  
4 ance computing capabilities and climate and  
5 ecosystem models;

6 (C) enabling early detection of, and assess-  
7 ment of competing technologies and strategies  
8 for addressing, malfunctioning electrical equip-  
9 ment on the transmission and distribution grid,  
10 including spark ignition causing wildland fires;

11 (D) assisting with the planning, safe exe-  
12 cution of, and safe and timely restoration of  
13 power after emergency power shut offs fol-  
14 lowing wildland fires started by grid infrastruc-  
15 ture;

16 (E) improving electric grid and energy sec-  
17 tor safety and resilience in the event of multiple  
18 simultaneous or co-located weather or climate  
19 events leading to extreme conditions, such as  
20 extreme wind, wildland fires, extreme cold, and  
21 extreme heat;

22 (F) improving coordination between utili-  
23 ties and relevant Federal agencies to enable  
24 communication, information-sharing, and situa-

1           tional awareness in the event of wildland fires  
2           that impact the electric grid;

3           (G) utilizing biomass produced by wildland  
4           fire risk mitigation and post-fire recovery activi-  
5           ties for bioenergy, including biofuels, in collabo-  
6           ration with relevant stakeholders; and

7           (H) predicting wildland fire occurrence,  
8           spread, and ecosystem impact;

9           (2) coordinate data and computational re-  
10          sources across relevant entities to improve our un-  
11          derstanding of wildland fires and to promote resil-  
12          ience and wildland fire prevention in the planning,  
13          design, construction, operation, and maintenance of  
14          transmission infrastructure;

15          (3) consider optimal building energy efficiency  
16          and weatherization practices, as practicable, in  
17          wildland fire research;

18          (4) utilize the Department of Energy's National  
19          Laboratory capabilities, including user facilities,  
20          earth and environmental systems modeling re-  
21          sources, and high-performance computing and data  
22          analytics capabilities, to improve the accuracy of ef-  
23          forts to understand and predict wildland fire behav-  
24          ior and occurrence and mitigate wildland fire im-  
25          pacts; and

1           (5) foster engagement between the National  
2           Laboratories and practitioners, researchers, policy  
3           organizations, utilities, and other entities the Sec-  
4           retary determines to be appropriate to understand  
5           the economic and social implications of power dis-  
6           ruptions caused by wildland fires, particularly within  
7           disadvantaged communities and regions vulnerable  
8           to wildland fires, including rural areas.

9   **SEC. 307. BUDGET ACTIVITIES.**

10          The Director of the National Institute of Standards  
11          and Technology, the Director of the National Science  
12          Foundation, the Administrator of the National Oceanic  
13          and Atmospheric Administration, the Director of the Fed-  
14          eral Emergency Management Agency, the Administrator  
15          of the National Aeronautics and Space Administration,  
16          the Administrator of the Environmental Protection Agen-  
17          cy, and the Secretary of Energy shall each include in the  
18          annual budget request to Congress of each respective  
19          agency a description of the projected activities of such  
20          agency under the Program for the fiscal year covered by  
21          the budget request and an estimate of the amount such  
22          agency plans to spend on such activities for the relevant  
23          fiscal year.

24   **SEC. 308. DEFINITIONS.**

25          In this title:

1           (1) DIRECTOR.—The term “Director” means  
2 the Director of the Office of Science and Technology  
3 Policy.

4           (2) PROGRAM.—The term “Program” means  
5 the Program established under section 301.

6           (3) PROGRAM AGENCIES.—The term “Program  
7 agencies” means any Federal agency with respon-  
8 sibilities under the Program.

9           (4) STAKEHOLDERS.—The term “stakeholders”  
10 means any public or private organization engaged in  
11 addressing wildland fires, associated smoke, and  
12 their impacts, and shall include relevant Federal  
13 agencies, States, territories, Tribes, State and local  
14 governments, businesses, not-for-profit organiza-  
15 tions, including national standards and building code  
16 organizations, firefighting departments and organi-  
17 zations, academia, and other users of wildland fire  
18 data products.

19           (5) WILDLAND FIRE.—The term “wildland  
20 fire” means any non-structure fire that occurs in  
21 vegetation or natural fuels and includes wildfires  
22 and prescribed fires.

23           (6) FIRE ENVIRONMENT.—The term “fire envi-  
24 ronment” means surrounding conditions, influences,

1 and modifying forces of topography, fuel, and weath-  
2 er that determine fire behavior.

3 **SEC. 309. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) NATIONAL INSTITUTE OF STANDARDS AND  
5 TECHNOLOGY.—There are authorized to be appropriated  
6 to the National Institute of Standards and Technology for  
7 carrying out this title—

8 (1) \$35,800,000 for fiscal year 2024;

9 (2) \$36,100,000 for fiscal year 2025;

10 (3) \$36,400,000 for fiscal year 2026;

11 (4) \$36,700,000 for fiscal year 2027; and

12 (5) \$37,100,000 for fiscal year 2028.

13 (b) NATIONAL SCIENCE FOUNDATION.—There are  
14 authorized to be appropriated to the National Science  
15 Foundation for carrying out this title—

16 (1) \$50,000,000 for fiscal year 2024;

17 (2) \$53,000,000 for fiscal year 2025;

18 (3) \$56,200,000 for fiscal year 2026;

19 (4) \$59,600,000 for fiscal year 2027; and

20 (5) \$63,100,000 for fiscal year 2028.

21 (c) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-  
22 ISTRATION.—There are authorized to be appropriated to  
23 the National Oceanic and Atmospheric Administration for  
24 carrying out this title—

25 (1) \$200,000,000 for fiscal year 2024;

- 1           (2) \$215,000,000 for fiscal year 2025;
- 2           (3) \$220,000,000 for fiscal year 2026;
- 3           (4) \$230,000,000 for fiscal year 2027; and
- 4           (5) \$250,000,000 for fiscal year 2028.

5           (d) NATIONAL AERONAUTICS AND SPACE ADMINIS-  
6 TRATION.—There are authorized to be appropriated to the  
7 National Aeronautics and Space Administration for car-  
8 rying out this title—

- 9           (1) \$95,000,000 for fiscal year 2024;
- 10          (2) \$100,000,000 for fiscal year 2025;
- 11          (3) \$110,000,000 for fiscal year 2026;
- 12          (4) \$110,000,000 for fiscal year 2027; and
- 13          (5) \$110,000,000 for fiscal year 2028.

14          (e) ENVIRONMENTAL PROTECTION AGENCY.—There  
15 are authorized to be appropriated to the Environmental  
16 Protection Agency for carrying out this title—

- 17          (1) \$11,000,000 for fiscal year 2024;
- 18          (2) \$11,700,000 for fiscal year 2025;
- 19          (3) \$12,400,000 for fiscal year 2026;
- 20          (4) \$13,100,000 for fiscal year 2027; and
- 21          (5) \$13,900,000 for fiscal year 2028.

22          (f) FEDERAL EMERGENCY MANAGEMENT AGENCY.—  
23 There are authorized to be appropriated to the Federal  
24 Emergency Management Agency for carrying out this  
25 title—



- 1 (1) \$6,000,000 for fiscal year 2024;
- 2 (2) \$6,400,000 for fiscal year 2025;
- 3 (3) \$6,700,000 for fiscal year 2026;
- 4 (4) \$7,100,000 for fiscal year 2027; and
- 5 (5) \$7,600,000 for fiscal year 2028.

6 **DIVISION D—ENVIRONMENTAL**  
7 **JUSTICE**

8 **SEC. 101. DEFINITIONS.**

9 In this division:

10 (1) ADMINISTRATOR.—The term “Adminis-  
11 trator” means the Administrator of the Environ-  
12 mental Protection Agency.

13 (2) ADVISORY COUNCIL.—The term “Advisory  
14 Council” means the National Environmental Justice  
15 Advisory Council described in section 109.

16 (3) AGGRIEVED PERSON.—The term “aggrieved  
17 person” means a person aggrieved by discrimination  
18 on the basis of race, color, or national origin.

19 (4) CLEARINGHOUSE.—The term “Clearing-  
20 house” means the Environmental Justice Clearing-  
21 house established by the Administrator under section  
22 107.

23 (5) COMMUNITY OF COLOR.—The term “com-  
24 munity of color” means any geographically distinct  
25 area the population of color of which is higher than

1 the average population of color of the State in which  
2 the community is located.

3 (6) COMMUNITY-BASED SCIENCE.—The term  
4 “community-based science” means voluntary public  
5 participation in the scientific process and the incor-  
6 poration of data and information generated outside  
7 of traditional institutional boundaries to address  
8 real-world problems in ways that may include formu-  
9 lating research questions, conducting scientific ex-  
10 periments, collecting and analyzing data, inter-  
11 preting results, making new discoveries, developing  
12 technologies and applications, and solving complex  
13 problems, with an emphasis on the democratization  
14 of science and the engagement of diverse people and  
15 communities.

16 (7) DEMONSTRATES.—The term “dem-  
17 onstrates” means meets the burdens of going for-  
18 ward with the evidence and of persuasion.

19 (8) DIRECTOR.—The term “Director” means  
20 the Director of the National Institute of Environ-  
21 mental Health Sciences.

22 (9) DISPARATE IMPACT.—The term “disparate  
23 impact” means an action or practice that, even if  
24 appearing neutral, actually has the effect of sub-

1       jecting persons to discrimination on the basis of  
2       race, color, or national origin.

3               (10) DISPROPORTIONATE BURDEN OF ADVERSE  
4       HUMAN HEALTH OR ENVIRONMENTAL EFFECTS.—  
5       The term “disproportionate burden of adverse  
6       human health or environmental effects” means a sit-  
7       uation where there exists higher or more adverse  
8       human health or environmental effects on commu-  
9       nities of color, low- income communities, and Tribal  
10      and Indigenous communities.

11              (11) ENVIRONMENTAL JUSTICE.—The term  
12      “environmental justice” means the fair treatment  
13      and meaningful involvement of all individuals, re-  
14      gardless of race, color, culture, national origin, edu-  
15      cational level, or income, with respect to the develop-  
16      ment, implementation, and enforcement of environ-  
17      mental laws, regulations, and policies to ensure  
18      that—

19              (A) populations of color, communities of  
20      color, Tribal and Indigenous communities, and  
21      low-income communities have access to public  
22      information and opportunities for meaningful  
23      public participation relating to human health  
24      and environmental planning, regulations, and  
25      enforcement;

1 (B) Each population of color or community  
2 of color, Tribal and Indigenous community, or  
3 low-income community enjoy the same degree of  
4 protection from pollution or other environ-  
5 mental and health hazards; and

6 (C) the 17 Principles of Environmental  
7 Justice written and adopted at the First Na-  
8 tional People of Color Environmental Leader-  
9 ship Summit held on October through 27, 1991,  
10 in Washington, DC, are upheld.

11 (12) ENVIRONMENTAL JUSTICE COMMUNITY.—  
12 The term “environmental justice community” means  
13 a community with significant representation of com-  
14 munities of color, low-income communities, or Tribal  
15 and Indigenous communities, that experiences, or is  
16 at risk of experiencing higher or more adverse  
17 human health or environmental effects.

18 (13) FAIR TREATMENT.—The term “fair treat-  
19 ment” means the conduct of a program, policy, prac-  
20 tice or activity by a Federal agency in a manner that  
21 ensures that no group of individuals (including ra-  
22 cial, ethnic, or socioeconomic groups) experience a  
23 disproportionate burden of adverse human health or  
24 environmental effects resulting from such program,  
25 policy, practice, or activity, as determined through

1 consultation with, and with the meaningful partici-  
2 pation of, individuals from the communities affected  
3 by a program, policy, practice or activity of a Fed-  
4 eral agency.

5 (14) FEDERAL AGENCY.—The term “Federal  
6 agency” means—

7 (A) each Federal agency represented on  
8 the Working Group; and

9 (B) any other Federal agency that carries  
10 out a Federal program or activity that substan-  
11 tially affects human health or the environment,  
12 as determined by the President.

