

117TH CONGRESS
2^D SESSION

H. R. 5118

AN ACT

To direct the Secretary of Agriculture and the Secretary of the Interior to prioritize the completion of the Continental Divide National Scenic Trail, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

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

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

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1 SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the House Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

1 **DIVISION A—WILDFIRE**
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
22 for each Federal wildland firefighter shall be in-
23 creased by not less than the percentage equal to the
24 percent change in the Consumer Price Index (all
25 items—United States city average), published

1 monthly by the Bureau of Labor Statistics, for De-
2 cember of the preceding year over such Consumer
3 Price Index for the December of the year prior to
4 the preceding year, adjusted to the nearest one-tenth
5 of 1 percent.

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

16 (4) HAZARDOUS DUTY PAY.—Each Federal
17 wildland firefighter who is carrying out work com-
18 pleted during prescribed fire, parachuting, tree
19 climbing over 20 feet, hazard tree removal, and
20 other hazardous work as identified by the Secretary
21 of Interior and the Secretary of Agriculture, shall be
22 considered an employee in an occupational series
23 covering positions for which the primary duties in-
24 volve the prevention, control, suppression, or man-
25 agement of wildland fires under section 5545(d) of

1 title 5, United States Code. The Director of the Of-
2 fice of Personnel Management may prescribe regula-
3 tions to carry out this paragraph.

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

9 (A) accumulate for use in succeeding
10 years; and

11 (B) be considered to be annual or vacation
12 leave for purposes of section 5551 or 5552 of
13 title 5, United States Code, or for any other
14 purpose.

15 (b) PAY PARITY FOR FEDERAL STRUCTURAL FIRE-
16 FIGHTERS.—

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

23 (2) REPORT.—Not later than 1 year after the
24 date the minimum rates of pay under subsection
25 (a)(1) begin to apply, the Director of the Office of

1 Personnel Management shall submit a report to
2 Congress on whether pay for such Federal structural
3 firefighters is competitive with Federal wildland fire-
4 fighters

5 (c) DEFINITIONS.—In this section—

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

7 (A) has the meaning given the term “fire-
8 fighter” in section 8401 of chapter 84 of title
9 5, United States Code; and

10 (B) does not include any Federal wildland
11 firefighter; and

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

19 **SEC. 102. WAIVER OF PREMIUM PAY LIMITATIONS FOR**
20 **CERTAIN EMPLOYEES ENGAGED IN EMER-**
21 **GENCY WILDLAND FIRE SUPPRESSION AC-**
22 **TIVITIES.**

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

25 (b) DEFINITIONS.—In this section:

1 (1) COVERED EMPLOYEE.—The term “covered
2 employee” means an employee of the Department of
3 Agriculture, the Department of the Interior, or the
4 Department of Commerce.

5 (2) COVERED SERVICES.—The term “covered
6 services” means services performed by a covered em-
7 ployee that are determined by the Secretary con-
8 cerned to be primarily relating to emergency
9 wildland fire suppression activities.

10 (3) PREMIUM PAY.—The term “premium pay”
11 means the premium pay paid under the provisions of
12 law described in section 5547(a) of title 5, United
13 States Code.

14 (4) SECRETARY CONCERNED.—The term “Sec-
15 retary concerned” means—

16 (A) the Secretary of Agriculture, with re-
17 spect to an employee of the Department of Ag-
18 riculture;

19 (B) the Secretary of the Interior, with re-
20 spect to an employee of the Department of the
21 Interior; and

22 (C) the Secretary of Commerce, with re-
23 spect to an employee of the Department of
24 Commerce.

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

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

14 (e) PAY LIMITATION.—A covered employee may not
15 be paid premium pay if, or to the extent that, the aggre-
16 gate amount of the basic pay and premium pay (including
17 premium pay for covered services) of the covered employee
18 for a calendar year would exceed the rate of basic pay pay-
19 able for a position at level II of the Executive Schedule
20 under section 5313 of title 5, United States Code, as in
21 effect at the end of that calendar year.

22 (f) TREATMENT OF ADDITIONAL PREMIUM PAY.—If
23 the application of this section results in the payment of
24 additional premium pay to a covered employee of a type
25 that is normally creditable as basic pay for retirement or

1 any other purpose, that additional premium pay shall not
2 be—

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

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

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

12 **SEC. 103. DIRECT HIRE AUTHORITY.**

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

15 (b) DIRECT HIRE AUTHORITY.—Section 147(d) of
16 the Workforce Innovation and Opportunity Act (29 U.S.C.
17 3197(d)) is amended by adding at the end the following:

18 “(4) DIRECT HIRE AUTHORITY.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), the Secretary of Agriculture may ap-
21 point, without regard to the provisions of sub-
22 chapter I of chapter 33 of title 5, United States
23 Code (other than sections 3303 and 3328 of
24 such title), covered graduates directly to any
25 position with the Forest Service for which the

1 candidate meets Office of Personnel Manage-
2 ment qualification standards.

3 “(B) LIMITATIONS.—The Secretary may
4 not appoint under subparagraph (A)—

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

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

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

11 “(iv) during fiscal year 2026 and each
12 fiscal year thereafter, more than 50 cov-
13 ered job corps graduates.

14 “(C) COVERED JOB CORPS GRADUATE DE-
15 FINED.—In this paragraph, the term ‘covered
16 graduate’ means a graduate of a Civilian Con-
17 servation Center who successfully completed a
18 training program, including in administration,
19 human resources, business, or quality assur-
20 ance, that was focused on forestry, wildland
21 firefighting, or another topic relating to the
22 mission of the Forest Service.”.

1 **Subtitle B—Authorization of Ap-**
2 **propriations for Forest Service**
3 **Fire and Non-Fire Salaries and**
4 **Expenses**

5 **SEC. 111. IN GENERAL.**

6 There is authorized to be appropriated—

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

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

20 **Subtitle C—Other Personnel**

21 **SEC. 121. NATIONAL ENVIRONMENTAL POLICY ACT STRIKE**
22 **TEAMS.**

23 (a) ESTABLISHMENT.—Not later than 180 days after
24 the date of the enactment of this Act, the Secretary of
25 Agriculture shall, for each region of the Forest Service,

1 establish and maintain at least one NEPA strike team per
2 region.

3 (b) PRIORITY ASSIGNMENTS.—The Secretary of Ag-
4 riculture shall give priority assignments to NEPA strike
5 teams established under subsection (a) that serve—

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

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

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

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

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary of Agri-
19 culture shall, for each region of the Forest Service, estab-
20 lish and maintain at least one community mitigation as-
21 sistance team.

22 (b) PRIORITY ASSIGNMENTS.—The Secretary of Ag-
23 riculture shall give priority assignments to community
24 mitigation assistance teams established under subsection
25 (a) that serve at-risk communities with a significant num-

1 ber or percentage of homes exposed to a high or very high
2 risk of wildfire.

3 (c) ASSESSMENTS.—With respect to a community
4 mitigation assistance team established under subsection
5 (a), the Secretary of Agriculture may—

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

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

11 **SEC. 123. FILLING FOREST SERVICE RECREATION MANAGE-
12 MENT STAFF VACANCIES.**

13 (a) IN GENERAL.—The Secretary of Agriculture, act-
14 ing through the Chief of the Forest Service, shall fill va-
15 cancies in Forest Service recreation management and
16 planning staff, including recreation technicians, recreation
17 officers, and natural resource managers.

18 (b) PRIORITY.—The Secretary shall prioritize filling
19 vacancies under subsection (a) in units of the National
20 Forest System that—

21 (1) are at high or very high risk of wildfires;
22 and

23 (2) are located in areas of substantial public
24 use.

1 (c) TRAINING AND CERTIFICATION AS A FOREST
2 PROTECTION OFFICER.—The Secretary may provide the
3 opportunity for any individual who fills a vacancy pursu-
4 ant to subsection (a) to receive training and certification
5 as a Forest Protection Officer.

6 **SEC. 124. FILLING VACANCIES AND INCREASING NUMBER**
7 **OF POSITIONS AVAILABLE IN THE FOREST**
8 **SERVICE TO ADDRESS PUBLIC SAFETY AND**
9 **PROTECTION CONCERNS.**

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

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

14 (2) assess the number of positions necessary to
15 promote public safety and protect resources from
16 unauthorized use; and

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

20 (b) PRIORITY.—The Secretary shall prioritize filling
21 vacancies and increasing the number of positions under
22 subsection (a) in units of the National Forest System
23 that—

24 (1) are at high or very high risk of wildfires;
25 and

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

3 **TITLE II—WILDFIRE, ECO-**
4 **SYSTEM PROTECTION, COM-**
5 **MUNITY PREPAREDNESS, AND**
6 **RECOVERY**

7 **Subtitle A—10-Year National**
8 **Wildfire Plan**

9 **SEC. 201. DEFINITIONS.**

10 In this subtitle:

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

13 (2) SECRETARIES.—The term “Secretaries”
14 means the Secretary of Agriculture and the Sec-
15 retary of the Interior.

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

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

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

1 **SEC. 202. IMPLEMENTATION OF 10-YEAR NATIONAL WILD-**
2 **FIRE PLAN.**

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

6 (1) includes—

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

9 (B) vegetation, watershed, wildlife and
10 fisheries habitat management to maintain habi-
11 tat and improve ecological conditions, includ-
12 ing—

13 (i) protecting mature and old-growth
14 trees and forests;

15 (ii) maintaining habitat in a way that
16 advances at-risk species recovery and con-
17 servation; and

18 (iii) completing consultations required
19 under the Endangered Species Act of 1973
20 (16 U.S.C. 1531 et seq.);

21 (C) management of recreation, heritage,
22 and wilderness programs;

23 (D) activities under the Joint Fire Science
24 Program to address wildfire risk;

25 (E) the activities required under this sub-
26 title;

1 (F) the activities included in—

2 (i) the National Cohesive Wildland
3 Fire Management Strategy (and successor
4 documents);

5 (ii) the Wildfire Crisis Strategy enti-
6 tled “Confronting the Wildfire Crisis: A
7 Strategy for Protecting Communities and
8 Improving Resilience in America’s For-
9 ests” and dated January 2022 (and suc-
10 cessor documents);

11 (iii) the Wildfire Crisis Strategy Im-
12 plementation Plan entitled “Wildfire Crisis
13 Implementation Plan” and dated January
14 2022 (and successor documents); and

15 (iv) the Wildfire Crisis Landscape In-
16 vestments plan entitled “Confronting the
17 Wildfire Crisis: Initial Landscape Invest-
18 ments to Protect Communities and Im-
19 prove Resilience in America’s Forests”
20 dated April 2022 (and successor docu-
21 ments); and

22 (G) such other wildfire-related activities as
23 determined appropriate by the Secretary of Ag-
24 riculture or the Secretary of the Interior, in ac-
25 cordance with existing law and regulations; and

1 (2) in accordance with section 203, prioritizes
2 carrying out landscape-scale restoration projects.

3 (b) COORDINATION.—In carrying out subsection (a),
4 to the maximum extent practicable, the Secretary of Agri-
5 culture, in coordination with the Secretary of Interior,
6 shall—

7 (1) utilize cooperative forestry authorities and
8 agreements, including but not limited to the Cooper-
9 ative Forestry Assistance Act of 1978 (16 U.S.C.
10 2101 et seq.);

11 (2) solicit proposals from States, counties, and
12 Tribes to address water quantity and quality con-
13 cerns;

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

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

20 (5) provide priority to collaboratively developed
21 projects.

22 (c) FUNDING.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—

24 (A) HAZARDOUS FUELS AND PRESCRIBED
25 FIRE.—There is authorized to be appropriated

1 to the Secretary of Agriculture to carry out
2 hazardous fuels and prescribed fire activities
3 under subsection (a)(1)(A), \$500,000,000 for
4 each of fiscal years 2023 through 2032.

5 (B) VEGETATION, WATERSHED, WILDLIFE,
6 AND FISHERIES MANAGEMENT.—There is au-
7 thorized to be appropriated to the Secretary of
8 Agriculture to carry out vegetation, watershed,
9 wildlife and fisheries management activities
10 under subsection (a)(1)(B), \$500,000,000 for
11 each of fiscal years 2023 through 2032.

12 (C) RECREATION, HERITAGE, WILDER-
13 NESS.—There is authorized to be appropriated
14 to the Secretary of Agriculture to carry out
15 recreation, heritage, and wilderness programs
16 under subsection (a)(1)(C), \$500,000,000 for
17 each of fiscal years 2023 through 2032.

18 (D) JOINT FIRE SCIENCE PROGRAM.—
19 There is authorized to be appropriated to carry
20 out wildfire risk reduction and research activi-
21 ties of the Joint Fire Science Program pursu-
22 ant to the Plan, \$20,000,000, for each of fiscal
23 years 2023 through 2032, of which—

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

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

3 (2) HAZARDOUS FUELS.—

4 (A) PERMISSIVE USE.—Of the amounts
5 made available pursuant to paragraph (1)(A)
6 for a fiscal year, up to 10 percent may be used
7 to cover a portion of wildland firefighter sala-
8 ries, so long as the positions to which such sala-
9 ries apply are full-time and cover projects and
10 activities to reduce wildfire risk.

11 (B) LIMITATION.—The amounts made
12 available pursuant to paragraph (1)(A) may not
13 be used to cover any portion of wildland fire-
14 fighter salaries if the activities to reduce wild-
15 fire risk are considered wildfire suppression ac-
16 tivities.

17 **SEC. 203. SELECTION AND IMPLEMENTATION OF LAND-**
18 **SCAPE-SCALE FOREST RESTORATION**
19 **PROJECTS.**

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

23 (1) to implement on National Forest System
24 land; and

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

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

9 (c) ELIGIBILITY REQUIREMENTS.—

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

14 (A) The purposes and needs for the project
15 shall be—

16 (i) to restore the ecological integrity
17 and ecological resilience of terrestrial and
18 aquatic areas that have departed from ref-
19 erence conditions within the forest land-
20 scape;

21 (ii) to restore appropriate natural fire
22 regimes, including by reducing fuel loads
23 in areas that have departed from reference
24 conditions, taking into account the current

1 and projected impacts of climate change;

2 and

3 (iii) to conduct wildfire risk reduction
4 activities within the wildland-urban inter-
5 face to the extent that the project includes
6 lands within the wildland-urban interface.

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

9 (i) includes multiple interested per-
10 sons representing diverse interests;

11 (ii) is transparent and inclusive; and

12 (iii) has sufficient expertise, capacity,
13 and scientific support to effectively plan,
14 implement, and monitor landscape-level,
15 ecologically based forest restoration activi-
16 ties.

17 (C) The project shall be based on a land-
18 scape assessment that shall—

19 (i) cover a landscape of—

20 (I) except as provided in sub-
21 clauses (II) and (III), not less than
22 100,000 acres;

23 (II) in such limited cases as the
24 Secretary of Agriculture determines to

1 be appropriate, not less than 80,000
2 acres if—

3 (aa) the assessment is com-
4 pleted or substantially completed
5 as of the date of enactment of
6 this Act; and

7 (bb) in the determination of
8 the Secretary of Agriculture, as-
9 ssuming a larger area is not nec-
10 essary to restore the integrity, re-
11 siliance, and fire regimes of the
12 landscape; or

13 (III) not less than 50,000 acres
14 in the case of a project that is carried
15 out east of the 100th meridian;

16 (ii) evaluate ecological integrity and
17 determine reference conditions for the
18 landscape;

19 (iii) identify terrestrial and aquatic
20 areas within the landscape that have de-
21 parted from reference conditions;

22 (iv) identify criteria to determine ap-
23 propriate restoration treatments within de-
24 graded areas of the landscape to achieve
25 reference conditions, including manage-

1 ment prescriptions and necessary mitiga-
2 tion measures to protect at-risk species;

3 (v) be based on the best available sci-
4 entific information and data, including,
5 where applicable, high-resolution imagery,
6 LiDAR, and similar technologies and infor-
7 mation, and involve direct engagement by
8 scientists; and

9 (vi) identify priority restoration strat-
10 egies for terrestrial and aquatic areas, in-
11 cluding prescribed fire and wildfires man-
12 aged for multiple resource benefits, which
13 shall focus on—

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

16 (II) areas that would benefit the
17 most from reducing the risk of
18 uncharacteristic wildfire, especially
19 with respect to nearby communities,
20 taking into account other completed,
21 ongoing, planned fuels-reduction
22 projects, and the effects of recent
23 wildfires.

24 (D) Restoration treatments under the
25 project—

1 (i) shall emphasize the reintroduction
2 of characteristic fire, based on forest ecol-
3 ogy and reference conditions, through the
4 use of prescribed fire, wildfire, or both;

5 (ii) that involve any proposed mechan-
6 ical treatments shall be designed to pro-
7 mote—

8 (I) the restoration of reference
9 conditions in areas that lack ecological
10 integrity, with a focus on the reduc-
11 tion of surface and ladder fuels; and

12 (II) the establishment of condi-
13 tions that will facilitate prescribed fire
14 or managed wildfire;

15 (iii) shall—

16 (I) fully maintain or contribute
17 to the restoration of reference old for-
18 est conditions, taking into account the
19 current and projected impacts of cli-
20 mate change; and

21 (II) protect or increase the num-
22 ber and distribution of large old trees,
23 consistent with reference conditions,
24 excepting any de minimis losses of

1 large old trees from prescribed fire or
2 hazardous tree removal; and

3 (iv) that involve prescribed fire shall
4 provide advance notification, in accordance
5 with notification procedures developed by
6 the Secretary of Agriculture, to the owner
7 or operator of critical infrastructure, such
8 as a power line right-of-way, of any pre-
9 scribed fire treatments within close prox-
10 imity to the infrastructure.

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

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

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

17 (iii) the Forest and Rangeland Renew-
18 able Resources Planning Act of 1974 (16
19 U.S.C. 1600 et seq.).

20 (F) The project shall be consistent with
21 section 208.

22 (G) The project shall require multiparty
23 monitoring, including opportunities for public
24 engagement, and an adaptive management ap-
25 proach that—

1 (i) conditions the future implementa-
2 tion of the project on the satisfactory com-
3 pletion of—

4 (I) priority restoration actions;
5 and

6 (II) required monitoring after im-
7 plementation;

8 (ii) validates conditions projected to
9 occur in the environmental analysis for the
10 project; and

11 (iii) requires modifications to the
12 project if monitoring reveals impacts be-
13 yond the anticipated impacts of the
14 project.

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

17 (ii) Any new temporary roads needed to
18 implement the project shall be decommissioned
19 not later than 3 years after completion of the
20 project.

21 (I) The project shall use an efficient ap-
22 proach to landscape-scale analysis and decision-
23 making that is consistent with the National En-
24 vironmental Policy Act of 1969 (42 U.S.C.
25 4321 et seq.), which may include—

1 (i) the preparation of a single environ-
2 mental impact statement or environmental
3 assessment, as applicable, for the entire
4 project, incorporating the landscape assess-
5 ment described in subparagraph (C);

6 (ii) the use of, as applicable—

7 (I) multiple records of decision to
8 implement a single environmental im-
9 pact statement; or

10 (II) multiple decision notices to
11 implement a single environmental as-
12 sessment;

13 (iii) the preparation of a pro-
14 grammatic environmental impact state-
15 ment or environmental assessment, as ap-
16 plicable, for the entire project, incor-
17 porating the landscape assessment de-
18 scribed in subparagraph (C), followed by
19 focused, concise, and site-specific—

20 (I) environmental assessments; or

21 (II) categorical exclusions con-
22 sistent with the National Environ-
23 mental Policy Act of 1969 (42 U.S.C.
24 4321 et seq.); or

1 (iv) the use of the landscape assess-
2 ment described in subparagraph (C),
3 through incorporation by reference and
4 similar approaches, to support focused,
5 concise, and site-specific—

6 (I) environmental assessments; or

7 (II) categorical exclusions con-
8 sistent with the National Environ-
9 mental Policy Act of 1969 (42 U.S.C.
10 4321 et seq.).

11 (2) EXCEPTION.—If the Secretary of Agri-
12 culture determines that there are an insufficient
13 number of projects that fully comply with the re-
14 quirements described in paragraph (1) to implement
15 based on all available funding, then the Secretary of
16 Agriculture may, during the 2-year period beginning
17 on the date of enactment of this Act, select under
18 subsection (a) not more than a total of 5 landscape-
19 scale forest restoration projects to implement that
20 do not fully comply with those requirements if the
21 projects—

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

1 (B) in the determination of the Secretary
2 of Agriculture, have purposes and needs that
3 are consistent with the purposes and needs de-
4 scribed in subparagraph (A) of that paragraph;
5 and

6 (C) are supported by landscape assess-
7 ments that are substantially (if not completely)
8 consistent with the requirements described in
9 subparagraph (C) of that paragraph, subject to
10 the condition that the applicable landscape as-
11 sessments fully comply with the requirements
12 described in clauses (i) and (v) of that subpara-
13 graph.

14 (d) EVALUATION OF ELIGIBLE PROJECTS.—

15 (1) IN GENERAL.—In determining which land-
16 scape-scale forest restoration projects to select under
17 subsection (a), the Secretary of Agriculture shall
18 consider—

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

20 (B) the extent to which the project utilizes
21 the approaches to project implementation de-
22 scribed in paragraph (3); and

23 (C) the recommendations of the advisory
24 panel established under subsection (e).

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

3 (A) the demonstrated need, based on the
4 best available science, to restore ecological in-
5 tegrity to degraded or departed areas within the
6 landscape covered by the project, taking into
7 account the current and projected impacts of
8 climate change;

9 (B)(i) the importance of watersheds in the
10 area covered by the project for downstream
11 waters supply; and

12 (ii) the opportunity to improve the ec-
13 ological integrity and ecological conditions
14 of those watersheds and reduce risks to
15 water resources through landscape-scale
16 forest restoration;

17 (C)(i) the potential extent of cost sharing
18 for the development and implementation of the
19 project from diverse sources, such as State or
20 local governments, water or electric utilities,
21 carbon credits, or private entities; and

22 (ii) the proportion of the non-Federal
23 cost share that is in the form of cash con-
24 tributions;

1 (D) whether the area covered by the
2 project has high-resolution, remote-sensing data
3 and other information available that enables a
4 landscape assessment and a robust analysis and
5 disclosure of the effects and outcomes of imple-
6 menting restoration activities;

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

13 (F) whether the project will reduce the
14 number of miles of permanent roads on Na-
15 tional Forest System land that are not nec-
16 essary for resource management or recreational
17 access;

18 (G) whether the project will assess or
19 quantify the ecosystem service benefits of forest
20 restoration within the landscape covered by the
21 project, such as water, carbon, biodiversity, fire
22 risk reduction, public health, and community
23 safety;

24 (H) whether the project has the potential
25 to support new or existing wood processing in-

1 frastructure that can make economic use of the
2 byproducts of forest restoration;

3 (I) whether the project has the potential to
4 support local employment and investment op-
5 portunities, particularly in economically dis-
6 advantaged communities;

7 (J) the scale of the landscape assessment
8 for the project, with a preference for projects
9 for which the landscape assessment covers a
10 larger area; and

11 (K) whether the project—

12 (i) strives to restore ecological integ-
13 rity and ecological conditions within areas
14 across land ownerships, including State
15 and private land; and

16 (ii) will reduce the risk of
17 uncharacteristic wildfire, and, to the extent
18 practicable, restore ecological integrity,
19 within the wildland-urban interface.

20 (3) COLLABORATION.—The Secretary of Agri-
21 culture may coordinate with Federal, State, local,
22 and Tribal agencies with respect to selection and im-
23 plementation under subsection (a), a landscape-scale
24 forest restoration project.

25 (e) ADVISORY PANEL.—

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

5 (A) each landscape-scale forest restoration
6 project that the Secretary of Agriculture is re-
7 viewing for potential selection under subsection
8 (a); and

9 (B) proposals for planning and developing
10 landscape-scale forest restoration projects.

11 (2) REPRESENTATION.—The Secretary of Agri-
12 culture shall ensure that the membership of the ad-
13 visory panel established under paragraph (1) is fair-
14 ly balanced in terms of the points of view rep-
15 resented and the functions to be performed by the
16 advisory panel.

17 (3) INCLUSION.—The advisory panel estab-
18 lished under paragraph (1) shall include experts in
19 ecological forest restoration, fire ecology, fire man-
20 agement, rural economic and workforce development,
21 strategies for ecological adaptation to climate
22 change, fish and wildlife ecology, and woody biomass
23 and small-diameter tree utilization.

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

2 (a) WESTERN PRESCRIBED FIRE CENTERS.—

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

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

10 (A) located at 1 or more institutions of
11 higher education; or

12 (B) developed in collaboration with 1 or
13 more institutions of higher education.

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

16 (A) Training individuals and conducting
17 research on prescribed fire methods and other
18 restoration methods relevant to the mitigation
19 of wildfire risk.

20 (B) Developing and advancing interdiscipli-
21 nary science relating to wildfire, including social
22 science and human dimensions of wildfire.

23 (C) Conducting ongoing and forward-look-
24 ing needs assessments among stakeholders, in-
25 cluding Federal and State agencies and Indian
26 Tribes, to determine common need require-

1 ments and emerging challenges to reduce wild-
2 fire risk and adapt communities to increased
3 risk from wildfire, including the following haz-
4 ard-related focus areas:

5 (i) Increasing disaster resilience.

6 (ii) Mitigation and management meth-
7 ods.

8 (iii) Air quality.

9 (iv) Firestorm weather forecasting
10 and burn-area debris flow forecasting, in-
11 cluding empirical and modeling research.

12 (D) Collaborating with Federal wildfire sci-
13 entists at the Forest Service, the Department of
14 the Interior, and other related Federal agencies.

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

20 (F) Promoting technology transfer with
21 pathways for dissemination, implementation,
22 and application of research results on the
23 ground, using and enhancing previous research.

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

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

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

12 (J) Advancing best practices and training
13 for safely pursuing, conducting, and controlling
14 prescribed fires.

15 (K) Creating processes to facilitate public
16 comment prior to prescribed fire implementa-
17 tion.

18 (4) LOCATION.—

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

22 (B) CONSULTATION.—The Secretaries
23 shall consult with the Joint Fire Science Pro-
24 gram to solicit and evaluate proposals for the
25 location of the 1 or more centers.

1 (C) SELECTION.—Not later than 1 year
2 after the date of enactment of this Act, based
3 on the consultation under subparagraph (B),
4 the Secretaries shall select a location for the 1
5 or more centers.

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

10 (1) establish and operate a prescribed fire
11 training center in a western State;

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

14 (3) establish a virtual prescribed fire training
15 center; and

16 (4) establish and maintain a Strategic Wildfire
17 Management Training Center.

18 **SEC. 206. ECOSYSTEM RESTORATION GRANT FUND**
19 **THROUGH NATIONAL FISH AND WILDLIFE**
20 **FOUNDATION.**

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

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

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

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

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

18 (5) to support the health of restoration and re-
19 silience lands for the benefit of present and future
20 generations;

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

23 (7) to enhance the nation's natural carbon se-
24 questration capabilities and help communities

1 strengthen natural carbon sequestration capacity
2 where applicable.

3 (b) MANAGEMENT OF THE FUND.—The Foundation
4 shall manage the Fund—

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

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

11 (A) ensures that amounts made available
12 through the Fund are accessible to historically
13 underserved communities, including Tribal com-
14 munities, communities of color, and rural com-
15 munities; and

16 (B) avoids project selection and funding
17 overlap with those projects and activities that
18 could otherwise receive funding under—

19 (i) the National Oceans and Coastal
20 Security Fund, established under the Na-
21 tional Oceans and Coastal Security Act (16
22 U.S.C. 7501); or

23 (ii) other coastal management focused
24 programs.

25 (c) COMPETITIVE GRANTS.—

1 (1) IN GENERAL.—To the extent amounts are
2 available in the Fund, the Foundation shall award
3 grants to eligible entities through a competitive
4 grant process in accordance with procedures estab-
5 lished pursuant to the National Fish and Wildlife
6 Foundation Establishment Act (16 U.S.C. 3701 et
7 seq.) to carry out eligible projects and activities, in-
8 cluding planning eligible projects and activities.

9 (2) PROPOSALS.—The Foundation, in coordina-
10 tion with the Secretary, shall establish requirements
11 for proposals for competitive grants under this sec-
12 tion.

13 (d) USE OF AMOUNTS IN THE FUND.—

14 (1) PLANNING.—Not less than 8 percent of
15 amounts appropriated annually to the Fund may be
16 used to plan eligible projects and activities, including
17 capacity building.

18 (2) ADMINISTRATIVE COSTS.—

19 (A) Not more than 4 percent of amounts
20 appropriated annually to the Fund may be used
21 by the Foundation for administrative expenses
22 of the Fund or administration of competitive
23 grants offered under the Fund.

24 (B) Not more than 4 percent of the
25 amounts appropriated annually to the Fund

1 may be used by the United States Fish and
2 Wildlife Service for administrative expenses.

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

7 (4) COORDINATION.—The Secretary and Foun-
8 dation shall ensure, to the greatest extent prac-
9 ticable and through meaningful consultation, that
10 input from Indian Tribes, including traditional eco-
11 logical knowledge, is incorporated in the planning
12 and execution of eligible projects and activities.

13 (e) REPORTS.—

14 (1) ANNUAL REPORTS.—Beginning at the end
15 the first full fiscal year after the date of enactment
16 of this section, and not later than 60 days after the
17 end of each fiscal year in which amounts are depos-
18 ited into the Fund, the Foundation shall submit to
19 the Secretary a report on the operation of the Fund
20 including—

21 (A) an accounting of expenditures made
22 under the Fund, including leverage and match
23 as applicable;

24 (B) an accounting of any grants made
25 under the Fund, including a list of recipients

1 and a brief description of each project and its
2 purposes and goals; and

3 (C) measures and metrics to track benefits
4 created by grants administered under the Fund,
5 including enhanced biodiversity, water quality,
6 natural carbon sequestration, and resilience.

7 (2) 5-YEAR REPORTS.—Not later than 90 days
8 after the end of the fifth full fiscal year after the
9 date of enactment of this section, and not later than
10 90 days after the end every fifth fiscal year there-
11 after, the Foundation shall submit to the Secretary
12 a report containing—

13 (A) a description of any socioeconomic,
14 biodiversity, community resilience, or climate
15 resilience or mitigation (including natural car-
16 bon sequestration), impacts generated by
17 projects funded by grants awarded by the
18 Fund, including measures and metrics illus-
19 trating these impacts;

20 (B) a description of land health benefits
21 derived from projects funded by grants awarded
22 by the Fund, including an accounting of—

23 (i) lands treated for invasive species;

24 (ii) lands treated for wildfire threat
25 reduction, including those treated with

1 controlled burning or other natural fire-
2 management techniques; and

3 (iii) lands restored either from wildfire
4 or other forms or degradation, including
5 over-grazing and sedimentation;

6 (C) key findings for Congress, including
7 any recommended changes to the authorization
8 or purposes of the Fund;

9 (D) best practices for other Federal agen-
10 cies in the administration of funds intended for
11 land and habitat restoration;

12 (E) information on the use and outcome of
13 funds specifically set aside for planning and ca-
14 pacity building pursuant to subsection (d)(1);
15 and

16 (F) any other information that the Foun-
17 dation considers relevant.

18 (3) SUBMISSION OF REPORTS TO CONGRESS.—
19 Not later than 10 days after receiving a report
20 under this section, the Secretary shall submit the re-
21 port to the Committee on Natural Resources of the
22 House of Representatives and the Committee on En-
23 vironment and Public Works of the Senate.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
25 hereby authorized to be appropriated to the Fund

1 \$100,000,000 for each of fiscal years 2023 through 2032
2 to carry out this section.

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

4 (1) The term “eligible entity” means a Federal
5 agency, State, the District of Columbia, a territory
6 of the United States, a unit of local government, an
7 Indian Tribe, a non-profit organization, or an ac-
8 credited institution of higher education.

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

18 (3) The term “Foundation” means the National
19 Fish and Wildlife Foundation established under the
20 National Fish and Wildlife Foundation Establish-
21 ment Act (16 U.S.C. 3701 et seq.).

22 (4) The term “Fund” means the Community
23 Resilience and Restoration Fund established under
24 subsection (a).

1 (5) The term “Indian Tribe” means the gov-
2 erning body of any Indian or Alaska Native tribe,
3 band, nation, pueblo, village, community, component
4 band, or component reservation individually identi-
5 fied (including parenthetically) on the list published
6 by the Secretary under section 104 of the Federally
7 Recognized Indian Tribe List Act of 1994 (25
8 U.S.C. 5131).

9 (6) The term “restoration and resilience lands”
10 means fish, wildlife, and plant habitats, and other
11 important natural areas in the United States, on
12 public lands, private land (after obtaining proper
13 consent from the landowner), or land of Indian
14 Tribes, including grasslands, shrublands, prairies,
15 chapparral lands, forest lands, deserts, and riparian
16 or wetland areas within or adjacent to these eco-
17 systems.

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

20 (8) The term “Secretary” means the Secretary
21 of the Interior, acting through the Director of the
22 United States Fish and Wildlife Service.

23 (9) The term “State” means a State of the
24 United States, the District of Columbia, any Indian

1 Tribe, and any commonwealth, territory, or posses-
2 sion of the United States.

3 **SEC. 207. NATIONAL COMMUNITY CAPACITY AND LAND**
4 **STEWARDSHIP GRANT PROGRAM.**

5 (a) DEFINITIONS.—In this section:

6 (1) COMMUNITY CAPACITY.—The term “com-
7 munity capacity” means the ability of an eligible en-
8 tity to carry out or assist in a land stewardship ac-
9 tivity.

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

12 (A) a low-income community (as defined in
13 section 45D(e) of the Internal Revenue Code of
14 1986); and

15 (B) a community that includes a signifi-
16 cant population that has been systematically de-
17 nied a full opportunity to participate in aspects
18 of economic, social, and civic life based on a
19 particular characteristic, such as Black, Latino,
20 Indigenous, and Native American persons,
21 Asian Americans, Pacific Islanders, and other
22 persons of color.

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

1 (A) An organization described in section
2 501(c) of the Internal Revenue Code of 1986
3 and exempt from taxation under section 501(a)
4 of that Code.

5 (B) A collaborative group fiscally spon-
6 sored by an organization described in subpara-
7 graph (A).

8 (C) A unit of local government.

9 (D) An Indian Tribe.

10 (E) A special district government, as de-
11 fined by the Director of the Bureau of the Cen-
12 sus.

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

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

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

25 (A) Planning.

1 (B) Collaboration and building community
2 support.

3 (C) Implementation on land other than
4 National Forest System land.

5 (D) Monitoring, including multiparty moni-
6 toring, and adaptive management.

7 (7) QUALIFYING PROJECT.—The term “quali-
8 fying project” means any of the following activities
9 that takes place at least in substantial part on Na-
10 tional Forest System land or national grasslands:

11 (A) Restoration of the ecological integrity
12 of a forest, meadow, grassland, prairie, or other
13 habitat.

14 (B) Tribal management for aligned cul-
15 tural and ecological values.

16 (C) Enhancing community wildfire resil-
17 ience in the wildland-urban interface.

18 (D) Increasing equitable access to environ-
19 mental education and volunteerism opportuni-
20 ties.

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

1 (9) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture, acting through the
3 Chief of the Forest Service.

4 (b) PURPOSE.—The purpose of this section is to sup-
5 port increasing community capacity, partnerships, and col-
6 laborations within and involving disadvantaged commu-
7 nities for land stewardship activities and restoration of ec-
8 ological integrity on—

9 (1) National Forest System land;

10 (2) national grasslands; and

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

14 (c) ADMINISTRATION.—

15 (1) IN GENERAL.—The Secretary may issue
16 grants to eligible entities for increasing community
17 capacity for land stewardship activities and related
18 activities based on the criteria described in sub-
19 section (d).

20 (2) FEDERAL COST-SHARE.—

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

1 (B) MATCHING ELIGIBILITY.—A grant
2 issued under this section may be considered a
3 non-Federal matching contribution from the eli-
4 gible entity that received the grant towards
5 other sources of Federal funding.

6 (3) DURATION.—The Secretary may issue a
7 grant under paragraph (1) for a period of 1 or more
8 years.

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

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

15 (d) CRITERIA FOR AWARDING GRANTS.—

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

20 (A) The extent to which the proposed land
21 stewardship activities benefit units of the Na-
22 tional Forest System and national grasslands
23 over the short and long term.

24 (B) The extent to which valuable ecologi-
25 cal, economic, and social benefits to disadvan-

1 tagged communities, including job creation and
2 business development or retention, are likely to
3 result from the scope of the land stewardship
4 activities.

5 (C) The extent to which the grant would
6 benefit disadvantaged communities that have
7 historically received less investment in collabo-
8 rative capacity.

9 (D) The extent to which the proposal
10 brings together diverse interests through plan-
11 ning, collaboration, implementation, or moni-
12 toring of land stewardship activities to benefit
13 units of the National Forest System or national
14 grasslands.

15 (E) The extent to which the grant funds
16 appear to be critical for the success of the eligi-
17 ble entity and the identified land stewardship
18 activities.

19 (F) The extent to which the budget for the
20 land stewardship activities is reasonable given
21 the anticipated outcomes.

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

1 (e) ANNUAL REVIEWS.—

2 (1) IN GENERAL.—The Secretary shall establish
3 and maintain an advisory panel composed of not
4 more than 15 members to provide feedback each
5 year to the Chief of the Forest Service on the extent
6 to which the implementation of this section is ful-
7 filling the purpose described in subsection (b).

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

12 (A) not fewer than 8 members rep-
13 resenting the interests of a diversity of dis-
14 advantaged communities; and

15 (B) not fewer than 2 members rep-
16 resenting not fewer than 2 Indian Tribes.

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

20 (f) REPORT EVALUATING PROGRAM IMPLEMENTA-
21 TION.—

22 (1) IN GENERAL.—Not later than 4 years after
23 the date of enactment of this Act, the Secretary
24 shall submit to the Committee on Agriculture, the
25 Committee on Natural Resources, and the Com-

1 mittee on Appropriations of the House of Represent-
2 atives and the Committee on Agriculture, Nutrition,
3 and Forestry, the Committee on Energy and Nat-
4 ural Resources, and the Committee on Appropria-
5 tions of the Senate a report evaluating the imple-
6 mentation of this section, including—

7 (A) a list of the eligible entities and land
8 stewardship activities selected for funding under
9 this section and the accomplishments of those
10 activities; and

11 (B) an evaluation of the extent to which
12 the implementation of this section is fulfilling
13 the purpose described in subsection (b).

14 (2) CONSULTATION; CONTRACTING.—In pre-
15 paring the report under paragraph (1), the Sec-
16 retary—

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

19 (B) may contract with a third party to
20 complete an evaluation of the implementation of
21 this section to inform the report.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated to the Secretary to carry out this sec-

1 tion \$50,000,000 for the period of fiscal years 2023
2 through 2032.

3 (2) DISTRIBUTION.—The Secretary shall, to the
4 maximum extent practicable, distribute amounts
5 made available under paragraph (1) in a geographi-
6 cally equitable manner.

7 (3) ADMINISTRATIVE COSTS.—Not more than
8 10 percent of any amounts made available to carry
9 out this section may be used for administrative man-
10 agement and program oversight.

11 **SEC. 208. PROTECTION OF INVENTORIED ROADLESS**
12 **AREAS.**

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

19 (1) subpart B of part 294 of title 36, Code of
20 Federal Regulations (as in effect on January 12,
21 2001);

22 (2) subpart C of part 294 of title 36, Code of
23 Federal Regulations (as in effect on October 16,
24 2008 for Idaho); and

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

4 **SEC. 209. STRATEGIC WILDLAND FIRE MANAGEMENT PLAN-**
5 **NING FOR PRESCRIBED FIRE.**

6 (a) IN GENERAL.—Not later than September 30,
7 2024, the Secretary concerned shall, in accordance with
8 this section, establish a spatial fire management plan for
9 any prescribed fire.

10 (b) USE OF EXISTING INFORMATION.—To comply
11 with this section, the Secretary concerned may use a fire
12 management plan in existence on the date of enactment
13 of this Act, and information from the Wildland Fire Deci-
14 sion Support System and the Interagency Fuels Treat-
15 ment Decision Support System.

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

20 (d) CONTENTS.—For each spatial fire management
21 plan established under this section, the Secretary con-
22 cerned shall—

23 (1) base the plans on a landscape-scale risk as-
24 essment that includes—

25 (A) risks to firefighters;

1 (B) risks to communities;

2 (C) risks to highly valuable resources; and

3 (D) other relevant considerations deter-
4 mined by the Secretary concerned;

5 (2) include direction, represented in spatial
6 form, from land management plans and resource
7 management plans;

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

10 (A) identify potential prescribed fire or
11 wildfire control locations; and

12 (B) specify the places in which firefighters
13 will not be sent because of the presence of un-
14 acceptable risk, including areas determined by
15 the Secretary concerned as—

16 (i) exceeding a certain slope;

17 (ii) containing too high of a volume of
18 hazardous fuels, under certain weather
19 conditions; or

20 (iii) containing other known hazards;

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

23 (5) include prefire planning provisions;

24 (6) include a plan for emergency wildfire sup-
25 pression activities; and

1 (7) include, at a minimum, any other require-
2 ment determined to be necessary by the Secretary
3 concerned.

4 (e) **CONSISTENCY WITH MANAGEMENT PLANS.**—The
5 spatial fire management plans established under this sec-
6 tion shall, to the maximum extent practicable, be con-
7 sistent with the fire management objectives and land man-
8 agement objectives in the applicable land management
9 plan or resource management plan.

10 (f) **REVISIONS TO LAND MANAGEMENT PLANS AND**
11 **RESOURCE MANAGEMENT PLANS.**—A revision to a land
12 management plan or resource management plan shall con-
13 sider fire ecology and fire management in a manner that
14 facilitates the issuance of direction for an incident re-
15 sponse.

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

17 (a) **ESTABLISHMENT OF ACCOUNT.**—There is estab-
18 lished in the Treasury of the United States the Long-
19 Term Burned Area Recovery account for the Department
20 of Agriculture.

21 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
22 are authorized to be appropriated for fiscal year 2023 and
23 each fiscal year thereafter for the account established by
24 subsection (a) such sums as are necessary to carry out

1 the activities described in subsection (d), not to exceed
2 \$100,000,000.

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

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

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

13 (2) that are—

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

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

19 (3) that restore the functions of an ecosystem
20 or protect life or property.

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

25 (1) downstream effects on water resources; and

1 (2) public safety.

2 **SEC. 211. REPORT ON 10-YEAR NATIONAL WILDFIRE PLAN**
3 **IMPLEMENTATION.**

4 Not later than 1 year after the date of the enactment
5 of this Act, and annually thereafter, the Inspector General
6 of the Department of Agriculture shall submit to Congress
7 a report on the progress made in the prior year towards
8 completing the goals established under the Plan that in-
9 cludes—

10 (1) the amount of funding appropriated to
11 carry out the Plan pursuant to the provisions of this
12 subtitle with respect to the prior fiscal year; and

13 (2) recommendations to improve implementa-
14 tion of the Plan.

15 **SEC. 212. PERFORMANCE METRICS TRACKING.**

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

20 (1) The acres effectively treated by the Depart-
21 ment of Agriculture on National Forest System
22 lands to reduce wildfire risk or improve habitat con-
23 dition—

24 (A) within the wildland urban interface;

1 (B) within backcountry areas (including
2 roadless and wilderness);

3 (C) within a priority watershed area;

4 (D) within an identified wildlife corridor;

5 and

6 (E) for which prescribed fire or wildfire
7 achieved an ecosystem management goal.

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

11 (3) Carbon emissions and sequestration from
12 National Forest System lands.

13 **Subtitle B—Tribal Biochar** 14 **Promotion**

15 **SEC. 221. TRIBAL AND ALASKA NATIVE BIOCHAR DEM-** 16 **ONSTRATION PROJECT.**

17 The Tribal Forest Protection Act of 2004 (25 U.S.C.
18 3115a et seq.) is amended as follows:

19 (1) In section 2—

20 (A) by striking subsection (a);

21 (B) by redesignating subsections (b)
22 through (g) as subsections (a) through (f), re-
23 spectively;

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

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

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

4 **“SEC. 3. TRIBAL AND ALASKA NATIVE BIOCHAR DEM-**
5 **ONSTRATION PROJECT.**

6 “(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREE-
7 MENTS.—For each of fiscal years 2021 through 2030, the
8 Secretary shall enter into stewardship contracts or similar
9 agreements (excluding direct service contracts) with In-
10 dian Tribes or Tribal organizations to carry out dem-
11 onstration projects to support the development and com-
12 mercialization of biochar on Indian forest land or range-
13 land and in nearby communities by providing reliable sup-
14 plies of feedstock from Federal land.

15 “(b) DEMONSTRATION PROJECTS.—In each fiscal
16 year for which demonstration projects are authorized
17 under this section, not less than 4 new demonstration
18 projects that meet the eligibility criteria described in sub-
19 section (c) shall be carried out under contracts or agree-
20 ments described in subsection (a).

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

25 “(1) a description of—

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

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

5 “(2) such other information as the Secretary
6 may require.

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

9 “(1) take into consideration whether a proposed
10 project—

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

13 “(B) demonstrates new and innovative
14 uses of biochar, viable markets for cost effective
15 biochar-based products, or ecosystem services of
16 biochar;

17 “(C) improves the forest health or water-
18 sheds of Federal land or Indian forest land or
19 rangeland;

20 “(D) demonstrates new investments in
21 biochar infrastructure or otherwise promotes
22 the development and commercialization of
23 biochar;

24 “(E) is located in an area with—

1 “(i) nearby lands identified as having
2 a high, very high, or extreme risk of wild-
3 fire;

4 “(ii) availability of sufficient quan-
5 tities of feedstock; or

6 “(iii) a high level of demand for
7 biochar or other commercial byproducts of
8 biochar; or

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

11 “(2) exclude from consideration any merchant-
12 able logs that have been identified by the Secretary
13 for commercial sale.

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

15 “(1) ensure that the criteria described in sub-
16 section (c) are publicly available by not later than
17 120 days after the date of the enactment of this sec-
18 tion; and

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

23 “(f) REPORT.—Not later than 2 years after the date
24 of the enactment of this section and every year thereafter,

1 the Secretary shall submit to Congress a report that de-
2 scribes, with respect to the reporting period—

3 “(1) each individual Tribal application received
4 under this section; and

5 “(2) each contract and agreement entered into
6 pursuant to this section.

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

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

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

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

22 **“SEC. 4. DEFINITIONS.**

23 “In this Act:

24 “(1) BIOCHAR.—The term ‘biochar’ means car-
25 bonized biomass produced by converting feedstock

1 through reductive thermal processing for non-fuel
2 uses.

3 “(2) FEDERAL LAND.—The term ‘Federal land’
4 means—

5 “(A) land of the National Forest System
6 (as defined in section 11(a) of the Forest and
7 Rangeland Renewable Resources Planning Act
8 of 1974 (16 U.S.C. 1609(a)) administered by
9 the Secretary of Agriculture, acting through the
10 Chief of the Forest Service; and

11 “(B) public lands (as defined in section
12 103 of the Federal Land Policy and Manage-
13 ment Act of 1976 (43 U.S.C. 1702)), the sur-
14 face of which is administered by the Secretary
15 of the Interior, acting through the Director of
16 the Bureau of Land Management.

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

21 “(4) INDIAN FOREST LAND OR RANGELAND.—
22 The term ‘Indian forest land or rangeland’ means
23 land that—

24 “(A) is held in trust by, or with a restric-
25 tion against alienation by, the United States for

1 an Indian Tribe or a member of an Indian
2 Tribe; and

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

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

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

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

15 “(6) SECRETARY.—The term ‘Secretary’
16 means—

17 “(A) the Secretary of Agriculture, with re-
18 spect to land under the jurisdiction of the For-
19 est Service; and

20 “(B) the Secretary of the Interior, with re-
21 spect to land under the jurisdiction of the Bu-
22 reau of Land Management.

23 “(7) TRIBAL ORGANIZATION.—The term ‘Tribal
24 organization’ has the meaning given that term in

1 section 4 of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 5304).”.

3 **TITLE III—OTHER MATTERS**

4 **SEC. 301. REQUIREMENTS RELATING TO CERTAIN FIRE** 5 **SUPPRESSION COST SHARE AGREEMENTS.**

6 (a) ESTABLISHMENT OF STANDARD OPERATING
7 PROCEDURES.—Not later than 1 year after the date of
8 the enactment of this section, the covered Secretaries
9 shall—

10 (1) establish standard operating procedures re-
11 lating to fire suppression cost share agreements es-
12 tablished under the Act of May 27, 1955 (42 U.S.C.
13 1856a) (commonly known as the “Reciprocal Fire
14 Protection Act”); and

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

17 (A) review each such agreement; and

18 (B) modify each agreement as necessary to
19 comply with the standard operating procedures
20 required under paragraph (1).

21 (b) ALIGNMENT OF FIRE SUPPRESSION COST SHARE
22 AGREEMENTS WITH COOPERATIVE FIRE PROTECTION
23 AGREEMENTS.—The standard operating procedures re-
24 quired under subsection (a)(1) shall include a requirement
25 that each fire suppression cost share agreement be aligned

1 with each of the cooperative fire protection agreements ap-
2 plicable to the entity subject to such fire suppression cost
3 share agreement.

4 (c) SECOND-LEVEL REVIEW.—The standard oper-
5 ating procedures required under subsection (a)(1) shall in-
6 clude—

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

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

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

19 (1) the Secretary of Agriculture;

20 (2) the Secretary of the Interior;

21 (3) the Secretary of Homeland Security; and

22 (4) the Secretary of Defense.

1 **SEC. 302. INVESTMENT OF CERTAIN FUNDS INTO INTEREST**
2 **BEARING OBLIGATIONS.**

3 Section 7 of the Act of June 20, 1958 (16 U.S.C.
4 579c), is amended—

5 (1) by striking “of any improvement, protec-
6 tion, or rehabilitation” and inserting “of any assess-
7 ment, improvement, protection, restoration, or reha-
8 bilitation”; and

9 (2) by striking “Provided, That” and all that
10 follows through the period at the end and inserting:
11 “Provided, That any monies covered into the Treas-
12 ury under this section, including all monies that
13 were previously collected by the United States in a
14 forfeiture, judgment, compromise, or settlement,
15 shall be invested by the Secretary of the Treasury in
16 interest bearing obligations of the United States to
17 the extent the amounts are not, in the judgment of
18 the Secretary of the Treasury, required to meet cur-
19 rent withdrawals: Provided further, That any inter-
20 est earned on the amounts, including any interest
21 earned by investment, is hereby appropriated and
22 made available until expended to cover the costs to
23 the United States specified in this section: Provided
24 further, That, for fiscal year 2021 and thereafter,
25 the Secretary shall include in the budget materials
26 submitted to Congress in support of the President’s

1 annual budget request (submitted to Congress pur-
2 suant to section 1105 of title 31, United States
3 Code) for each fiscal year the proposed use of such
4 amounts with respect to the Forest Service: Pro-
5 vided further, That any portion of the monies re-
6 ceived or earned under this section in excess of the
7 amount expended in performing the work neces-
8 sitated by the action which led to their receipt may
9 be used to cover the other work specified in this sec-
10 tion.”.

11 **SEC. 303. STUDY ON CROP LOSSES.**

12 (a) IN GENERAL.—Not later than 90 days after the
13 date of the enactment of this Act, the Secretary of Agri-
14 culture shall submit to the agricultural committees a re-
15 port that includes—

16 (1) as of the date of the report, an estimate
17 of—

18 (A) agricultural losses due to adverse
19 weather events that have occurred in calendar
20 year 2022;

21 (B) Emergency Relief Program funds
22 spent for 2020 and 2021 losses;

23 (C) Emergency Livestock Relief Program
24 funds spent for 2021 losses;

1 (D) the number of new producers that
2 have purchased Federal crop insurance or cov-
3 erage under the Noninsured Crop Disaster As-
4 sistance Program under section 196 of the Fed-
5 eral Agriculture Improvement and Reform Act
6 of 1996 (7 U.S.C. 7333) (including an overview
7 of the coverage levels purchased) as a result of
8 receiving assistance through—

9 (i) the Wildfire and Hurricane Indem-
10 nity Program (WHIP) for losses in 2017;
11 and

12 (ii) the Wildfire and Hurricane In-
13 demnity Program Plus (WHIP+) for
14 losses in 2018 and 2019; and

15 (E) the number of producers who—

16 (i) newly purchased Federal crop in-
17 surance or coverage under the Noninsured
18 Crop Disaster Assistance Program under
19 section 196 of the Federal Agriculture Im-
20 provement and Reform Act of 1996 (7
21 U.S.C. 7333) as a result of receiving as-
22 sistance through—

23 (I) the Wildfire and Hurricane
24 Indemnity Program (WHIP) for
25 losses in 2017; and

1 (II) the Wildfire and Hurricane
2 Indemnity Program Plus (WHIP+)
3 for losses in 2018; and

4 (ii) continued purchasing such insur-
5 ance or coverage after the two-year re-
6 quirement applicable to such producers;
7 and

8 (2) with respect to calendar year 2022, the pro-
9 jected agricultural losses due to adverse weather
10 events in calendar year 2022.

11 (b) DEFINITIONS.—In this section:

12 (1) AGRICULTURAL COMMITTEES.—The term
13 “agricultural committees” means the Committee on
14 Agriculture of the House of Representatives, the
15 Committee on Agriculture, Nutrition, and Forestry
16 of the Senate, and the subcommittees on Agri-
17 culture, Rural Development, Food and Drug Admin-
18 istration, and Related Agencies of the House of Rep-
19 resentatives and the Senate.

20 (2) AGRICULTURAL LOSSES.—The term “agri-
21 cultural losses” means the losses described under the
22 heading “Department of Agriculture—Agricultural
23 Programs—Processing, Research and Marketing—
24 Office of the Secretary” in the Extending Govern-
25 ment Funding and Delivering Emergency Assistance

1 Act (Public Law 117–43) with respect to calendar
2 year 2022.

3 **SEC. 304. STUDY ON USE OF CH-47 CHINOOKS TO RESPOND**
4 **TO WILDFIRES.**

5 Not later 1 year after the date of the enactment of
6 this Act, the Secretary of Agriculture, the Secretary of the
7 Interior, and the Secretary of Homeland Security shall
8 jointly submit to Congress a report—

9 (1) on the feasibility and effectiveness of using
10 CH-47 Chinooks with firefighting modifications
11 to—

12 (A) respond to wildfires; and

13 (B) perform search and rescue activities;

14 and

15 (2) that identifies the governmental organiza-
16 tions (including Federal, State, and local govern-
17 ment organizations) that would be most effective
18 with respect to using the aircraft described in para-
19 graph (1) to carry out the activities specified in that
20 paragraph.

1 **DIVISION B—DROUGHT**
2 **TITLE I—DROUGHT RESPONSE**
3 **AND CLIMATE RESILIENCE**

4 **SEC. 101. ADVANCING LARGE-SCALE WATER RECYCLING**
5 **AND REUSE PROJECTS.**

6 (a) **ELIGIBLE PROJECT.**—Section 40905(c)(4) of the
7 Infrastructure Investment and Jobs Act (43 U.S.C.
8 3205(c)(4)) is amended to read as follows:

9 “(4) is—

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

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

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

17 “(k) **AUTHORIZATION OF APPROPRIATIONS.**—In ad-
18 dition to the amounts made available under section
19 40901(4)(B) to carry out this section, there is authorized
20 to be appropriated to the Secretary \$700,000,000 to carry
21 out this section, to remain available until expended.”.

22 (c) **APPLICABILITY.**—The amendments made by this
23 section shall apply to amounts appropriated on or after
24 the date of the enactment of this Act.

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 authorized to be ap-
8 propriated under subparagraph (A), not more
9 than 2 percent is authorized to be appropriated
10 for—

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

15 (ii) related management and staffing
16 expenses.

17 (c) FUNDING FOR NATIVE AMERICAN AFFAIRS
18 TECHNICAL ASSISTANCE PROGRAM OF THE BUREAU OF
19 RECLAMATION.—In addition to amounts otherwise avail-
20 able, there is authorized to be appropriated to the Sec-
21 retary \$90,000,000 for use, in accordance with section
22 201 of the Energy and Water Development Appropriations
23 Act, 2003 (43 U.S.C. 373d), for the Native American Af-
24 fairs Technical Assistance Program of the Bureau of Rec-
25 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 (h) PROHIBITION.—Section 312(e) of the White
9 Mountain Apache Tribe Water Rights Quantification Act
10 of 2010 (title III of Public Law 111–291; 124 Stat. 3096)
11 is amended by adding at the end the following:

12 “(5) PROHIBITION.—Notwithstanding any other
13 provision of law, any amounts made available under
14 paragraph (2)(B) shall not be made available from
15 the Indian Water Rights Settlement Completion
16 Fund established by section 70101 of the Infrastruc-
17 ture Investment and Jobs Act (25 U.S.C. 149) or
18 the Reclamation Water Settlements Fund estab-
19 lished by section 10501(a) of the Omnibus Public
20 Land Management Act of 2009 (43 U.S.C. 407(a))
21 until 2034.”.

22 **SEC. 108. DESALINATION RESEARCH AUTHORIZATION.**

23 The Water Desalination Act of 1996 (42 U.S.C.
24 10301 note; Public Law 104–298) is amended—

25 (1) in section 3(e)—

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

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

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

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

9 (2) in section 8(a)—

10 (A) by striking “\$5,000,000 per year for
11 fiscal years 1997 through 2021” and inserting
12 “\$20,000,000 per year for fiscal years 2023
13 through 2027”; and

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

16 **SEC. 109. WATER RESOURCES RESEARCH ACT AMEND-**
17 **MENTS.**

18 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
19 104(f)(1) of the Water Resources Research Act of 1984
20 (42 U.S.C. 10303(f)(1)) is amended by striking
21 “\$12,000,000 for each of fiscal years 2022 through 2025”
22 and inserting “\$14,000,000 for each of fiscal years 2023
23 through 2032”.

24 (b) **ADDITIONAL APPROPRIATIONS WHERE RE-**
25 **SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE**

1 NATURE.—Section 104(g)(1) of the Water Resources Re-
2 search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended
3 by striking “\$3,000,000 for each of fiscal years 2022
4 through 2025” and inserting “\$4,000,000 for each of fis-
5 cal years 2023 through 2032”.

6 (c) GRANTS.—Section 104(c) of the Water Resources
7 Research Act of 1984 (42 U.S.C. 10303(c)) is amended
8 by—

9 (1) redesignating paragraph (2) as paragraph
10 (4); and

11 (2) inserting after paragraph (1) the following:

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

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

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

19 “(3) ADDITIONAL SPECIAL PROJECTS.—Any
20 sums Congress delineates for specific topics and
21 water priorities shall fall under subsection (g)(1). All
22 sums under subsection (g)(1), including congression-
23 ally delineated sums for specific topics and water
24 priorities, shall not exceed 20 percent of the sums

1 appropriated for the Water Resources Research Act
2 program.”.

3 **SEC. 110. SALINE LAKE ECOSYSTEMS IN THE GREAT BASIN**
4 **STATES ASSESSMENT AND MONITORING PRO-**
5 **GRAM.**

6 (a) DEFINITIONS.—In this section:

7 (1) PROGRAM.—The term “Program” means
8 the Saline Lake Ecosystems in the Great Basin
9 States Assessment and Monitoring Program estab-
10 lished under subsection (b).

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

13 (A) Federal, State, Tribal, and local agen-
14 cies;

15 (B) institutions of higher education;

16 (C) nonprofit organizations; and

17 (D) local stakeholders.

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

21 (A) Lake Abert in Oregon.

22 (B) Eagle Lake in California.

23 (C) Franklin Lake in Nevada.

24 (D) Goose Lake in California and Oregon.

25 (E) Great Salt Lake in Utah.

1 (F) Harney Lake in Oregon.

2 (G) Honey Lake in California.

3 (H) Lahontan Valley wetlands, including
4 Carson Lake, Carson Sink, and Stillwater
5 Marsh in Nevada.

6 (I) Malheur Lake in Oregon.

7 (J) Mono Lake in California.

8 (K) Owens Lake in California.

9 (L) Pyramid Lake in Nevada.

10 (M) Ruby Lake in Nevada.

11 (N) Sevier Lake in Utah.

12 (O) Silver Lake in Oregon.

13 (P) Summer Lake in Oregon.

14 (Q) Walker Lake in Nevada.

15 (R) Warner Lake in Oregon.

16 (S) Winnemucca Lake in Nevada.

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

20 (5) WORK AND IMPLEMENTATION PLAN.—The
21 term “work and implementation plan” means the
22 multiyear work and implementation plan established
23 under subsection (c)(1).

24 (b) ESTABLISHMENT.—The Secretary shall establish
25 a program to be known as the “Saline Lake Ecosystems

1 in the Great Basin States Assessment and Monitoring
2 Program” to—

3 (1) assess and monitor the hydrology of saline
4 lake ecosystems and the migratory birds and other
5 wildlife that depend on saline lake ecosystems; and

6 (2) inform and support coordinated manage-
7 ment and conservation actions to benefit saline lake
8 ecosystems, migratory birds, and other wildlife.

9 (c) WORK AND IMPLEMENTATION PLAN.—

10 (1) IN GENERAL.—In carrying out the Pro-
11 gram, the Secretary, in coordination with the Direc-
12 tor of the United States Fish and Wildlife Service
13 and coordinating entities, shall establish a multiyear
14 work and implementation plan to assess, monitor,
15 and conserve saline lake ecosystems and migratory
16 birds and other wildlife that depend on saline lake
17 ecosystems.

18 (2) INCLUSIONS.—The work and implementa-
19 tion plan shall include—

20 (A) a synthesis of available information,
21 literature, and data, and an assessment of sci-
22 entific and informational needs, relating to sa-
23 line lake ecosystems with respect to—

24 (i) water quantity, water quality,
25 water use, and water demand;

1 (ii) migratory bird and other wildlife
2 populations, habitats, and ecology;

3 (iii) annual lifecycle needs of migra-
4 tory birds; and

5 (iv) environmental changes and other
6 stressors, including climatic stressors;

7 (B) a description of how the work and im-
8 plementation plan will address the scientific and
9 informational needs described in subparagraph
10 (A), including monitoring activities, data infra-
11 structure needs, and development of tools nec-
12 essary to implement the Program;

13 (C) recommendations and a cost assess-
14 ment for the work and implementation plan;
15 and

16 (D) other matters, as determined necessary
17 by the Secretary.

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

22 (d) IMPLEMENTATION.—The Secretary shall imple-
23 ment the Program based on the information, findings, and
24 recommendations contained in the work and implementa-
25 tion plan.

1 (e) COOPERATIVE AGREEMENTS AND GRANTS.—The
2 Secretary may use funds made available pursuant to sub-
3 section (g) to enter into cooperative funding agreements
4 with, or provide grants to, coordinating entities for the
5 purposes of—

6 (1) participating in developing, or providing in-
7 formation to inform the development of, the work
8 and implementation plan;

9 (2) carrying out assessments and monitoring of
10 water quality, quantity, use, and demand under the
11 Program; and

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

14 (f) EFFECT.—The work and implementation plan
15 shall not affect—

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

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

22 (3) water rights held by the United States in
23 the Great Basin; or

1 (4) the management and operation of Bear
2 Lake or Stewart Dam, including the storage, man-
3 agement, and release of water.