13 (15) TRIBAL AND INDIGENOUS COMMUNITY.—  
14 The term “Tribal and Indigenous community” refers  
15 to a population of people who are members of—

16 (A) a federally recognized Indian Tribe;

17 (B) a State-recognized Indian Tribe;

18 (C) an Alaska Native or Native Hawaiian  
19 community or organization; and

20 (D) any other community of Indigenous  
21 people located in a State.

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

1           (17) INFRASTRUCTURE.—The term “infrastruc-  
2           ture” means any system for safe drinking water,  
3           sewer collection, solid waste disposal, electricity gen-  
4           eration, communication, or transportation access (in-  
5           cluding highways, airports, marine terminals, rail  
6           systems, and residential roads) that is used to effec-  
7           tively and safely support—

8                   (A) housing;

9                   (B) an educational facility;

10                  (C) a medical provider;

11                  (D) a park or recreational facility; or

12                  (E) a local business.

13           (18) LOCAL GOVERNMENT.—The term “local  
14           government” means—

15                   (A) a county, municipality, city, town,  
16                   township, local public authority, school district,  
17                   special district, intrastate district, council of  
18                   governments (regardless of whether the council  
19                   of governments is incorporated as a nonprofit  
20                   corporation under State law), regional or inter-  
21                   state governmental entity, or agency or instru-  
22                   mentality of a local government; or

23                   (B) an Indian Tribe or authorized Tribal  
24                   organization, or Alaska Native village or organi-  
25                   zation, that is not a Tribal Government.

1           (19) LOW INCOME.—The term “low income”  
2 means an annual household income equal to, or less  
3 than, the greater of—

4           (A) an amount equal to 80 percent of the  
5 median income of the area in which the house-  
6 hold is located, as reported by the Department  
7 of Housing and Urban Development; and

8           (B) 200 percent of the Federal poverty  
9 line.

10          (20) LOW-INCOME COMMUNITY.—The term  
11 “low income community” means any census block  
12 group in which 30 percent or more of the population  
13 are individuals with low income.

14          (21) MEANINGFUL.—The term “meaningful”,  
15 with respect to involvement by the public in a deter-  
16 mination by a Federal agency, means that—

17           (A) potentially affected residents of a com-  
18 munity have an appropriate opportunity to par-  
19 ticipate in decisions regarding a proposed activ-  
20 ity that will affect the environment or public  
21 health of the community;

22           (B) the public contribution can influence  
23 the determination by the Federal agency;

1 (C) the concerns of all participants in-  
2 volved are taken into consideration in the deci-  
3 sion-making process; and

4 (D) the Federal agency—

5 (i) provides to potentially affected  
6 members of the public relevant and accu-  
7 rate information regarding the activity po-  
8 tentially affecting the environment or pub-  
9 lic health of affected members of the pub-  
10 lic; and

11 (ii) facilitates the involvement of po-  
12 tentially affected members of the public.

13 (22) POPULATION.—The term “population”  
14 means a census block group or series of geographi-  
15 cally contiguous blocks representing certain common  
16 characteristics, such as race, ethnicity, national ori-  
17 gin, income-level, health disparities, or other public  
18 health and socioeconomic attributes.

19 (23) POPULATION OF COLOR.—The term “pop-  
20 ulation of color” means a population of individuals  
21 who identify as—

22 (A) Black;

23 (B) African American;

24 (C) Asian;

25 (D) Pacific Islander;



- 1 (E) another non-White race;
- 2 (F) Hispanic;
- 3 (G) Latino; or
- 4 (H) linguistically isolated.

5 (24) PUBLISH.—The term “publish” means to  
6 make publicly available in a form that is—

7 (A) generally accessible, including on the  
8 internet and in public libraries; and

9 (B) accessible for—

10 (i) individuals who are limited in  
11 English proficiency, in accordance with Ex-  
12 ecutive Order No. 13166 (65 Fed. Reg.  
13 50121 (August 16, 2000)); and

14 (ii) individuals with disabilities.

15 (25) STATE.—The term “State” means any  
16 State of the United States, the District of Columbia,  
17 Puerto Rico, the United States Virgin Islands,  
18 Guam, American Samoa, and the Commonwealth of  
19 the Northern Mariana Islands.

20 (26) TRIBAL GOVERNMENT.—The term “Tribal  
21 Government” means the governing body of an In-  
22 dian Tribe.

23 (27) WHITE HOUSE INTERAGENCY COUNCIL.—  
24 The term “White House Interagency Council”

1 means the White House Environmental Justice  
2 Interagency Council.

3 (28) CLIMATE JUSTICE.—The term “climate  
4 justice” means the fair treatment and meaningful  
5 involvement of all individuals, regardless of race,  
6 color, culture, national origin, educational level, or  
7 income, with respect to the development, implemen-  
8 tation, and enforcement of policies and projects that  
9 address climate change, a recognition of the histor-  
10 ical responsibilities for climate change, and a com-  
11 mitment that the people and communities least re-  
12 sponsible for climate change, and most vulnerable to  
13 the impacts of climate change, do not suffer dis-  
14 proportionately as a result of historical injustice and  
15 disinvestment.

16 (29) NATURAL INFRASTRUCTURE.—The term  
17 “natural infrastructure” means infrastructure that  
18 uses, restores, or emulates natural ecological proc-  
19 esses and—

20 (A) is created through the action of nat-  
21 ural physical, geological, biological, and chem-  
22 ical processes over time;

23 (B) is created by human design, engineer-  
24 ing, and construction to emulate or act in con-  
25 cert with natural processes; or

1 (C) involves the use of plants, soils, and  
2 other natural features, including through the  
3 creation, restoration, or preservation of vege-  
4 tated areas using materials appropriate to the  
5 region to manage stormwater and runoff, to at-  
6 tenuate flooding and storm surges, to prevent  
7 and mitigate and address wildfires and drought,  
8 and for other related purposes.

9 **SEC. 102. ENVIRONMENTAL JUSTICE COMMUNITY TECH-**  
10 **NICAL ASSISTANCE GRANTS.**

11 (a) IN GENERAL.—The Administrator may award  
12 grants to eligible entities to enable such entities to partici-  
13 pate in decisions impacting the health and safety of their  
14 communities in connection with an actual or potential re-  
15 lease of a covered hazardous air pollutant or in connection  
16 with wildfires or drought.

17 (b) TIMING.—

18 (1) GUIDANCE.—Not later than 12 months  
19 after the date of enactment of this section, the Ad-  
20 ministrator shall publish guidance describing the  
21 process for eligible entities to apply for a grant  
22 under this section, including the required content  
23 and form of applications, the manner in which appli-  
24 cations must be submitted, and any applicable dead-  
25 lines.

1           (2) FIRST GRANT.—Not later than 180 days  
2 after the issuance of guidance under paragraph (1),  
3 the Administrator shall award the first grant under  
4 this section.

5           (c) ELIGIBLE ENTITY.—To be eligible for a grant  
6 under this section, an applicant shall be a group of individ-  
7 uals who reside in a community that—

8           (1) is a population of color, a community of  
9 color, a Tribal and Indigenous community, or a low-  
10 income community; and

11           (2) is in close proximity to the site of an actual  
12 or potential release of a covered hazardous air pol-  
13 lutant.

14           (d) USE OF FUNDS.—An eligible entity receiving a  
15 grant under this section shall use the grant to participate  
16 in decisions impacting the health and safety of the commu-  
17 nity involved in connection with an actual or potential re-  
18 lease of a covered hazardous air pollutant, including—

19           (1) interpreting information with regard to the  
20 nature of the hazard, cumulative impacts studies,  
21 health impacts studies, remedial investigation and  
22 feasibility studies, agency decisions, remedial design,  
23 and operation and maintenance of necessary mon-  
24 itors; and

1           (2) performing additional air pollution moni-  
2           toring.

3           (e) LIMITATIONS ON AMOUNT; RENEWAL.—

4           (1) AMOUNT.—

5           (A) IN GENERAL.—The amount of a grant  
6           under this section (excluding any renewals of  
7           the grant) may not exceed \$50,000 for any  
8           grant recipient.

9           (B) EXCEPTION.—The Administrator may  
10          waive the limitation in subparagraph (A) with  
11          respect to an applicant in any case where the  
12          Administrator determines that such waiver is  
13          necessary for the community involved to obtain  
14          the necessary technical assistance.

15          (2) RENEWAL.—Grants may be renewed for  
16          each step in the regulatory, removal, or remediation  
17          process in connection with a facility with the poten-  
18          tial to release a covered hazardous air pollutant.

19          (f) DEFINITION OF COVERED HAZARDOUS AIR POL-  
20          LUTANT.—In this section, the term “covered hazardous  
21          air pollutant” means a hazardous air pollutant (as defined  
22          in section 112 of the Clean Air Act) that—

23                 (1) is listed on the toxics release inventory  
24                 under section (c) of the Emergency Planning and  
25                 Community Right-To-Know Act of 1986; or

1           (2) is identified as carcinogenic by an assess-  
2           ment under the Integrated Risk Information System  
3           (IRIS) of the Environmental Protection Agency.

4 **SEC. 103. WHITE HOUSE ENVIRONMENTAL JUSTICE INTER-**  
5 **AGENCY COUNCIL.**

6           (a) IN GENERAL.—The President shall maintain  
7           within the Executive Office of the President a White  
8           House Environmental Justice Interagency Council.

9           (b) REQUIREMENTS.—

10           (1) COMPOSITION.—The White House Inter-  
11           agency Council shall be comprised of the following  
12           (or a designee):

13                   (A) The Secretary of Agriculture.

14                   (B) The Secretary of Commerce.

15                   (C) The Secretary of Defense.

16                   (D) The Secretary of Energy.

17                   (E) The Secretary of Health and Human  
18           Services.

19                   (F) The Secretary of Homeland Security.

20                   (G) The Secretary of Housing and Urban  
21           Development.

22                   (H) The Secretary of the Interior.

23                   (I) The Secretary of Labor.

24                   (J) The Secretary of Transportation.

25                   (K) The Attorney General.

1 (L) The Administrator.

2 (M) The Director of the Office of Environ-  
3 mental Justice.

4 (N) The Chairman of the Consumer Prod-  
5 uct Safety Commission.

6 (O) The Chairperson of the Chemical Safe-  
7 ty Board.

8 (P) The Director of the Office of Manage-  
9 ment and Budget.

10 (Q) The Director of the Office of Science  
11 and Technology Policy.

12 (R) The Chair of the Council on Environ-  
13 mental Quality.

14 (S) The Assistant to the President for Do-  
15 mestic Policy.

16 (T) The Director of the National Economic  
17 Council.

18 (U) The Chairman of the Council of Eco-  
19 nomic Advisers.

20 (V) The Secretary of Education.

21 (W) The Deputy Assistant to the President  
22 for Environmental Policy.

23 (X) The Director of the National Institutes  
24 of Health.

1 (Y) The Director of the National Park  
2 Service.

3 (Z) The Assistant Secretary of the Bureau  
4 of Indian Affairs.

5 (AA) The Chairperson of the National En-  
6 vironmental Justice Advisory Council.

7 (BB) Such other Federal officials as the  
8 President may designate.

9 (2) FUNCTIONS.—The White House Inter-  
10 agency Council shall—

11 (A) report to the President through the  
12 Chair of the Council on Environmental Quality;

13 (B) provide guidance to Federal agencies  
14 regarding criteria for identifying disproportion-  
15 ately high and adverse human health or envi-  
16 ronmental effects—

17 (i) on populations of color, commu-  
18 nities of color, Tribal and Indigenous com-  
19 munities, and low-income communities;  
20 and

21 (ii) on the basis of race, color, na-  
22 tional origin, or income;

23 (C) coordinate with, provide guidance to,  
24 and serve as a clearinghouse for, each Federal  
25 agency with respect to the implementation and



1 updating of an environmental justice strategy  
2 required under this division, in order to ensure  
3 that the administration, interpretation, and en-  
4 forcement of programs, activities, and policies  
5 are carried out in a consistent manner; (D) as-  
6 sist in coordinating research by, and stimu-  
7 lating cooperation among, the Environmental  
8 Protection Agency, the Department of Health  
9 and Human Services, the Department of Hous-  
10 ing and Urban Development, and other Federal  
11 agencies conducting research or other activities  
12 in accordance with this division;

13 (E) identify, based in part on public rec-  
14 ommendations contained in Federal agency  
15 progress reports, important areas for Federal  
16 agencies to take into consideration and address,  
17 as appropriate, in environmental justice strate-  
18 gies and other efforts;

19 (F) assist in coordinating data collection  
20 and maintaining and updating appropriate  
21 databases, as required by this division;

22 (G) examine existing data and studies re-  
23 lating to environmental justice;

1 (H) hold public meetings and otherwise so-  
2 licit public participation under paragraph (3);  
3 and

4 (I) develop interagency model projects re-  
5 lating to environmental justice that demonstrate  
6 cooperation among Federal agencies.