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

8 (h) PRIORITY.—In carrying out the Program, the
9 Secretary shall give priority to the following saline lake
10 ecosystems:

11 (1) Lake Abert in Oregon.

12 (2) Great Salt Lake in Utah.

13 (3) Lahontan Valley Wetlands, including Car-
14 son Sink, Carson Lake, and Stillwater Marsh in Ne-
15 vada.

16 (4) Ruby Lake in Nevada.

17 (5) Walker Lake in Nevada.

18 (6) Mono Lake in California.

19 (7) Owens Lake in California.

20 (8) Summer Lake in Oregon.

21 **SEC. 111. EXTENSION OF AUTHORIZATIONS RELATED TO**
22 **FISH RECOVERY PROGRAMS.**

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

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

3 (2) in subsection (b)(1), by striking
4 “\$179,000,000” and inserting “\$184,000,000”;

5 (3) in subsection (b)(2), by striking
6 “\$30,000,000” and inserting “\$25,000,000”;

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

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

11 **SEC. 112. RECLAMATION CLIMATE CHANGE AND WATER**
12 **PROGRAM.**

13 Section 9503(f) of the Omnibus Public Land Man-
14 agement Act of 2009 (42 U.S.C. 10363(f)) is amended
15 by striking “2023” and inserting “2033”.

16 **SEC. 113. AUTHORIZATION OF APPROPRIATIONS FOR THE**
17 **LAS VEGAS WASH PROGRAM.**

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

22 **SEC. 114. TERMINAL LAKES ASSISTANCE.**

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

1 **SEC. 115. EXPEDITED MEASURES FOR DROUGHT RE-**
2 **SPONSE.**

3 (a) EXPEDITED PROGRAM IMPLEMENTATION.—Sec-
4 tion 40905(h) of the Infrastructure Investment and Jobs
5 Act (43 U.S.C. 3205(h); 135 Stat. 1124) is amended by
6 striking “Not later than 1 year after the date of enact-
7 ment of this Act” and inserting “Not later than August
8 31, 2022”.

9 (b) ESTABLISHMENT OF PROGRAM.—Section
10 40907(b) of the Infrastructure Investment and Jobs Act
11 (43 U.S.C. 3207(b); 135 Stat. 1125) is amended by strik-
12 ing “Not later than 1 year after the date of enactment
13 of this Act” and inserting “Not later than August 31,
14 2022”.

15 **SEC. 116. WATER EFFICIENCY, CONSERVATION, AND SUS-**
16 **TAINABILITY.**

17 (a) DEFINITIONS.—In this section:

18 (1) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of the Environ-
20 mental Protection Agency.

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

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

26 (B) A public water system.

1 (C) A nonprofit organization.

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

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

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

12 (B) the Low-Income Household Drinking
13 Water and Wastewater Emergency Assistance
14 Program authorized by section 533 of division
15 H of the Consolidated Appropriations Act, 2021
16 (Public Law 116–260; 134 Stat. 1627).

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

21 (6) WATER EFFICIENCY INCENTIVE PRO-
22 GRAM.—The term “water efficiency incentive pro-
23 gram” means a program for providing incentives, in-
24 cluding direct installation services, to residential,
25 commercial, or industrial customers of a public

1 water system for the purchase, lease, installation,
2 use, or implementation, as applicable, of water-effi-
3 cient upgrades.

4 (7) WATER-EFFICIENT UPGRADE.—

5 (A) IN GENERAL.—The term “water-effi-
6 cient upgrade” means a product, landscape,
7 label, process, or service for a residential, com-
8 mercial, or industrial building, or the landscape
9 of such a building, that is—

10 (i) rated for water efficiency and per-
11 formance under the WaterSense program
12 or the Energy Star program; or

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

15 (B) INCLUSIONS.—The term “water-effi-
16 cient upgrade” includes—

17 (i) a faucet;

18 (ii) a showerhead;

19 (iii) a dishwasher;

20 (iv) a toilet;

21 (v) a clothes washer;

22 (vi) an irrigation product or service;

23 (vii) advanced metering infrastruc-
24 ture;

25 (viii) a flow monitoring device;

1 (ix) a landscaping or gardening prod-
2 uct, including moisture control or water-
3 enhancing technology;

4 (x) xeriscaping, turf removal, or an-
5 other landscape conversion that reduces
6 water use (except for the installation of ar-
7 tificial turf); and

8 (xi) any other product, landscape,
9 process, or service—

10 (I) certified pursuant to the
11 WaterSense program; or

12 (II) otherwise determined by the
13 Administrator to reduce water use or
14 water loss, including products rated
15 for water efficiency and performance
16 under the Energy Star program.

17 (8) WATER LOSS CONTROL PROGRAM.—The
18 term “water loss control program” means a program
19 to identify and quantify water uses and losses, im-
20 plement controls to reduce or eliminate losses and
21 leaks, and evaluate the effectiveness of such controls.

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

1 (b) WATER EFFICIENCY AND CONSERVATION GRANT
2 PROGRAM.—

3 (1) IN GENERAL.—The Administrator shall es-
4 tablish a program to award grants to eligible entities
5 that have established water efficiency incentive pro-
6 grams to carry out those water efficiency incentive
7 programs (referred to in this subsection as the
8 “grant program”).

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

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

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

23 (3) GRANT AMOUNT.—

24 (A) IN GENERAL.—Subject to subpara-
25 graph (B), a grant awarded under the grant

1 program shall be in an amount that is not less
2 than \$250,000.

3 (B) SMALL PUBLIC WATER SYSTEMS.—The
4 Administrator may award a grant in an amount
5 that is less than \$250,000 if the grant is
6 awarded to, or for the benefit of, a public water
7 system that serves fewer than 10,000 cus-
8 tomers.

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

11 (A) use grant funds to carry out a water
12 efficiency incentive program for customers of a
13 public water system; or

14 (B) provide grant funds to another eligible
15 entity to carry out a water efficiency incentive
16 program described in subparagraph (A).

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

22 (6) COST SHARE.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (B), the Federal share of the cost of car-
25 rying out a water efficiency incentive program

1 using a grant awarded under the grant program
2 shall not exceed 80 percent.

3 (B) WAIVER.—The Administrator may in-
4 crease the Federal share under subparagraph
5 (A) to 100 percent if the Administrator deter-
6 mines that an eligible entity is unable to pay,
7 or would experience significant financial hard-
8 ship if required to pay, the non-Federal share.

9 (7) SUPPLEMENT, NOT SUPPLANT.—Amounts
10 provided under a grant under the grant program
11 shall be used to supplement, and not supplant, other
12 Federal, State, local, or Tribal funds made available
13 to carry out water efficiency incentive programs.

14 (8) AUTHORIZATION OF APPROPRIATIONS.—

15 (A) IN GENERAL.—There is authorized to
16 be appropriated to carry out this subsection
17 \$50,000,000 for each of fiscal years 2023
18 through 2028.

19 (B) ADMINISTRATIVE COSTS.—Of the
20 amounts authorized to be appropriated under
21 subparagraph (A) each fiscal year, not more
22 than 4 percent is authorized to pay the admin-
23 istrative costs of the Administrator.

24 (c) SUSTAINABLE WATER LOSS CONTROL PRO-
25 GRAM.—

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

5 (A) to make grants and provide technical
6 assistance to eligible entities to perform annual
7 audits of public water systems that are—

8 (i) conducted in accordance with the
9 procedures contained in the manual pub-
10 lished by the American Water Works Asso-
11 ciation entitled “M36 Water Audits and
12 Loss Control Programs, Fourth Edition”
13 (or any successor manual determined ap-
14 propriate by the Administrator); and

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

17 (B) to make grants and provide technical
18 assistance to eligible entities—

19 (i) to implement controls to address
20 real water losses, apparent water losses, or
21 a combination of real and apparent water
22 losses that are identified in an audit con-
23 ducted and validated in accordance with
24 the procedures and criteria described in
25 subparagraph (A); and

1 (ii) to help public water systems that
2 have conducted and validated such an
3 audit establish water loss control pro-
4 grams.

5 (2) CRITERIA.—In selecting eligible entities to
6 receive grants and technical assistance under the
7 program, the Administrator shall consider—

8 (A) whether the public water system that
9 would be served by the grants or technical as-
10 sistance serves a disadvantaged community (as
11 defined in section 1452(d)(3) of the Safe
12 Drinking Water Act (42 U.S.C. 300j-
13 12(d)(3))); and

14 (B) the ability of the public water system
15 that would be served by the grants or technical
16 assistance, on completion of an audit conducted
17 and validated in accordance with the procedures
18 and criteria described in paragraph (1)(A)—

19 (i) to successfully sustain a water loss
20 control program; and

21 (ii) to demonstrate that the water loss
22 control program will reduce real water
23 losses, apparent water losses, or a com-
24 bination of real and apparent water losses
25 from the public water system.

1 (3) ANNUAL WATER SAVINGS.—The Adminis-
2 trator shall—

3 (A) annually compile, by Environmental
4 Protection Agency region, information on the
5 amount of water savings achieved pursuant to
6 this subsection; and

7 (B) publish on the website of the Adminis-
8 trator the information compiled under subpara-
9 graph (A).

10 (4) AUTHORIZATION OF APPROPRIATIONS.—

11 (A) IN GENERAL.—There is authorized to
12 be appropriated to carry out this subsection
13 \$40,000,000 for each of fiscal years 2023
14 through 2028, of which—

15 (i) \$20,000,000 each fiscal year is au-
16 thorized to be appropriated to carry out
17 paragraph (1)(A); and

18 (ii) \$20,000,000 each fiscal year is
19 authorized to be appropriated to carry out
20 paragraph (1)(B).

21 (B) ADMINISTRATIVE COSTS.—Of the
22 amounts authorized to be appropriated under
23 subparagraph (A) for grants under the program
24 each fiscal year, not more than 4 percent is au-

1 thorized to be appropriated for the administra-
2 tive costs of making such grants.

3 **SEC. 117. SHORING UP ELECTRICITY GENERATION AND RE-**
4 **DUCING EVAPORATION AT BUREAU OF REC-**
5 **LAMATION FACILITIES.**

6 (a) ASSESSMENT.—

7 (1) IN GENERAL.—The Secretary of the Inte-
8 rior shall conduct, in consultation with the Secretary
9 of Energy, an assessment of opportunities to install
10 and maintain photovoltaic solar panels (including
11 floating solar panels) at Bureau of Reclamation fa-
12 cilities.

13 (2) CONTENTS.—The assessment conducted
14 under paragraph (1) shall—

15 (A) include a description of the economic,
16 environmental, and technical feasibility of in-
17 stalling and maintaining, or contracting with
18 third parties to install and maintain, photo-
19 voltaic solar panels at Bureau of Reclamation
20 facilities;

21 (B) identify Bureau of Reclamation facili-
22 ties with a high potential for the installation
23 and maintenance of photovoltaic solar panels
24 and whether such installation and maintenance
25 would require additional authorization;

1 (C) account for potential impacts of photo-
2 voltaic solar panels at Bureau of Reclamation
3 facilities and the authorized purposes of such
4 facilities, including potential impacts related to
5 evaporation suppression, energy yield, dam safe-
6 ty, recreation, water quality, and fish and wild-
7 life;

8 (D) account for potential damage to float-
9 ing photovoltaic solar panels from weather,
10 water level fluctuations, recreational co-use and
11 other project uses; and

12 (E) account for the availability of electric
13 grid infrastructure, including underutilized
14 transmission infrastructure.

15 (b) REPORT TO CONGRESS.—Not later than 1 year
16 after the date of enactment of this Act, the Secretary shall
17 submit to Congress, and make publicly available (including
18 on a publicly available website), a report containing the
19 results of the assessment conducted under subsection (a).

20 **TITLE II—FUTURE WESTERN**
21 **WATER AND DROUGHT RESIL-**
22 **IENCY**

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “Furthering Underuti-
25 lized Technologies and Unleashing Responsible Expendi-

1 tures for Western Water and Drought Resiliency Act” or
2 the “FUTURE Western Water and Drought Resiliency
3 Act”.

4 **SEC. 202. DEFINITIONS.**

5 In this title:

6 (1) **RELEVANT COMMITTEES OF CONGRESS.**—

7 The term “relevant committees of Congress”
8 means—

9 (A) the Committee on Natural Resources
10 of the House of Representatives; and

11 (B) the Committee on Energy and Natural
12 Resources of the Senate.

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

17 (3) **SECRETARY.**—The term “Secretary” means
18 the Secretary of the Interior, unless otherwise de-
19 fined in a particular provision.

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

1 **Subtitle A—Assistance for Projects**
2 **With Fastest Construction**
3 **Timelines**

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

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

7 (b) **FUNDING PRIORITY.**—Section 1602(f) of the
8 Reclamation Wastewater and Groundwater Study and Fa-
9 cilities Act (title XVI of Public Law 102–575; 43 U.S.C.
10 390h et seq.) is amended by striking paragraphs (2) and
11 (3) and inserting the following:

12 “(2) **PRIORITY.**—When funding projects under
13 paragraph (1), the Secretary shall give funding pri-
14 ority to projects that meet one or more of the fol-
15 lowing criteria:

16 “(A) Projects that are likely to provide a
17 more reliable water supply for States and local
18 governments.

19 “(B) Projects that are likely to increase
20 the water management flexibility and reduce
21 impacts on environmental resources from
22 projects operated by Federal and State agen-
23 cies.

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

25 “(D) Projects with multiple stakeholders.

1 “(E) Projects that provide multiple bene-
2 fits, including water supply reliability, eco-sys-
3 tem benefits, groundwater management and en-
4 hancements, and water quality improvements.”.

5 (c) LIMITATION ON FUNDING.—Section 1631(d) of
6 the Reclamation Wastewater and Groundwater Study and
7 Facilities Act (43 U.S.C. 390h–13(d)) is amended by
8 striking “\$20,000,000 (October 1996 prices)” and insert-
9 ing “\$50,000,000 (July 2022 prices)”.

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

17 (1) authorized or approved for construction
18 funding by an Act of Congress; or

19 (2) selected for funding under the competitive
20 grant program authorized under section 1602(f) of
21 the Reclamation Wastewater and Groundwater
22 Study and Facilities Act (43 U.S.C. 390h(f)), with
23 funding under this section to be provided in accord-
24 ance with that section, notwithstanding section 4013
25 of the Water Infrastructure Improvements for the

1 Nation Act (43 U.S.C. 390b note; Public Law 114–
2 322), except that section 1602(g)(2) of the Reclama-
3 tion Wastewater and Groundwater Study and Facili-
4 ties Act (43 U.S.C. 390h(g)(2)) shall not apply to
5 amounts made available under this section.

6 **SEC. 212. DESALINATION PROJECT DEVELOPMENT.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “Desalination Development Act”.

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

13 “(2) **PROJECTS.**—

14 “(A) **DEFINITION OF ELIGIBLE DESALINA-**
15 **TION PROJECT.**—In this paragraph, the term
16 ‘eligible desalination project’ means any project
17 located in a Reclamation State that—

18 “(i) involves an ocean or brackish
19 water desalination facility—

20 “(I) constructed, operated, and
21 maintained by a State, Indian Tribe,
22 irrigation district, water district, or
23 other organization with water or
24 power delivery authority; or

1 “(II) sponsored or funded by any
2 State, department of a State, subdivi-
3 sion of a State, or public agency orga-
4 nized pursuant to State law, includ-
5 ing—

6 “(aa) direct sponsorship or
7 funding; or

8 “(bb) indirect sponsorship or
9 funding, such as by paying for
10 the water provided by the facility;

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

13 “(iii) is consistent with all applicable
14 State and Federal resource protection
15 laws, including the protection of marine
16 protected areas.

17 “(B) DEFINITION OF DESIGNATED DESALI-
18 NATION PROJECT.—The term ‘designated de-
19 salination project’ means an eligible desalina-
20 tion project that—

21 “(i) is an ocean desalination project
22 that uses a subsurface intake;

23 “(ii) has a total estimated cost of
24 \$80,000,000 or less; and

1 “(iii) is designed to serve a commu-
2 nity or group of communities that collec-
3 tively import more than 75 percent of their
4 water supplies.

5 “(C) COST-SHARING REQUIREMENT.—

6 “(i) IN GENERAL.—Subject to the re-
7 quirements of this paragraph, the Federal
8 share of an eligible desalination project
9 carried out under this subsection shall
10 be—

11 “(I) not more than 25 percent of
12 the total cost of the eligible desalina-
13 tion project; or

14 “(II) in the case of a designated
15 desalination project, the applicable
16 percentage determined in accordance
17 with clause (ii).

18 “(ii) COST-SHARING REQUIREMENT
19 FOR CONSTRUCTION COSTS.—In the case
20 of a designated desalination project carried
21 out under this subsection, the Federal
22 share of the cost of construction of the
23 designated desalination project shall not
24 exceed the greater of—

1 “(I) 35 percent of the total cost
2 of construction, up to a Federal cost
3 of \$20,000,000; or

4 “(II) 25 percent of the total cost
5 of construction.

6 “(D) STATE ROLE.—The Secretary shall
7 not participate in an eligible desalination
8 project under this paragraph unless—

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

11 “(II) the participation has been re-
12 quested by the Governor of the State in
13 which the eligible desalination project is lo-
14 cated; and

15 “(ii) the State or local sponsor of the
16 eligible desalination project determines,
17 and the Secretary concurs, that—

18 “(I) the eligible desalination
19 project—

20 “(aa) is technically and fi-
21 nancially feasible;

22 “(bb) provides a Federal
23 benefit in accordance with the
24 reclamation laws; and

1 “(cc) is consistent with ap-
2 plicable State laws, State regula-
3 tions, State coastal zone manage-
4 ment plans, and other State
5 plans such as California’s Water
6 Quality Control Plan for the
7 Ocean Waters in California;

8 “(II) sufficient non-Federal fund-
9 ing is available to complete the eligible
10 desalination project; and

11 “(III) the eligible desalination
12 project sponsors are financially sol-
13 vent; and

14 “(iii) the Secretary submits to Con-
15 gress a written notification of the deter-
16 minations under clause (ii) by not later
17 than 30 days after the date of the deter-
18 minations.

19 “(E) ENVIRONMENTAL LAWS.—In partici-
20 pating in an eligible desalination project under
21 this paragraph, the Secretary shall comply with
22 all applicable environmental laws, including the
23 National Environmental Policy Act of 1969 (42
24 U.S.C. 4321 et seq.) and State laws imple-
25 menting the Coastal Zone Management Act.

1 “(F) INFORMATION.—In participating in
2 an eligible desalination project under this sub-
3 section, the Secretary—

4 “(i) may rely on reports prepared by
5 the sponsor of the eligible desalination
6 project, including feasibility or equivalent
7 studies, environmental analyses, and other
8 pertinent reports and analyses; but

9 “(ii) shall retain responsibility for
10 making the independent determinations de-
11 scribed in subparagraph (D).

12 “(G) FUNDING.—

13 “(i) AUTHORIZATION OF APPROPRIA-
14 TIONS.—There is authorized to be appro-
15 priated to carry out this paragraph
16 \$260,000,000 for the period of fiscal years
17 2023 through 2027.

18 “(ii) CONGRESSIONAL APPROVAL INI-
19 TIALY REQUIRED.—

20 “(I) IN GENERAL.—Each initial
21 award under this paragraph for de-
22 sign and study or for construction of
23 an eligible desalination project shall
24 be approved by an Act of Congress.

1 “(II) RECLAMATION REC-
2 COMMENDATIONS.—The Commissioner
3 of Reclamation shall submit rec-
4 ommendations regarding the initial
5 award of preconstruction and con-
6 struction funding for consideration
7 under subclause (I) to—

8 “(aa) the Committee on Ap-
9 propriations of the Senate;

10 “(bb) the Committee on En-
11 ergy and Natural Resources of
12 the Senate;

13 “(cc) the Committee on Ap-
14 propriations of the House of Rep-
15 resentatives; and

16 “(dd) the Committee on
17 Natural Resources of the House
18 of Representatives.

19 “(iii) SUBSEQUENT FUNDING
20 AWARDS.—After approval by Congress of
21 an initial award of preconstruction or con-
22 struction funding for an eligible desalina-
23 tion project under clause (ii), the Commis-
24 sioner of Reclamation may award addi-
25 tional preconstruction or construction

1 funding, respectively, for the eligible desali-
2 nation project without further congres-
3 sional approval.”.

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

8 “(c) PRIORITIZATION.—In carrying out demonstra-
9 tion and development activities under this section, the Sec-
10 retary and the Commissioner of Reclamation shall each
11 prioritize projects—

12 “(1) for the benefit of drought-stricken States
13 and communities;

14 “(2) for the benefit of States that have author-
15 ized funding for research and development of desali-
16 nation technologies and projects;

17 “(3) that demonstrably reduce a reliance on im-
18 ported water supplies that have an impact on species
19 listed under the Endangered Species Act of 1973
20 (16 U.S.C. 1531 et seq.);

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

1 “(5) that demonstrably leverage the experience
2 of international partners with considerable expertise
3 in desalination, such as the State of Israel;

4 “(6) that maximize use of renewable energy to
5 power desalination facilities;

6 “(7) that maximize energy efficiency so that the
7 lifecycle energy demands of desalination are mini-
8 mized;

9 “(8) located in regions that have employed
10 strategies to increase water conservation and the
11 capture and recycling of wastewater and stormwater;
12 and

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

15 “(A) use a subsurface intake or, if a sub-
16 surface intake is not technologically feasible, an
17 intake that uses the best available site, design,
18 technology, and mitigation measures to mini-
19 mize the mortality of all forms of marine life
20 and impacts to coastal dependent resources;

21 “(B) are sited and designed to ensure that
22 the disposal of wastewaters including brine
23 from the desalination process—

1 “(i) are not discharged to impaired
2 bodies of water or State or Federal Marine
3 Protected Areas; and

4 “(ii) achieve ambient salinity levels
5 within a reasonable distance from the dis-
6 charge point;

7 “(C) are sited, designed, and operated in a
8 manner that maintains indigenous marine life
9 and a healthy and diverse marine community;

10 “(D) do not cause significant unmitigated
11 harm to aquatic life; and

12 “(E) include a construction and operation
13 plan designed to minimize loss of coastal habi-
14 tat and aesthetic, noise, and air quality im-
15 pacts.”.

16 (d) RECOMMENDATIONS TO CONGRESS.—In deter-
17 mining project recommendations to Congress under sec-
18 tion 4(a)(2)(G)(ii)(II) of the Water Desalination Act of
19 1996, the Commissioner of Reclamation shall establish a
20 priority scoring system that assigns priority scores to each
21 project evaluated based on the prioritization criteria of
22 section 4(c) of the Water Desalination Act of 1996 (42
23 U.S.C. 10301 note; Public Law 104–298).

1 **SEC. 213. ASSISTANCE FOR DISADVANTAGED COMMU-**
2 **NITIES WITHOUT ADEQUATE DRINKING**
3 **WATER.**

4 (a) **IN GENERAL.**—The Secretary shall provide
5 grants within the Reclamation States to assist eligible ap-
6 plicants in planning, designing, or carrying out projects
7 to help disadvantaged communities address a significant
8 decline in the quantity or quality of drinking water.

9 (b) **ELIGIBLE APPLICANTS.**—To be eligible to receive
10 a grant under this section, an applicant shall submit an
11 application to the Secretary that includes a proposal of
12 the project or activity in subsection (c) to be planned, de-
13 signed, constructed, or implemented, the service area of
14 which—

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

17 (2) has a median household income of less than
18 100 percent of the nonmetropolitan median house-
19 hold income of the State.

20 (c) **ELIGIBLE PROJECTS.**—Projects eligible for
21 grants under this program may be used for—

22 (1) emergency water supplies;

23 (2) distributed treatment facilities;

24 (3) construction of new wells and connections to
25 existing water source systems;

26 (4) water distribution facilities;

1 (5) connection fees to existing systems;

2 (6) assistance to households to connect to water
3 facilities;

4 (7) local resource sharing, including voluntary
5 agreements between water systems to jointly con-
6 tract for services or equipment, or to study or imple-
7 ment the physical consolidation of two or more water
8 systems;

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

12 (9) any combination of activities described in
13 paragraphs (1) through (8).

14 (d) PRIORITIZATION.—In determining priorities for
15 funding projects, the Secretary shall take into consider-
16 ation—

17 (1) where the decline in the quantity or quality
18 of water poses the greatest threat to public health
19 and safety;

20 (2) the degree to which the project provides a
21 long-term solution to the water needs of the commu-
22 nity; and

23 (3) whether the applicant has the ability to
24 qualify for alternative funding sources.

1 (e) MAXIMUM AMOUNT.—The amount of a grant pro-
2 vided under this section may be up to 100 percent of costs,
3 including—

4 (1) initial operation costs incurred for startup
5 and testing of project facilities;

6 (2) costs of components to ensure such facilities
7 and components are properly operational; and

8 (3) costs of operation or maintenance incurred
9 subsequent to placing the facilities or components
10 into service.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$100,000,000, to remain available until expended.

14 (g) COORDINATION REQUIRED.—In carrying out this
15 section, the Secretary shall consult with the Secretary of
16 Agriculture and the Administrator of the Environmental
17 Protection Agency to identify opportunities to improve the
18 efficiency, effectiveness, and impact of activities carried
19 out under this section to help disadvantaged communities
20 address a significant decline in the quantity or quality of
21 drinking water.

1 **Subtitle B—Improved Water**
2 **Technology and Data**

3 **SEC. 221. X-PRIZE FOR WATER TECHNOLOGY BREAK-**
4 **THROUGHS.**

5 (a) DEFINITIONS.—In this section:

6 (1) BOARD.—The term “board” means the
7 board established under subsection (c).

8 (2) ELIGIBLE PERSON.—The term “eligible per-
9 son” means—

10 (A) an individual who is—

11 (i) a citizen or legal resident of the
12 United States; or

13 (ii) a member of a group that includes
14 citizens or legal residents of the United
15 States;

16 (B) an entity that is incorporated and
17 maintains its primary place of business in the
18 United States; or

19 (C) a public water agency.

20 (3) FINANCIAL AWARD COMPETITION.—The
21 term “financial award competition” means the
22 award competition under subsection (d)(1).

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

1 (b) WATER TECHNOLOGY AWARD PROGRAM ESTAB-
2 LISHED.—The Secretary, working through the Bureau of
3 Reclamation, and in coordination with the Secretary of
4 Energy, shall establish a program to award prizes to eligi-
5 ble persons for achievement in one or more of the following
6 applications of water technology:

7 (1) Demonstration of wastewater and industrial
8 process water purification for reuse or desalination
9 of brackish water or seawater with significantly less
10 energy than current municipally and commercially
11 adopted technologies.

12 (2) Demonstration of portable or modular de-
13 salination units that can process 1 to 5,000,000 gal-
14 lons per day that could be deployed for temporary
15 emergency uses in coastal communities or commu-
16 nities with brackish groundwater supplies.

17 (3) Demonstration of significant advantages
18 over current municipally and commercially adopted
19 reverse osmosis technologies as determined by the
20 board established under subsection (c).

21 (4) Demonstration of significant improvements
22 in the recovery of residual or waste energy from the
23 desalination process.

24 (5) Reducing open water evaporation.

25 (c) ESTABLISHMENT OF BOARD.—

1 (1) IN GENERAL.—The Secretary shall establish
2 a board to administer the program.

3 (2) MEMBERSHIP.—The board shall be com-
4 posed of not less than 15 and not more than 21
5 members appointed by the Secretary, of whom not
6 less than 2 shall—

7 (A) be a representative of the interests of
8 public water districts or other public organiza-
9 tions with water delivery authority;

10 (B) be a representative of the interests of
11 academic organizations with expertise in the
12 field of water technology, including desalination
13 or water reuse;

14 (C) be representative of a non-profit con-
15 servation organization;

16 (D) have expertise in administering award
17 competitions; and

18 (E) be a representative of the Bureau of
19 Reclamation of the Department of the Interior
20 with expertise in the deployment of desalination
21 or water reuse.

22 (d) AWARDS.—Subject to the availability of appro-
23 priations, the board may make the following awards:

24 (1) FINANCIAL PRIZE.—A financial award given
25 through a competition in an amount determined be-

1 fore the commencement of the competition to the
2 first competitor to meet such criteria as the board
3 shall establish.

4 (2) RECOGNITION PRIZE.—A non-monetary
5 award, through which the board recognizes an eligi-
6 ble person for superlative achievement in 1 or more
7 applications described in subsection (a). An award
8 under this paragraph shall not include any financial
9 remuneration.

10 (e) ADMINISTRATION.—

11 (1) CONTRACTING.—The board may contract
12 with a private organization to administer a financial
13 award competition described in subsection (d)(1).

14 (2) SOLICITATION OF FUNDS.—A member of
15 the board or any administering organization with
16 which the board has a contract under paragraph (1)
17 may solicit gifts from private and public entities to
18 be used for a financial award competition.

19 (3) LIMITATION ON PARTICIPATION OF DO-
20 NORS.—The board may allow a donor who is a pri-
21 vate person described in paragraph (2) to participate
22 in the determination of criteria for an award under
23 subsection (d), but such donor may not solely deter-
24 mine the criteria for such award.

1 (4) NO ADVANTAGE FOR DONATION.—A donor
2 who is a private person described in paragraph (3)
3 shall not be entitled to any special consideration or
4 advantage with respect to participation in a financial
5 award competition.

6 (f) INTELLECTUAL PROPERTY.—The Federal Gov-
7 ernment may not acquire an intellectual property right in
8 any product or idea by virtue of the submission of such
9 product or idea in the financial award competition.

10 (g) LIABILITY.—The board may require a competitor
11 in a financial award competition to waive liability against
12 the Federal Government for injuries and damages that re-
13 sult from participation in such competition.

14 (h) ANNUAL REPORT.—Each year, the board shall
15 submit to the relevant committees of Congress a report
16 on the program.

17 (i) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated sums for the program
19 as follows:

20 (1) For administration of the awards under
21 subsection (d), \$750,000 for each fiscal year
22 through fiscal year 2027, to remain available until
23 expended.

24 (2) For the financial prize award under sub-
25 section (d)(1), in addition to any amounts received

1 under subsection (e)(2), \$5,000,000 for each fiscal
2 year through fiscal year 2027, to remain available
3 until expended.

4 **SEC. 222. WATER TECHNOLOGY INVESTMENT PROGRAM ES-**
5 **TABLISHED.**

6 (a) IN GENERAL.—The Secretary, acting through the
7 Bureau of Reclamation, shall establish a program, pursu-
8 ant to the Reclamation Wastewater and Groundwater
9 Study and Facilities Act (Public Law 102–575, title XVI),
10 the Water Desalination Act of 1996 (Public Law 104–
11 298), and other applicable laws, to promote the expanded
12 use of technology for improving availability and resiliency
13 of water supplies and power deliveries, which shall include
14 investments to enable expanded and accelerated—

- 15 (1) deployment of desalination technology; and
16 (2) use of recycled water.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated \$5,000,000 for each fis-
19 cal year through fiscal year 2027 for the Secretary to
20 carry out the purposes and provisions of this section.

21 **SEC. 223. FEDERAL PRIORITY STREAMGAGES.**

22 (a) FEDERAL PRIORITY STREAMGAGES.—The Sec-
23 retary shall make every reasonable effort to make oper-
24 ational all streamgages identified as Federal Priority
25 Streamgages by the United States Geological Survey not

1 later than 10 years after the date of the enactment of this
2 Act.

3 (b) COLLABORATION WITH STATES.—The Secretary
4 shall, to the maximum extent practicable, seek to leverage
5 Federal investments in Federal Priority Streamgages
6 through collaborative partnerships with States and local
7 agencies that invest non-Federal funds to maintain and
8 enhance streamgage networks to improve both environ-
9 mental quality and water supply reliability.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
11 tion to amounts otherwise available, there is authorized
12 to be appropriated \$150,000,000 to the Secretary to carry
13 out this section, to remain available until expended.

14 **Subtitle C—Drought Response and** 15 **Preparedness for Ecosystems**

16 **SEC. 231. AQUATIC ECOSYSTEM RESTORATION PROGRAM.**

17 In addition to amounts otherwise available, there is
18 authorized to be appropriated \$150,000,000 to remain
19 available until expended for design, study, and construc-
20 tion of aquatic ecosystem restoration and protection
21 projects in accordance with section 1109 of division FF
22 of the Consolidated Appropriations Act, 2021 (Public Law
23 116–260).

1 **SEC. 232. WATERSHED HEALTH PROGRAM.**

2 In addition to amounts otherwise available, there is
3 authorized to be appropriated \$200,000,000 to carry out
4 section 40907 of the Infrastructure Investment and Jobs
5 Act (43 U.S.C. 3207), to remain available until expended.

6 **SEC. 233. WATERBIRD HABITAT CREATION PROGRAM.**

7 (a) AUTHORIZATION OF HABITAT CREATION PRO-
8 GRAM.—The Secretary shall establish a program to
9 incentivize farmers to keep fields flooded during appro-
10 priate time periods for the purposes of waterbird habitat
11 creation and maintenance, including waterfowl and
12 shorebird habitat creation and maintenance, provided
13 that—

14 (1) such incentives may not exceed \$3,500,000
15 annually, either directly or through credits against
16 other contractual payment obligations;

17 (2) the holder of a water contract receiving pay-
18 ments under this section pass such payments
19 through to farmers participating in the program,
20 less reasonable contractor costs, if any; and

21 (3) the Secretary determines that habitat cre-
22 ation activities receiving financial support under this
23 section will create new habitat that is not likely to
24 be created without the financial incentives provided
25 under this section.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary \$3,500,000
3 for each fiscal year through fiscal year 2027 to carry out
4 this section, to remain available until expended.

5 (c) REPORT.—Not later than October 1, 2023, and
6 every 2 years thereafter, the Secretary shall submit to
7 Congress a report summarizing the environmental per-
8 formance of activities that are receiving, or have received,
9 assistance under the program authorized by this section.

10 **SEC. 234. SUPPORT FOR REFUGE WATER DELIVERIES.**

11 (a) REPORT ON HISTORIC REFUGE WATER DELIV-
12 ERIES.—Not later than 90 days after the date of the en-
13 actment of this Act, the Secretary shall submit to the rel-
14 evant committees of Congress and make publicly available
15 a report that describes the following:

16 (1) Compliance with section 3406(d)(1) and
17 section 3406(d)(2) of the Central Valley Project Im-
18 provement Act (title XXXIV of Public Law 102–
19 575) in each of years 1992 through 2018, including
20 an indication of the amount of water identified as
21 the Level 2 amount and incremental Level 4 amount
22 for each wetland area.

23 (2) The difference between the mandated quan-
24 tity of water to be delivered to each wetland habitat
25 area described in section 3406(d)(2) and the actual

1 quantity of water delivered since October 30, 1992,
2 including a listing of every year in which the full de-
3 livery of water to wetland habitat areas was achieved
4 in accordance with Level 4 of the “Dependable
5 Water Supply Needs” table, described in section
6 3406(d)(2) of the Central Valley Project Improve-
7 ment Act (title XXXIV of Public Law 102–575).

8 (3) Which of the authorities granted to the Sec-
9 retary under Public Law 102–575 to achieve the full
10 Level 4 deliveries of water to wetland habitat areas
11 was employed in achieving the increment of water
12 delivery above the Level 2 amount for each wetland
13 habitat area, including whether water conservation,
14 conjunctive use, water purchases, water leases, dona-
15 tions, water banking, or other authorized activities
16 have been used and the extent to which such au-
17 thorities have been used.

18 (4) An assessment of the degree to which the
19 elimination of water transaction fees for the dona-
20 tion of water rights to wildlife refuges would help
21 advance the goals of the Central Valley Project Im-
22 provement Act (title XXXIV of Public Law 102–
23 575).

24 (b) PRIORITY CONSTRUCTION LIST.—The Secretary
25 shall establish, through a public process and in consulta-

1 tion with the Interagency Refuge Water Management
2 Team, a priority list for the completion of the conveyance
3 construction projects at the wildlife habitat areas de-
4 scribed in section 3406(d)(2) of the Central Valley Project
5 Improvement Act (title XXXIV of Public Law 102–575),
6 including the Mendota Wildlife Area, Pixley National
7 Wildlife Refuge and Sutter National Wildlife Refuge.

8 (c) ECOLOGICAL MONITORING AND EVALUATION
9 PROGRAM.—Not later than 1 year after the date of the
10 enactment of this Act, the Secretary, acting through the
11 Director of the United States Fish and Wildlife Service,
12 shall design and implement an ecological monitoring and
13 evaluation program, for all Central Valley wildlife refuges,
14 that produces an annual report based on existing and
15 newly collected information, including—

- 16 (1) the United States Fish and Wildlife Service
17 Animal Health Lab disease reports;
- 18 (2) mid-winter waterfowl inventories;
- 19 (3) nesting and brood surveys;
- 20 (4) additional data collected regularly by the
21 refuges, such as herptile distribution and abundance;
- 22 (5) a new coordinated systemwide monitoring
23 effort for at least one key migrant species and two
24 resident species listed as threatened and endangered
25 pursuant to the Endangered Species Act of 1973

1 (16 U.S.C. 1531 et seq.) (including one warm-blood-
2 ed and one cold-blooded), that identifies population
3 numbers and survival rates for the 3 previous years;
4 and

5 (6) an estimate of the bioenergetic food produc-
6 tion benefits to migrant waterfowl, consistent with
7 the methodology used by the Central Valley Joint
8 Venture, to compliment and inform the Central Val-
9 ley Joint Venture implementation plan.

10 (d) ADEQUATE STAFFING FOR REFUGE WATER DE-
11 LIVERY OBJECTIVES.—The Secretary shall ensure that
12 adequate staffing is provided to advance the refuge water
13 supply delivery objectives under the Central Valley Project
14 Improvement Act (title XXXIV of Public Law 102–575).

15 (e) FUNDING.—There is authorized to be appro-
16 priated \$25,000,000 to carry out subsections (a) through
17 (d), which shall remain available until expended.

18 (f) EFFECT ON OTHER FUNDS.—Amounts author-
19 ized under this section shall be in addition to amounts col-
20 lected or appropriated under the Central Valley Project
21 Improvement Act (title XXXIV of Public Law 102–575).

22 **SEC. 235. DROUGHT PLANNING AND PREPAREDNESS FOR**
23 **CRITICALLY IMPORTANT FISHERIES.**

24 (a) DEFINITIONS.—In this section:

1 (1) CRITICALLY IMPORTANT FISHERIES.—The
2 term “critically important fisheries” means—

3 (A) commercially and recreationally impor-
4 tant fisheries located within the Reclamation
5 States;

6 (B) fisheries containing fish species that
7 are listed as threatened or endangered pursuant
8 to the Endangered Species Act of 1973 (16
9 U.S.C. 1531 et seq.) within the Reclamation
10 States; or

11 (C) fisheries used by Indian Tribes within
12 the Reclamation States for ceremonial, subsist-
13 ence, or commercial purposes.

14 (2) QUALIFIED TRIBAL GOVERNMENT.—The
15 term “qualified Tribal Government” means any gov-
16 ernment of an Indian Tribe that the Secretary deter-
17 mines—

18 (A) is involved in fishery management and
19 recovery activities including under the Endan-
20 gered Species Act of 1973 (16 U.S.C. 1531 et
21 seq.); or

22 (B) has the management and organiza-
23 tional capability to maximize the benefits of as-
24 sistance provided under this section.

1 (b) DROUGHT PLAN FOR CRITICALLY IMPORTANT
2 FISHERIES.—Not later than January 1, 2024, and every
3 three years thereafter, the Secretary, acting through the
4 Director of the United States Fish and Wildlife Service
5 shall, in consultation with the National Marine Fisheries
6 Service, the Bureau of Reclamation, the Army Corps of
7 Engineers, State fish and wildlife agencies, and affected
8 Indian Tribes, prepare a plan to sustain the survival of
9 critically important fisheries within the Reclamation
10 States during periods of extended drought. The plan shall
11 focus on actions that can aid the survival of critically im-
12 portant fisheries during the driest years. In preparing
13 such plan, the Director shall consider—

14 (1) habitat restoration efforts designed to pro-
15 vide drought refugia and increased fisheries resil-
16 ience during droughts;

17 (2) relocating the release location and timing of
18 hatchery fish to avoid predation and temperature
19 impacts;

20 (3) barging of hatchery release fish to improve
21 survival and reduce straying;

22 (4) coordination with water users, the Bureau
23 of Reclamation, State fish and wildlife agencies, and
24 interested public water agencies regarding voluntary
25 water transfers, including through groundwater sub-

1 stitution activities, to determine if water releases can
2 be collaboratively managed in a way that provides
3 additional benefits for critically important fisheries
4 without negatively impacting wildlife habitat;

5 (5) hatchery management modifications, such
6 as expanding hatchery production of fish during the
7 driest years, if appropriate for a particular river
8 basin;

9 (6) hatchery retrofit projects, such as the in-
10 stallation and operation of filtration equipment and
11 chillers, to reduce disease outbreaks, egg mortality
12 and other impacts of droughts and high water tem-
13 peratures;

14 (7) increasing rescue operations of upstream
15 migrating fish;

16 (8) improving temperature modeling and related
17 forecasted information to predict water management
18 impacts to the habitat of critically important fish-
19 eries with a higher degree of accuracy than current
20 models;

21 (9) testing the potential for parentage-based
22 tagging and other genetic testing technologies to im-
23 prove the management of hatcheries;

24 (10) programs to reduce predation losses at ar-
25 tificially created predation hot spots; and

1 (11) retrofitting existing water facilities to pro-
2 vide improved temperature conditions for fish.

3 (c) PUBLIC COMMENT.—The Director of the United
4 States Fish and Wildlife Service shall provide for a public
5 comment period of not less than 90 days before finalizing
6 a plan under subsection (b).

7 (d) AUTHORIZATION OF APPROPRIATIONS FOR FISH
8 RECOVERY EFFORTS.—There is authorized to be appro-
9 priated \$25,000,000 for the United States Fish and Wild-
10 life Service for fiscal year 2023 for fish, stream, and
11 hatchery activities related to fish recovery efforts, includ-
12 ing work with the National Marine Fisheries Service, the
13 Bureau of Reclamation, the Army Corps of Engineers,
14 State fish and wildlife agencies, or a qualified Tribal Gov-
15 ernment.

16 (e) EFFECT.—Nothing in this section is intended to
17 expand, diminish, or affect any obligation under Federal
18 or State environmental law.

19 **SEC. 236. REAUTHORIZATION OF THE FISHERIES RESTORA-**
20 **TION AND IRRIGATION MITIGATION ACT OF**
21 **2000.**

22 Section 10(a) of the Fisheries Restoration and Irriga-
23 tion Mitigation Act of 2000 (16 U.S.C. 777 note; Public
24 Law 106–502) is amended by striking “\$15 million

1 through 2021” and inserting “\$25,000,000 through
2 2028”.

3 **SEC. 237. SUSTAINING BIODIVERSITY DURING DROUGHTS.**

4 Section 9503(b) of the Omnibus Public Land Man-
5 agement Act of 2009 (42 U.S.C. 10363(b)) is amended—

6 (1) in paragraph (3)(D), by inserting “and na-
7 tive biodiversity” after “wildlife habitat”; and

8 (2) in paragraph (4)(B), by inserting “and
9 drought biodiversity plans to address sustaining na-
10 tive biodiversity during periods of drought” after
11 “restoration plans”.

12 **SEC. 238. WATER RESOURCE EDUCATION.**

13 (a) GENERAL AUTHORITY.—In accordance with this
14 section, the Secretary may enter into a cooperative agree-
15 ment or contract or provide financial assistance in the
16 form of a grant, to support activities related to education
17 on water resources.

18 (b) ELIGIBLE ACTIVITIES.—The Secretary may enter
19 into a cooperative agreement or contract or provide finan-
20 cial assistance for activities that improve water resources
21 education, including through tours, publications or other
22 activities that—

23 (1) disseminate information on water resources
24 via educational tools, materials or programs;

1 (2) publish relevant information on water re-
2 source issues, including environmental and ecological
3 conditions;

4 (3) advance projects that improve public under-
5 standing of water resource issues or management
6 challenges, including education on drought, drought
7 awareness, and drought resiliency;

8 (4) provide training or related education for
9 teachers, faculty, or related personnel, including in
10 a specific geographic area or region; or

11 (5) enable tours, conferences, or other activities
12 to foster cooperation in addressing water resources
13 or management challenges, including cooperation re-
14 lating to water resources shared by the United
15 States and Canada or Mexico.

16 (c) GRANT PRIORITY.—In making grants under this
17 section, the Secretary shall give priority to activities
18 that—

19 (1) provide training for the professional devel-
20 opment of legal and technical experts in the field of
21 water resources management; or

22 (2) help educate the public, teachers or key
23 stakeholders on—

1 (A) a new or significantly improved water
2 resource management practice, method, or tech-
3 nique;

4 (B) the existence of a water resource man-
5 agement practice, method, or technique that
6 may have wide application;

7 (C) a water resource management practice,
8 method, or technique related to a scientific field
9 or skill identified as a priority by the Secretary;
10 or

11 (D) general water resource issues or man-
12 agement challenges, including as part of a
13 science curricula in elementary or secondary
14 education setting.

15 **TITLE III—OPEN ACCESS**
16 **EVAPOTRANSPIRATION DATA**

17 **SEC. 301. SHORT TITLE.**

18 This title may be cited as the “Open Access
19 Evapotranspiration Data Act”.

20 **SEC. 302. DEFINITIONS.**

21 In this title:

22 (1) **EVAPOTRANSPIRATION.**—The term
23 “evapotranspiration” or “ET” means the process by
24 which water is transferred from the land to the at-
25 mosphere by—

1 (A) evaporation from soil and other sur-
2 faces; and

3 (B) transpiration from plants.

4 (2) PROGRAM.—The term “Program” means
5 the Open Access Evapotranspiration (OpenET) Data
6 Program established under section 304(a).

7 (3) PROGRAM PARTNER.—The term “Program
8 partner” means—

9 (A) an institution of higher education;

10 (B) a State (including a State agency);

11 (C) an Indian Tribe as defined in section
12 4 of the Indian Self-Determination and Edu-
13 cation Assistance Act (25 U.S.C. 5304);

14 (D) a private sector entity;

15 (E) a nongovernmental organization; or

16 (F) any other entity determined to be ap-
17 propriate by the Secretary.

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

21 **SEC. 303. FINDINGS.**

22 Congress finds that—

23 (1) evapotranspiration is the second largest
24 component of the water budget, which is an account-

1 ing of the allocation of water resources to various
2 water uses;

3 (2) evapotranspiration is a measure of the
4 water that is consumed and lost from a water sys-
5 tem, removed from available supplies, and unavail-
6 able for other uses within a watershed;

7 (3) accurate information on evapotranspiration
8 is required to balance water supply and water de-
9 mand in a watershed and ensure that adequate
10 water supplies for beneficial uses are available over
11 time;

12 (4) water users and managers are impeded in
13 more efficient decision making by—

14 (A) the lack of consistent and comprehen-
15 sive water use data; and

16 (B) the fact that access to existing data is
17 often limited and cost-prohibitive; and

18 (5) evapotranspiration data may be applied for
19 the purposes of—

20 (A) assisting users and decisionmakers to
21 better manage resources and protect financial
22 viability of farm operations during drought;

23 (B) developing more accurate water budg-
24 ets and innovative management programs to

1 better promote conservation and sustainability
2 efforts; and

3 (C) employing greater groundwater man-
4 agement practices and understanding impacts
5 of consumptive water use.

6 **SEC. 304. OPEN ACCESS EVAPOTRANSPIRATION (OPENET)**

7 **DATA PROGRAM.**

8 (a) ESTABLISHMENT.—The Secretary shall establish
9 a program to be known as the “Open Access
10 Evapotranspiration (OpenET) Data Program” under
11 which the Secretary shall provide for the delivery of sat-
12 ellite-based evapotranspiration data, as available, sup-
13 ported by other ET methods—

14 (1) to advance the quantification of evaporation
15 and consumptive water use; and

16 (2) to provide data users with estimates of
17 evapotranspiration data across large landscapes over
18 certain periods of time, with a priority for Landsat
19 scale (30–100m) when available.

20 (b) PURPOSE.—The purpose of the Program is to
21 support the operational distribution of satellite-based
22 evapotranspiration data generated under the Program to
23 sustain and enhance water resources in the United States.

24 (c) DUTIES.—In carrying out the Program, the Sec-
25 retary shall—

1 (1) evaluate, use, and modify sources of sat-
2 ellite-based evapotranspiration data, supported by
3 other ET methods, based on best available science
4 and technologies; and

5 (2) coordinate and consult with—

6 (A) the heads of other relevant Federal
7 agencies, including—

8 (i) the Commissioner of Reclamation;

9 (ii) the Administrator of the National
10 Aeronautics and Space Administration;

11 (iii) the Administrator of the National
12 Oceanic and Atmospheric Administration;

13 (iv) the Administrator of the Agricul-
14 tural Research Service; and

15 (v) the Chief of the Natural Resources
16 Conservation Service; and

17 (B) Program partners.

18 (d) COMPONENTS.—In carrying out the Program, the
19 Secretary shall, in coordination with other relevant agen-
20 cies, carry out activities to develop, maintain, establish,
21 expand, or advance delivery of satellite-based
22 evapotranspiration data, supported by other ET methods,
23 to advance the quantification of evaporation and consump-
24 tive water use, with an emphasis on carrying out activities
25 that—

1 (1) support the development and maintenance
2 of evapotranspiration data and software systems and
3 associated research and development in a manner
4 that ensures that Program data are reflective of the
5 best available science, including by providing support
6 to Program partners, or coordinating activities with
7 other programs within the Department of the Inte-
8 rior, that have developed and are maintaining
9 evapotranspiration software systems and datasets;

10 (2) demonstrate or test new and existing
11 evapotranspiration measurement technology;

12 (3) improve evapotranspiration measurement
13 science and technology; and

14 (4) develop or refine the application of satellite-
15 based evapotranspiration data available to Federal
16 agencies, States, and Indian Tribes, including pro-
17 grams within both the Water Resources and Core
18 Science Systems divisions of the United States Geo-
19 logical Survey. These may include—

20 (A) the Water Availability and Use Science
21 Program, the National Water Census, and Inte-
22 grated Water Availability Assessments; and

23 (B) the National Land Imaging Program,
24 the Land Change Science Program, and the
25 Science Analytics and Synthesis Program.

1 (e) WATER USE AND AVAILABILITY OF PROGRAM
2 DATA.—The Secretary—

3 (1) shall incorporate, to the maximum extent
4 practicable, program information and data for pur-
5 poses of determining consumptive water use on irri-
6 gated or other vegetated landscapes for use by water
7 resource management agencies;

8 (2) may continue to coordinate data analyses,
9 use, and collection efforts with other Federal agen-
10 cies, States, and Tribal governments through exist-
11 ing coordinating organizations, such as—

12 (A) the Western States Water Council; and

13 (B) the Western States Federal Agency
14 Support Team; and

15 (3) may provide information collected and ana-
16 lyzed under the Program to Program partners
17 through appropriate mechanisms, including through
18 agreements with Federal agencies, States (including
19 State agencies), or Indian Tribes, leases, contracts,
20 cooperative agreements, grants, loans, and memo-
21 randa of understanding.

22 (f) COOPERATIVE AGREEMENTS.—The Secretary
23 shall—

24 (1) enter into cooperative agreements with Pro-
25 gram partners to provide for the efficient and cost-

1 effective administration of the Program, including
2 through cost sharing or by providing additional in-
3 kind resources necessary to carry out the Program;
4 and

5 (2) provide nonreimbursable matching funding,
6 as permissible, for programmatic and operational ac-
7 tivities under this section, in consultation with Pro-
8 gram partners.

9 (g) ENVIRONMENTAL LAWS.—Nothing in this title
10 modifies any obligation of the Secretary to comply with
11 applicable Federal and State environmental laws in car-
12 rying out this title.

13 **SEC. 305. REPORT.**

14 Not later than 5 years after the date of the enact-
15 ment of this title, the Secretary shall submit to the Com-
16 mittees on Energy and Natural Resources, Agriculture,
17 Nutrition, and Forestry, and Appropriations of the Senate
18 and the Committees on Natural Resources, Agriculture,
19 and Appropriations of the House of Representatives a re-
20 port that includes—

21 (1) a status update on the operational incorpo-
22 ration of Program data into modeling, water plan-
23 ning, and reporting efforts of relevant Federal agen-
24 cies; and

1 (2) a list of Federal agencies and Program
2 partners that are applying Program data to bene-
3 ficial use, including a description of examples of ben-
4 efcial uses.

5 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated to the Sec-
7 retary to carry out this title \$23,000,000 for each of fiscal
8 years 2023 through 2027, to remain available until ex-
9 pended.

10 **TITLE IV—COLORADO RIVER IN-**
11 **DIAN TRIBES WATER RESIL-**
12 **IENCY**

13 **SEC. 401. SHORT TITLE.**

14 This title may be cited as the “Colorado River Indian
15 Tribes Water Resiliency Act of 2022”.

16 **SEC. 402. FINDINGS.**

17 The purposes of this title are to authorize—

18 (1) the CRIT to enter into lease or exchange
19 agreements, storage agreements, and agreements for
20 conserved water for the economic well-being of the
21 CRIT; and

22 (2) the Secretary to approve any lease or ex-
23 change agreements, storage agreements, or agree-
24 ments for conserved water entered into by the CRIT.

1 **SEC. 403. DEFINITIONS.**

2 In this title:

3 (1) AGREEMENT FOR CONSERVED WATER.—

4 The term “agreement for conserved water” means
5 an agreement for the creation of system conserva-
6 tion, storage of conserved water in Lake Mead, or
7 other mechanisms for voluntarily leaving a portion of
8 the CRIT reduced consumptive use in Lake Mead.

9 (2) ALLOTTEE.—The term “allottee” means an
10 individual who holds a beneficial real property inter-
11 est in an allotment of Indian land that is—

12 (A) located within the exterior boundaries
13 of the Reservation; and

14 (B) held in trust by the United States.

15 (3) CONSOLIDATED DECREE.—The term “Con-
16 solidated Decree” means the decree entered by the
17 Supreme Court of the United States in *Arizona v.*
18 *California* (547 U.S. 150 (2006)).

19 (4) CONSUMPTIVE USE.—The term “consump-
20 tive use” means a portion of the decreed allocation
21 that has a recent history of use by the CRIT within
22 the exterior boundary of the Reservation. Any
23 verified reduction in consumptive use pursuant to a
24 lease or exchange agreement, storage agreement, or
25 agreement for conserved water, shall be deemed to
26 be a consumptive use in the year in which the reduc-

1 tion occurred, if the reduction is reflected in the
2 Water Accounting Report.

3 (5) CRIT.—The term “CRIT” means the Colo-
4 rado River Indian Tribes, a federally recognized In-
5 dian Tribe.

6 (6) DECREED ALLOCATION.—The term “de-
7 creed allocation” means the volume of water of the
8 mainstream of the Colorado River allocated to the
9 CRIT that is accounted for as part of the apporportion-
10 ment for the State in part I–A of the Appendix of
11 the Consolidated Decree.

12 (7) LOWER BASIN.—The term “Lower Basin”
13 has the meaning given the term in article II(g) of
14 the Colorado River Compact of 1922, as approved by
15 Federal law in section 13 of the Boulder Canyon
16 Project Act (43 U.S.C. 617l) and by the Presidential
17 Proclamation of June 25, 1929 (46 Stat. 3000).

18 (8) PERSON.—The term “person” means an in-
19 dividual, a public or private corporation, a company,
20 a partnership, a joint venture, a firm, an associa-
21 tion, a society, an estate or trust, a private organiza-
22 tion or enterprise, the United States, an Indian
23 Tribe, a governmental entity, or a political subdivi-
24 sion or municipal corporation organized under, or
25 subject to, the constitution and laws of the State.

1 (9) RESERVATION.—The term “Reservation”
2 means the portion of the reservation established for
3 the CRIT that is located in the State.

4 (10) SECRETARY.—The term “Secretary”
5 means the Secretary of the Interior.

6 (11) STATE.—Except for purposes of section
7 416, the term “State” means the State of Arizona.

8 (12) STORAGE.—The term “storage” means the
9 underground storage, in accordance with State law,
10 of a portion of the consumptive use off the Reserva-
11 tion within the Lower Basin in the State.

12 (13) WATER ACCOUNTING REPORT.—The term
13 “Water Accounting Report” means the annual re-
14 port of the Bureau of Reclamation entitled the “Col-
15 orado River Accounting and Water Use Report: Ari-
16 zona, California, and Nevada” which includes the
17 compilation of records in accordance with article V
18 of the Consolidated Decree.

19 **SEC. 404. LEASE OR EXCHANGE AGREEMENTS.**

20 (a) AUTHORIZATION.—Notwithstanding section 2116
21 of the Revised Statutes (commonly known as the “Indian
22 Trade and Intercourse Act”; 25 U.S.C. 177) or any other
23 provision of law, the CRIT is authorized, subject to the
24 approval of the Secretary under section 407(a), and has
25 the sole authority, to enter into, with any person, an

1 agreement to lease or exchange, or an option to lease or
2 exchange, a portion of the consumptive use for a use off
3 the Reservation (referred to in this title as a “lease or
4 exchange agreement”), on the condition that the use off
5 the Reservation is located in the Lower Basin in the State
6 and is not in Navajo, Apache, or Cochise counties.

7 (b) **TERM OF LEASE OR EXCHANGE AGREEMENT.**—
8 The term of any lease or exchange agreement entered into
9 under subsection (a) shall be mutually agreed, except that
10 the term shall not exceed 100 years.

11 (c) **MODIFICATIONS.**—Any lease or exchange agree-
12 ment entered into under subsection (a) may be renegoti-
13 ated or modified at any time during the term of the lease
14 or exchange agreement, subject to the approval of the Sec-
15 retary under section 407(a), on the condition that the
16 term of the renegotiated lease or exchange agreement does
17 not exceed 100 years.

18 (d) **APPLICABLE LAW.**—Any person entering into a
19 lease or exchange agreement with the CRIT under this
20 section shall use the water received under the lease or ex-
21 change agreement in accordance with applicable Federal
22 and State law.

23 **SEC. 405. STORAGE AGREEMENTS.**

24 (a) **AUTHORIZATION.**—Notwithstanding section 2116
25 of the Revised Statutes (commonly known as the “Indian

1 Trade and Intercourse Act”); 25 U.S.C. 177) or any other
2 provision of law, the CRIT is authorized, subject to the
3 approval of the Secretary under section 407(a), and has
4 the sole authority, to enter into an agreement, including
5 with the Arizona Water Banking Authority (or successor
6 agency or entity), for the storage of a portion of the con-
7 sumptive use, or the water received under an exchange
8 pursuant to an exchange agreement under section 404, at
9 1 or more underground storage facilities or groundwater
10 savings facilities off the Reservation (referred to in this
11 title as a “storage agreement”), on the condition that the
12 facility is located in the Lower Basin in the State and
13 is not in Navajo, Apache, or Cochise counties.

14 (b) APPLICABLE LAW.—Any storage agreement en-
15 tered into under this section shall be in accordance with
16 applicable Federal and State law.

17 (c) DELEGATION OF RIGHTS.—The CRIT may assign
18 or sell any long-term storage credits accrued as a result
19 of a storage agreement, on the condition that the assign-
20 ment or sale is in accordance with applicable State law.

21 **SEC. 406. AGREEMENTS FOR CREATION OF WATER FOR**
22 **THE COLORADO RIVER SYSTEM OR FOR**
23 **STORING WATER IN LAKE MEAD.**

24 (a) AUTHORIZATION.—Notwithstanding section 2116
25 of the Revised Statutes (commonly known as the “Indian

1 Trade and Intercourse Act”; 25 U.S.C. 177) or any other
2 provision of law, the CRIT is authorized, subject to the
3 approval of the Secretary under section 407(a), and has
4 the sole authority, to enter into, with any person, an
5 agreement for conserved water on the condition that if the
6 conserved water is delivered, the delivery is to a location
7 in the Lower Basin of the State and not in Navajo,
8 Apache, or Cochise counties.

9 (b) **TERM OF AN AGREEMENT FOR CONSERVED**
10 **WATER.**—The term of any agreement for conserved water
11 entered into under subsection (a) shall be mutually agreed,
12 except that the term shall not exceed 100 years.

13 (c) **APPLICABLE LAW.**—Any person entering into an
14 agreement for conserved water with the CRIT under this
15 section shall use the water received in accordance with ap-
16 plicable Federal and State law.

17 **SEC. 407. SECRETARIAL APPROVAL; DISAPPROVAL; AGREE-**
18 **MENTS.**

19 (a) **AUTHORIZATION.**—The Secretary shall approve
20 or disapprove any—

21 (1) lease or exchange agreement;

22 (2) modification to a lease or exchange agree-
23 ment;

24 (3) storage agreement;

25 (4) modification to a storage agreement; or

1 (5) agreement for conserved water.

2 (b) SECRETARIAL AGREEMENTS.—The Secretary is
3 authorized to enter lease or exchange agreements, storage
4 agreements, or agreements for conserved water with the
5 CRIT, provided the Secretary pays the fair market value
6 for the CRIT reduced consumptive use.

7 (c) REQUIREMENTS.—

8 (1) IN GENERAL.—The Secretary shall not ap-
9 prove any lease or exchange agreement, or any modi-
10 fication to a lease or exchange agreement, any stor-
11 age agreement, or any modification to a storage
12 agreement that is not in compliance with—

13 (A) this title; and

14 (B) the agreement entered into between
15 the CRIT, the State, and the Secretary under
16 section 410(a).

17 (2) CONSERVED WATER.—The Secretary shall
18 not approve any agreement for conserved water that
19 is not in compliance with—

20 (A) this title; and

21 (B) other applicable Federal law.

22 (3) PERMANENT ALIENATION.—The Secretary
23 shall not approve any lease or exchange agreement,
24 or any modification to a lease or exchange agree-
25 ment, or any storage agreement, or modification to

1 a storage agreement, or agreement for conserved
2 water that permanently alienates any portion of the
3 CRIT decreed allocation.

4 (d) OTHER REQUIREMENTS.—The requirement for
5 Secretarial approval under subsection (a) shall satisfy the
6 requirements of section 2116 of the Revised Statutes
7 (commonly known as the “Indian Trade and Intercourse
8 Act”; 25 U.S.C. 177).

9 (e) AUTHORITY OF THE SECRETARY.—Nothing in
10 this title, or any agreement entered into or approved by
11 the Secretary under this title, including any lease or ex-
12 change agreement, storage agreement, or agreement for
13 conserved water, shall diminish or abrogate the authority
14 of the Secretary to act under applicable Federal law or
15 regulation, including the Consolidated Decree.