7 (3) PUBLIC PARTICIPATION.—The White House  
8 Interagency Council shall—

9 (A) hold public meetings or otherwise so-  
10 licit public participation and community-based  
11 science for the purpose of fact-finding with re-  
12 spect to the implementation of this division; and

13 (B) prepare for public review and publish  
14 a summary of any comments and recommenda-  
15 tions provided.

16 (c) JUDICIAL REVIEW AND RIGHTS OF ACTION.—  
17 Any person may commence a civil action—

18 (1) to seek relief from, or to compel, an agency  
19 action under this section (including regulations pro-  
20 mulgated pursuant to this section); or

21 (2) otherwise to ensure compliance with this  
22 section (including regulations promulgated pursuant  
23 to this section).

1 **SEC. 104. FEDERAL AGENCY ACTIONS TO ADDRESS ENVI-**  
2 **RONMENTAL JUSTICE.**

3 (a) FEDERAL AGENCY RESPONSIBILITIES.—

4 (1) ENVIRONMENTAL JUSTICE MISSION.—To  
5 the maximum extent practicable and permitted by  
6 applicable law, each Federal agency shall make  
7 achieving environmental justice part of the mission  
8 of the Federal agency by identifying, addressing,  
9 and mitigating disproportionately high and adverse  
10 human health or environmental effects of the pro-  
11 grams, policies, and activities of the Federal agency  
12 on populations of color, communities of color, Tribal  
13 and Indigenous communities, and low-income com-  
14 munities in the United States (including the terri-  
15 tories and possessions of the United States and the  
16 District of Columbia).

17 (2) NONDISCRIMINATION.—Each Federal agen-  
18 cy shall conduct any program, policy, or activity that  
19 substantially affects human health or the environ-  
20 ment in a manner that ensures that the program,  
21 policy, or activity does not have the effect of exclud-  
22 ing any individual or group from participation in,  
23 denying any individual or group the benefits of, or  
24 subjecting any individual or group to discrimination  
25 under, the program, policy, or activity on the basis  
26 of race, color, or national origin.

1 (3) STRATEGIES.—

2 (A) AGENCYWIDE STRATEGIES.—Each  
3 Federal agency shall implement and update, not  
4 less frequently than annually, an agencywide  
5 environmental justice strategy that identifies  
6 and includes strategies to address  
7 disproportionately high and adverse human  
8 health or environmental effects of the pro-  
9 grams, policies, spending, and other activities of  
10 the Federal agency with respect to populations  
11 of color, communities of color, Tribal and Indig-  
12 enous communities, and low- income commu-  
13 nities, including, as appropriate for the mission  
14 of the Federal agency, with respect to the fol-  
15 lowing areas:

16 (i) Implementation of the National  
17 Environmental Policy Act of 1969 (42  
18 U.S.C. et seq.).

19 (ii) Implementation of title VI of the  
20 Civil Rights Act of 1964 (42 U.S.C. 2000d  
21 et seq.) (including regulations promulgated  
22 pursuant to that title).

23 (iii) Implementation of the Robert T.  
24 Stafford Disaster Relief and Emergency  
25 Assistance Act (42 U.S.C. 5121 et seq.).

1 (iv) Impacts from the lack of infra-  
2 structure, or from deteriorated infrastruc-  
3 ture.

4 (v) Impacts from land use.

5 (vi) Impacts from climate change, in-  
6 cluding wildfires and drought.

7 (vii) Impacts from commercial trans-  
8 portation.

9 (viii) Strategies for the implementa-  
10 tion of agency programs, policies, and ac-  
11 tivities to provide for—

12 (I) equal protection from environ-  
13 mental and health hazards for popu-  
14 lations of color, communities of color,  
15 Tribal and Indigenous communities,  
16 and low-income communities;

17 (II) equal opportunity for public  
18 involvement and due process to popu-  
19 lations of color, communities of color,  
20 Tribal and Indigenous communities,  
21 and low-income communities in the  
22 development, implementation, and en-  
23 forcement of agency programs, poli-  
24 cies, and activities;

1 (III) improved technical assist-  
2 ance and access to information to  
3 populations of color, communities of  
4 color, Tribal and Indigenous commu-  
5 nities, and low-income communities  
6 regarding the impacts of agency pro-  
7 grams, policies, and activities on envi-  
8 ronmental justice communities;

9 (IV) improved agency cooperation  
10 with State governments, Tribal Gov-  
11 ernments, and local governments to  
12 address pollution and public health  
13 burdens for populations of color, com-  
14 munities of color, Tribal and Indige-  
15 nous communities, and low-income  
16 communities.

17 (B) REVISIONS.—

18 (i) IN GENERAL.—Each strategy de-  
19 veloped and updated pursuant to subpara-  
20 graph (A) shall identify programs, policies,  
21 planning and public participation proc-  
22 esses, rulemaking, agency spending, and  
23 enforcement activities relating to human  
24 health or the environment that may be re-  
25 vised, at a minimum—

1 (I) to promote enforcement of all  
2 health, environmental, and civil rights  
3 laws and regulations in areas con-  
4 taining populations of color, commu-  
5 nities of color, Tribal and Indigenous  
6 communities, and low-income commu-  
7 nities;

8 (II) to ensure greater public par-  
9 ticipation;

10 (III) to provide increased access  
11 to infrastructure;

12 (IV) to improve research and  
13 data collection relating to the health  
14 and environment of populations of  
15 color, communities of color, Tribal  
16 and Indigenous communities, and low-  
17 income communities, including  
18 through the increased use of commu-  
19 nity-based science; and

20 (V) to identify differential pat-  
21 terns of use of natural resources  
22 among populations of color, commu-  
23 nities of color, Tribal and Indigenous  
24 communities, and low-income commu-  
25 nities.

1 (ii) TIMETABLES.—Each strategy im-  
2 plemented and updated pursuant to sub-  
3 paragraph (A) shall include a timetable for  
4 undertaking revisions identified pursuant  
5 to clause (i).

6 (C) PROGRESS REPORTS.—Not later than  
7 1 year after the date of enactment of this Act,  
8 and not less frequently than once every 5 years  
9 thereafter, each Federal agency shall submit to  
10 Congress and the Working Group, and shall  
11 publish, a progress report that includes, with  
12 respect to the period covered by the report—

13 (i) a description of the current envi-  
14 ronmental justice strategy of the Federal  
15 agency;

16 (ii) an evaluation of the progress  
17 made by the Federal agency at national  
18 and regional levels regarding implementa-  
19 tion of the environmental justice strategy,  
20 including—

21 (I) metrics used by the Federal  
22 agency to measure performance; and

23 (II) the progress made by the  
24 Federal agency toward—



1 (aa) the achievement of the  
2 metrics described in subclause  
3 (I); and

4 (bb) mitigating identified in-  
5 stances of environmental injus-  
6 tice;

7 (iii) a description of the participation  
8 by the Federal agency in interagency col-  
9 laboration;

10 (iv) responses to recommendations  
11 submitted by members of the public to the  
12 Federal agency relating to the environ-  
13 mental justice strategy of the Federal  
14 agency and the implementation by the  
15 Federal agency of this division; and

16 (v) any updates or revisions to the en-  
17 vironmental justice strategy of the Federal  
18 agency, including those resulting from pub-  
19 lic comments.

20 (4) PUBLIC PARTICIPATION.—Each Federal  
21 agency shall—

22 (A) ensure that meaningful opportunities  
23 exist for the public to submit comments and  
24 recommendations relating to the environmental  
25 justice strategy, progress reports, and ongoing

1 efforts of the Federal agency to incorporate en-  
2 vironmental justice principles into the pro-  
3 grams, policies, and activities of the Federal  
4 agency;

5 (B) hold public meetings or otherwise so-  
6 licit public participation and community-based  
7 science from populations of color, communities  
8 of color, Tribal and Indigenous communities,  
9 and low-income communities for fact-finding,  
10 receiving public comments, and conducting in-  
11 quiries concerning environmental justice; and

12 (C) prepare for public review and publish  
13 a summary of the comments and recommenda-  
14 tions provided.

15 (5) ACCESS TO INFORMATION.—Each Federal  
16 agency shall—

17 (A) publish public documents, notices, and  
18 hearings relating to the programs, policies, and  
19 activities of the Federal agency that affect  
20 human health or the environment; and

21 (B) translate and publish any public docu-  
22 ments, notices, and hearings relating to an ac-  
23 tion of the Federal agency as appropriate for  
24 the affected population, specifically in any case  
25 in which a limited English-speaking population

1           may be disproportionately affected by that ac-  
2           tion.

3           (6) CODIFICATION OF GUIDANCE.—

4                   (A) COUNCIL ON ENVIRONMENTAL QUAL-  
5           ITY.—Notwithstanding any other provision of  
6           law, sections II and III of the guidance issued  
7           by the Council on Environmental Quality enti-  
8           tled “Environmental Justice Guidance Under  
9           the National Environmental Policy Act” and  
10          dated December 10, 1997, are enacted into law.

11                   (B) ENVIRONMENTAL PROTECTION AGEN-  
12          CY.—Notwithstanding any other provision of  
13          law, the guidance issued by the Environmental  
14          Protection Agency entitled “EPA Policy on  
15          Consultation and Coordination with Indian  
16          Tribes: Guidance for Discussing Tribal Treaty  
17          Rights” and dated February 2016 is enacted  
18          into law.

19          (b) HUMAN HEALTH AND ENVIRONMENTAL RE-  
20          SEARCH, DATA COLLECTION, AND ANALYSIS.—

21                   (1) RESEARCH.—Each Federal agency, to the  
22          maximum extent practicable and permitted by appli-  
23          cable law, shall—

24                           (A) in conducting environmental or human  
25          health research, include diverse segments of the

1 population in epidemiological and clinical stud-  
2 ies, including segments at high risk from envi-  
3 ronmental hazards, such as—

4 (i) populations of color, communities  
5 of color, Tribal and Indigenous commu-  
6 nities, populations with low income, and  
7 low-income communities;

8 (ii) fence-line communities; and

9 (iii) workers who may be exposed to  
10 substantial environmental hazards;

11 (B) in conducting environmental or human  
12 health analyses, identify multiple and cumu-  
13 lative exposures; and

14 (C) actively encourage and solicit commu-  
15 nity-based science, and provide to populations  
16 of color, communities of color, Tribal and Indig-  
17 enous communities, populations with low in-  
18 come, and low income communities the oppor-  
19 tunity to comment regarding the development  
20 and design of research strategies carried out  
21 pursuant to this division.

22 (2) DISPROPORTIONATE IMPACT.—To the max-  
23 imum extent practicable and permitted by applicable  
24 law (including section a of title 5, United States

1 Code (commonly known as the Privacy Act)), each  
2 Federal agency shall—

3 (A) collect, maintain, and analyze informa-  
4 tion assessing and comparing environmental  
5 and human health risks borne by populations  
6 identified by race, national origin, or income;  
7 and

8 (B) use that information to determine  
9 whether the programs, policies, and activities of  
10 the Federal agency have disproportionately high  
11 and adverse human health or environmental ef-  
12 fects on populations of color, communities of  
13 color, Tribal and Indigenous communities, and  
14 low-income communities.

15 (3) INFORMATION RELATING TO NON-FEDERAL  
16 FACILITIES.—In connection with the implementation  
17 of Federal agency strategies under subsection (a)(3),  
18 each Federal agency, to the maximum extent prac-  
19 ticable and permitted by applicable law, shall collect,  
20 maintain, and analyze information relating to the  
21 race, national origin, and income level, and other  
22 readily accessible and appropriate information, for  
23 fenceline communities in proximity to any facility or  
24 site expected to have a substantial environmental,  
25 human health, or economic effect on the surrounding

1 populations, if the facility or site becomes the sub-  
2 ject of a substantial Federal environmental adminis-  
3 trative or judicial action.