16 **SEC. 408. RESPONSIBILITIES OF THE SECRETARY.**

17 (a) COMPLIANCE.—When approving a lease or ex-
18 change agreement, a storage agreement, or an agreement
19 for conserved water, the Secretary shall promptly comply
20 with all aspects of the National Environmental Policy Act
21 of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species
22 Act of 1973 (16 U.S.C. 1531 et seq.), and all other appli-
23 cable environmental Acts and regulations.

24 (b) DOCUMENTATION.—The Secretary shall docu-
25 ment any lease or exchange agreement, storage agreement,

1 or agreement for conserved water in the Water Accounting
2 Report.

3 **SEC. 409. AGREEMENT BETWEEN THE CRIT AND THE**
4 **STATE.**

5 (a) IN GENERAL.—Before entering into the first
6 lease or exchange agreement or storage agreement, the
7 CRIT shall enter into an agreement with the State that
8 outlines all notice, information sharing, and collaboration
9 requirements that shall apply to any potential lease or ex-
10 change agreement or storage agreement the CRIT may
11 enter into.

12 (b) REQUIREMENT.—The agreement required under
13 subsection (a) shall include a provision that requires the
14 CRIT to submit to the State all documents regarding a
15 potential lease or exchange agreement or storage agree-
16 ment.

17 **SEC. 410. AGREEMENT BETWEEN THE CRIT, THE STATE,**
18 **AND THE SECRETARY.**

19 (a) IN GENERAL.—Before approving the first lease
20 or exchange agreement or storage agreement under sec-
21 tion 407, the Secretary shall enter into an agreement with
22 the State and the CRIT that describes the procedural,
23 technical, and accounting methodologies for any lease or
24 exchange agreement or storage agreement the CRIT may

1 enter into, including quantification of the reduction in con-
2 sumptive use and water accounting.

3 (b) NEPA.—The execution of the agreement re-
4 quired under subsection (a) shall not constitute a major
5 Federal action for purposes of the National Environ-
6 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

7 (c) EFFECT.—Nothing in this title shall prohibit the
8 Secretary from agreeing with the CRIT and the State to
9 a modification to an agreement entered into under sub-
10 section (a) (including an appendix or exhibit to the agree-
11 ment) if that the modification—

12 (1) is in compliance with this title; and

13 (2) does not otherwise require congressional ap-
14 proval under section 2116 of the Revised Statutes
15 (commonly known as the “Indian Trade and Inter-
16 course Act”; 25 U.S.C. 177) or any other provision
17 of law.

18 **SEC. 411. NO EFFECT ON THE CRIT DECREED ALLOCATION.**

19 (a) TEMPORARY USE.—A lease or exchange agree-
20 ment, storage agreement, or agreement for conserved
21 water—

22 (1) shall provide for the temporary use, storage
23 or conservation of a portion of the consumptive use
24 off the Reservation; and

1 (2) shall not permanently alienate the decreed
2 allocation.

3 (b) PRIORITY STATUS.—

4 (1) IN GENERAL.—The lease or exchange of a
5 portion of the consumptive use shall not cause that
6 portion to lose or change its priority under the Con-
7 solidated Decree.

8 (2) NONUSE.—Any nonuse by a person who is
9 a party to any lease or exchange agreement or stor-
10 age agreement with the CRIT shall not result in for-
11 feiture, abandonment, relinquishment, or other loss
12 by the CRIT of all or any portion of the decreed al-
13 location.

14 (c) RESERVATION OF RIGHTS.—The lease, exchange,
15 storage, or conservation of a portion of the consumptive
16 use shall not reduce or limit the right of the CRIT to use
17 the remaining portion of the decreed allocation on the Res-
18 ervation.

19 (d) STORAGE AGREEMENTS.—A storage agreement
20 entered into under this title shall account for the quantity
21 of water in storage off the Reservation in accordance with
22 applicable State law.

23 **SEC. 412. ALLOTTEE USE OF WATER.**

24 (a) INTERFERENCE.—The lease, exchange, storage,
25 or conservation of a portion of the consumptive use shall

1 not directly or indirectly interfere with, or diminish, any
2 entitlement to water for an allottee under Federal or Trib-
3 al law.

4 (b) WATER RIGHTS OF ALLOTTEES.—The Secretary
5 shall protect the rights of the allottees to a just and equi-
6 table distribution of water for irrigation purposes, pursu-
7 ant to section 7 of the Act of February 8, 1887 (commonly
8 known as the “Indian General Allotment Act”; 24 Stat.
9 390, chapter 119; 25 U.S.C. 381) (referred to in this sec-
10 tion as the “Act”).

11 (c) RELIEF UNDER TRIBAL LAW.—Prior to asserting
12 any claim against the United States pursuant to the Act,
13 or any other applicable law, an allottee shall exhaust all
14 remedies available under applicable Tribal law.

15 (d) RELIEF UNDER THE INDIAN GENERAL ALLOT-
16 MENT ACT.—Following an exhaustion of remedies avail-
17 able under applicable Tribal law, an allottee may seek re-
18 lief under the Act, or any other applicable law.

19 (e) RELIEF FROM THE SECRETARY.—Following ex-
20 haustion of remedies available under the Act, or any other
21 applicable law, an allottee may petition the Secretary for
22 relief.

23 **SEC. 413. CONSIDERATION PAID TO THE CRIT.**

24 The CRIT, and not the United States in any capac-
25 ity, shall be entitled to all consideration due to the CRIT

1 under any lease or exchange agreement, storage agree-
2 ment, or agreement for conserved water.

3 **SEC. 414. LIABILITY OF THE UNITED STATES.**

4 (a) **LIMITATION OF LIABILITY.**—The United States
5 shall not be liable to the CRIT or to any party to a lease
6 or exchange agreement, storage agreement, or agreement
7 for conserved water in any claim relating to the negotia-
8 tion, execution, or approval of any lease or exchange
9 agreement, storage agreement, or an agreement for con-
10 served water, including any claim relating to the terms
11 included in such an agreement, except for claims related
12 to section 408(a).

13 (b) **OBLIGATIONS.**—The United States shall have no
14 trust obligation or other obligation to monitor, administer,
15 or account for—

16 (1) any funds received by the CRIT as consid-
17 eration under any lease or exchange agreement, stor-
18 age agreement, or agreement for conserved water; or

19 (2) the expenditure of such funds.

20 **SEC. 415. APPLICATION.**

21 (a) **IN GENERAL.**—This title shall apply only to the
22 portion of the decreed allocation that is available for use
23 in the State.

24 (b) **REQUIREMENT.**—The portion of the decreed allo-
25 cation that is available for use in the State shall not be

1 used, directly or indirectly, outside the Lower Basin in the
2 State or in Navajo, Apache, or Cochise counties.

3 **SEC. 416. RULE OF CONSTRUCTION.**

4 Nothing in this title establishes, or shall be consid-
5 ered to establish, a precedent in any litigation involving,
6 or alters, affects, or quantifies, any water right with re-
7 spect to—

8 (1) the United States;

9 (2) any other Indian Tribe, band, or commu-
10 nity;

11 (3) any State or political subdivision or district
12 of a State; or

13 (4) any person.

14 **TITLE V— HUALAPAI TRIBE**
15 **WATER RIGHTS SETTLEMENT**

16 **SEC. 501. SHORT TITLE.**

17 This title may be cited as the “Hualapai Tribe Water
18 Rights Settlement Act of 2022”.

19 **SEC. 502. PURPOSES.**

20 The purposes of this title are—

21 (1) to resolve, fully and finally, all claims to
22 rights to water in the State, including the Verde
23 River, the Bill Williams River, and the Colorado
24 River, of—

1 (A) the Hualapai Tribe, on behalf of the
2 Hualapai Tribe and the members of the
3 Hualapai Tribe; and

4 (B) the United States, acting as trustee
5 for the Hualapai Tribe, the members of the
6 Hualapai Tribe, and the allottees;

7 (2) to authorize, ratify, and confirm the
8 Hualapai Tribe water rights settlement agreement,
9 to the extent that agreement is consistent with this
10 title;

11 (3) to authorize and direct the Secretary to exe-
12 cute and perform the duties and obligations of the
13 Secretary under the Hualapai Tribe water rights
14 settlement agreement and this title; and

15 (4) to authorize the appropriation of funds nec-
16 essary to carry out the Hualapai Tribe water rights
17 settlement agreement and this title.

18 **SEC. 503. DEFINITIONS.**

19 In this title:

20 (1) 1947 JUDGMENT.—The term “1947 Judg-
21 ment” means the Judgment and the Stipulation and
22 Agreement, including exhibits to the Judgment and
23 the Stipulation and Agreement, entered on March
24 13, 1947, in United States v. Santa Fe Pac. R.R.
25 Co., No. E-190 (D. Ariz.) and attached to the

1 Hualapai Tribe water rights settlement agreement
2 as Exhibit 3.1.1.

3 (2) AFY.—The term “AFY” means acre-feet
4 per year.

5 (3) ALLOTMENT.—The term “allotment” means
6 any of the 4 off-reservation parcels that are—

7 (A) held in trust by the United States for
8 individual Indians in the Big Sandy River basin
9 in Mohave County, Arizona, under the patents
10 numbered 1039995, 1039996, 1039997, and
11 1019494; and

12 (B) identified as Parcels 1A, 1B, 1C, and
13 2 on the map attached to the Hualapai Tribe
14 water rights settlement agreement as Exhibit
15 3.1.6.

16 (4) ALLOTTEE.—The term “allottee” means
17 any Indian owner of an allotment.

18 (5) AVAILABLE CAP SUPPLY.—The term “avail-
19 able CAP supply” means, for any year—

20 (A) all fourth priority water available for
21 delivery through the Central Arizona Project;

22 (B) water available from Central Arizona
23 Project dams and reservoirs other than the
24 Modified Roosevelt Dam; and

1 (C) return flows captured by the Secretary
2 for Central Arizona Project use.

3 (6) BILL WILLIAMS ACT.—The term “Bill Wil-
4 liams Act” means the Bill Williams River Water
5 Rights Settlement Act of 2014 (Public Law 113–
6 223; 128 Stat. 2096).

7 (7) BILL WILLIAMS AGREEMENTS.—The term
8 “Bill Williams agreements” means the Amended and
9 Restated Big Sandy River-Planet Ranch Water
10 Rights Settlement Agreement and the Amended and
11 Restated Hualapai Tribe Bill Williams River Water
12 Rights Settlement Agreement, including all exhibits
13 to each agreement, copies of which (excluding exhib-
14 its) are attached to the Hualapai Tribe water rights
15 settlement agreement as Exhibit 3.1.11.

16 (8) BILL WILLIAMS RIVER PHASE 2 ENFORCE-
17 ABILITY DATE.—The term “Bill Williams River
18 Phase 2 Enforceability Date” means the date de-
19 scribed in section 514(d).

20 (9) BILL WILLIAMS RIVER PHASE 2 WATER
21 RIGHTS SETTLEMENT AGREEMENT.—The term “Bill
22 Williams River phase 2 water rights settlement
23 agreement” means the agreement of that name that
24 is attached to, and incorporated in, the Hualapai

1 Tribe water rights settlement agreement as Exhibit
2 4.3.3.

3 (10) CAP CONTRACT.—The term “CAP con-
4 tract” means a long-term contract (as defined in the
5 CAP repayment stipulation) with the United States
6 for delivery of CAP water through the CAP system.

7 (11) CAP CONTRACTOR.—The term “CAP con-
8 tractor”—

9 (A) means a person that has entered into
10 a CAP contract; and

11 (B) includes the Hualapai Tribe.

12 (12) CAP FIXED OM&R CHARGE.—The term
13 “CAP fixed OM&R charge” has the meaning given
14 the term “Fixed OM&R Charge” in the CAP repay-
15 ment stipulation.

16 (13) CAP M&I PRIORITY WATER.—The term
17 “CAP M&I priority water” means water within the
18 available CAP supply having a municipal and indus-
19 trial delivery priority.

20 (14) CAP NIA PRIORITY WATER.—The term
21 “CAP NIA priority water” means water within the
22 available CAP supply having a non-Indian agricul-
23 tural delivery priority.

24 (15) CAP OPERATING AGENCY.—The term
25 “CAP operating agency” means—

1 (A) the 1 or more entities authorized to as-
2 sume responsibility for the care, operation,
3 maintenance, and replacement of the CAP sys-
4 tem; and

5 (B) as of the date of the enactment of this
6 title, the Central Arizona Water Conservation
7 District.

8 (16) CAP PUMPING ENERGY CHARGE.—The
9 term “CAP pumping energy charge” has the mean-
10 ing given the term “Pumping Energy Charge” in the
11 CAP repayment stipulation.

12 (17) CAP REPAYMENT CONTRACT.—The term
13 “CAP repayment contract” means—

14 (A) the contract dated December 1, 1988
15 (Contract No. 14–06–W–245, Amendment No.
16 1), between the United States and the Central
17 Arizona Water Conservation District for the
18 Delivery of Water and Repayment of Costs of
19 the Central Arizona Project; and

20 (B) any amendment to, or revision of, that
21 contract.

22 (18) CAP REPAYMENT STIPULATION.—The
23 term “CAP repayment stipulation” means the Stipu-
24 lated Judgment and the Stipulation for Judgment,
25 including any exhibits to those documents, entered

1 on November 21, 2007, in the United States District
2 Court for the District of Arizona in the consolidated
3 civil action Central Arizona Water Conservation Dis-
4 trict v. United States, numbered CIV 95–625–TUC–
5 WDB (EHC) and CIV 95–1720–PHX–EHC.

6 (19) CAP SUBCONTRACT.—The term “CAP sub-
7 contract” means a long-term subcontract (as defined
8 in the CAP repayment stipulation) with the United
9 States and the Central Arizona Water Conservation
10 District for the delivery of CAP water through the
11 CAP system.

12 (20) CAP SUBCONTRACTOR.—The term “CAP
13 subcontractor” means a person that has entered into
14 a CAP subcontract.

15 (21) CAP SYSTEM.—The term “CAP system”
16 means—

17 (A) the Mark Wilmer Pumping Plant;

18 (B) the Hayden-Rhodes Aqueduct;

19 (C) the Fannin-McFarland Aqueduct;

20 (D) the Tucson Aqueduct;

21 (E) any pumping plant or appurtenant
22 work of a feature described in subparagraph
23 (A), (B), (C), or (D); and

1 (F) any extension of, addition to, or re-
2 placement for a feature described in subpara-
3 graph (A), (B), (C), (D), or (E).

4 (22) CAP WATER.—The term “CAP water” has
5 the meaning given the term “Project Water” in the
6 CAP repayment stipulation.

7 (23) CENTRAL ARIZONA PROJECT.—The term
8 “Central Arizona Project” means the reclamation
9 project authorized and constructed by the United
10 States in accordance with title III of the Colorado
11 River Basin Project Act (43 U.S.C. 1521 et seq.).

12 (24) CENTRAL ARIZONA WATER CONSERVATION
13 DISTRICT.—The term “Central Arizona Water Con-
14 servation District” means the political subdivision of
15 the State that is the contractor under the CAP re-
16 payment contract.

17 (25) COLORADO RIVER COMPACT.—The term
18 “Colorado River Compact” means the Colorado
19 River Compact of 1922, as ratified and reprinted in
20 article 2 of chapter 7 of title 45, Arizona Revised
21 Statutes.

22 (26) COLORADO RIVER WATER ENTITLE-
23 MENT.—The term “Colorado River water entitle-
24 ment” means the right or authorization to use Colo-
25 rado River water in the State through a mainstem

1 contract with the Secretary pursuant to section 5 of
2 the Boulder Canyon Project Act (43 U.S.C. 617d).

3 (27) DIVERSION.—The term “diversion” means
4 an act to divert.

5 (28) DIVERT.—The term “divert” means to re-
6 ceive, withdraw, develop, produce, or capture water
7 using—

8 (A) a ditch, canal, flume, bypass, pipeline,
9 pit, collection or infiltration gallery, conduit,
10 well, pump, turnout, dam, or any other mechan-
11 ical device; or

12 (B) any other act of man.

13 (29) DOMESTIC PURPOSE.—

14 (A) IN GENERAL.—The term “domestic
15 purpose” means any use relating to the supply,
16 service, or activity of a household or private res-
17 idence.

18 (B) INCLUSIONS.—The term “domestic
19 purpose” includes the application of water to
20 not more than 2 acres of land to produce a
21 plant or parts of a plant for—

22 (i) sale or human consumption; or

23 (ii) use as feed for livestock, range
24 livestock, or poultry.

1 (30) EFFLUENT.—The term “effluent” means
2 water that—

3 (A) has been used in the State for domes-
4 tic, municipal, or industrial purposes, other
5 than solely for hydropower generation; and

6 (B) is available for reuse for any purpose,
7 regardless or whether the water has been treat-
8 ed to improve the quality of the water.

9 (31) ENFORCEABILITY DATE.—The term “En-
10 forceability Date” means the date described in sec-
11 tion 514(a).

12 (32) EXCHANGE.—The term “exchange” means
13 a trade between 1 or more persons of any water for
14 any other water, if each person has a right or claim
15 to use the water the person provides in the trade, re-
16 gardless of whether the water is traded in equal
17 quantities or other consideration is included in the
18 trade.

19 (33) FOURTH PRIORITY WATER.—The term
20 “fourth priority water” means Colorado River water
21 that is available for delivery in the State for the sat-
22 isfaction of entitlements—

23 (A) in accordance with contracts, Secre-
24 tarial reservations, perfected rights, and other
25 arrangements between the United States and

1 water users in the State entered into or estab-
2 lished after September 30, 1968, for use on
3 Federal, State, or privately owned land in the
4 State, in a total quantity of not greater than
5 164,652 AFY of diversions; and

6 (B) after first providing for the delivery of
7 Colorado River water for the CAP system, in-
8 cluding for use on Indian land, under section
9 304(e) of the Colorado River Basin Project Act
10 (43 U.S.C. 1524(e)), in accordance with the
11 CAP repayment contract.

12 (34) FREEPORT.—The term “Freeport”—

13 (A) means the Delaware corporation
14 named “Freeport Minerals Corporation”; and

15 (B) includes all subsidiaries, affiliates, suc-
16 cessors, and assigns of Freeport Minerals Cor-
17 poration, including Byner Cattle Company, a
18 Nevada corporation.

19 (35) GILA RIVER ADJUDICATION.—The term
20 “Gila River adjudication” means the action pending
21 in the Superior Court of the State, in and for the
22 County of Maricopa, In Re the General Adjudication
23 of All Rights To Use Water In The Gila River Sys-
24 tem and Source, W-1 (Salt), W-2 (Verde), W-3
25 (Upper Gila), W-4 (San Pedro) (Consolidated).

1 (36) GILA RIVER ADJUDICATION COURT.—The
2 term “Gila River adjudication court” means the Su-
3 perior Court of the State, in and for the County of
4 Maricopa, exercising jurisdiction over the Gila River
5 adjudication.

6 (37) GILA RIVER ADJUDICATION DECREE.—The
7 term “Gila River adjudication decree” means the
8 judgment or decree entered by the Gila River adju-
9 dication court in substantially the same form as the
10 form of judgment attached to the Hualapai Tribe
11 water rights settlement agreement as Exhibit 3.1.43.

12 (38) GROUNDWATER.—The term “ground-
13 water” means all water beneath the surface of the
14 Earth within the State that is not—

15 (A) surface water;

16 (B) effluent; or

17 (C) Colorado River water.

18 (39) HUALAPAI FEE LAND.—The term
19 “Hualapai fee land” means land, other than
20 Hualapai trust land, that—

21 (A) is located in the State;

22 (B) is located outside the exterior bound-
23 aries of the Hualapai Reservation or Hualapai
24 trust land; and

1 (C) as of the Enforceability Date, is owned
2 by the Hualapai Tribe, including by a tribally
3 owned corporation.

4 (40) HUALAPAI LAND.—The term “Hualapai
5 land” means—

6 (A) the Hualapai Reservation;

7 (B) Hualapai trust land; and

8 (C) Hualapai fee land.

9 (41) HUALAPAI RESERVATION.—The term
10 “Hualapai Reservation” means the land within the
11 exterior boundaries of the Hualapai Reservation, in-
12 cluding—

13 (A) all land withdrawn by the Executive
14 order dated January 4, 1883, as modified by
15 the May 28, 1942, order of the Secretary pur-
16 suant to the Act of February 20, 1925 (43
17 Stat. 954, chapter 273);

18 (B) the land identified by the Executive or-
19 ders dated December 22, 1898, May 14, 1900,
20 and June 2, 1911; and

21 (C) the land added to the Hualapai Res-
22 ervation by sections 511 and 512.

23 (42) HUALAPAI TRIBE.—The term “Hualapai
24 Tribe” means the Hualapai Tribe, a federally recog-
25 nized Indian Tribe of Hualapai Indians organized

1 under section 16 of the Act of June 18, 1934 (25
2 U.S.C. 5123; commonly known as the “Indian Reor-
3 ganization Act”).

4 (43) HUALAPAI TRIBE CAP WATER.—The term
5 “Hualapai Tribe CAP water” means the 4,000 AFY
6 of the CAP NIA priority water that—

7 (A) was previously allocated to non-Indian
8 agricultural entities;

9 (B) was retained by the Secretary for re-
10 allocation to Indian Tribes in the State pursu-
11 ant to section 104(a)(1)(A)(iii) of the Central
12 Arizona Project Settlement Act of 2004 (Public
13 Law 108–451; 118 Stat. 3487); and

14 (C) is reallocated to the Hualapai Tribe
15 pursuant to section 513.

16 (44) HUALAPAI TRIBE WATER DELIVERY CON-
17 TRACT.—The term “Hualapai Tribe water delivery
18 contract” means the contract entered into in accord-
19 ance with the Hualapai Tribe water rights settle-
20 ment agreement and section 513(c) for the delivery
21 of Hualapai Tribe CAP water.

22 (45) HUALAPAI TRIBE WATER RIGHTS SETTLE-
23 MENT AGREEMENT.—

24 (A) IN GENERAL.—The term “Hualapai
25 Tribe water rights settlement agreement”

1 means the agreement, including exhibits, enti-
2 tled “Hualapai Tribe Water Rights Settlement
3 Agreement” and dated February 11, 2019.

4 (B) INCLUSIONS.—The term “Hualapai
5 Tribe water rights settlement agreement” in-
6 cludes—

7 (i) any amendments necessary to
8 make the Hualapai Tribe water rights set-
9 tlement agreement consistent with this
10 title; and

11 (ii) any other amendments approved
12 by the parties to the Hualapai Tribe water
13 rights settlement agreement and the Sec-
14 retary.

15 (46) HUALAPAI TRUST LAND.—The term
16 “Hualapai trust land” means land, other than
17 Hualapai fee land, that is—

18 (A) located—

19 (i) in the State; and

20 (ii) outside the exterior boundaries of
21 the Hualapai Reservation; and

22 (B) as of the Enforceability Date, held in
23 trust by the United States for the benefit of the
24 Hualapai Tribe.

1 (47) HUALAPAI WATER PROJECT.—The term
2 “Hualapai Water Project” means the project con-
3 structed in accordance with section 506(a)(7)(A).

4 (48) HUALAPAI WATER TRUST FUND AC-
5 COUNT.—The term “Hualapai Water Trust Fund
6 Account” means the account established under sec-
7 tion 506(a)(1).

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

12 (50) INJURY TO WATER RIGHTS.—

13 (A) IN GENERAL.—The term “injury to
14 water rights” means any interference with, dim-
15 inution of, or deprivation of, a water right
16 under Federal, State, or other law.

17 (B) EXCLUSION.—The term “injury to
18 water rights” does not include any injury to
19 water quality.

20 (51) LOWER BASIN.—The term “lower basin”
21 has the meaning given the term in article II(g) of
22 the Colorado River Compact.

23 (52) LOWER COLORADO RIVER BASIN DEVELOP-
24 MENT FUND.—The term “Lower Colorado River
25 Basin Development Fund” means the fund estab-

1 lished by section 403(a) of the Colorado River Basin
2 Project Act (43 U.S.C. 1543(a)).

3 (53) MEMBER.—The term “member” means
4 any person duly enrolled as a member of the
5 Hualapai Tribe.

6 (54) OM&R.—The term “OM&R” means—

7 (A) any recurring or ongoing activity relat-
8 ing to the day-to-day operation of a project;

9 (B) any activity relating to scheduled or
10 unscheduled maintenance of a project; and

11 (C) any activity relating to replacing a fea-
12 ture of a project.

13 (55) PARCEL 1.—The term “Parcel 1” means
14 the parcel of land that is—

15 (A) depicted as 3 contiguous allotments
16 identified as 1A, 1B, and 1C on the map at-
17 tached to the Hualapai Tribe water rights set-
18 tlement agreement as Exhibit 3.1.6; and

19 (B) held in trust for certain allottees.

20 (56) PARCEL 2.—The term “Parcel 2” means
21 the parcel of land that is—

22 (A) depicted as “Parcel 2” on the map at-
23 tached to the Hualapai Tribe water rights set-
24 tlement agreement as Exhibit 3.1.6; and

25 (B) held in trust for certain allottees.

1 (57) PARCEL 3.—The term “Parcel 3” means
2 the parcel of land that is—

3 (A) depicted as “Parcel 3” on the map at-
4 tached to the Hualapai Tribe water rights set-
5 tlement agreement as Exhibit 3.1.6;

6 (B) held in trust for the Hualapai Tribe;
7 and

8 (C) part of the Hualapai Reservation pur-
9 suant to Executive Order 1368, dated June 2,
10 1911.

11 (58) PARTY.—The term “party” means a per-
12 son that is a signatory to the Hualapai Tribe water
13 rights settlement agreement.

14 (59) SECRETARY.—The term “Secretary”
15 means the Secretary of the Interior.

16 (60) STATE.—The term “State” means the
17 State of Arizona.

18 (61) STOCK WATERING.—The term “stock wa-
19 tering” means the watering of livestock, range live-
20 stock, or poultry.

21 (62) SURFACE WATER.—The term “surface
22 water” means all water in the State that is appro-
23 priable under State law.

24 (63) TRUXTON BASIN.—The term “Truxton
25 Basin” means the groundwater aquifer described in

1 the report issued by the United States Geological
2 Survey entitled “Groundwater Availability in the
3 Truxton Basin, Northwestern Arizona”, Scientific
4 Investigations Report No. 2020–5017–A.

5 (64) WATER.—The term “water”, when used
6 without a modifying adjective, means—

7 (A) groundwater;

8 (B) surface water;

9 (C) effluent; and

10 (D) Colorado River water.

11 (65) WATER RIGHT.—The term “water right”
12 means any right in or to groundwater, surface
13 water, effluent, or Colorado River water under Fed-
14 eral, State, or other law.

15 **SEC. 504. RATIFICATION AND EXECUTION OF HUALAPAI**
16 **TRIBE WATER RIGHTS SETTLEMENT AGREE-**
17 **MENT.**

18 (a) RATIFICATION.—

19 (1) IN GENERAL.—Except as modified by this
20 title and to the extent the Hualapai Tribe water
21 rights settlement agreement does not conflict with
22 this title, the Hualapai Tribe water rights settlement
23 agreement is authorized, ratified, and confirmed.

24 (2) AMENDMENTS.—If an amendment to the
25 Hualapai Tribe water rights settlement agreement,

1 or to any exhibit attached to the Hualapai Tribe
2 water rights settlement agreement requiring the sig-
3 nature of the Secretary, is executed in accordance
4 with this title to make the Hualapai Tribe water
5 rights settlement agreement consistent with this
6 title, the amendment is authorized, ratified, and con-
7 firmed, to the extent the amendment is consistent
8 with this title.

9 (b) EXECUTION.—

10 (1) IN GENERAL.—To the extent the Hualapai
11 Tribe water rights settlement agreement does not
12 conflict with this title, the Secretary shall execute
13 the Hualapai Tribe water rights settlement agree-
14 ment, including all exhibits to, or parts of, the
15 Hualapai Tribe water rights settlement agreement
16 requiring the signature of the Secretary.

17 (2) MODIFICATIONS.—Nothing in this title pro-
18 hibits the Secretary from approving any modification
19 to an appendix or exhibit to the Hualapai Tribe
20 water rights settlement agreement that is consistent
21 with this title, to the extent the modification does
22 not otherwise require congressional approval under
23 section 2116 of the Revised Statutes (25 U.S.C.
24 177) or any other applicable provision of Federal
25 law.

1 (c) ENVIRONMENTAL COMPLIANCE.—

2 (1) IN GENERAL.—In implementing the
3 Hualapai Tribe water rights settlement agreement
4 (including all exhibits to the Hualapai Tribe water
5 rights settlement agreement requiring the signature
6 of the Secretary) and this title, the Secretary shall
7 comply with all applicable provisions of—

8 (A) the Endangered Species Act of 1973
9 (16 U.S.C. 1531 et seq.);

10 (B) the National Environmental Policy Act
11 of 1969 (42 U.S.C. 4321 et seq.), including the
12 implementing regulations of that Act; and

13 (C) all other applicable Federal environ-
14 mental laws and regulations.

15 (2) COMPLIANCE.—

16 (A) IN GENERAL.—In implementing the
17 Hualapai Tribe water rights settlement agree-
18 ment and this title, the Hualapai Tribe shall
19 prepare any necessary environmental docu-
20 ments, consistent with all applicable provisions
21 of—

22 (i) the Endangered Species Act of
23 1973 (16 U.S.C. 1531 et seq.);

24 (ii) the National Environmental Policy
25 Act of 1969 (42 U.S.C. 4321 et seq.), in-

1 cluding the implementing regulations of
2 that Act; and

3 (iii) all other applicable Federal envi-
4 ronmental laws and regulations.

5 (B) AUTHORIZATIONS.—The Secretary
6 shall—

7 (i) independently evaluate the docu-
8 mentation submitted under subparagraph
9 (A); and

10 (ii) be responsible for the accuracy,
11 scope, and contents of that documentation.

12 (3) EFFECT OF EXECUTION.—The execution of
13 the Hualapai Tribe water rights settlement agree-
14 ment by the Secretary under this section shall not
15 constitute a major action for purposes of the Na-
16 tional Environmental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.).

18 **SEC. 505. WATER RIGHTS.**

19 (a) WATER RIGHTS TO BE HELD IN TRUST.—

20 (1) HUALAPAI TRIBE.—The United States shall
21 hold the following water rights in trust for the ben-
22 efit of the Hualapai Tribe:

23 (A) The water rights for the Hualapai
24 Reservation described in subparagraph 4.2 of

1 the Hualapai Tribe water rights settlement
2 agreement.

3 (B) The water rights for Hualapai trust
4 land described in subparagraph 4.4 of the
5 Hualapai Tribe water rights settlement agree-
6 ment.

7 (C) The water rights described in section
8 512(e)(2) for any land taken into trust by the
9 United States for the benefit of the Hualapai
10 Tribe—

11 (i) after the Enforceability Date; and

12 (ii) in accordance with section
13 512(e)(1).

14 (D) All Hualapai Tribe CAP water.

15 (2) ALLOTTEES.—The United States shall hold
16 in trust for the benefit of the allottees all water
17 rights for the allotments described in subparagraph
18 4.3.2 of the Hualapai Tribe water rights settlement
19 agreement.

20 (b) FORFEITURE AND ABANDONMENT.—The fol-
21 lowing water rights shall not be subject to loss through
22 non-use, forfeiture, abandonment, or other operation of
23 law:

1 (1) The water rights for the Hualapai Reserva-
2 tion described in subparagraph 4.2 of the Hualapai
3 Tribe water rights settlement agreement.

4 (2) The water rights for Hualapai trust land
5 described in subparagraph 4.4 of the Hualapai Tribe
6 water rights settlement agreement.

7 (3) Any Colorado River water entitlement pur-
8 chased by the Hualapai Tribe wholly or substantially
9 with amounts in the Economic Development Fund
10 described in section 8.1 of the Amended and Re-
11 stated Hualapai Tribe Bill Williams River Water
12 Rights Settlement Agreement.

13 (c) ALIENATION.—Any Colorado River water entitle-
14 ment purchased by the Hualapai Tribe wholly or substan-
15 tially with amounts in the Economic Development Fund
16 described in section 8.1 of the Amended and Restated
17 Hualapai Tribe Bill Williams River Water Rights Settle-
18 ment Agreement shall be restricted against permanent
19 alienation by the Hualapai Tribe.

20 (d) HUALAPAI TRIBE CAP WATER.—The Hualapai
21 Tribe shall have the right to divert, use, and store the
22 Hualapai Tribe CAP water in accordance with section
23 513.

24 (e) COLORADO RIVER WATER ENTITLEMENTS.—

1 (1) USES.—The Hualapai Tribe shall have the
2 right to use any Colorado River water entitlement
3 purchased by or donated to the Hualapai Tribe at
4 the location to which the entitlement is appurtenant
5 on the date on which the entitlement is purchased
6 or donated.

7 (2) STORAGE.—

8 (A) IN GENERAL.—Subject to paragraphs
9 (3) and (5), the Hualapai Tribe may store Colo-
10 rado River water available under any Colorado
11 River water entitlement purchased by or do-
12 nated to the Hualapai Tribe at underground
13 storage facilities or groundwater savings facili-
14 ties located within the State and in accordance
15 with State law.

16 (B) ASSIGNMENTS.—The Hualapai Tribe
17 may assign any long-term storage credits ac-
18 crued as a result of storage under subpara-
19 graph (A) in accordance with State law.

20 (3) TRANSFERS.—The Hualapai Tribe may
21 transfer the entitlement for use or storage under
22 paragraph (1) or (2), respectively, to another loca-
23 tion within the State, including the Hualapai Res-
24 ervation, in accordance with the Hualapai Tribe
25 water rights settlement agreement and all applicable

1 Federal and State laws governing the transfer of
2 Colorado River water entitlements within the State.

3 (4) LEASES.—The Hualapai Tribe may lease
4 any Colorado River water entitlement for use or
5 storage under paragraph (1) or (2), respectively, to
6 a water user within the State, in accordance with
7 the Hualapai Tribe water rights settlement agree-
8 ment and all applicable Federal and State laws gov-
9 erning the transfer of Colorado River water entitle-
10 ments within the State.

11 (5) TRANSPORTS.—The Hualapai Tribe, or any
12 person who leases a Colorado River water entitle-
13 ment from the Hualapai Tribe under paragraph (4),
14 may transport Colorado River water available under
15 the Colorado River water entitlement through the
16 Central Arizona Project in accordance with all laws
17 of the United States and the agreements between
18 the United States and the Central Arizona Water
19 Conservation District governing the use of the Cen-
20 tral Arizona Project to transport water other than
21 CAP water.

22 (f) USE OFF-RESERVATION.—No water rights to
23 groundwater under the Hualapai Reservation or Hualapai
24 trust land, or to surface water on the Hualapai Reserva-
25 tion or Hualapai trust land, may be sold, leased, trans-

1 ferred, or used outside the boundaries of the Hualapai
2 Reservation or Hualapai trust land, other than under an
3 exchange.

4 (g) GROUNDWATER TRANSPORTATION.—

5 (1) FEE LAND.—Groundwater may be trans-
6 ported in accordance with State law away from
7 Hualapai fee land and away from land acquired in
8 fee by the Hualapai Tribe, including by a tribally
9 owned corporation, after the Enforceability Date.

10 (2) LAND ADDED TO HUALAPAI RESERVA-
11 TION.—Groundwater may be transported in accord-
12 ance with State law away from land added to the
13 Hualapai Reservation by sections 511 and 512 to
14 other land within the Hualapai Reservation.

15 **SEC. 506. HUALAPAI WATER TRUST FUND ACCOUNT; CON-**
16 **STRUCTION OF HUALAPAI WATER PROJECT;**
17 **FUNDING.**

18 (a) HUALAPAI WATER TRUST FUND ACCOUNT.—

19 (1) ESTABLISHMENT.—The Secretary shall es-
20 tablish a trust fund account, to be known as the
21 “Hualapai Water Trust Fund Account”, to be man-
22 aged, invested, and distributed by the Secretary and
23 to remain available until expended, withdrawn, or re-
24 verted to the general fund of the Treasury, con-
25 sisting of the amounts deposited in the Hualapai

1 Water Trust Fund Account under paragraph (2), to-
2 gether with any interest earned on those amounts,
3 for the purposes of carrying out this title.

4 (2) DEPOSITS.—The Secretary shall deposit in
5 the Hualapai Water Trust Fund Account the
6 amounts made available pursuant to section
7 507(a)(1).

8 (3) MANAGEMENT AND INTEREST.—

9 (A) MANAGEMENT.—On receipt and de-
10 posit of funds into the Hualapai Water Trust
11 Fund Account, the Secretary shall manage, in-
12 vest, and distribute all amounts in the Hualapai
13 Water Trust Fund Account in a manner that is
14 consistent with the investment authority of the
15 Secretary under—

16 (i) the first section of the Act of June
17 24, 1938 (25 U.S.C. 162a);

18 (ii) the American Indian Trust Fund
19 Management Reform Act of 1994 (25
20 U.S.C. 4001 et seq.); and

21 (iii) this subsection.

22 (B) INVESTMENT EARNINGS.—In addition
23 to the deposits made to the Hualapai Water
24 Trust Fund Account under paragraph (2), any
25 investment earnings, including interest, credited

1 to amounts held in the Hualapai Water Trust
2 Fund Account are authorized to be used in ac-
3 cordance with paragraph (7).

4 (4) AVAILABILITY OF AMOUNTS.—

5 (A) IN GENERAL.—Amounts appropriated
6 to, and deposited in, the Hualapai Water Trust
7 Fund Account, including any investment earn-
8 ings, shall be made available to the Hualapai
9 Tribe by the Secretary beginning on the En-
10 forceability Date, subject to the requirements of
11 this section.

12 (B) USE.—Notwithstanding subparagraph
13 (A), amounts deposited in the Hualapai Water
14 Trust Fund Account shall be available to the
15 Hualapai Tribe on the date on which the
16 amounts are deposited for environmental com-
17 pliance, as provided in section 508.

18 (5) WITHDRAWALS.—

19 (A) WITHDRAWALS UNDER THE AMERICAN
20 INDIAN TRUST FUND MANAGEMENT REFORM
21 ACT OF 1994.—

22 (i) IN GENERAL.—The Hualapai
23 Tribe may withdraw any portion of the
24 amounts in the Hualapai Water Trust
25 Fund Account on approval by the Sec-

1 retary of a Tribal management plan sub-
2 mitted by the Tribe in accordance with the
3 American Indian Trust Fund Management
4 Reform Act of 1994 (25 U.S.C. 4001 et
5 seq.).

6 (ii) REQUIREMENTS.—In addition to
7 the requirements under the American In-
8 dian Trust Fund Management Reform Act
9 of 1994 (25 U.S.C. 4001 et seq.), the
10 Tribal management plan under this sub-
11 paragraph shall require that the Hualapai
12 Tribe spend all amounts withdrawn from
13 the Hualapai Water Trust Fund Account
14 and any investment earnings accrued
15 through the investments under the Tribal
16 management plan in accordance with this
17 title.

18 (iii) ENFORCEMENT.—The Secretary
19 may carry out such judicial and adminis-
20 trative actions as the Secretary determines
21 to be necessary to enforce the Tribal man-
22 agement plan under this subparagraph to
23 ensure that amounts withdrawn by the
24 Hualapai Tribe from the Hualapai Water

1 Trust Fund Account under clause (i) are
2 used in accordance with this title.

3 (B) WITHDRAWALS UNDER EXPENDITURE
4 PLAN.—

5 (i) IN GENERAL.—The Hualapai
6 Tribe may submit to the Secretary a re-
7 quest to withdraw funds from the
8 Hualapai Water Trust Fund Account pur-
9 suant to an approved expenditure plan.

10 (ii) REQUIREMENTS.—To be eligible
11 to withdraw amounts under an expenditure
12 plan under this subparagraph, the
13 Hualapai Tribe shall submit to the Sec-
14 retary an expenditure plan for any portion
15 of the Hualapai Water Trust Fund Ac-
16 count that the Hualapai Tribe elects to
17 withdraw pursuant to this subparagraph,
18 subject to the condition that the amounts
19 shall be used for the purposes described in
20 this title.

21 (iii) INCLUSIONS.—An expenditure
22 plan under this subparagraph shall include
23 a description of the manner and purpose
24 for which the amounts proposed to be
25 withdrawn from the Hualapai Water Trust

1 Fund Account will be used by the
2 Hualapai Tribe, in accordance with para-
3 graph (7).

4 (iv) APPROVAL.—The Secretary shall
5 approve an expenditure plan submitted
6 under clause (ii) if the Secretary deter-
7 mines that the plan—

8 (I) is reasonable; and

9 (II) is consistent with, and will
10 be used for, the purposes of this title.

11 (v) ENFORCEMENT.—The Secretary
12 may carry out such judicial and adminis-
13 trative actions as the Secretary determines
14 to be necessary to enforce an expenditure
15 plan to ensure that amounts disbursed
16 under this subparagraph are used in ac-
17 cordance with this title.

18 (6) EFFECT OF TITLE.—Nothing in this section
19 gives the Hualapai Tribe the right to judicial review
20 of a determination of the Secretary relating to
21 whether to approve a Tribal management plan under
22 paragraph (5)(A) or an expenditure plan under
23 paragraph (5)(B) except under subchapter II of
24 chapter 5, and chapter 7, of title 5, United States

1 Code (commonly known as the “Administrative Pro-
2 cedure Act”).

3 (7) USES.—Amounts from the Hualapai Water
4 Trust Fund Account shall be used by the Hualapai
5 Tribe—

6 (A) to plan, design, construct, and conduct
7 related activities, including compliance with
8 Federal environmental laws under section 508,
9 the Hualapai Water Project, which shall be de-
10 signed to divert, treat, and convey up to 3,414
11 AFY of water from the Colorado River in the
12 lower basin in the State, including locations on
13 or directly adjacent to the Hualapai Reserva-
14 tion, for municipal, commercial, and industrial
15 uses on the Hualapai Reservation;

16 (B) to perform OM&R on the Hualapai
17 Water Project;

18 (C) to construct facilities to transport elec-
19 trical power to pump water for the Hualapai
20 Water Project;

21 (D) to construct, repair, and replace such
22 infrastructure as may be necessary for ground-
23 water wells on the Hualapai Reservation and to
24 construct infrastructure for delivery and use of
25 such groundwater on the Hualapai Reservation;

1 (E) to acquire land, interests in land, and
2 water rights outside the exterior boundaries of
3 the Hualapai Reservation that are located in
4 the Truxton Basin;

5 (F) to reimburse the Hualapai Tribe for
6 any—

7 (i) planning, design, and engineering
8 costs associated with the Hualapai Water
9 Project that the Hualapai Tribe incurs
10 using Tribal funds during the period—

11 (I) beginning on the date of the
12 enactment of this title; and

13 (II) ending on the Enforceability
14 Date; and

15 (ii) construction costs associated with
16 the Hualapai Water Project that the
17 Hualapai Tribe incurs using Tribal funds
18 during the period—

19 (I) beginning on the date on
20 which the Secretary issues a record of
21 decision; and

22 (II) ending on the Enforceability
23 Date; and

24 (G) to make contributions to the Economic
25 Development Fund described in section 8.1 of

1 the Amended and Restated Hualapai Tribe Bill
2 Williams River Water Rights Settlement Agree-
3 ment for the purpose of purchasing additional
4 Colorado River water entitlements and appur-
5 tenant land.

6 (8) LIABILITY.—The Secretary and the Sec-
7 retary of the Treasury shall not be liable for the ex-
8 penditure or investment of any amounts withdrawn
9 from the Hualapai Water Trust Fund Account by
10 the Hualapai Tribe under paragraph (5).

11 (9) TITLE TO INFRASTRUCTURE.—Title to, con-
12 trol over, and operation of any project constructed
13 using funds from the Hualapai Water Trust Fund
14 Account shall remain in the Hualapai Tribe.

15 (10) OM&R.—All OM&R costs of any project
16 constructed using funds from the Hualapai Water
17 Trust Fund Account shall be the responsibility of
18 the Hualapai Tribe.

19 (11) NO PER CAPITA DISTRIBUTIONS.—No por-
20 tion of the Hualapai Water Trust Fund Account
21 shall be distributed on a per capita basis to any
22 member of the Hualapai Tribe.

23 (12) EXPENDITURE REPORTS.—The Hualapai
24 Tribe shall annually submit to the Secretary an ex-
25 penditure report describing accomplishments and

1 amounts spent from use of withdrawals under a
2 Tribal management plan or an expenditure plan
3 under this title.

4 (b) HUALAPAI WATER SETTLEMENT IMPLEMENTA-
5 TION FUND ACCOUNT.—

6 (1) ESTABLISHMENT.—There is established in
7 the Treasury of the United States a nontrust, inter-
8 est-bearing account, to be known as the “Hualapai
9 Water Settlement Implementation Fund Account”
10 (referred to in this subsection as the “Implementa-
11 tion Fund Account”) to be managed and distributed
12 by the Secretary, for use by the Secretary for car-
13 rying out this title.

14 (2) DEPOSITS.—The Secretary shall deposit in
15 the Implementation Fund Account the amounts
16 made available pursuant to section 507(a)(2).

17 (3) USES.—The Implementation Fund Account
18 shall be used by the Secretary to carry out section
19 515(c), including for groundwater monitoring in the
20 Truxton Basin.

21 (4) INTEREST.—In addition to the deposits
22 under paragraph (2), any investment earnings, in-
23 cluding interest, credited to amounts unexpended in
24 the Implementation Fund Account are authorized to

1 be appropriated to be used in accordance with para-
2 graph (3).

3 **SEC. 507. AUTHORIZATIONS OF APPROPRIATIONS.**

4 (a) AUTHORIZATIONS.—

5 (1) HUALAPAI WATER TRUST FUND AC-
6 COUNT.—There is authorized to be appropriated to
7 the Secretary for deposit in the Hualapai Water
8 Trust Fund Account \$180,000,000, to be available
9 until expended, withdrawn, or reverted to the gen-
10 eral fund of the Treasury.

11 (2) HUALAPAI WATER SETTLEMENT IMPLEMEN-
12 TATION FUND ACCOUNT.—There is authorized to be
13 appropriated to the Secretary for deposit in the
14 Hualapai Water Settlement Implementation Fund
15 account established by section 506(b)(1) \$5,000,000.

16 (3) PROHIBITION.—Notwithstanding any other
17 provision of law, any amounts made available under
18 paragraph (1) or (2) shall not be made available
19 from the Reclamation Water Settlements Fund es-
20 tablished by section 10501(a) of the Omnibus Public
21 Land Management Act of 2009 (43 U.S.C. 407(a))
22 until 2034.

23 (b) FLUCTUATION IN COSTS.—

24 (1) IN GENERAL.—The amount authorized to
25 be appropriated under subsection (a)(1) shall be in-

1 creased or decreased, as appropriate, by such
2 amounts as may be justified by reason of ordinary
3 fluctuations in costs occurring after the date of the
4 enactment of this title, as indicated by the Bureau
5 of Reclamation Construction Cost Index—Composite
6 Trend.

7 (2) CONSTRUCTION COSTS ADJUSTMENT.—The
8 amount authorized to be appropriated under sub-
9 section (a)(1) shall be adjusted to address construc-
10 tion cost changes necessary to account for unfore-
11 seen market volatility that may not otherwise be
12 captured by engineering cost indices as determined
13 by the Secretary, including repricing applicable to
14 the types of construction and current industry
15 standards involved.

16 (3) REPETITION.—The adjustment process
17 under this subsection shall be repeated for each sub-
18 sequent amount appropriated until the amount au-
19 thorized, as adjusted, has been appropriated.

20 (4) PERIOD OF INDEXING.—The period of in-
21 dexing adjustment for any increment of funding
22 shall end on the date on which the funds are depos-
23 ited in the Hualapai Water Trust Fund Account.

1 **SEC. 508. ENVIRONMENTAL COMPLIANCE.**

2 (a) IN GENERAL.—Effective beginning on the date
3 of deposit of funds in the Hualapai Water Trust Fund
4 Account, the Hualapai Tribe may commence any environ-
5 mental, cultural, and historical compliance activities nec-
6 essary to implement the Hualapai Tribe water rights set-
7 tlement agreement and this title, including activities nec-
8 essary to comply with all applicable provisions of—

9 (1) the Endangered Species Act of 1973 (16
10 U.S.C. 1531 et seq.);

11 (2) the National Environmental Policy Act of
12 1969 (42 U.S.C. 4321 et seq.), including the imple-
13 menting regulations of that Act; and

14 (3) all other applicable Federal environmental
15 or historical and cultural protection laws and regula-
16 tions.

17 (b) NO EFFECT ON OUTCOME.—Nothing in this title
18 affects or directs the outcome of any analysis under the
19 National Environmental Policy Act of 1969 (42 U.S.C.
20 4321 et seq.) or any other applicable Federal environ-
21 mental or historical and cultural protection law.

22 (c) COMPLIANCE COSTS.—Any costs associated with
23 the performance of the compliance activities under sub-
24 section (a) shall be paid from funds deposited in the
25 Hualapai Water Trust Fund Account, subject to the con-
26 dition that any costs associated with the performance of

1 Federal approval or other review of such compliance work
2 or costs associated with inherently Federal functions shall
3 remain the responsibility of the Secretary.

4 (d) RECORD OF DECISION.—Construction of the
5 Hualapai Water Project shall not commence until the Sec-
6 retary issues a record of decision after completion of an
7 environmental impact statement for the Hualapai Water
8 Project.

9 (e) CONSTRUCTION COSTS.—Any costs of construc-
10 tion incurred by the Hualapai Tribe during the period be-
11 ginning on the date on which the Secretary issues a record
12 of decision and ending on the Enforceability Date shall
13 be paid by the Hualapai Tribe and not from funds depos-
14 ited in the Hualapai Water Trust Fund Account, subject
15 to the condition that, pursuant to section 506(a)(7)(F),
16 the Hualapai Tribe may be reimbursed after the Enforce-
17 ability Date from the Hualapai Water Trust Fund Ac-
18 count for any such costs of construction incurred by the
19 Hualapai Tribe prior to the Enforceability Date.

20 **SEC. 509. WAIVERS, RELEASES, AND RETENTIONS OF**
21 **CLAIMS.**

22 (a) WAIVERS AND RELEASES OF CLAIMS BY THE
23 HUALAPAI TRIBE.—

24 (1) CLAIMS AGAINST THE STATE AND OTH-
25 ERS.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (C), the Hualapai Tribe, on be-
3 half of the Hualapai Tribe and the members of
4 the Hualapai Tribe (but not members in the ca-
5 pacity of the members as allottees) and the
6 United States, acting as trustee for the
7 Hualapai Tribe and the members of the
8 Hualapai Tribe (but not members in the capac-
9 ity of the members as allottees), as part of the
10 performance of the respective obligations of the
11 Hualapai Tribe and the United States under
12 the Hualapai Tribe water rights settlement
13 agreement and this title, are authorized to exe-
14 cute a waiver and release of any claims against
15 the State (or any agency or political subdivision
16 of the State) and any other individual, entity,
17 corporation, or municipal corporation under
18 Federal, State, or other law for all—

19 (i) past, present, and future claims for
20 water rights, including rights to Colorado
21 River water, for Hualapai land, arising
22 from time immemorial and, thereafter, for-
23 ever;

24 (ii) past, present, and future claims
25 for water rights, including rights to Colo-

1 rado River water, arising from time imme-
2 morial and, thereafter, forever, that are
3 based on the aboriginal occupancy of land
4 by the Hualapai Tribe, the predecessors of
5 the Hualapai Tribe, the members of the
6 Hualapai Tribe, or predecessors of the
7 members of the Hualapai Tribe;

8 (iii) past and present claims for injury
9 to water rights, including injury to rights
10 to Colorado River water, for Hualapai
11 land, arising from time immemorial
12 through the Enforceability Date;

13 (iv) past, present, and future claims
14 for injury to water rights, including injury
15 to rights to Colorado River water, arising
16 from time immemorial and, thereafter, for-
17 ever, that are based on the aboriginal occu-
18 pancy of land by the Hualapai Tribe, the
19 predecessors of the Hualapai Tribe, the
20 members of the Hualapai Tribe, or prede-
21 cessors of the members of the Hualapai
22 Tribe;

23 (v) claims for injury to water rights,
24 including injury to rights to Colorado
25 River water, arising after the Enforce-

1 ability Date, for Hualapai land, resulting
2 from the off-reservation diversion or use of
3 surface water, Colorado River water, or ef-
4 fluent in a manner not in violation of the
5 Hualapai Tribe water rights settlement
6 agreement or State law;

7 (vi) past, present, and future claims
8 arising out of, or relating in any manner
9 to, the negotiation, execution, or adoption
10 of the Hualapai Tribe water rights settle-
11 ment agreement, any judgment or decree
12 approving or incorporating the Hualapai
13 Tribe water rights settlement agreement,
14 or this title;

15 (vii) claims for water rights of the
16 Hualapai Tribe or the United States, act-
17 ing as trustee for the Hualapai Tribe and
18 members of the Hualapai Tribe, with re-
19 spect to Parcel 3, in excess of 300 AFY;

20 (viii) 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
24 from—

1 (I) any well constructed outside
2 of the Truxton Basin on or before the
3 date of the enactment of this title;

4 (II) any well constructed outside
5 of the Truxton Basin, and not more
6 than 2 miles from the exterior bound-
7 aries of the Hualapai Reservation,
8 after the date of the enactment of this
9 title if—

10 (aa) the well was con-
11 structed to replace a well in ex-
12 istence on the date of the enact-
13 ment of this title;

14 (bb) the replacement well
15 was constructed within 660 feet
16 of the well being replaced; and

17 (cc) the pumping capacity
18 and case diameter of the replace-
19 ment well do not exceed the
20 pumping capacity and case di-
21 ameter of the well being replaced;
22 or

23 (III) any well constructed outside
24 the Truxton Basin, and not less than
25 2 miles from the exterior boundaries

1 of the Hualapai Reservation, after the
2 date of the enactment of this title,
3 subject to the condition that the au-
4 thorizations and restrictions regarding
5 the location, size, and operation of
6 wells in the Bill Williams River water-
7 shed set forth in the Bill Williams
8 agreements and the Bill Williams Act,
9 and the waivers of claims in the Bill
10 Williams agreements and the Bill Wil-
11 liams Act, shall continue to apply to
12 the parties to the Bill Williams agree-
13 ments, notwithstanding the provisions
14 of this subsection; and

15 (ix) claims for injury to water rights
16 arising after the Enforceability Date, for
17 Hualapai land, resulting from the off-res-
18 ervation diversion or use of groundwater in
19 the Truxton Basin from—

20 (I) any well constructed within
21 the Truxton Basin for domestic pur-
22 poses or stock watering—

23 (aa) on or before the date on
24 which the Secretary provides

1 written notice to the State pursu-
2 ant to section 515(c)(2); or

3 (bb) after the date on which
4 the Secretary provides written
5 notice to the State pursuant to
6 that section if—

7 (AA) the well was con-
8 structed to replace a well in
9 existence on the date on
10 which the notice was pro-
11 vided;

12 (BB) the replacement
13 well was constructed within
14 660 feet of the well being re-
15 placed; and

16 (CC) the pumping ca-
17 pacity and case diameter of
18 the replacement well do not
19 exceed the pumping capacity
20 and case diameter of the
21 well being replaced; and

22 (II) any well constructed within
23 the Truxton Basin for purposes other
24 than domestic purposes or stock wa-
25 tering—

1 (aa) on or before the date of
2 the enactment of this title;

3 (bb) after the date of the en-
4 actment of this title if the Sec-
5 retary has not provided written
6 notice to the State pursuant to
7 section 515(c)(2); or

8 (cc) after the date of the en-
9 actment of this title if the Sec-
10 retary has provided written no-
11 tice to the State pursuant to sec-
12 tion 515(c)(2) and if—

13 (AA) the well was con-
14 structed to replace a well in
15 existence on the on which
16 date the notice was pro-
17 vided;

18 (BB) the replacement
19 well was constructed within
20 660 feet of the well being re-
21 placed; and

22 (CC) the pumping ca-
23 pacity and case diameter of
24 the replacement well do not
25 exceed the pumping capacity

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 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 Act out-
13 side of the Truxton Basin and not
14 more than 2 miles from the exterior
15 boundaries of the Hualapai Reserva-
16 tion, except a replacement well de-
17 scribed in subparagraph (A)(viii)(II),
18 subject to the authorizations and re-
19 strictions regarding the location, size,
20 and operation of wells in the Bill Wil-
21 liams River watershed, and the waiv-
22 ers of claims, set forth in the Bill Wil-
23 liams agreements and the Bill Wil-
24 liams Act;

1 (II) any well constructed within
2 the Truxton Basin for domestic pur-
3 poses or stock watering after the date
4 on which the Secretary has provided
5 written notice to the State pursuant
6 to section 515(c)(2), except for a re-
7 placement well described in subpara-
8 graph (A)(ix)(I)(bb); and

9 (III) any well constructed within
10 the Truxton Basin for purposes other
11 than domestic purposes or stock wa-
12 tering after the date of the enactment
13 of this Act, if the Secretary has pro-
14 vided notice to the State pursuant to
15 section 515(c)(2), except for a re-
16 placement well as described in sub-
17 paragraph (A)(ix)(II)(cc).

18 (2) CLAIMS AGAINST UNITED STATES.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (C), the Hualapai Tribe, acting
21 on behalf of the Hualapai Tribe and the mem-
22 bers of the Hualapai Tribe (but not members in
23 the capacity of the members as allottees) as
24 part of the performance of the obligations of
25 the Hualapai Tribe under the Hualapai Tribe

1 water rights settlement agreement and this
2 title, is authorized to execute a waiver and re-
3 lease of all claims against the United States, in-
4 cluding agencies, officials, and employees of the
5 United States, under Federal, State, or other
6 law for all—

7 (i) past, present, and future claims for
8 water rights, including rights to Colorado
9 River water, for Hualapai land, arising
10 from time immemorial and, thereafter, for-
11 ever;

12 (ii) past, present, and future claims
13 for water rights, including rights to Colo-
14 rado River water, arising from time imme-
15 morial and, thereafter, forever, that are
16 based on the aboriginal occupancy of land
17 by the Hualapai Tribe, the predecessors of
18 the Hualapai Tribe, the members of the
19 Hualapai Tribe, or predecessors of the
20 members of the Hualapai Tribe;

21 (iii) past and present claims relating
22 in any manner to damages, losses, or in-
23 jury to water rights (including injury to
24 rights to Colorado River water), land, or
25 other resources due to loss of water or

1 water rights (including damages, losses, or
2 injuries to hunting, fishing, gathering, or
3 cultural rights due to loss of water or
4 water rights, claims relating to interference
5 with, diversion, or taking of water, or
6 claims relating to the failure to protect, ac-
7 quire, or develop water, water rights, or
8 water infrastructure) within the State that
9 first accrued at any time prior to the En-
10 forceability Date;

11 (iv) past and present claims for injury
12 to water rights, including injury to rights
13 to Colorado River water, for Hualapai
14 land, arising from time immemorial
15 through the Enforceability Date;

16 (v) past, present, and future claims
17 for injury to water rights, including injury
18 to rights to Colorado River water, arising
19 from time immemorial and, thereafter, for-
20 ever, that are based on the aboriginal occu-
21 pancy of land by the Hualapai Tribe, the
22 predecessors of the Hualapai Tribe, the
23 members of the Hualapai Tribe, or prede-
24 cessors of the members of the Hualapai
25 Tribe;

1 (vi) claims for injury to water rights,
2 including injury to rights to Colorado
3 River water, arising after the Enforce-
4 ability Date for Hualapai land, resulting
5 from the off-reservation diversion or use of
6 surface water, Colorado River water, or ef-
7 fluent in a manner not in violation of the
8 Hualapai Tribe water rights settlement
9 agreement or State law;

10 (vii) past, present, and future claims
11 arising out of, or relating in any manner
12 to, the negotiation, execution, or adoption
13 of the Hualapai Tribe water rights settle-
14 ment agreement, any judgment or decree
15 approving or incorporating the Hualapai
16 Tribe water rights settlement agreement,
17 or this title;

18 (viii) claims for injury to water rights
19 arising after the Enforceability Date for
20 Hualapai land resulting from the off-Res-
21 ervation diversion or use of groundwater
22 from—

23 (I) any well constructed on public
24 domain land outside of the Truxton

1 Basin on or before the date of the en-
2 actment of this title;

3 (II) any well constructed on pub-
4 lic domain land outside of the Truxton
5 Basin, and not more than 2 miles
6 from the exterior boundaries of the
7 Hualapai Reservation, after the date
8 of the enactment of this title if—

9 (aa) the well was con-
10 structed to replace a well in ex-
11 istence on the date of the enact-
12 ment of this title;

13 (bb) the replacement well
14 was constructed within 660 feet
15 of the well being replaced; and

16 (cc) the pumping capacity
17 and case diameter of the replace-
18 ment well do not exceed the
19 pumping capacity and case di-
20 ameter of the well being replaced;
21 or

22 (III) any well constructed on
23 public domain land outside of the
24 Truxton Basin, and not less than 2
25 miles from the exterior boundaries of

1 the Hualapai Reservation, after the
2 date of the enactment of this Act,
3 subject to the condition that the au-
4 thorizations and restrictions regarding
5 the location, size, and operation of
6 wells in the Bill Williams River water-
7 shed set forth in the Bill Williams
8 agreements and the Bill Williams Act,
9 and the waivers of claims in the Bill
10 Williams agreements and the Bill Wil-
11 liams Act, shall continue to apply to
12 the parties to the Bill Williams agree-
13 ments, notwithstanding the provisions
14 of this subsection; and

15 (ix) claims for injury to water rights
16 arising after the Enforceability Date for
17 Hualapai land resulting from the off-res-
18 ervation diversion or use of groundwater in
19 the Truxton Basin from—

20 (I) any well constructed on public
21 domain land within the Truxton Basin
22 for domestic purposes or stock water-
23 ing—

24 (aa) on or before the date on
25 which the Secretary provides

1 written notice to the State pursu-
2 ant to section 515(c)(2); or

3 (bb) after the date on which
4 the Secretary provides written
5 notice to the State pursuant to
6 that section if—

7 (AA) the well was con-
8 structed to replace a well in
9 existence on the date on
10 which the notice was pro-
11 vided;

12 (BB) the replacement
13 well was constructed within
14 660 feet of the well being re-
15 placed; and

16 (CC) the pumping ca-
17 pacity and case diameter of
18 the replacement well do not
19 exceed the pumping capacity
20 and case diameter of the
21 well being replaced; and

22 (II) any well constructed on pub-
23 lic domain land within the Truxton
24 Basin for purposes other than domes-
25 tic purposes or stock watering—

1 (aa) on or before the date of
2 the enactment of this title;

3 (bb) after the date of the en-
4 actment of this title if the Sec-
5 retary has not provided written
6 notice to the State pursuant to
7 section 515(c)(2); or

8 (cc) after the date of the en-
9 actment of this title if the Sec-
10 retary has provided written no-
11 tice to the State pursuant to sec-
12 tion 515(c)(2) and if—

13 (AA) the well was con-
14 structed to replace a well in
15 existence on the date on
16 which the notice was pro-
17 vided;

18 (BB) the replacement
19 well was constructed within
20 660 feet of the well being re-
21 placed; and

22 (CC) the pumping ca-
23 pacity and case diameter of
24 the replacement well do not
25 exceed the pumping capacity

1 and case diameter of the
2 well being replaced.