4 (4) IMPACT FROM FEDERAL FACILITIES.—Each  
5 Federal agency, to the maximum extent practicable  
6 and permitted by applicable law, shall collect, main-  
7 tain, and analyze information relating to the race,  
8 national origin, and income level, and other readily  
9 accessible and appropriate information, for fenceline  
10 communities in proximity to any facility of the Fed-  
11 eral agency that is—

12 (A) subject to the reporting requirements  
13 under the Emergency Planning and Community  
14 Right-To-Know Act of (42 U.S.C. 11001 et  
15 seq.), as required by Executive Order No.  
16 12898 (42 U.S.C. 4321 note; relating to Fed-  
17 eral actions to address environmental justice in  
18 minority populations and low-income popu-  
19 lations); and

20 (B) expected to have a substantial environ-  
21 mental, human health, or economic effect on  
22 surrounding populations.

23 (c) CONSUMPTION OF FISH AND WILDLIFE.—

24 (1) IN GENERAL.—Each Federal agency shall  
25 develop, publish (unless prohibited by law), and re-

1       vise, as practicable and appropriate, guidance on ac-  
2       tions of the Federal agency that will impact fish and  
3       wildlife consumed by populations that principally  
4       rely on fish or wildlife for subsistence.

5           (2) REQUIREMENT.—The guidance described in  
6       paragraph (1) shall—

7           (A) reflect the latest scientific information  
8       available concerning methods for evaluating the  
9       human health risks associated with the con-  
10      sumption of pollutant-bearing fish or wildlife;  
11      and

12          (B) publish the risks of such consumption  
13      patterns.

14      (d) MAPPING AND SCREENING TOOL.—The Adminis-  
15      trator shall continue to make available to the public an  
16      environmental justice mapping and screening tool (such  
17      as EJScreen or an equivalent tool) that includes, at a min-  
18      imum, the following features:

19          (1) Nationally consistent data.

20          (2) Environmental data.

21          (3) Demographic data, including data relating  
22      to race, ethnicity, and income.

23          (4) Capacity to produce maps and reports by  
24      geographical area.

1           (5) Data on national parks and other federally  
2           protected natural, historic, and cultural sites.

3           (e) JUDICIAL REVIEW AND RIGHTS OF ACTION.—

4           Any person may commence a civil action—

5           (1) to seek relief from, or to compel, an agency  
6           action under this section (including regulations pro-  
7           mulgated pursuant to this section); or

8           (2) otherwise to ensure compliance with this  
9           section (including regulations promulgated pursuant  
10          to this section).

11          (f) INFORMATION SHARING.—In carrying out this  
12          section, each Federal agency, to the maximum extent  
13          practicable and permitted by applicable law, shall share  
14          information and eliminate unnecessary duplication of ef-  
15          forts through the use of existing data systems and cooper-  
16          ative agreements among Federal agencies and with State,  
17          local, and Tribal Governments.

18          (g) CLIMATE AND ECONOMIC JUSTICE SCREENING  
19          TOOL.—The Chair of the Council on Environmental Qual-  
20          ity shall—

21               (1) maintain a geospatial Climate and Eco-  
22               nomic Justice Screening Tool; and

23               (2) annually publish interactive maps high-  
24               lighting disadvantaged communities.



1 **SEC. 105. TRAINING OF EMPLOYEES OF FEDERAL AGEN-**  
2 **CIES.**

3 (a) INITIAL TRAINING.—Not later than 1 year after  
4 the date of enactment of this Act, each employee of the  
5 Department of Energy, the Environmental Protection  
6 Agency, the Department of the Interior, and the National  
7 Oceanic and Atmospheric Administration shall complete  
8 an environmental justice training program to ensure that  
9 each such employee—

10 (1) has received training in environmental jus-  
11 tice; and

12 (2) is capable of—

13 (A) appropriately incorporating environ-  
14 mental justice concepts into the daily activities  
15 of the employee; and

16 (B) increasing the meaningful participation  
17 of individuals from environmental justice com-  
18 munities in the activities of the applicable agen-  
19 cy.

20 (b) MANDATORY PARTICIPATION.—Effective on the  
21 date that is 1 year after the date of enactment of this  
22 Act, each individual hired by the Department of Energy,  
23 the Environmental Protection Agency, the Department of  
24 the Interior, and the National Oceanic and Atmospheric  
25 Administration after that date shall be required to partici-  
26 pate in environmental justice training.

1 (c) REQUIREMENT RELATING TO CERTAIN EMPLOY-  
2 EES.—

3 (1) IN GENERAL.—With respect to each Fed-  
4 eral agency that participates in the White House  
5 Interagency Council, not later than 30 days after  
6 the date on which an individual is appointed to the  
7 position of environmental justice coordinator, or any  
8 other position the responsibility of which involves the  
9 conduct of environmental justice activities, the indi-  
10 vidual shall be required to possess documentation of  
11 the completion by the individual of environmental  
12 justice training.

13 (2) EVALUATION.—Not later than 3 years after  
14 the date of enactment of this Act, the Inspector  
15 General of each Federal agency that participates in  
16 the White House Interagency Council shall evaluate  
17 the training programs of such Federal agency to de-  
18 termine if such Federal agency has improved the  
19 rate of training of the employees of such Federal  
20 agency to ensure that each employee has received  
21 environmental justice training.

22 **SEC. 106. ENVIRONMENTAL JUSTICE BASIC TRAINING PRO-**  
23 **GRAM.**

24 (a) ESTABLISHMENT.—The Administrator shall es-  
25 tablish a basic training program, in coordination and con-

1 sultation with nongovernmental environmental justice or-  
2 ganizations, to increase the capacity of residents of envi-  
3 ronmental justice communities to identify and address dis-  
4 proportionately adverse human health or environmental ef-  
5 fects by providing culturally and linguistically appro-  
6 priate—

7 (1) training and education relating to—

8 (A) basic and advanced techniques for the  
9 detection, assessment, and evaluation of the ef-  
10 fects of hazardous substances, wildfire, and  
11 drought on human health;

12 (B) methods to assess the risks to human  
13 health presented by hazardous substances, wild-  
14 fire, and drought;

15 (C) methods and technologies to detect  
16 hazardous substances in the environment;

17 (D) basic biological, chemical, and physical  
18 methods to reduce the quantity and toxicity of  
19 hazardous substances and to reduce the fre-  
20 quency and extent of wildfires and drought;

21 (E) the rights and safeguards currently af-  
22 farded to individuals through policies and laws  
23 intended to help environmental justice commu-  
24 nities address disparate impacts and discrimi-  
25 nation, including—

1 (i) laws adopted to protect human  
2 health and the environment; and

3 (ii) section 602 of the Civil Rights Act  
4 of (42 U.S.C. 2000d-1);

5 (F) public engagement opportunities  
6 through the policies and laws described in sub-  
7 paragraph (E);

8 (G) materials available on the Clearing-  
9 house described in this division;

10 (H) methods to expand access to parks  
11 and other natural and recreational amenities;  
12 and

13 (I) finding and applying for Federal grants  
14 related to environmental justice; and

15 (2) short courses and continuation education  
16 programs for residents of communities who are lo-  
17 cated in close proximity to hazardous substances or  
18 in locations at risk of wildfires or drought to pro-  
19 vide, as applicable—

20 (A) education relating to—

21 (i) the proper manner to handle haz-  
22 ardous substances;

23 (ii) the management of facilities at  
24 which hazardous substances are located  
25 (including facility compliance protocols);

1 (iii) the evaluation of the hazards that  
2 facilities described in clause (ii) pose to  
3 human health; and

4 (iv) preventing, mitigating, and man-  
5 aging wildfires and drought and the haz-  
6 ards that wildfires and drought pose to  
7 human health; and

8 (B) training on environmental and occupa-  
9 tional health and safety with respect to the pub-  
10 lic health and engineering aspects of hazardous  
11 waste control.

12 (b) GRANT PROGRAM.—

13 (1) ESTABLISHMENT.—In carrying out the  
14 basic training program established under subsection  
15 (a), the Administrator may provide grants to, or  
16 enter into any contract or cooperative agreement  
17 with, an eligible entity to carry out any training or  
18 educational activity described in subsection (a).

19 (2) ELIGIBLE ENTITY.—To be eligible to receive  
20 assistance under paragraph (1), an eligible entity  
21 shall be an accredited institution of education in  
22 partnership with—

23 (A) a community-based organization that  
24 carries out activities relating to environmental  
25 justice;

1 (B) a generator of hazardous waste;

2 (C) any individual who is involved in the  
3 detection, assessment, evaluation, or treatment  
4 of hazardous waste;

5 (D) any owner or operator of a facility at  
6 which hazardous substances are located; or

7 (E) any State government, Tribal Govern-  
8 ment, or local government.

9 (c) PLAN.—

10 (1) IN GENERAL.—Not later than 2 years after  
11 the date of enactment of this Act, the Administrator,  
12 in consultation with the Director, shall develop and  
13 publish in the Federal Register a plan to carry out  
14 the basic training program established under sub-  
15 section (a).

16 (2) CONTENTS.—The plan described in para-  
17 graph (1) shall contain—

18 (A) a list that describes the relative pri-  
19 ority of each activity described in subsection  
20 (a); and

21 (B) a description of research and training  
22 relevant to environmental justice issues of com-  
23 munities adversely affected by pollution.

24 (3) COORDINATION WITH FEDERAL AGEN-  
25 CIES.—The Administrator shall, to the maximum ex-

1 tent practicable, take appropriate steps to coordinate  
2 the activities of the basic training program described  
3 in the plan with the activities of other Federal agen-  
4 cies to avoid any duplication of effort.

5 (d) REPORT.—

6 (1) IN GENERAL.—Not later than 2 years after  
7 the date of enactment of this Act, and every 2 years  
8 thereafter, the Administrator shall submit to the  
9 Committees on Energy and Commerce and Natural  
10 Resources of the House of Representative and the  
11 Committees on Environment and Public Works and  
12 Energy and Natural Resources of the Senate a re-  
13 port describing—

14 (A) the implementation of the basic train-  
15 ing program established under subsection (a);  
16 and

17 (B) the impact of the basic training pro-  
18 gram on improving training opportunities for  
19 residents of environmental justice communities.

20 (2) PUBLIC AVAILABILITY.—The Administrator  
21 shall make the report required under paragraph (1)  
22 available to the public (including by posting a copy  
23 of the report on the website of the Environmental  
24 Protection Agency).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$10,000,000 for each of fiscal years 2023 through 2027.

4 **SEC. 107. ENVIRONMENTAL JUSTICE CLEARINGHOUSE.**

5 (a) ESTABLISHMENT.—Not later than 1 year after  
6 the date of enactment of this Act, the Administrator shall  
7 establish a public internet-based clearinghouse, to be  
8 known as the Environmental Justice Clearinghouse.

9 (b) CONTENTS.—The Clearinghouse shall be com-  
10 posed of culturally and linguistically appropriate materials  
11 related to environmental justice, including—

12 (1) information describing the activities con-  
13 ducted by the Environmental Protection Agency to  
14 address issues relating to environmental justice;

15 (2) copies of training materials provided by the  
16 Administrator to help individuals and employees un-  
17 derstand and carry out environmental justice activi-  
18 ties;

19 (3) links to web pages that describe environ-  
20 mental justice activities of other Federal agencies;

21 (4) a directory of individuals who possess tech-  
22 nical expertise in issues relating to environmental  
23 justice;

24 (5) a directory of nonprofit and community-  
25 based organizations, including grassroots organiza-



1 tions led by people of color, that address issues re-  
2 lating to environmental justice at the local, State,  
3 and Federal levels (with particular emphasis given to  
4 nonprofit and community-based organizations that  
5 possess the capability to provide advice or technical  
6 assistance to environmental justice communities);  
7 and

8 (6) any other appropriate information as deter-  
9 mined by the Administrator, including information  
10 on any resources available to help address the dis-  
11 proportionate burden of adverse human health or en-  
12 vironmental effects on environmental justice commu-  
13 nities.