3 (B) EFFECTIVE DATE.—The waiver and
4 release of claims described in subparagraph (A)
5 shall take effect on the Enforceability Date.

6 (C) RETENTION OF CLAIMS.—Notwith-
7 standing the waiver and release of claims de-
8 scribed in subparagraph (A), the Hualapai
9 Tribe and the members of the Hualapai Tribe
10 (but not members in the capacity of the mem-
11 bers as allottees) shall retain any right—

12 (i) subject to subparagraph 12.7 of
13 the Hualapai Tribe water rights settlement
14 agreement, to assert claims for injuries to,
15 and seek enforcement of, the rights of the
16 Hualapai Tribe under the Hualapai Tribe
17 water rights settlement agreement or this
18 title in any Federal or State court of com-
19 petent jurisdiction;

20 (ii) to assert claims for injuries to,
21 and seek enforcement of, the rights of the
22 Hualapai Tribe under any judgment or de-
23 cree approving or incorporating the
24 Hualapai Tribe water rights settlement
25 agreement;

1 (iii) to assert claims for water rights
2 based on State law for land owned or ac-
3 quired by the Hualapai Tribe in fee under
4 subparagraph 4.8 of the Hualapai Tribe
5 water rights settlement agreement;

6 (iv) to object to any claims for water
7 rights or injury to water rights by or for
8 any Indian Tribe or the United States, act-
9 ing on behalf of any Indian Tribe;

10 (v) to assert past, present, or future
11 claims for injury to water rights against
12 any Indian Tribe or the United States, act-
13 ing on behalf of any Indian Tribe;

14 (vi) to assert claims for injuries to,
15 and seek enforcement of, the rights of the
16 Hualapai Tribe under the Bill Williams
17 agreements or the Bill Williams Act in any
18 Federal or State court of competent juris-
19 diction;

20 (vii) subject to paragraphs (1), (3),
21 (4), and (5) of section 505(e), to assert the
22 rights of the Hualapai Tribe under any
23 Colorado River water entitlement pur-
24 chased by or donated to the Hualapai
25 Tribe; and

1 (viii) to assert any claims for injury to
2 water rights arising after the Enforce-
3 ability Date for Hualapai land resulting
4 from any off-reservation diversion or use of
5 groundwater, without regard to quantity,
6 from—

7 (I) any well constructed after the
8 date of the enactment of this title on
9 public domain land outside of the
10 Truxton Basin and not more than 2
11 miles from the exterior boundaries of
12 the Hualapai Reservation, except for a
13 replacement well described in subpara-
14 graph (A)(viii)(II), subject to the au-
15 thorizations and restrictions regarding
16 the location, size, and operation of
17 wells in the Bill Williams River water-
18 shed, and the waivers of claims, set
19 forth in the Bill Williams agreements
20 and the Bill Williams Act;

21 (II) any well constructed on pub-
22 lic domain land within the Truxton
23 Basin for domestic purposes or stock
24 watering after the date on which the
25 Secretary has provided written notice

1 to the State pursuant to section
2 515(c)(2), except for a replacement
3 well described in subparagraph
4 (A)(ix)(I)(bb); and

5 (III) any well constructed on
6 public domain land within the
7 Truxton Basin for purposes other
8 than domestic purposes or stock wa-
9 tering after the date of the enactment
10 of this title, if the Secretary has pro-
11 vided notice to the State pursuant to
12 section 515(c)(2), except for a re-
13 placement well as described in sub-
14 paragraph (A)(ix)(II)(cc).

15 (b) WAIVERS AND RELEASES OF CLAIMS BY UNITED
16 STATES, ACTING AS TRUSTEE FOR ALLOTTEES.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (3), the United States, acting as trustee for
19 the allottees of the Hualapai Tribe, as part of the
20 performance of the obligations of the United States
21 under the Hualapai Tribe water rights settlement
22 agreement and this title, is authorized to execute a
23 waiver and release of any claims against the State
24 (or any agency or political subdivision of the State),
25 the Hualapai Tribe, and any other individual, entity,

1 corporation, or municipal corporation under Federal,
2 State, or other law, for all—

3 (A) past, present, and future claims for
4 water rights, including rights to Colorado River
5 water, for the allotments, arising thereafter,
6 forever, that are based on the aboriginal occu-
7 pancy of land by the allottees or predecessors of
8 the allottees from time immemorial and, there-
9 after, forever;

10 (B) past, present, and future claims for
11 water rights, including rights to Colorado River
12 water, arising from time immemorial and,

13 (C) past and present claims for injury to
14 water rights, including injury to rights to Colo-
15 rado River water, for the allotments, arising
16 from time immemorial through the Enforce-
17 ability Date;

18 (D) past, present, and future claims for in-
19 jury to water rights, if any, including injury to
20 rights to Colorado River water, arising from
21 time immemorial and, thereafter, forever, that
22 are based on the aboriginal occupancy of land
23 by the allottees or predecessors of the allottees;

24 (E) claims for injury to water rights, in-
25 cluding injury to rights to Colorado River

1 water, arising after the Enforceability Date, for
2 the allotments, resulting from the off-reserva-
3 tion diversion or use of water in a manner not
4 in violation of the Hualapai Tribe water rights
5 settlement agreement or State law;

6 (F) past, present, and future claims aris-
7 ing out of, or relating in any manner to, the ne-
8 gotiation, execution, or adoption of the
9 Hualapai Tribe water rights settlement agree-
10 ment, any judgment or decree approving or in-
11 corporating the Hualapai Tribe water rights
12 settlement agreement, or this title; and

13 (G) claims for any water rights of the
14 allottees or the United States acting as trustee
15 for the allottees with respect to—

16 (i) Parcel 1, in excess of 82 AFY; or

17 (ii) Parcel 2, in excess of 312 AFY.

18 (2) EFFECTIVE DATE.—The waiver and release
19 of claims under paragraph (1) shall take effect on
20 the Enforceability Date.

21 (3) RETENTION OF CLAIMS.—Notwithstanding
22 the waiver and release of claims described in para-
23 graph (1), the United States, acting as trustee for
24 the allottees of the Hualapai Tribe, shall retain any
25 right—

1 (A) subject to subparagraph 12.7 of the
2 Hualapai Tribe water rights settlement agree-
3 ment, to assert claims for injuries to, and seek
4 enforcement of, the rights of the allottees, if
5 any, under the Hualapai Tribe water rights set-
6 tlement agreement or this title in any Federal
7 or State court of competent jurisdiction;

8 (B) to assert claims for injuries to, and
9 seek enforcement of, the rights of the allottees
10 under any judgment or decree approving or in-
11 corporating the Hualapai Tribe water rights
12 settlement agreement;

13 (C) to object to any claims for water rights
14 or injury to water rights by or for—

15 (i) any Indian Tribe other than the
16 Hualapai Tribe; or

17 (ii) the United States, acting on be-
18 half of any Indian Tribe other than the
19 Hualapai Tribe;

20 (D) to assert past, present, or future
21 claims for injury to water rights against—

22 (i) any Indian Tribe other than the
23 Hualapai Tribe; or

1 (ii) the United States, acting on be-
2 half of any Indian Tribe other than the
3 Hualapai Tribe; and

4 (E) to assert claims for injuries to, and
5 seek enforcement of, the rights of the allottees
6 under the Bill Williams agreements or the Bill
7 Williams Act in any Federal or State court of
8 competent jurisdiction.

9 (c) WAIVER AND RELEASE OF CLAIMS BY UNITED
10 STATES AGAINST HUALAPAI TRIBE.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (3), the United States, in all capacities (ex-
13 cept as trustee for an Indian Tribe other than the
14 Hualapai Tribe), as part of the performance of the
15 obligations of the United States under the Hualapai
16 Tribe water rights settlement agreement and this
17 title, is authorized to execute a waiver and release
18 of all claims against the Hualapai Tribe, the mem-
19 bers of the Hualapai Tribe, or any agency, official,
20 or employee of the Hualapai Tribe, under Federal,
21 State or any other law for all—

22 (A) past and present claims for injury to
23 water rights, including injury to rights to Colo-
24 rado River water, resulting from the diversion
25 or use of water on Hualapai land arising from

1 time immemorial through the Enforceability
2 Date;

3 (B) claims for injury to water rights, in-
4 cluding injury to rights to Colorado River
5 water, arising after the Enforceability Date, re-
6 sulting from the diversion or use of water on
7 Hualapai land in a manner that is not in viola-
8 tion of the Hualapai Tribe water rights settle-
9 ment agreement or State law; and

10 (C) past, present, and future claims aris-
11 ing out of, or related in any manner to, the ne-
12 gotiation, execution, or adoption of the
13 Hualapai Tribe water rights settlement agree-
14 ment, any judgment or decree approving or in-
15 corporating the Hualapai Tribe water rights
16 settlement agreement, or this title.

17 (2) EFFECTIVE DATE.—The waiver and release
18 of claims under paragraph (1) shall take effect on
19 the Enforceability Date.

20 (3) RETENTION OF CLAIMS.—Notwithstanding
21 the waiver and release of claims described in para-
22 graph (1), the United States shall retain any right
23 to assert any claim not expressly waived in accord-
24 ance with that paragraph, including any right to as-
25 sert a claim for injury to, and seek enforcement of,

1 any right of the United States under the Bill Wil-
2 liams agreements or the Bill Williams Act, in any
3 Federal or State court of competent jurisdiction.

4 (d) BILL WILLIAMS RIVER PHASE 2 WATER RIGHTS
5 SETTLEMENT AGREEMENT WAIVER, RELEASE, AND RE-
6 TENTION OF CLAIMS.—

7 (1) CLAIMS AGAINST FREEPORT.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (C), the United States, acting
10 solely on behalf of the Department of the Inte-
11 rior (including the Bureau of Land Manage-
12 ment and the United States Fish and Wildlife
13 Service), as part of the performance of the obli-
14 gations of the United States under the Bill Wil-
15 liams River phase 2 water rights settlement
16 agreement, is authorized to execute a waiver
17 and release of all claims of the United States
18 against Freeport under Federal, State, or any
19 other law for—

20 (i) any past or present claim for in-
21 jury to water rights resulting from—

22 (I) the diversion or use of water
23 by Freeport pursuant to the water
24 rights described in Exhibit 4.1(ii) to

1 the Bill Williams River phase 2 water
2 rights settlement agreement; and

3 (II) any other diversion or use of
4 water for mining purposes authorized
5 by the Bill Williams River phase 2
6 water rights settlement agreement;

7 (ii) any claim for injury to water
8 rights arising after the Bill Williams River
9 Phase 2 Enforceability Date resulting
10 from—

11 (I) the diversion or use of water
12 by Freeport pursuant to the water
13 rights described in Exhibit 4.1(ii) to
14 the Bill Williams River phase 2 water
15 rights settlement agreement in a man-
16 ner not in violation of the Bill Wil-
17 liams River phase 2 water rights set-
18 tlement agreement;

19 (II) the diversion of up to 2,500
20 AFY of water by Freeport from Sycamore
21 Creek as permitted by section
22 4.3(iv) of the Bill Williams River
23 phase 2 water rights settlement agree-
24 ment; and

1 (III) any other diversion or use
2 of water by Freeport authorized by
3 the Bill Williams River phase 2 water
4 rights settlement agreement, subject
5 to the condition that such a diversion
6 and use of water is conducted in a
7 manner not in violation of the Bill
8 Williams River phase 2 water rights
9 settlement agreement; and

10 (iii) any past, present, or future claim
11 arising out of, or relating in any manner
12 to, the negotiation or execution of the Bill
13 Williams River phase 2 water rights settle-
14 ment agreement, the Hualapai Tribe water
15 rights settlement agreement, or this title.

16 (B) EFFECTIVE DATE.—The waiver and
17 release of claims under subparagraph (A) shall
18 take effect on the Bill Williams River Phase 2
19 Enforceability Date.

20 (C) RETENTION OF CLAIMS.—The United
21 States shall retain all rights not expressly
22 waived in the waiver and release of claims
23 under subparagraph (A), including, subject to
24 section 6.4 of the Bill Williams River phase 2
25 water rights settlement agreement, the right to

1 assert a claim for injury to, and seek enforce-
2 ment of, the Bill Williams River phase 2 water
3 rights settlement agreement or this title, in any
4 Federal or State court of competent jurisdiction
5 (but not a Tribal court).

6 (2) NO PRECEDENTIAL EFFECT.—

7 (A) PENDING AND FUTURE PRO-
8 CEEDINGS.—The Bill Williams River phase 2
9 water rights settlement agreement shall have no
10 precedential effect in any other administrative
11 or judicial proceeding, including—

12 (i) any pending or future general
13 stream adjudication, or any other litigation
14 involving Freeport or the United States,
15 including any proceeding to establish or
16 quantify a Federal reserved water right;

17 (ii) any pending or future administra-
18 tive or judicial proceeding relating to an
19 application—

20 (I) to appropriate water (for
21 instream flow or other purposes);

22 (II) to sever and transfer a water
23 right;

24 (III) to change a point of diver-
25 sion; or

1 (IV) to change a place of use for
2 any water right; and

3 (iii) any proceeding regarding water
4 rights or a claim relating to any Federal
5 land.

6 (B) NO METHODOLOGY OR STANDARD.—
7 Nothing in the Bill Williams River phase 2
8 water rights settlement agreement establishes
9 any standard or methodology to be used for the
10 quantification of any claim to water rights
11 (whether based on Federal or State law) in any
12 judicial or administrative proceeding, other than
13 a proceeding to enforce the terms of the Bill
14 Williams River phase 2 water rights settlement
15 agreement.

16 **SEC. 510. SATISFACTION OF WATER RIGHTS AND OTHER**
17 **BENEFITS.**

18 (a) HUALAPAI TRIBE AND MEMBERS.—

19 (1) IN GENERAL.—The benefits realized by the
20 Hualapai Tribe and the members of the Hualapai
21 Tribe (but not members in the capacity of the mem-
22 bers as allottees) under the Hualapai Tribe water
23 rights settlement agreement, this title, the Bill Wil-
24 liams agreements, and the Bill Williams Act shall be
25 in full satisfaction of all claims of the Hualapai

1 Tribe, the members of the Hualapai Tribe, and the
2 United States, acting in the capacity of the United
3 States as trustee for the Hualapai Tribe and the
4 members of the Hualapai Tribe, for water rights and
5 injury to water rights under Federal, State, or other
6 law with respect to Hualapai land.

7 (2) SATISFACTION.—Any entitlement to water
8 of the Hualapai Tribe and the members of the
9 Hualapai Tribe (but not members in the capacity of
10 the members as allottees) or the United States, act-
11 ing in the capacity of the United States as trustee
12 for the Hualapai Tribe and the members of the
13 Hualapai Tribe (but not members in the capacity of
14 the members as allottees), for Hualapai land shall be
15 satisfied out of the water resources and other bene-
16 fits granted, confirmed, quantified, or recognized by
17 the Hualapai Tribe water rights settlement agree-
18 ment, this title, the Bill Williams agreements, and
19 the Bill Williams Act to or for the Hualapai Tribe,
20 the members of the Hualapai Tribe (but not mem-
21 bers in the capacity of the members as allottees),
22 and the United States, acting in the capacity of the
23 United States as trustee for the Hualapai Tribe and
24 the members of the Hualapai Tribe (but not mem-
25 bers in the capacity of the members as allottees).

1 (b) ALLOTTEE WATER CLAIMS.—

2 (1) IN GENERAL.—The benefits realized by the
3 allottees of the Hualapai Tribe under the Hualapai
4 Tribe water rights settlement agreement, this title,
5 the Bill Williams agreements, and the Bill Williams
6 Act shall be in complete replacement of and substi-
7 tution for, and full satisfaction of, all claims with re-
8 spect to allotments of the allottees and the United
9 States, acting in the capacity of the United States
10 as trustee for the allottees, for water rights and in-
11 jury to water rights under Federal, State, or other
12 law.

13 (2) SATISFACTION.—Any entitlement to water
14 of the allottees or the United States, acting in the
15 capacity of the United States as trustee for the
16 allottees, for allotments shall be satisfied out of the
17 water resources and other benefits granted, con-
18 firmed, or recognized by the Hualapai Tribe water
19 rights settlement agreement, this title, the Bill Wil-
20 liams agreements, and the Bill Williams Act to or
21 for the allottees and the United States, acting as
22 trustee for the allottees.

23 (c) EFFECT.—Notwithstanding subsections (a) and
24 (b), nothing in this title or the Hualapai Tribe water
25 rights settlement agreement—

1 (1) recognizes or establishes any right of a
2 member of the Hualapai Tribe or an allottee to
3 water on Hualapai land; or

4 (2) prohibits the Hualapai Tribe or an allottee
5 from acquiring additional water rights by purchase
6 of land, credits, or water rights.

7 **SEC. 511. LAND ADDED TO HUALAPAI RESERVATION.**

8 The following land in the State is added to the
9 Hualapai Reservation:

10 (1) PUBLIC LAW 93-560.—The land held in
11 trust by the United States for the Hualapai Tribe
12 pursuant to the first section of Public Law 93-560
13 (88 Stat. 1820).

14 (2) 1947 JUDGMENT.—The land deeded to the
15 United States in the capacity of the United States
16 as trustee for the Hualapai Tribe pursuant to the
17 1947 judgment.

18 (3) TRUXTON TRIANGLE.—That portion of the
19 S1/2 sec. 3, lying south of the south boundary of the
20 Hualapai Reservation and north of the north right-
21 of-way boundary of Arizona Highway 66, and
22 bounded by the west section line of that sec. 3 and
23 the south section line of that sec. 3, T. 24 N., R.
24 12 W., Gila and Salt River Base and Meridian, Mo-
25 have County, Arizona.

1 (4) HUNT PARCEL 4.—SW1/4NE1/4 sec. 7, T.
2 25 N., R. 13 W., Gila and Salt River Base and Me-
3 ridian, Mohave County, Arizona.

4 (5) HUNT PARCELS 1 AND 2.—In T. 26 N., R.
5 14 W., Gila and Salt River Base and Meridian, Mo-
6 have County, Arizona—

7 (A) NE1/4SW1/4 sec. 9; and

8 (B) NW1/4SE1/4 sec. 27.

9 (6) HUNT PARCEL 3.—SW1/4NE1/4 sec. 25, T.
10 27 N., R. 15 W., Gila and Salt River Base and Me-
11 ridian, Mohave County, Arizona.

12 (7) HUNT PARCEL 5.—In sec. 1, T. 25 N., R.
13 14 W., Gila and Salt River Base and Meridian, Mo-
14 have County, Arizona—

15 (A) SE1/4;

16 (B) E1/2 SW1/4; and

17 (C) SW1/4 SW1/4.

18 (8) VALENTINE CEMETERY PARCEL.—W1/2
19 NW1/4 SW1/4 sec. 22, T. 23 N., R. 13 W., Gila and
20 Salt River Base and Meridian, Mohave County, Ari-
21 zona, excepting and reserving to the United States
22 a right-of-way for ditches or canals constructed by
23 the authority of the United States, pursuant to the
24 Act of August 30, 1890 (43 U.S.C. 945).

1 **SEC. 512. TRUST LAND.**

2 (a) LAND TO BE TAKEN INTO TRUST.—

3 (1) IN GENERAL.—On the date of the enact-
4 ment of this Act, the Secretary is authorized and di-
5 rected to take legal title to the land described in
6 paragraph (2) and hold such land in trust for the
7 benefit of the Hualapai Tribe.

8 (2) CHOLLA CANYON RANCH PARCELS.—The
9 land referred to in paragraph (1) is, in T. 16 N., R.
10 13 W., Gila and Salt River Base and Meridian, Mo-
11 have County, Arizona—

12 (A) SW1/4 sec. 25; and

13 (B) NE1/4 and NE1/4 SE1/4 sec. 35.

14 (b) RESERVATION STATUS.—The land taken into
15 trust under subsection (a) shall be part of the Hualapai
16 Reservation and administered in accordance with the laws
17 and regulations generally applicable to land held in trust
18 by the United States for an Indian Tribe.

19 (c) VALID EXISTING RIGHTS.—The land taken into
20 trust under subsection (a) shall be subject to valid existing
21 rights, including easements, rights-of-way, contracts, and
22 management agreements.

23 (d) LIMITATIONS.—Nothing in subsection (a) af-
24 fects—

1 (1) any water right of the Hualapai Tribe in ex-
2 istence under State law before the date of the enact-
3 ment of this Act; or

4 (2) any right or claim of the Hualapai Tribe to
5 any land or interest in land in existence before the
6 date of the enactment of this title.

7 (e) FUTURE TRUST LAND.—

8 (1) NEW STATUTORY REQUIREMENT.—Effective
9 beginning on the date of the enactment of this title,
10 and except as provided in subsection (a), any land
11 located in the State outside the exterior boundaries
12 of the Hualapai Reservation may only be taken into
13 trust by the United States for the benefit of the
14 Hualapai Tribe by an Act of Congress—

15 (A) that specifically authorizes the transfer
16 of the land for the benefit of the Hualapai
17 Tribe; and

18 (B) the date of the enactment of which is
19 after the date of the enactment of this title.

20 (2) WATER RIGHTS.—Any land taken into trust
21 for the benefit of the Hualapai Tribe under para-
22 graph (1)—

23 (A) shall include water rights only under
24 State law; and

1 (B) shall not include any federally reserved
2 water rights.

3 **SEC. 513. REALLOCATION OF CAP NIA PRIORITY WATER;**
4 **FIRMING; WATER DELIVERY CONTRACT; COL-**
5 **ORADO RIVER ACCOUNTING.**

6 (a) REALLOCATION TO THE HUALAPAI TRIBE.—On
7 the Enforceability Date, the Secretary shall reallocate to
8 the Hualapai Tribe the Hualapai Tribe CAP water.

9 (b) FIRMING.—

10 (1) HUALAPAI TRIBE CAP WATER.—Except as
11 provided in subsection (c)(2)(H), the Hualapai Tribe
12 CAP water shall be firming as follows:

13 (A) In accordance with section
14 105(b)(1)(B) of the Central Arizona Project
15 Settlement Act of 2004 (Public Law 108–451;
16 118 Stat. 3492), for the 100-year period begin-
17 ning on January 1, 2008, the Secretary shall
18 firm 557.50 AFY of the Hualapai Tribe CAP
19 water to the equivalent of CAP M&I priority
20 water.

21 (B) In accordance with section
22 105(b)(2)(B) of the Central Arizona Project
23 Settlement Act of 2004 (Public Law 108–451;
24 118 Stat. 3492), for the 100-year period begin-
25 ning on January 1, 2008, the State shall firm

1 557.50 AFY of the Hualapai Tribe CAP water
2 to the equivalent of CAP M&I priority water.

3 (2) ADDITIONAL FIRING.—The Hualapai
4 Tribe may, at the expense of the Hualapai Tribe,
5 take additional actions to firm or supplement the
6 Hualapai Tribe CAP water, including by entering
7 into agreements for that purpose with the Central
8 Arizona Water Conservation District, the Arizona
9 Water Banking Authority, or any other lawful au-
10 thority, in accordance with State law.

11 (c) HUALAPAI TRIBE WATER DELIVERY CON-
12 TRACT.—

13 (1) IN GENERAL.—In accordance with the
14 Hualapai Tribe water rights settlement agreement
15 and the requirements described in paragraph (2),
16 the Secretary shall enter into the Hualapai Tribe
17 water delivery contract.

18 (2) REQUIREMENTS.—The requirements re-
19 ferred to in paragraph (1) are the following:

20 (A) IN GENERAL.—The Hualapai Tribe
21 water delivery contract shall—

22 (i) be for permanent service (as that
23 term is used in section 5 of the Boulder
24 Canyon Project Act (43 U.S.C. 617d));

1 (ii) take effect on the Enforceability
2 Date; and

3 (iii) be without limit as to term.

4 (B) HUALAPAI TRIBE CAP WATER.—

5 (i) IN GENERAL.—The Hualapai
6 Tribe CAP water may be delivered for use
7 in the lower basin in the State through—

8 (I) the Hualapai Water Project;

9 or

10 (II) the CAP system.

11 (ii) METHOD OF DELIVERY.—The
12 Secretary shall authorize the delivery of
13 Hualapai Tribe CAP water under this sub-
14 paragraph to be effected by the diversion
15 and use of water directly from the Colo-
16 rado River in the State.

17 (C) CONTRACTUAL DELIVERY.—The Sec-
18 retary shall deliver the Hualapai Tribe CAP
19 water to the Hualapai Tribe in accordance with
20 the terms and conditions of the Hualapai Tribe
21 water delivery contract.

22 (D) DISTRIBUTION OF CAP NIA PRIORITY
23 WATER.—

24 (i) IN GENERAL.—Except as provided
25 in clause (ii), if, for any year, the available

1 CAP supply is insufficient to meet all de-
2 mands under CAP contracts and CAP sub-
3 contracts for the delivery of CAP NIA pri-
4 ority water, the Secretary and the CAP op-
5 erating agency shall prorate the available
6 CAP NIA priority water among the CAP
7 contractors and CAP subcontractors hold-
8 ing contractual entitlements to CAP NIA
9 priority water on the basis of the quantity
10 of CAP NIA priority water used by each
11 such CAP contractor and CAP subcon-
12 tractor in the last year in which the avail-
13 able CAP supply was sufficient to fill all
14 orders for CAP NIA priority water.

15 (ii) EXCEPTION.—

16 (I) IN GENERAL.—Notwith-
17 standing clause (i), if the available
18 CAP supply is insufficient to meet all
19 demands under CAP contracts and
20 CAP subcontracts for the delivery of
21 CAP NIA priority water in the year
22 following the year in which the En-
23 forceability Date occurs, the Secretary
24 shall assume that the Hualapai Tribe
25 used the full volume of Hualapai

1 Tribe CAP water in the last year in
2 which the available CAP supply was
3 sufficient to fill all orders for CAP
4 NIA priority water.

5 (II) CONTINUATION.—The as-
6 sumption described in subclause (I)
7 shall continue until the available CAP
8 supply is sufficient to meet all de-
9 mands under CAP contracts and CAP
10 subcontracts for the delivery of CAP
11 NIA priority water.

12 (III) DETERMINATION.—The
13 Secretary shall determine the quantity
14 of CAP NIA priority water used by
15 the Gila River Indian Community and
16 the Tohono O’odham Nation in the
17 last year in which the available CAP
18 supply was sufficient to fill all orders
19 for CAP NIA priority water in a man-
20 ner consistent with the settlement
21 agreements with those Tribes.

22 (E) LEASES AND EXCHANGES OF
23 HUALAPAI TRIBE CAP WATER.—On and after
24 the date on which the Hualapai Tribe water de-
25 livery contract becomes effective, the Hualapai

1 Tribe may, with the approval of the Secretary,
2 enter into contracts or options to lease, or con-
3 tracts or options to exchange, the Hualapai
4 Tribe CAP water within the lower basin in the
5 State, and not in Navajo, Apache, or Cochise
6 counties, providing for the temporary delivery
7 to other persons of any portion of Hualapai
8 Tribe CAP water.

9 (F) TERM OF LEASES AND EXCHANGES.—

10 (i) LEASING.—Contracts or options to
11 lease under subparagraph (E) shall be for
12 a term of not more than 100 years.

13 (ii) EXCHANGING.—Contracts or op-
14 tions to exchange under subparagraph (E)
15 shall be for the term provided for in the
16 contract or option, as applicable.

17 (iii) RENEGOTIATION.—The Hualapai
18 Tribe may, with the approval of the Sec-
19 retary, renegotiate any lease described in
20 subparagraph (E), at any time during the
21 term of the lease, if the term of the re-
22 negotiated lease does not exceed 100 years.

23 (G) PROHIBITION ON PERMANENT ALIEN-
24 ATION.—No Hualapai Tribe CAP water may be
25 permanently alienated.

1 (H) NO FIRING OF LEASED WATER.—
2 The firming obligations described in subsection
3 (b)(1) shall not apply to any Hualapai Tribe
4 CAP water leased by the Hualapai Tribe to an-
5 other person.

6 (I) ENTITLEMENT TO LEASE AND EX-
7 CHANGE FUNDS; OBLIGATIONS OF UNITED
8 STATES.—

9 (i) ENTITLEMENT.—

10 (I) IN GENERAL.—The Hualapai
11 Tribe shall be entitled to all consider-
12 ation due to the Hualapai Tribe under
13 any contract to lease, option to lease,
14 contract to exchange, or option to ex-
15 change the Hualapai Tribe CAP water
16 entered into by the Hualapai Tribe.

17 (II) EXCLUSION.—The United
18 States shall not, in any capacity, be
19 entitled to the consideration described
20 in subclause (I).

21 (ii) OBLIGATIONS OF UNITED
22 STATES.—The United States shall not, in
23 any capacity, have any trust or other obli-
24 gation to monitor, administer, or account
25 for, in any manner, any funds received by

1 the Hualapai Tribe as consideration under
2 any contract to lease, option to lease, con-
3 tract to exchange, or option to exchange
4 the Hualapai Tribe CAP water entered
5 into by the Hualapai Tribe, except in a
6 case in which the Hualapai Tribe deposits
7 the proceeds of any lease, option to lease,
8 contract to exchange, or option to ex-
9 change into an account held in trust for
10 the Hualapai Tribe by the United States.

11 (J) WATER USE AND STORAGE.—

12 (i) IN GENERAL.—The Hualapai
13 Tribe may use the Hualapai Tribe CAP
14 water on or off the Hualapai Reservation
15 within the lower basin in the State for any
16 purpose.

17 (ii) STORAGE.—The Hualapai Tribe,
18 in accordance with State law, may store
19 the Hualapai Tribe CAP water at 1 or
20 more underground storage facilities or
21 groundwater savings facilities, subject to
22 the condition that, if the Hualapai Tribe
23 stores Hualapai Tribe CAP water that has
24 been firmed pursuant to subsection (b)(1),
25 the stored water may only be—

1 (I) used by the Hualapai Tribe;

2 or

3 (II) exchanged by the Hualapai
4 Tribe for water that will be used by
5 the Hualapai Tribe.

6 (iii) ASSIGNMENT.—The Hualapai
7 Tribe, in accordance with State law, may
8 assign any long-term storage credit ac-
9 crued as a result of storage described in
10 clause (ii), subject to the condition that the
11 Hualapai Tribe shall not assign any long-
12 term storage credit accrued as a result of
13 the storage of Hualapai Tribe CAP water
14 that has been firmed pursuant to sub-
15 section (b)(1).

16 (K) USE LIMITATION.—The Hualapai
17 Tribe may not use, lease, exchange, forbear, or
18 otherwise transfer any Hualapai Tribe CAP
19 water for use directly or indirectly outside of
20 the lower basin in the State or in Navajo,
21 Apache, or Cochise counties.

22 (L) CAP FIXED OM&R CHARGES.—

23 (i) IN GENERAL.—The CAP operating
24 agency shall be paid the CAP fixed OM&R

1 charges associated with the delivery of all
2 Hualapai Tribe CAP water.

3 (ii) PAYMENT OF CHARGES.—Except
4 as provided in subparagraph (O), all CAP
5 fixed OM&R charges associated with the
6 delivery of the Hualapai Tribe CAP water
7 to the Hualapai Tribe shall be paid by—

8 (I) the Secretary, pursuant to
9 section 403(f)(2)(A) of the Colorado
10 River Basin Project Act (43 U.S.C.
11 1543(f)(2)(A)), subject to the condi-
12 tion that funds for that payment are
13 available in the Lower Colorado River
14 Basin Development Fund; and

15 (II) if the funds described in sub-
16 clause (I) become unavailable, the
17 Hualapai Tribe.