14 (c) CONSULTATION.—In developing the Clearing-  
15 house, the Administrator shall consult with individuals  
16 representing academic and community-based organiza-  
17 tions who have expertise in issues relating to environ-  
18 mental justice.

19 (d) ANNUAL REVIEW.—The Advisory Council shall—

20 (1) conduct a review of the Clearinghouse on an  
21 annual basis; and

22 (2) recommend to the Administrator any up-  
23 dates for the Clearinghouse that the Advisory Coun-  
24 cil determines to be necessary for the effective oper-  
25 ation of the Clearinghouse.

1 **SEC. 108. PUBLIC MEETINGS.**

2 (a) IN GENERAL.—Not later than 2 years after the  
3 date of enactment of this Act, and biennially thereafter,  
4 the Administrator shall hold public meetings on environ-  
5 mental justice issues in each region of the Environmental  
6 Protection Agency to gather public input with respect to  
7 the implementation and updating of environmental justice  
8 strategies and efforts of the Environmental Protection  
9 Agency.

10 (b) OUTREACH TO ENVIRONMENTAL JUSTICE COM-  
11 MUNITIES.—The Administrator, in advance of the meet-  
12 ings described in subsection (a), shall to the extent prac-  
13 ticable hold multiple meetings in environmental justice  
14 communities in each region to provide meaningful commu-  
15 nity involvement opportunities.

16 (c) NOTICE.—Notice for the meetings described in  
17 subsections (a) and (b) shall be provided—

18 (1) to applicable representative entities or orga-  
19 nizations present in the environmental justice com-  
20 munity, including—

21 (A) local religious organizations;

22 (B) civic associations and organizations;

23 (C) business associations of people of color;

24 (D) environmental and environmental jus-  
25 tice organizations;

- 1 (E) homeowners, tenants, and neighbor-
- 2 hood watch groups;
- 3 (F) local and Tribal Governments;
- 4 (G) rural cooperatives;
- 5 (H) business and trade organizations;
- 6 (I) community and social service organiza-
- 7 tions;
- 8 (J) universities, colleges, and vocational
- 9 schools;
- 10 (K) labor organizations;
- 11 (L) civil rights organizations;
- 12 (M) senior citizens' groups; and
- 13 (N) public health agencies and clinics;

14 (2) through communication methods that are  
15 accessible in the applicable environmental justice  
16 community, which may include electronic media,  
17 newspapers, radio, and other media particularly tar-  
18 geted at communities of color, low-income commu-  
19 nities, and Tribal and Indigenous communities; and  
20 (3) at least 30 days before any such meeting.

21 (d) COMMUNICATION METHODS AND REQUIRE-  
22 MENTS.—The Administrator shall—

23 (1) provide translations of any documents made  
24 available to the public pursuant to this section in  
25 any language spoken by more than 5 percent of the

1 population residing within the applicable environ-  
2 mental justice community, and make available trans-  
3 lation services for meetings upon request; and

4 (2) not require members of the public to  
5 produce a form of identification or register their  
6 names, provide other information, complete a ques-  
7 tionnaire, or otherwise fulfill any condition precedent  
8 to attending a meeting, but if an attendance list,  
9 register, questionnaire, or other similar document is  
10 utilized during meetings, it shall state clearly that  
11 the signing, registering, or completion of the docu-  
12 ment is voluntary.

13 (e) **REQUIRED ATTENDANCE OF CERTAIN EMPLOY-**  
14 **EES.**—In holding a public meeting under subsection (a),  
15 the Administrator shall ensure that at least 1 employee  
16 of the Environmental Protection Agency at the level of As-  
17 sistant Administrator is present at the meeting to serve  
18 as a representative of the Environmental Protection Agen-  
19 cy.

20 **SEC. 109. NATIONAL ENVIRONMENTAL JUSTICE ADVISORY**  
21 **COUNCIL.**

22 (a) **ESTABLISHMENT.**—The President shall establish  
23 an advisory council, to be known as the National Environ-  
24 mental Justice Advisory Council.

1 (b) MEMBERSHIP.—The Advisory Council shall be  
2 composed of 26 members who have knowledge of, or expe-  
3 rience relating to, the effect of environmental conditions  
4 on communities of color, low-income communities, and  
5 Tribal and Indigenous communities, including—

6 (1) representatives of—

7 (A) community-based organizations that  
8 carry out initiatives relating to environmental  
9 justice, including grassroots organizations led  
10 by people of color;

11 (B) State governments, Tribal Govern-  
12 ments, and local governments;

13 (C) Indian Tribes and other Indigenous  
14 groups;

15 (D) nongovernmental and environmental  
16 organizations; and

17 (E) private sector organizations (including  
18 representatives of industries and businesses);  
19 and

20 (2) experts in the field of—

21 (A) socioeconomic analysis;

22 (B) health and environmental effects;

23 (C) exposure evaluation;

24 (D) environmental law and civil rights law;

25 or

1 (E) environmental health science research.

2 (c) SUBCOMMITTEES; WORKGROUPS.—

3 (1) ESTABLISHMENT.—The Advisory Council  
4 may establish any subcommittee or workgroup to as-  
5 sist the Advisory Council in carrying out any duty  
6 of the Advisory Council described in subsection (d).

7 (2) REPORT.—Upon the request of the Advisory  
8 Council, each subcommittee or workgroup estab-  
9 lished by the Advisory Council under paragraph (1)  
10 shall submit to the Advisory Council a report that  
11 contains—

12 (A) a description of each recommendation  
13 of the subcommittee or workgroup; and

14 (B) any advice requested by the Advisory  
15 Council with respect to any duty of the Advi-  
16 sory Council.

17 (d) DUTIES.—The Advisory Council shall provide  
18 independent advice and recommendations to the Environ-  
19 mental Protection Agency with respect to issues relating  
20 to environmental justice, including advice—

21 (1) to help develop, facilitate, and conduct re-  
22 views of the direction, criteria, scope, and adequacy  
23 of the scientific research and demonstration projects  
24 of the Environmental Protection Agency relating to  
25 environmental justice;

1           (2) to improve participation, cooperation, and  
2 communication with respect to such issues—

3           (A) within the Environmental Protection  
4 Agency;

5           (B) between, and among, the Environ-  
6 mental Protection Agency and Federal agencies,  
7 State and local governments, Indian Tribes, en-  
8 vironmental justice leaders, interest groups, and  
9 the public;

10          (3) requested by the Administrator to help im-  
11 prove the response of the Environmental Protection  
12 Agency in securing environmental justice for com-  
13 munities of color, low-income communities, and  
14 Tribal and Indigenous communities; and

15          (4) on issues relating to—

16           (A) the developmental framework of the  
17 Environmental Protection Agency with respect  
18 to the integration by the Environmental Protec-  
19 tion Agency of socioeconomic programs into the  
20 strategic planning, annual planning, and man-  
21 agement accountability of the Environmental  
22 Protection Agency to achieve environmental jus-  
23 tice results throughout the Environmental Pro-  
24 tection Agency;

1 (B) the measurement and evaluation of the  
2 progress, quality, and adequacy of the Environ-  
3 mental Protection Agency in planning, devel-  
4 oping, and implementing environmental justice  
5 strategies, project, and programs;

6 (C) any existing and future information  
7 management systems, technologies, and data  
8 collection activities of the Environmental Pro-  
9 tection Agency (including recommendations to  
10 conduct analyses that support and strengthen  
11 environmental justice programs in administra-  
12 tive and scientific areas);

13 (D) the administration of grant programs  
14 relating to environmental justice assistance; and

15 (E) education, training, and other outreach  
16 activities conducted by the Environmental Pro-  
17 tection Agency relating to environmental jus-  
18 tice.

19 (e) DESIGNATED FEDERAL OFFICER.—The Director  
20 of the Office of Environmental Justice of the Environ-  
21 mental Protection Agency is designated as the Federal of-  
22 ficer required under section 10(e) of the Federal Advisory  
23 Committee Act (5 U.S.C. App.) for the Advisory Council.

24 (f) MEETINGS.—



1           (1) IN GENERAL.—The Advisory Council shall  
2 meet not less frequently than 3 times each calendar  
3 year.

4           (2) OPEN TO PUBLIC.—Each meeting of the  
5 Advisory Council shall be held open to the public.

6           (3) DUTIES OF DESIGNATED FEDERAL OFFI-  
7 CER.—The designated Federal officer described in  
8 subsection (e) (or a designee) shall—

9                   (A) be present at each meeting of the Ad-  
10 visory Council;

11                   (B) ensure that each meeting is conducted  
12 in accordance with an agenda approved in ad-  
13 vance by the designated Federal officer;

14                   (C) provide an opportunity for interested  
15 persons—

16                           (i) to file comments before or after  
17 each meeting of the Advisory Council; or

18                           (ii) to make statements at such a  
19 meeting, to the extent that time permits;

20                   (D) ensure that a representative of the  
21 Working Group and a high-level representative  
22 from each regional office of the Environmental  
23 Protection Agency are invited to, and encour-  
24 aged to attend, each meeting of the Advisory  
25 Council; and

1           (E) provide technical assistance to States  
2           seeking to establish State-level environmental  
3           justice advisory councils or implement other en-  
4           vironmental justice policies or programs.

5           (g) RESPONSES FROM ADMINISTRATOR.—

6           (1) PUBLIC COMMENT INQUIRIES.—The Admin-  
7           istrator shall provide a written response to each in-  
8           quiry submitted to the Administrator by a member  
9           of the public before or after each meeting of the Ad-  
10          visory Council by not later than 120 days after the  
11          date of submission.

12          (2) RECOMMENDATIONS FROM ADVISORY COUN-  
13          CIL.—The Administrator shall provide a written re-  
14          sponse to each recommendation submitted to the Ad-  
15          ministrator by the Advisory Council by not later  
16          than 120 days after the date of submission.

17          (h) TRAVEL EXPENSES.—A member of the Advisory  
18          Council may be allowed travel expenses, including per  
19          diem in lieu of subsistence, at such rate as the Adminis-  
20          trator determines to be appropriate while away from the  
21          home or regular place of business of the member in the  
22          performance of the duties of the Advisory Council.

23          (i) DURATION.—The Advisory Council shall remain  
24          in existence unless otherwise provided by law.

1 **SEC. 110. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

2 (a) IN GENERAL.—The Administrator shall continue  
3 to carry out the Environmental Justice Small Grants Pro-  
4 gram and the Environmental Justice Collaborative Prob-  
5 lem-Solving Cooperative Agreement Program, as those  
6 programs are in existence on the date of enactment of this  
7 Act.

8 (b) CARE GRANTS.—The Administrator shall con-  
9 tinue to carry out the Community Action for a Renewed  
10 Environment grant programs I and II, as in existence on  
11 January 1, 2012.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out the programs  
14 described in subsections (a) and (b) \$50,000,000 for each  
15 of fiscal years 2023 through 2032.

16 **SEC. 111. ENVIRONMENTAL JUSTICE COMMUNITY SOLID**  
17 **WASTE DISPOSAL TECHNICAL ASSISTANCE**  
18 **GRANTS.**

19 (a) IN GENERAL.—The Administrator may award  
20 grants to eligible entities to enable such entities to partici-  
21 pate in decisions impacting the health and safety of their  
22 communities relating to the permitting or permit renewal  
23 of a solid waste disposal facility or hazardous waste facil-  
24 ity.

25 (b) TIMING.—

1           (1) GUIDANCE.—Not later than 12 months  
2 after the date of enactment of this section, the Ad-  
3 ministrator shall publish guidance describing the  
4 process for eligible entities to apply for a grant  
5 under this section, including the required content  
6 and form of applications, the manner in which appli-  
7 cations must be submitted, and any applicable dead-  
8 lines.

9           (2) FIRST GRANT.—Not later than 180 days  
10 after the issuance of guidance under paragraph (1),  
11 the Administrator shall award the first grant under  
12 this section.

13       (c) ELIGIBLE ENTITY.—To be eligible for a grant  
14 under this section, an applicant shall be a group of individ-  
15 uals who reside in a community that—

16           (1) is a population of color, a community of  
17 color, a Tribal and Indigenous community, or a low-  
18 income community; and

19           (2) is in close proximity to a facility described  
20 in subsection (a) for which a decision relating to a  
21 permit or permit renewal for such facility is re-  
22 quired.

23       (d) USE OF FUNDS.—An eligible entity receiving a  
24 grant under this section shall use the grant to participate  
25 in decisions impacting the health and safety of the commu-

1 nity involved that are related to the permitting or permit  
2 renewal of a solid waste disposal facility or hazardous  
3 waste facility, including—

4 (1) interpreting information with regard to—

5 (A) cumulative impacts studies;

6 (B) health impacts studies;

7 (C) relevant agency decisions; and

8 (D) operation and maintenance of nec-  
9 essary monitors; and

10 (2) performing environmental monitoring.

11 (e) LIMITATIONS ON AMOUNT; RENEWAL.—

12 (1) AMOUNT.—

13 (A) IN GENERAL.—The amount of a grant  
14 under this section (excluding any renewals of  
15 the grant) may not exceed \$50,000 for any  
16 grant recipient.

17 (B) EXCEPTION.—The Administrator may  
18 waive the limitation in subparagraph (A) with  
19 respect to an applicant in any case where the  
20 Administrator determines that such waiver is  
21 necessary for the community involved to obtain  
22 the necessary technical assistance.

23 (2) RENEWAL.—Grants may be renewed for  
24 each step in the process for the permitting or permit

1 renewal of a solid waste disposal facility or haz-  
2 ardous waste facility.

3 **SEC. 112. ENVIRONMENTAL JUSTICE COMMUNITY, STATE,**  
4 **AND TRIBAL GRANT PROGRAMS.**

5 (a) ENVIRONMENTAL JUSTICE COMMUNITY GRANT  
6 PROGRAM.—

7 (1) ESTABLISHMENT.—The Administrator shall  
8 establish a program under which the Administrator  
9 shall provide grants to eligible entities to assist the  
10 eligible entities in—

11 (A) building capacity to address issues re-  
12 lating to environmental justice; and

13 (B) carrying out any activity described in  
14 paragraph (4).

15 (2) ELIGIBILITY.—To be eligible to receive a  
16 grant under paragraph (1), an eligible entity shall be  
17 a nonprofit, community-based organization that con-  
18 ducts activities, including providing medical and pre-  
19 ventive health services, to reduce the dispropor-  
20 tionate health impacts of environmental pollution in  
21 the environmental justice community at which the  
22 eligible entity proposes to conduct an activity that is  
23 the subject of the application described in paragraph  
24 (3).

1           (3) APPLICATION.—To be eligible to receive a  
2           grant under paragraph (1), an eligible entity shall  
3           submit to the Administrator an application at such  
4           time, in such manner, and containing such informa-  
5           tion as the Administrator may require, including—

6                   (A) an outline describing the means by  
7                   which the project proposed by the eligible entity  
8                   will—

9                           (i) with respect to environmental and  
10                           public health issues at the local level, in-  
11                           crease the understanding of the environ-  
12                           mental justice community at which the eli-  
13                           gible entity will conduct the project;

14                           (ii) improve the ability of the environ-  
15                           mental justice community to address each  
16                           issue described in clause (i);

17                           (iii) facilitate collaboration and co-  
18                           operation among various stakeholders (in-  
19                           cluding members of the environmental jus-  
20                           tice community); and

21                           (iv) support the ability of the environ-  
22                           mental justice community to proactively  
23                           plan and implement just sustainable com-  
24                           munity development and revitalization ini-

1           tiatives, including countering displacement  
2           and gentrification;

3           (B) a proposed budget for each activity of  
4           the project that is the subject of the applica-  
5           tion;

6           (C) a list of proposed outcomes with re-  
7           spect to the proposed project;

8           (D) a description of the ways by which the  
9           eligible entity may leverage the funds of the eli-  
10          gible entity, or the funds made available  
11          through a grant under this subsection, to de-  
12          velop a project that is capable of being sus-  
13          tained beyond the period of the grant; and

14          (E) a description of the ways by which the  
15          eligible entity is linked to, and representative  
16          of, the environmental justice community at  
17          which the eligible entity will conduct the  
18          project.

19          (4) USE OF FUNDS.—An eligible entity may  
20          only use a grant under this subsection to carry out  
21          culturally and linguistically appropriate projects and  
22          activities that are driven by the needs, opportunities,  
23          and priorities of the environmental justice commu-  
24          nity at which the eligible entity proposes to conduct  
25          the project or activity to address environmental jus-



1        tice concerns and improve the health or environment  
2        of the environmental justice community, including  
3        activities—

4                (A) to create or develop collaborative part-  
5        nerships;

6                (B) to educate and provide outreach serv-  
7        ices to the environmental justice community;

8                (C) to identify and implement projects to  
9        address environmental or public health con-  
10       cerns; or

11               (D) to develop a comprehensive under-  
12       standing of environmental or public health  
13       issues.

14       (5) REPORT.—

15               (A) IN GENERAL.—Not later than 1 year  
16       after the date of enactment of this Act, and an-  
17       nually thereafter, the Administrator shall sub-  
18       mit to the Committees on Energy and Com-  
19       merce and Natural Resources of the House of  
20       Representatives and the Committees on Envi-  
21       ronment and Public Works and Energy and  
22       Natural Resources of the Senate a report de-  
23       scribing the ways by which the grant program  
24       under this subsection has helped community-

1 based nonprofit organizations address issues re-  
2 lating to environmental justice.

3 (B) PUBLIC AVAILABILITY.—The Adminis-  
4 trator shall make each report required under  
5 subparagraph (A) available to the public (in-  
6 cluding by posting a copy of the report on the  
7 website of the Environmental Protection Agen-  
8 cy).

9 (6) AUTHORIZATION OF APPROPRIATIONS.—  
10 There is authorized to be appropriated to carry out  
11 this subsection \$25,000,000 for each of fiscal years  
12 2023 through 2027.

13 (b) STATE GRANT PROGRAM.—

14 (1) ESTABLISHMENT.—The Administrator shall  
15 establish a program under which the Administrator  
16 shall provide grants to States to enable the States—

17 (A) to establish culturally and linguistically  
18 appropriate protocols, activities, and mecha-  
19 nisms for addressing issues relating to environ-  
20 mental justice; and

21 (B) to carry out culturally and linguis-  
22 tically appropriate activities to reduce or elimi-  
23 nate disproportionately adverse human health  
24 or environmental effects on environmental jus-  
25 tice communities in the State, including reduc-

1           ing economic vulnerabilities that result in the  
2           environmental justice communities being dis-  
3           proportionately affected.

4           (2) ELIGIBILITY.—

5                 (A) APPLICATION.—To be eligible to re-  
6           ceive a grant under paragraph (1), a State shall  
7           submit to the Administrator an application at  
8           such time, in such manner, and containing such  
9           information as the Administrator may require,  
10          including—

11                     (i) a plan that contains a description  
12                     of the means by which the funds provided  
13                     through a grant under paragraph (1) will  
14                     be used to address issues relating to envi-  
15                     ronmental justice at the State level; and

16                     (ii) assurances that the funds pro-  
17                     vided through a grant under paragraph (1)  
18                     will be used only to supplement the  
19                     amount of funds that the State allocates  
20                     for initiatives relating to environmental  
21                     justice.

22                 (B) ABILITY TO CONTINUE PROGRAM.—To  
23           be eligible to receive a grant under paragraph  
24           (1), a State shall demonstrate to the Adminis-  
25           trator that the State has the ability to continue

1 each program that is the subject of funds pro-  
2 vided through a grant under paragraph (1)  
3 after receipt of the funds.

4 (3) REPORT.—

5 (A) IN GENERAL.—Not later than 1 year  
6 after the date of enactment of this Act, and an-  
7 nually thereafter, the Administrator shall sub-  
8 mit to the Committees on Energy and Com-  
9 merce and Natural Resources of the House of  
10 Representatives and the Committees on Envi-  
11 ronment and Public Works and Energy and  
12 Natural Resources of the Senate a report de-  
13 scribing—

14 (i) the implementation of the grant  
15 program established under paragraph (1);

16 (ii) the impact of the grant program  
17 on improving the ability of each partici-  
18 pating State to address environmental jus-  
19 tice issues; and

20 (iii) the activities carried out by each  
21 State to reduce or eliminate disproportion-  
22 ately adverse human health or environ-  
23 mental effects on environmental justice  
24 communities in the State.

1 (B) PUBLIC AVAILABILITY.—The Adminis-  
2 trator shall make each report required under  
3 subparagraph (A) available to the public (in-  
4 cluding by posting a copy of the report on the  
5 website of the Environmental Protection Agen-  
6 cy).

7 (4) AUTHORIZATION OF APPROPRIATIONS.—  
8 There is authorized to be appropriated to carry out  
9 this subsection \$15,000,000 for each of fiscal years  
10 2023 through 2027.

11 (c) TRIBAL GRANT PROGRAM.—

12 (1) ESTABLISHMENT.—The Administrator shall  
13 establish a program under which the Administrator  
14 shall provide grants to Tribal Governments to enable  
15 the Indian Tribes—

16 (A) to establish culturally and linguistically  
17 appropriate protocols, activities, and mecha-  
18 nisms for addressing issues relating to environ-  
19 mental justice; and

20 (B) to carry out culturally and linguis-  
21 tically appropriate activities to reduce or elimi-  
22 nate disproportionately adverse human health  
23 or environmental effects on environmental jus-  
24 tice communities in Tribal and Indigenous com-  
25 munities, including reducing economic

1           vulnerabilities that result in the Tribal and In-  
2           digenous communities being disproportionately  
3           affected.

4           (2) ELIGIBILITY.—

5           (A) APPLICATION.—To be eligible to re-  
6           ceive a grant under paragraph (1), a Tribal  
7           Government shall submit to the Administrator  
8           an application at such time, in such manner,  
9           and containing such information as the Admin-  
10          istrator may require, including—

11           (i) a plan that contains a description  
12           of the means by which the funds provided  
13           through a grant under paragraph (1) will  
14           be used to address issues relating to envi-  
15           ronmental justice in Tribal and Indigenous  
16           communities; and

17           (ii) assurances that the funds pro-  
18           vided through a grant under paragraph (1)  
19           will be used only to supplement the  
20           amount of funds that the Tribal Govern-  
21           ment allocates for initiatives relating to en-  
22           vironmental justice.

23           (B) ABILITY TO CONTINUE PROGRAM.—To  
24           be eligible to receive a grant under paragraph  
25           (1), a Tribal Government shall demonstrate to

1 the Administrator that the Tribal Government  
2 has the ability to continue each program that is  
3 the subject of funds provided through a grant  
4 under paragraph (1) after receipt of the funds.

5 (3) REPORT.—

6 (A) IN GENERAL.—Not later than 1 year  
7 after the date of enactment of this Act, and an-  
8 nually thereafter, the Administrator shall sub-  
9 mit to the Committees on Energy and Com-  
10 merce and Natural Resources of the House of  
11 Representatives and the Committees on Envi-  
12 ronment and Public Works and Energy and  
13 Natural Resources of the Senate a report de-  
14 scribing—

15 (i) the implementation of the grant  
16 program established under paragraph (1);

17 (ii) the impact of the grant program  
18 on improving the ability of each partici-  
19 pating Indian Tribe to address environ-  
20 mental justice issues; and

21 (iii) the activities carried out by each  
22 Tribal Government to reduce or eliminate  
23 disproportionately adverse human health or  
24 environmental effects on applicable envi-

1                   ronmental justice communities in Tribal  
2                   and Indigenous communities.

3                   (B) PUBLIC AVAILABILITY.—The Adminis-  
4                   trator shall make each report required under  
5                   subparagraph (A) available to the public (in-  
6                   cluding by posting a copy of the report on the  
7                   website of the Environmental Protection Agen-  
8                   cy).

9                   (4) AUTHORIZATION OF APPROPRIATIONS.—  
10                  There is authorized to be appropriated to carry out  
11                  this subsection \$25,000,000 for each of fiscal years  
12                  2023 through 2027.

13                  (d) COMMUNITY-BASED PARTICIPATORY RESEARCH  
14                  GRANT PROGRAM.—

15                  (1) ESTABLISHMENT.—The Administrator, in  
16                  consultation with the Director, shall establish a pro-  
17                  gram under which the Administrator shall provide  
18                  not more than 25 multiyear grants to eligible enti-  
19                  ties to carry out community-based participatory re-  
20                  search—

21                          (A) to address issues relating to environ-  
22                          mental justice;

23                          (B) to improve the environment of resi-  
24                          dents and workers in environmental justice  
25                          communities; and



1 (C) to improve the health outcomes of resi-  
2 dents and workers in environmental justice  
3 communities.

4 (2) ELIGIBILITY.—To be eligible to receive a  
5 multiyear grant under paragraph (1), an eligible en-  
6 tity shall be a partnership composed of—

7 (A) an accredited institution of higher edu-  
8 cation; and

9 (B) a community-based organization.

10 (3) APPLICATION.—To be eligible to receive a  
11 multiyear grant under paragraph (1), an eligible en-  
12 tity shall submit to the Administrator an application  
13 at such time, in such manner, and containing such  
14 information as the Administrator may require, in-  
15 cluding—

16 (A) a detailed description of the partner-  
17 ship of the eligible entity that, as determined by  
18 the Administrator, demonstrates the participa-  
19 tion of members of the community at which the  
20 eligible entity proposes to conduct the research;  
21 and

22 (B) a description of—

23 (i) the project proposed by the eligible  
24 entity; and

1 (ii) the ways by which the project  
2 will—

3 (I) address issues relating to en-  
4 vironmental justice;

5 (II) assist in the improvement of  
6 health outcomes of residents and  
7 workers in environmental justice com-  
8 munities; and

9 (III) assist in the improvement of  
10 the environment of residents and  
11 workers in environmental justice com-  
12 munities.

13 (4) PUBLIC AVAILABILITY.—The Administrator  
14 shall make the results of the grants provided under  
15 this subsection available to the public, including by  
16 posting on the website of the Environmental Protec-  
17 tion Agency a copy of the grant awards and an an-  
18 nual report at the beginning of each fiscal year de-  
19 scribing the research findings associated with each  
20 grant provided under this subsection.

21 (5) AUTHORIZATION OF APPROPRIATIONS.—  
22 There is authorized to be appropriated to carry out  
23 this subsection \$10,000,000 for each of fiscal years  
24 2023 through 2027.

1 **SEC. 113. PROTECTIONS FOR ENVIRONMENTAL JUSTICE**  
2 **COMMUNITIES AGAINST HARMFUL FEDERAL**  
3 **ACTIONS.**

4 (a) **PURPOSE.**—The purpose of this section is to es-  
5 tablish additional protections relating to Federal actions  
6 affecting environmental justice communities in recognition  
7 of the disproportionate burden of adverse human health  
8 or environmental effects faced by such communities.

9 (b) **DEFINITIONS.**—In this section:

10 (1) **ENVIRONMENTAL IMPACT STATEMENT.**—  
11 The term “environmental impact statement” means  
12 the detailed statement of environmental impacts of  
13 a proposed action required to be prepared pursuant  
14 to the National Environmental Policy Act of 1969  
15 (42 U.S.C. 4321 et seq.).

16 (2) **FEDERAL ACTION.**—The term “Federal ac-  
17 tion” means a proposed action that requires the  
18 preparation of an environmental impact statement,  
19 environmental assessment, categorical exclusion, or  
20 other document under the National Environmental  
21 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

22 (c) **PREPARATION OF A COMMUNITY IMPACT RE-**  
23 **PORT.**—A Federal agency proposing to take a Federal ac-  
24 tion that has the potential to cause negative environmental  
25 or public health impacts on an environmental justice com-

1 munity shall prepare a community impact report assessing  
2 the potential impacts of the proposed action.

3 (d) CONTENTS.—A community impact report de-  
4 scribed in subsection (c) shall—

5 (1) assess the degree to which a proposed Fed-  
6 eral action affecting an environmental justice com-  
7 munity will cause multiple or cumulative exposure to  
8 human health and environmental hazards that influ-  
9 ence, exacerbate, or contribute to adverse health out-  
10 comes;

11 (2) assess relevant public health data and in-  
12 dustry data concerning the potential for multiple or  
13 cumulative exposure to human health or environ-  
14 mental hazards in the area of the environmental jus-  
15 tice community and historical patterns of exposure  
16 to environmental hazards and Federal agencies shall  
17 assess these multiple, or cumulative effects, even if  
18 certain effects are not within the control or subject  
19 to the discretion of the Federal agency proposing the  
20 Federal action;

21 (3) assess the impact of such proposed Federal  
22 action on such environmental justice community's  
23 ability to access public parks, outdoor spaces, and  
24 public recreation opportunities;

1 (4) evaluate alternatives to or mitigation meas-  
2 ures for the proposed Federal action that will—

3 (A) eliminate or reduce any identified ex-  
4 posure to human health and environmental haz-  
5 ards described in paragraph (1) to a level that  
6 is reasonably expected to avoid human health  
7 impacts in environmental justice communities;  
8 and

9 (B) not negatively impact an environ-  
10 mental justice community's ability to access  
11 public parks, outdoor spaces, and public recre-  
12 ation opportunities; and

13 (5) analyze any alternative developed by mem-  
14 bers of an affected environmental justice community  
15 that meets the purpose and need of the proposed ac-  
16 tion.

17 (e) DELEGATION.—Federal agencies shall not dele-  
18 gate responsibility for the preparation of a community im-  
19 pact report described in subsection (c) to any other entity.

20 (f) NATIONAL ENVIRONMENTAL POLICY ACT RE-  
21 QUIREMENTS FOR ENVIRONMENTAL JUSTICE COMMU-  
22 NITIES.—When carrying out the requirements of the Na-  
23 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
24 et seq.) for a proposed Federal action that may affect an

1 environmental justice community, a Federal agency  
2 shall—

3 (1) consider all potential direct, indirect, and  
4 cumulative impacts caused by the action, alter-  
5 natives to such action, and mitigation measures on  
6 the environmental justice community required by  
7 that Act;

8 (2) require any public comment period carried  
9 out during the scoping phase of the environmental  
10 review process to be not less than 90 days;

11 (3) provide early and meaningful community in-  
12 volvement opportunities by—

13 (A) holding multiple hearings in such com-  
14 munity regarding the proposed Federal action  
15 in each prominent language within the environ-  
16 mental justice community; and

17 (B) providing notice of any step or action  
18 in the process that Act involves public partici-  
19 pation to any representative entities or organi-  
20 zations present in the environmental justice  
21 community including—

22 (i) local religious organizations;

23 (ii) civic associations and organiza-  
24 tions;

- 1 (iii) business associations of people of  
2 color;
- 3 (iv) environmental and environmental  
4 justice organizations, including community-  
5 based grassroots organizations led by peo-  
6 ple of color;
- 7 (v) homeowners“, tenants”, and  
8 neighborhood watch groups;
- 9 (vi) local governments and Tribal  
10 Governments;
- 11 (vii) rural cooperatives;
- 12 (viii) business and trade organiza-  
13 tions;
- 14 (ix) community and social service or-  
15 ganizations;
- 16 (x) universities, colleges, and voca-  
17 tional schools;
- 18 (xi) labor and other worker organiza-  
19 tions;
- 20 (xii) civil rights organizations;
- 21 (xiii) senior citizens’ groups; and
- 22 (xiv) public health agencies and clin-  
23 ics; and
- 24 (4) provide translations of publicly available  
25 documents made available pursuant to that Act in

1 any language spoken by more than 5 percent of the  
2 population residing within the environmental justice  
3 community.

4 (g) COMMUNICATION METHODS AND REQUIRE-  
5 MENTS.—Any notice provided under subsection (f)(3)(B)  
6 shall be provided—

7 (1) through communication methods that are  
8 accessible in the environmental justice community,  
9 which may include electronic media, newspapers,  
10 radio, direct mailings, canvassing, and other out-  
11 reach methods particularly targeted at communities  
12 of color, low-income communities, and Tribal and In-  
13 digenous communities; and

14 (2) at least 30 days before any hearing in such  
15 community or the start of any public comment pe-  
16 riod.

17 (h) REQUIREMENTS FOR ACTIONS REQUIRING AN  
18 ENVIRONMENTAL IMPACT STATEMENT.—For any pro-  
19 posed Federal action affecting an environmental justice  
20 community requiring the preparation of an environmental  
21 impact statement, the Federal agency shall provide the fol-  
22 lowing information when giving notice of the proposed ac-  
23 tion:

24 (1) A description of the proposed action.



1           (2) An outline of the anticipated schedule for  
2           completing the process under the National Environ-  
3           mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),  
4           with a description of key milestones.

5           (3) An initial list of alternatives and potential  
6           impacts.

7           (4) An initial list of other existing or proposed  
8           sources of multiple or cumulative exposure to envi-  
9           ronmental hazards that contribute to higher rates of  
10          serious illnesses within the environmental justice  
11          community.

12          (5) An agency point of contact.

13          (6) Timely notice of locations where comments  
14          will be received or public meetings held.

15          (7) Any telephone number or locations where  
16          further information can be obtained.

17          (i) NATIONAL ENVIRONMENTAL POLICY ACT RE-  
18          QUIREMENTS FOR INDIAN TRIBES.—When carrying out  
19          the requirements of the National Environmental Policy  
20          Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed Fed-  
21          eral action that may affect an Indian Tribe, a Federal  
22          agency shall—

23                 (1) seek Tribal representation in the process in  
24                 a manner that is consistent with the government-to-  
25                 government relationship between the United States

1 and Tribal Governments, the Federal Government's  
2 trust responsibility to federally Recognized Indian  
3 Tribes, and any treaty rights;

4 (2) ensure that an Indian Tribe is invited to  
5 hold the status of a cooperating agency throughout  
6 the process under that Act for any proposed action  
7 that could impact an Indian Tribe, including actions  
8 that could impact off reservation lands and sacred  
9 sites; and

10 (3) invite an Indian Tribe to hold the status of  
11 a cooperating agency in accordance with paragraph  
12 (2) not later than the date on which the scoping  
13 process for a proposed action requiring the prepara-  
14 tion of an environmental impact statement com-  
15 mences.

16 (j) AGENCY DETERMINATIONS.—Federal agency de-  
17 terminations about the analysis of a community impact  
18 report described in subsection (c) shall be subject to judi-  
19 cial review to the same extent as any other analysis per-  
20 formed under the National Environmental Policy Act of  
21 1969 (42 U.S.C. 4321 et seq.).

22 (k) EFFECTIVE DATE.—This section shall take effect  
23 1 year after the date of enactment of this Act.

24 (l) SAVINGS CLAUSE.—Nothing in this section dimin-  
25 ishes—

1           (1) any right granted through the National En-  
2           vironmental Policy Act of 1969 (42 U.S.C. 4321 et  
3           seq.) to the public; or

4           (2) the requirements under that Act to consider  
5           direct, indirect, and cumulative impacts.

6   **SEC. 114. PROHIBITED DISCRIMINATION.**

7           Section 601 of the Civil Rights Act of 1964 (42  
8           U.S.C. 2000d) is amended—

9           (1) by striking “No” and inserting “(a) No”;  
10          and

11          (2) by adding at the end the following:

12          “(b)(1)(A) Discrimination (including exclusion from  
13          participation and denial of benefits) based on disparate  
14          impact is established under this title if—

15                  “(i) an entity subject to this title (re-  
16                  ferred to in this title as a ‘covered entity’)  
17                  has a program, policy, practice, or activity  
18                  that causes a disparate impact on the basis  
19                  of race, color, or national origin and the  
20                  covered entity fails to demonstrate that the  
21                  challenged program, policy, practice, or ac-  
22                  tivity is related to and necessary to achieve  
23                  the nondiscriminatory goal of the program,  
24                  policy, practice, or activity alleged to have

1           been operated in a discriminatory manner;  
2           or

3                   “(ii) a less discriminatory alternative  
4           program, policy, practice, or activity exists,  
5           and the covered entity refuses to adopt  
6           such alternative program, policy, practice,  
7           or activity.

8           “(B) With respect to demonstrating that a particular  
9           program, policy, practice, or activity does not cause a dis-  
10          parate impact, the covered entity shall demonstrate that  
11          each particular challenged program, policy, practice, or ac-  
12          tivity does not cause a disparate impact, except that if  
13          the covered entity demonstrates to the courts that the ele-  
14          ments of the covered entity’s decision-making process are  
15          not capable of separation for analysis, the decision-making  
16          process may be analyzed as 1 program, policy, practice,  
17          or activity.

18          “(2) A demonstration that a program, policy, prac-  
19          tice, or activity is necessary to achieve the goals of a pro-  
20          gram, policy, practice, or activity may not be used as a  
21          defense against a claim of intentional discrimination under  
22          this title.

23          “(3) In this subsection—

1           “(A) the term ‘demonstrates’ means to meet  
2 the burdens of going forward with the evidence and  
3 of persuasion; and

4           “(B) the term ‘disparate impact’ means an ac-  
5 tion or practice that, even if appearing neutral, actu-  
6 ally has the effect of subjecting persons to discrimi-  
7 nation on the basis of their race, color, or national  
8 origin.

9           “(C) No person in the United States shall be  
10 subjected to discrimination, including retaliation or  
11 intimidation, because such person opposed any pro-  
12 gram, policy, practice, or activity prohibited by this  
13 title, or because such person made a charge, testi-  
14 fied, assisted, or participated in any manner in an  
15 investigation, proceeding, or hearing under this  
16 title.”.

17 **SEC. 115. RIGHT OF ACTION.**

18           (a) IN GENERAL.—Section 602 of the Civil Rights  
19 Act of 1964 (42 U.S.C. 2000d-1) is amended—

20           (1) by inserting “(a)” before “Each Federal de-  
21 partment and agency which is empowered”; and

22           (2) by adding at the end the following:

23           “(b) Any person aggrieved by the failure to comply  
24 with this title, including any regulation promulgated pur-  
25 suant to this title, may file suit in any district court of

1 the United States having jurisdiction of the parties, with-  
2 out respect to the amount in controversy and without re-  
3 gard to the citizenship of the parties.”.

4 (b) EFFECTIVE DATE.—

5 (1) IN GENERAL.—This section, including the  
6 amendments made by this section, takes effect on  
7 the date of enactment of this Act.

8 (2) APPLICATION.—This section, including the  
9 amendments made by this section, applies to all ac-  
10 tions or proceedings pending on or after the date of  
11 enactment of this Act.

12 **SEC. 116. RIGHTS OF RECOVERY.**

13 Title VI of the Civil Rights Act of 1964 (42 U.S.C.  
14 2000d et seq.) is amended by inserting after section 602  
15 the following:

16 **“SEC. 602A. ACTIONS BROUGHT BY AGGRIEVED PERSONS.**

17 “(a) CLAIMS BASED ON PROOF OF INTENTIONAL  
18 DISCRIMINATION.—In an action brought by an aggrieved  
19 person under this title against an entity subject to this  
20 title (referred to in this section as a ‘covered entity’) who  
21 has engaged in unlawful intentional discrimination (not a  
22 practice that is unlawful because of its disparate impact)  
23 prohibited under this title (including its implementing reg-  
24 ulations), the aggrieved person may recover equitable and  
25 legal relief (including compensatory and punitive dam-

1 ages), attorney’s fees (including expert fees), and costs of  
2 the action, except that punitive damages are not available  
3 against a government, government agency, or political  
4 subdivision.

5 “(b) CLAIMS BASED ON THE DISPARATE IMPACT  
6 STANDARD OF PROOF.—In an action brought by an ag-  
7 grieved person under this title against a covered entity  
8 who has engaged in unlawful discrimination based on dis-  
9 parate impact prohibited under this title (including imple-  
10 menting regulations), the aggrieved person may recover  
11 attorney’s fees (including expert fees), and costs of the  
12 action.

13 “(c) DEFINITIONS.—In this section:

14 “(1) AGGRIEVED PERSON.—The term ‘ag-  
15 grieved person’ means a person aggrieved by dis-  
16 crimination on the basis of race, color, or national  
17 origin.

18 “(2) the term ‘disparate impact’ means an ac-  
19 tion or practice that, even if appearing neutral, actu-  
20 ally has the effect of subjecting persons to discrimi-  
21 nation on the basis of their race, color, or national  
22 origin.”.

1 **SEC. 117. PUBLIC HEALTH RISKS ASSOCIATED WITH CUMU-**  
2 **LATIVE ENVIRONMENTAL STRESSORS.**

3 (a) PROPOSED PROTOCOL.—Not later than 180 days  
4 after the date of enactment of this section, the Adminis-  
5 trator, in consultation with the Advisory Council, shall  
6 publish a proposal for a protocol for assessing and ad-  
7 dressing the cumulative public health risks associated with  
8 multiple environmental stressors. The Administrator shall  
9 allow 90 days for public comment on such proposal. The  
10 environmental stressors addressed under such proposal  
11 shall include—

12 (1) impacts associated with global climate  
13 change, including extreme heat, extremes in tem-  
14 perature change, drought, wildfires, sea level rise,  
15 flooding, storms, water shortage, food shortage, eco-  
16 system disruption, and the spread of infectious dis-  
17 ease;

18 (2) exposure to pollutants, emissions, dis-  
19 charges, waste, chemicals, or other materials subject  
20 to regulation under the Clean Air Act, the Federal  
21 Water Pollution Control Act, the Safe Drinking  
22 Water Act, the Toxic Substances Control Act, the  
23 Solid Waste Disposal Act, the Comprehensive Envi-  
24 ronmental Response, Compensation, and Liability  
25 Act of 1980, the Emergency Planning and Commu-



1 nity Right-to-Know Act of 1986, and other laws ad-  
2 ministered by the Administrator; and

3 (3) other environmental stressors determined by  
4 the Administrator to impact public health.

5 (b) FINAL PROTOCOL.—Not later than 1 year after  
6 the enactment of this section, the Administrator shall pub-  
7 lish the final protocol for assessing and addressing the cu-  
8 mulative public health risks associated with multiple envi-  
9 ronmental stressors.

10 (c) IMPLEMENTATION.—Not later than 3 years after  
11 the enactment of this section, the Administrator shall im-  
12 plement the protocol described under subsection (b).

13 **SEC. 118. CLIMATE JUSTICE GRANT PROGRAM.**

14 (a) ESTABLISHMENT.—The Administrator shall es-  
15 tablish a program under which the Administrator shall  
16 provide grants to eligible entities to assist the eligible enti-  
17 ties in—

18 (1) building capacity to address issues relating  
19 to climate justice; and

20 (2) carrying out any activity described in sub-  
21 section (d).

22 (b) ELIGIBILITY.—To be eligible to receive a grant  
23 under subsection (a), an eligible entity shall be a tribal  
24 government, local government, or nonprofit, community-  
25 based organization.

1 (c) APPLICATION.—To be eligible to receive a grant  
2 under subsection (a), an eligible entity shall submit to the  
3 Administrator an application at such time, in such man-  
4 ner, and containing such information as the Administrator  
5 may require, including—

6 (1) an outline describing the means by which  
7 the project proposed by the eligible entity will—

8 (A) with respect to climate justice issues at  
9 the local level, increase the understanding of  
10 the environmental justice community at which  
11 the eligible entity will conduct the project;

12 (B) improve the ability of the environ-  
13 mental justice community to address each issue  
14 described in subparagraph (A);

15 (C) facilitate collaboration and cooperation  
16 among various stakeholders (including members  
17 of the environmental justice community); and

18 (D) support the ability of the environ-  
19 mental justice community to proactively plan  
20 and implement climate justice initiatives;

21 (2) a proposed budget for each activity of the  
22 project that is the subject of the application;

23 (3) a list of proposed outcomes with respect to  
24 the proposed project;

1           (4) a description of the ways by which the eligi-  
2           ble entity may leverage the funds of the eligible enti-  
3           ty, or the funds made available through a grant  
4           under this subsection, to develop a project that is ca-  
5           pable of being sustained beyond the period of the  
6           grant; and

7           (5) a description of the ways by which the eligi-  
8           ble entity is linked to, and representative of, the en-  
9           vironmental justice community at which the eligible  
10          entity will conduct the project.

11          (d) USE OF FUNDS.—An eligible entity may only use  
12 a grant under this subsection to carry out culturally and  
13 linguistically appropriate projects and activities that are  
14 driven by the needs, opportunities, and priorities of the  
15 environmental justice community at which the eligible en-  
16 tity proposes to conduct the project or activity to address  
17 climate justice concerns of the environmental justice com-  
18 munity, including activities—

19           (1) to create or develop collaborative partner-  
20           ships;

21           (2) to educate and provide outreach services to  
22           the environmental justice community on climate jus-  
23           tice;

24           (3) to identify and implement projects to ad-  
25           dress climate justice concerns, including community

1 solar and wind energy projects, energy efficiency,  
2 home and building electrification, home and building  
3 weatherization, energy storage, solar and wind en-  
4 ergy supported microgrids, battery electric vehicles,  
5 electric vehicle charging infrastructure, natural in-  
6 frastructure, addressing the risks and hazards of  
7 wildfires and droughts, and climate resilient infra-  
8 structure.

9 (e) LIMITATIONS ON AMOUNT.—The amount of a  
10 grant under this section may not exceed \$2,000,000 for  
11 any grant recipient.

12 (f) REPORT.—

13 (1) IN GENERAL.—Not later than 1 year after  
14 the date of enactment of this Act, and annually  
15 thereafter, the Administrator shall submit to the  
16 Committees on Energy and Commerce and Natural  
17 Resources of the House of Representatives and the  
18 Committees on Environment and Public Works and  
19 Energy and Natural Resources of the Senate a re-  
20 port describing the ways by which the grant pro-  
21 gram under this subsection has helped eligible enti-  
22 ties address issues relating to energy and climate  
23 justice.

24 (2) PUBLIC AVAILABILITY.—The Administrator  
25 shall make each report required under paragraph (1)

1 available to the public (including by posting a copy  
2 of the report on the website of the Environmental  
3 Protection Agency).

4 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to carry out this subsection  
6 \$1,000,000,000 for each of fiscal years 2023 through  
7 2027. The Administrator may not use more than percent  
8 of the amount appropriated for each fiscal year for admin-  
9 istrative expenses, including outreach and technical assist-  
10 ance to eligible entities.

11 **SEC. 119. ENVIRONMENTAL JUSTICE FOR COMMUNITIES**  
12 **OVERBURDENED BY ENVIRONMENTAL VIOLA-**  
13 **TIONS.**

14 (a) IDENTIFICATION OF COMMUNITIES.—Not later  
15 than 180 days after the date of enactment of this section,  
16 the Administrator shall, in consultation with the Advisory  
17 Council and co-regulators in State and local agencies,  
18 identify at least 100 communities—

19 (1) that are environmental justice communities;  
20 and

21 (2) in which there have been over the previous  
22 5 years a number of violations of environmental law  
23 that the Administrator determines to be greater  
24 than the national average of such violations.

1 (b) ANALYSIS AND RECOMMENDATIONS.—Not later  
2 than 1 year after the enactment of this section, with re-  
3 spect to each community identified under subsection (a),  
4 and in consultation with the Advisory Council, the Admin-  
5 istrator shall—

6 (1) undertake an analysis of the conditions  
7 which have led to the number of violations identified  
8 under subsection (a)(1), including through commu-  
9 nity-based science implemented through engagement  
10 with the residents of each such community;

11 (2) identify the root cause of the number of vio-  
12 lations described under subsection (a)(1); and

13 (3) recommend measures that the Adminis-  
14 trator shall take, in coordination with co-regulators  
15 in State and local agencies, to reduce the number of  
16 violations of environmental law to a number that the  
17 Administrator determines to be significantly below  
18 the national average.

19 (c) IMPLEMENTATION.—Not later than 2 years after  
20 the date of enactment of this section, the Administrator  
21 shall complete the implementation of the measures identi-  
22 fied under subsection (b)(3).