18 (M) CAP PUMPING ENERGY CHARGES.—

19 (i) IN GENERAL.—The CAP operating
20 agency shall be paid the CAP pumping en-
21 ergy charges associated with the delivery of
22 Hualapai Tribe CAP water only in cases in
23 which the CAP system is used for the de-
24 livery of that water.

1 (ii) PAYMENT OF CHARGES.—Except
2 for CAP water not delivered through the
3 CAP system, which does not incur a CAP
4 pumping energy charge, or water delivered
5 to other persons as described in subpara-
6 graph (O), any applicable CAP pumping
7 energy charges associated with the delivery
8 of the Hualapai Tribe CAP water shall be
9 paid by the Hualapai Tribe.

10 (N) WAIVER OF PROPERTY TAX EQUIVA-
11 LENCY PAYMENTS.—No property tax or in-lieu
12 property tax equivalency shall be due or payable
13 by the Hualapai Tribe for the delivery of CAP
14 water or for the storage of CAP water in an un-
15 derground storage facility or groundwater sav-
16 ings facility.

17 (O) LESSEE RESPONSIBILITY FOR
18 CHARGES.—

19 (i) IN GENERAL.—Any lease or option
20 to lease providing for the temporary deliv-
21 ery to other persons of any Hualapai Tribe
22 CAP water shall require the lessee to pay
23 the CAP operating agency all CAP fixed
24 OM&R charges and all CAP pumping en-

1 ergy charges associated with the delivery of
2 the leased water.

3 (ii) NO RESPONSIBILITY FOR PAY-
4 MENT.—Neither the Hualapai Tribe nor
5 the United States in any capacity shall be
6 responsible for the payment of any charges
7 associated with the delivery of the
8 Hualapai Tribe CAP water leased to other
9 persons.

10 (P) ADVANCE PAYMENT.—No Hualapai
11 Tribe CAP water shall be delivered unless the
12 CAP fixed OM&R charges and any applicable
13 CAP pumping energy charges associated with
14 the delivery of that water have been paid in ad-
15 vance.

16 (Q) CALCULATION.—The charges for deliv-
17 ery of the Hualapai Tribe CAP water pursuant
18 to the Hualapai Tribe water delivery contract
19 shall be calculated in accordance with the CAP
20 repayment stipulation.

21 (R) CAP REPAYMENT.—For purposes of
22 determining the allocation and repayment of
23 costs of any stages of the CAP system con-
24 structed after November 21, 2007, the costs as-
25 sociated with the delivery of the Hualapai Tribe

1 CAP water, regardless of whether the Hualapai
2 Tribe CAP water is delivered for use by the
3 Hualapai Tribe or in accordance with any lease,
4 option to lease, exchange, or option to exchange
5 providing for the delivery to other persons of
6 the Hualapai Tribe CAP water, shall be—

7 (i) nonreimbursable; and

8 (ii) excluded from the repayment obli-
9 gation of the Central Arizona Water Con-
10 servation District.

11 (S) NONREIMBURSABLE CAP CONSTRUC-
12 TION COSTS.—

13 (i) IN GENERAL.—With respect to the
14 costs associated with the construction of
15 the CAP system allocable to the Hualapai
16 Tribe—

17 (I) the costs shall be nonreim-
18 bursable; and

19 (II) the Hualapai Tribe shall
20 have no repayment obligation for the
21 costs.

22 (ii) CAPITAL CHARGES.—No CAP
23 water service capital charges shall be due
24 or payable for the Hualapai Tribe CAP

1 water, regardless of whether the Hualapai
2 Tribe CAP water is delivered—

3 (I) for use by the Hualapai
4 Tribe; or

5 (II) under any lease, option to
6 lease, exchange, or option to exchange
7 entered into by the Hualapai Tribe.

8 (d) COLORADO RIVER ACCOUNTING.—All Hualapai
9 Tribe CAP water diverted directly from the Colorado
10 River shall be accounted for as deliveries of CAP water
11 within the State.

12 **SEC. 514. ENFORCEABILITY DATE.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (d), the Hualapai Tribe water rights settlement agree-
15 ment, including the waivers and releases of claims de-
16 scribed in section 509, shall take effect and be fully en-
17 forceable on the date on which the Secretary publishes in
18 the Federal Register a statement of findings that—

19 (1) to the extent the Hualapai Tribe water
20 rights settlement agreement conflicts with this
21 title—

22 (A) the Hualapai Tribe water rights settle-
23 ment agreement has been revised through an
24 amendment to eliminate the conflict; and

1 (B) the revised Hualapai Tribe water
2 rights settlement agreement, including any ex-
3 hibits requiring execution by any party to the
4 Hualapai Tribe water rights settlement agree-
5 ment, has been executed by the required party;

6 (2) the waivers and releases of claims described
7 in section 509 have been executed by the Hualapai
8 Tribe and the United States;

9 (3) the abstracts referred to in subparagraphs
10 4.8.1.2, 4.8.2.1, and 4.8.2.2 of the Hualapai Tribe
11 water rights settlement agreement have been com-
12 pleted by the Hualapai Tribe;

13 (4) the full amount described in section
14 507(a)(1), as adjusted by section 507(b), has been
15 deposited in the Hualapai Water Trust Fund Ac-
16 count;

17 (5) the Gila River adjudication decree has been
18 approved by the Gila River adjudication court sub-
19 stantially in the form of the judgment and decree at-
20 tached to the Hualapai Tribe water rights settlement
21 agreement as Exhibit 3.1.43, as amended to ensure
22 consistency with this title;

23 (6) the Secretary has executed the Hualapai
24 Tribe water delivery contract described in section
25 513(c); and

1 (7) the Secretary has issued the record of deci-
2 sion required by section 508(d).

3 (b) REPEAL ON FAILURE TO MEET ENFORCEABILITY
4 DATE.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), if the Secretary fails to publish in the
7 Federal Register a statement of findings under sub-
8 section (a) by April 15, 2029, or such alternative
9 later date as may be agreed to by the Hualapai
10 Tribe, the Secretary, and the State—

11 (A) this title is repealed;

12 (B) any action taken by the Secretary and
13 any contract or agreement entered into pursu-
14 ant to this title shall be void; and

15 (C) any amounts appropriated under sec-
16 tion 507, together with any investment earnings
17 on those amounts, less any amounts expended
18 under section 506(a)(4)(B), shall revert imme-
19 diately to the general fund of the Treasury.

20 (2) SEVERABILITY.—Notwithstanding para-
21 graph (1), if the Secretary fails to publish in the
22 Federal Register a statement of findings under sub-
23 section (a) by April 15, 2029, or such alternative
24 later date as may be agreed to by the Hualapai
25 Tribe, the Secretary, and the State, section 511 and

1 subsections (a), (b), (c), and (d) of section 512 shall
2 remain in effect.

3 (c) RIGHT TO OFFSET.—If the Secretary has not
4 published in the Federal Register the statement of find-
5 ings under subsection (a) by April 15, 2029, or such alter-
6 native later date as may be agreed to by the Hualapai
7 Tribe, the Secretary, and the State, the United States
8 shall be entitled to offset any Federal amounts made avail-
9 able under section 506(a)(4)(B) that were used or author-
10 ized for any use under that section against any claim as-
11 serted by the Hualapai Tribe against the United States
12 described in section 509(a)(2)(A).

13 (d) BILL WILLIAMS RIVER PHASE 2 ENFORCE-
14 ABILITY DATE.—Notwithstanding any other provision of
15 this title, the Bill Williams River phase 2 water rights set-
16 tlement agreement (including the waivers and releases de-
17 scribed in section 509(d) of this title and section 5 of the
18 Bill Williams River phase 2 water rights settlement agree-
19 ment) shall take effect and become enforceable among the
20 parties to the Bill Williams River phase 2 water rights
21 settlement agreement on the date on which all of the fol-
22 lowing conditions have occurred:

23 (1) The Hualapai Tribe water rights settlement
24 agreement has become enforceable pursuant to sub-
25 section (a).

1 (2) Freeport has submitted to the Arizona De-
2 partment of Water Resources a conditional with-
3 drawal of any objection to the Bill Williams River
4 watershed instream flow applications pursuant to
5 section 4.4(i) of the Bill Williams River phase 2
6 water rights settlement agreement, which withdrawal
7 shall take effect on the Bill Williams River Phase 2
8 Enforceability Date described in this subsection.

9 (3) Not later than the Enforceability Date, the
10 Arizona Department of Water Resources has issued
11 an appealable, conditional decision and order for the
12 Bill Williams River watershed instream flow applica-
13 tions pursuant to section 4.4(iii) of the Bill Williams
14 River phase 2 water rights settlement agreement,
15 which order shall become nonconditional and effec-
16 tive on the Bill Williams River Phase 2 Enforce-
17 ability Date described in this subsection.

18 (4) The conditional decision and order de-
19 scribed in paragraph (3)—

20 (A) becomes final; and

21 (B) is not subject to any further appeal.

22 **SEC. 515. ADMINISTRATION.**

23 (a) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—

24 (1) WAIVER.—

1 (A) IN GENERAL.—In any circumstance
2 described in paragraph (2)—

3 (i) the United States or the Hualapai
4 Tribe may be joined in the action described
5 in the applicable subparagraph of that
6 paragraph; and

7 (ii) subject to subparagraph (B), any
8 claim by the United States or the Hualapai
9 Tribe to sovereign immunity from the ac-
10 tion is waived.

11 (B) LIMITATION.—A waiver under sub-
12 paragraph (A)(ii)—

13 (i) shall only be for the limited and
14 sole purpose of the interpretation or en-
15 forcement of—

16 (I) this title;

17 (II) the Hualapai Tribe water
18 rights settlement agreement, as rati-
19 fied by this title; or

20 (III) the Bill Williams River
21 phase 2 water right settlement agree-
22 ment, as ratified by this title; and

23 (ii) shall not include any award
24 against the United States or the Hualapai

1 Tribe for money damages, court costs, or
2 attorney fees.

3 (2) CIRCUMSTANCES DESCRIBED.—A cir-
4 cumstance referred to in paragraph (1)(A) is any of
5 the following:

6 (A) Any party to the Hualapai Tribe water
7 rights settlement agreement—

8 (i) brings an action in any court of
9 competent jurisdiction relating only and di-
10 rectly to the interpretation or enforcement
11 of—

12 (I) this title; or

13 (II) the Hualapai Tribe water
14 rights settlement agreement; and

15 (ii) names the United States or the
16 Hualapai Tribe as a party in that action.

17 (B) Any landowner or water user in the
18 Verde River Watershed—

19 (i) brings an action in any court of
20 competent jurisdiction relating only and di-
21 rectly to the interpretation or enforcement
22 of—

23 (I) paragraph 10.0 of the
24 Hualapai Tribe water rights settle-
25 ment agreement;

1 (II) Exhibit 3.1.43 to the
2 Hualapai Tribe water rights settle-
3 ment agreement; or

4 (III) section 509; and

5 (ii) names the United States or the
6 Hualapai Tribe as a party in that action.

7 (C) Any party to the Bill Williams River
8 phase 2 settlement agreement—

9 (i) brings an action in any court of
10 competent jurisdiction relating only and di-
11 rectly to the interpretation or enforcement
12 of—

13 (I) this title; or

14 (II) the Bill Williams River phase
15 2 settlement agreement; and

16 (ii) names the United States or the
17 Hualapai Tribe as a party in that action.

18 (b) EFFECT ON CURRENT LAW.—Nothing in this
19 section alters the law with respect to pre-enforcement re-
20 view of Federal environmental or safety-related enforce-
21 ment actions.

22 (c) BASIN GROUNDWATER WITHDRAWAL ESTI-
23 MATES.—

24 (1) GROUNDWATER WITHDRAWAL ESTI-
25 MATES.—

1 (A) IN GENERAL.—Not later than 1 year
2 of the date of the enactment of this title, the
3 Secretary, acting through the United States Ge-
4 ological Survey Water Use Program, shall issue
5 an estimate for groundwater withdrawals in the
6 Truxton Basin outside the boundaries of the
7 Hualapai Reservation.

8 (B) ANNUAL ESTIMATES.—Each year after
9 publication of the initial estimate required by
10 subparagraph (A), the Secretary, acting
11 through the United States Geological Survey
12 Water Use Program, shall issue an estimate for
13 groundwater withdrawals in the Truxton Basin
14 outside the boundaries of the Hualapai Res-
15 ervation until such time as the Secretary, after
16 consultation with the Hualapai Tribe, deter-
17 mines that annual estimates are not warranted.

18 (2) NOTICE TO THE STATE.—Based on the esti-
19 mates under paragraph (1), the Secretary shall no-
20 tify the State, in writing, if the total withdrawal of
21 groundwater from the Truxton Basin outside the
22 boundaries of the Hualapai Reservation exceeds the
23 estimate prepared pursuant to that paragraph by
24 3,000 or more AFY, exclusive of any diversion or
25 use of groundwater on Hualapai fee land and any

1 land acquired by the Hualapai Tribe, including by a
2 tribally owned corporation, in fee after the Enforce-
3 ability Date.

4 (d) ANTIDEFICIENCY.—Notwithstanding any author-
5 ization of appropriations to carry out this title, the United
6 States shall not be liable for any failure of the United
7 States to carry out any obligation or activity authorized
8 by this title (including all agreements or exhibits ratified
9 or confirmed by this title) if—

10 (1) adequate appropriations are not provided
11 expressly by Congress to carry out the purposes of
12 this title; or

13 (2) there are not enough monies available to
14 carry out this title in the Lower Colorado River
15 Basin Development Fund.

16 (e) APPLICATION OF RECLAMATION REFORM ACT OF
17 1982.—The Reclamation Reform Act of 1982 (43 U.S.C.
18 390aa et seq.) and any other acreage limitation or full-
19 cost pricing provision of Federal law shall not apply to
20 any person, entity, or tract of land solely on the basis of—

21 (1) receipt of any benefit under this title;

22 (2) execution or performance of this title; or

23 (3) the use, storage, delivery, lease, or exchange
24 of CAP water.

25 (f) EFFECT.—

1 (1) NO MODIFICATION OR PREEMPTION OF
2 OTHER LAW.—Unless expressly provided in this title,
3 nothing in this title modifies, conflicts with, pre-
4 empts, or otherwise affects—

5 (A) the Boulder Canyon Project Act (43
6 U.S.C. 617 et seq.);

7 (B) the Boulder Canyon Project Adjust-
8 ment Act (43 U.S.C. 618 et seq.);

9 (C) the Act of April 11, 1956 (commonly
10 known as the “Colorado River Storage Project
11 Act”) (43 U.S.C. 620 et seq.);

12 (D) the Colorado River Basin Project Act
13 (Public Law 90–537; 82 Stat. 885);

14 (E) the Treaty between the United States
15 of America and Mexico respecting utilization of
16 waters of the Colorado and Tijuana Rivers and
17 of the Rio Grande, signed at Washington Feb-
18 ruary 3, 1944 (59 Stat. 1219);

19 (F) the Colorado River Compact;

20 (G) the Upper Colorado River Basin Com-
21 pact;

22 (H) the Omnibus Public Land Manage-
23 ment Act of 2009 (Public Law 111–11; 123
24 Stat. 991); or

1 (I) case law concerning water rights in the
2 Colorado River system other than any case to
3 enforce the Hualapai Tribe water rights settle-
4 ment agreement or this title.

5 (2) EFFECT ON AGREEMENTS.—Nothing in this
6 title or the Hualapai Tribe water rights settlement
7 agreement limits the right of the Hualapai Tribe to
8 enter into any agreement for the storage or banking
9 of water in accordance with State law with—

10 (A) the Arizona Water Banking Authority
11 (or a successor agency or entity); or

12 (B) any other lawful authority.

13 (3) EFFECT OF TITLE.—Nothing in this title—

14 (A) quantifies or otherwise affects the
15 water rights, claims, or entitlements to water of
16 any Indian Tribe other than the Hualapai
17 Tribe;

18 (B) affects the ability of the United States
19 to take action on behalf of any Indian Tribe
20 other than the Hualapai Tribe, the members of
21 the Hualapai Tribe, and the allottees; or

22 (C) limits the right of the Hualapai Tribe
23 to use any water of the Hualapai Tribe in any
24 location on the Hualapai Reservation.

TITLE VI—WATER DATA

2 SEC. 601. DEFINITIONS.

3 In this title:

4 (1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Advisory Committee on
5 Water Information established by section 604(a).
6

7 (2) COUNCIL.—The term “Council” means the
8 Water Data Council established under section
9 603(a).

10 (3) DATA STANDARDS.—The term “data stand-
11 ards” means standards relating to the manner in
12 which data and metadata are to be structured, popu-
13 lated, and encoded in machine-readable formats, and
14 made interoperable for data exchange.

15 (4) DEPARTMENTS.—The term “Departments”
16 means each of the following:

17 (A) The Department of Agriculture.

18 (B) The Department of Commerce.

19 (C) The Department of Defense.

20 (D) The Department of Energy.

21 (E) The Department of Health and
22 Human Services.

23 (F) The Department of Homeland Secu-
24 rity.

25 (G) The Department of the Interior.

1 (H) The Environmental Protection Agency.

2 (I) The National Aeronautics and Space
3 Administration.

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

8 (6) NATIONAL WATER DATA FRAMEWORK.—
9 The term “National Water Data Framework” means
10 the national water data framework developed under
11 section 602.

12 (7) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (8) WATER DATA.—The term “water data”
15 means measurements and observations of basic prop-
16 erties relating to the planning and management of
17 water resources, including streamflow, precipitation,
18 groundwater, soil moisture, snow, evaporation, water
19 quality, and water use in agriculture, industry, nat-
20 ural systems, and municipal uses.

21 (9) WATER DATA GRANT PROGRAM.—The term
22 “Water Data Grant Program” means the water data
23 grant program established under section 605(a).

24 (10) WATER DATA INFRASTRUCTURE.—The
25 term “water data infrastructure” means an inte-

1 grated system of information technologies that in-
2 cludes common data standards and metadata, data
3 formats, geospatial referencing, and tools to make
4 water data available, easy to find, access, and share
5 online.

6 **SEC. 602. NATIONAL WATER DATA FRAMEWORK.**

7 (a) IN GENERAL.—For the purpose of improving
8 water resources management and access across the United
9 States, including addressing drought, floods, and other
10 water management challenges, the heads of the Depart-
11 ments shall jointly develop and implement a national water
12 data framework for observing, integrating, sharing, and
13 using water data.

14 (b) REQUIREMENTS.—In developing and imple-
15 menting the National Water Data Framework, the De-
16 partments shall—

17 (1) identify and prioritize key water data need-
18 ed to support water resources management and
19 planning, including—

20 (A) water data sets, types, observations,
21 and associated metadata; and

22 (B) water data infrastructure, tech-
23 nologies, and tools;

24 (2) develop and adopt common national water
25 data standards for collecting, sharing, and inte-

1 grating water data, infrastructure, technologies, and
2 tools in consultation with States, Indian Tribes, local
3 governments, and relevant bodies;

4 (3) ensure that Federal water data are made
5 findable, accessible, interoperable, and reusable in
6 accordance with the standards developed and adopt-
7 ed pursuant to this title;

8 (4) integrate water data and tools through com-
9 mon approaches to data and observing infrastruc-
10 ture, platforms, models, and tool development;

11 (5) establish a common, national geospatial
12 index for publishing and linking water data from
13 Federal, State, Tribal, and other non-Federal
14 sources for online discovery;

15 (6) harmonize and align policies, programs, pro-
16 tocols, budgets, and funding programs relating to
17 water data to achieve the purposes of this title, as
18 appropriate;

19 (7) participate in and coordinate water data ac-
20 tivities with the Council; and

21 (8) support the adoption of new technologies
22 and the development of tools for water data collec-
23 tion, observing, sharing, and standardization by
24 Federal, State, Tribal, local, and other entities.

1 **SEC. 603. WATER DATA COUNCIL.**

2 (a) IN GENERAL.—The heads of the Departments
3 shall establish an interagency Council, to be known as the
4 “Water Data Council”, to support the development and
5 implementation of the National Water Data Framework.

6 (b) MEMBERSHIP.—

7 (1) DUTIES OF SECRETARY.—The Secretary,
8 acting through the Director of the United States Ge-
9 ological Survey, shall—

10 (A) serve as the Chair of the Council;

11 (B) in collaboration with the Administra-
12 tors of the National Oceanic and Atmospheric
13 Administration and Environmental Protection
14 Agency, and the Director of the Office of
15 Science and Technology Policy, convene the
16 Council not less frequently than 4 times each
17 year; and

18 (C) provide staff support for the Council
19 through the United States Geological Survey.

20 (2) MEMBERS.—Council Members shall include
21 the heads of the following entities:

22 (A) The Departments.

23 (B) Bureaus and offices of the Depart-
24 ments that have a significant role or interest in
25 water data, including—

26 (i) the Corps of Engineers;

- 1 (ii) the Bureau of Indian Affairs;
2 (iii) the Bureau of Reclamation;
3 (iv) the Federal Emergency Manage-
4 ment Agency;
5 (v) the Federal Energy Regulatory
6 Commission;
7 (vi) the United States Fish and Wild-
8 life Service;
9 (vii) the Indian Health Service;
10 (viii) the Forest Service;
11 (ix) the National Laboratories;
12 (x) the Natural Resources Conserva-
13 tion Service;
14 (xi) the National Oceanic and Atmos-
15 pheric Administration; and
16 (xii) the Rural Development program
17 of the Department of Agriculture.
- 18 (C) Offices of the Executive Office of the
19 President, including—
- 20 (i) the Council on Environmental
21 Quality;
22 (ii) the Office of Management and
23 Budget; and
24 (iii) the Office of Science and Tech-
25 nology Policy.

1 (D) Other Federal entities that the Chair
2 and a majority of the members of the Council
3 described in subparagraphs (A) through (C) de-
4 termine to be appropriate.

5 (e) DUTIES.—The Council shall—

6 (1) support the development and implementa-
7 tion of the National Water Data Framework; and

8 (2) facilitate communication and collaboration
9 among members of the Council—

10 (A) to establish, adopt, and implement
11 common national water data standards;

12 (B) to promote water data sharing and in-
13 tegration across Federal departments and agen-
14 cies, including—

15 (i) water data collection, observation,
16 documentation, maintenance, distribution,
17 and preservation strategies; and

18 (ii) development and use of water data
19 infrastructure, tools, and technologies to
20 support water management and planning;

21 (C) to align the policies, programs, proto-
22 cols, budgets, and funding programs relating to
23 water data of the members of the Council, as
24 appropriate; and

1 (D) to promote partnerships across Fed-
2 eral entities and non-Federal entities—

3 (i) to advance innovation and solu-
4 tions in water data, technology, tools, plan-
5 ning, and management; and

6 (ii) to develop guidelines for data
7 sharing and protecting data privacy and
8 security.

9 (d) WATER DATA COUNCIL REPORTS.—Not later
10 than 180 days after the date of enactment of this Act,
11 and annually thereafter, in conjunction with the annual
12 budget submission of the President to Congress under sec-
13 tion 1105(a) of title 31, United States Code, the Sec-
14 retary, acting on behalf of the Council, shall submit to
15 members of the Council and the appropriate committees
16 of Congress and make available publicly online a report
17 that describes—

18 (1) the National Water Data Framework;

19 (2) the actions undertaken by the Departments
20 to implement this title pursuant to section 602;

21 (3) key water data sets, types, and infrastruc-
22 ture needed to support water management and plan-
23 ning;

1 (4) goals, targets, and actions to carry out the
2 National Water Data Framework in the subsequent
3 fiscal year;

4 (5) a summary and evaluation of the progress
5 of the Departments in achieving any prior goals, tar-
6 gets, and actions to carry out the National Water
7 Data Framework;

8 (6) recommendations to align policies, pro-
9 grams, and budgetary resources to carry out the Na-
10 tional Water Data Framework, where appropriate,
11 in the subsequent fiscal year;

12 (7) grants and assistance provided to State,
13 Tribal, and local entities toward the development
14 and adoption of new technologies and tools;

15 (8) opportunities to develop and incentivize the
16 deployment of promising next-generation tech-
17 nologies, including new water data technologies and
18 tools, in partnership with the private sector and oth-
19 ers to accomplish the purposes of this title; and

20 (9) metrics for achieving the National Water
21 Data Framework.

22 **SEC. 604. ADVISORY COMMITTEE ON WATER INFORMATION.**

23 (a) ESTABLISHMENT.—There is established within
24 the Department of the Interior an advisory committee, to
25 be known as the “Advisory Committee on Water Informa-

1 tion”, to advise the Secretary, Departments, and Council
2 on the development and implementation of the National
3 Water Data Framework.

4 (b) MEMBERSHIP.—

5 (1) COMPOSITION.—The Advisory Committee
6 shall be composed of members, to be appointed by
7 the Secretary, in consultation with the Administra-
8 tors of the National Oceanic and Atmospheric Ad-
9 ministration and the Environmental Protection
10 Agency, in a manner that provides for—

11 (A) balanced representation among various
12 entities involved in water-related activities; and

13 (B) consideration for a geographic balance
14 of individuals representing localities across the
15 United States.

16 (2) SELECTION.—Members of the Advisory
17 Committee shall be selected by the Secretary from
18 among entities involved in water-related activities,
19 including—

20 (A) States;

21 (B) Indian Tribes;

22 (C) local governments;

23 (D) Federal entities;

1 (E) water agencies, utilities, conservation
2 districts, irrigation districts, acequias, and
3 other water user associations;

4 (F) organizations that facilitate collabora-
5 tion across States and multi-state instrumental-
6 ities;

7 (G) educational institutions;

8 (H) professional organizations;

9 (I) water data and technology-related ex-
10 perts, professionals, and industries;

11 (J) private sector entities; and

12 (K) nonprofit organizations.

13 (3) TERM.—Members of the Advisory Com-
14 mittee shall be appointed by the Secretary for a
15 term not to exceed 4 years.

16 (c) CHAIR.—The Secretary shall serve as the Chair
17 of the Advisory Committee.

18 (d) STAFF SUPPORT.—The United States Geological
19 Survey shall provide support services for the Advisory
20 Committee.

21 (e) MEETINGS.—The Advisory Committee shall meet
22 at the call of the Chair, but not less frequently than 4
23 times each year.

1 (f) DUTIES.—The duties of the Advisory Committee
2 are to advise the Secretary, Departments, and Council
3 on—

4 (1) the development and implementation of the
5 National Water Data Framework;

6 (2) efforts to operate a cost-effective national
7 network of water data collection and analysis that
8 meets the priority water information needs of the
9 Federal Government and, to the extent practicable
10 using available resources, the needs of the non-Fed-
11 eral community that are tied to national interests;

12 (3) efforts to develop uniform standards, guide-
13 lines, and procedures for the collection, analysis,
14 management, and dissemination of water informa-
15 tion to improve quality, consistency, and accessibility
16 nationwide; and

17 (4) the effectiveness of existing water informa-
18 tion programs and recommended modifications need-
19 ed to respond to changes in legislation, technology,
20 and other conditions.

21 (g) COORDINATION.—To the extent practicable, the
22 Advisory Committee shall coordinate with the National
23 Water Quality Monitoring Council and other water data
24 related entities convened by the Federal Government.

1 (h) REPORT.—Not later than two years after the date
2 of enactment of this Act, and every two years thereafter,
3 the Advisory Committee shall submit a report of activities
4 carried out by the Advisory Committee and a rec-
5 ommendation to continue, modify the duties of, or termi-
6 nate the Advisory Committee.

7 (i) APPLICABILITY OF FACCA.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the Federal Advisory Committee Act (5
10 U.S.C. App.) shall apply to the Advisory Committee.

11 (2) NO TERMINATION.—Section 14(a)(2) of the
12 Federal Advisory Committee Act (5 U.S.C. App.)
13 shall not apply to the Advisory Committee.

14 **SEC. 605. WATER DATA GRANT PROGRAM.**

15 (a) IN GENERAL.—The Secretary shall establish a
16 water data grant program under which the Secretary shall
17 award grants—

18 (1) to support non-Federal entities in making
19 water data sets findable, accessible, interoperable,
20 and reusable in accordance with the water data
21 standards established under this title;

22 (2) to advance the development of water data
23 infrastructure, observations, tools, and technologies
24 to facilitate the sharing and use of water data;

1 (3) to support programs and projects that fa-
2 cilitate water data sharing and use in water re-
3 sources management and the implementation of the
4 National Water Data Framework; and

5 (4) to provide a prize for accelerating innova-
6 tion and developing next-generation water data tools
7 and technologies.

8 (b) COORDINATION WITH THE COUNCIL.—The Sec-
9 retary shall consult and coordinate with the Council in cre-
10 ating and implementing the Water Data Grant Program
11 to ensure that—

12 (1) the Water Data Grant Program is aligned
13 with and carries out the purposes of this title; and

14 (2) grants and programs are harmonized across
15 the Departments and members of the Council to
16 achieve the purposes of this title, as appropriate.

17 (c) ELIGIBLE ENTITIES.—An entity eligible for a
18 grant under the Water Data Grant Program—

19 (1) shall demonstrate significant needs or capa-
20 bilities for advancing water data sharing and tools
21 with a significant public benefit; and

22 (2) may include—

23 (A) a State, multistate instrumentality, In-
24 dian Tribe, or other unit of local government;

1 (B) a water agency, utility, conservation
2 district, irrigation district, acequia, mutual do-
3 mestic association, or other entity organized
4 pursuant to Federal, Tribal, or local laws for
5 the purpose of water-related activities;

6 (C) an educational institution or nonprofit
7 organization; and

8 (D) in the case of carrying out activities
9 described in subsection (a)(4)—

10 (i) an individual who is a citizen or
11 legal resident of the United States; or

12 (ii) an entity that is incorporated and
13 maintains the primary place of business of
14 the entity in the United States.

15 (d) REQUIREMENTS.—

16 (1) DATA SHARING AND STANDARDS.—Any
17 project funded through the Water Data Grant Pro-
18 gram shall be implemented in accordance with the
19 water data standards established under section 602.

20 (2) USE OF EXISTING WATER DATA INFRA-
21 STRUCTURE.—The recipient of a grant shall, to the
22 extent practicable, leverage existing water data and
23 water data infrastructure.

24 (e) REPORT.—Not later than 1 year after the date
25 of enactment of this Act, and annually thereafter, in con-

1 junction with the annual budget submission of the Presi-
2 dent to Congress under section 1105(a) of title 31, United
3 States Code, the Secretary shall submit to Congress a re-
4 port that describes the implementation of the Water Data
5 Grant Program, including—

6 (1) a description of the use and deployment of
7 amounts made available under the Water Data
8 Grant Program;

9 (2) an accounting of all grants awarded under
10 the Water Data Grant Program, including a descrip-
11 tion of—

12 (A) each grant recipient; and

13 (B) each project funded under the Water
14 Data Grant Program;

15 (3) an assessment of the success of the Water
16 Data Grant Program in advancing the purposes of
17 this title; and

18 (4) a plan for the subsequent fiscal year to
19 achieve the purposes of this title.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Secretary to carry
22 out the Water Data Grant Program \$25,000,000 for each
23 of fiscal years 2023 through 2027, to remain available
24 until expended.

1 (g) ADMINISTRATIVE COSTS.—Of the funds author-
 2 ized to be appropriated under subsection (f), not more
 3 than 3 percent is authorized to be appropriated for admin-
 4 istrative costs to carry out the Water Data Grant Pro-
 5 gram.

6 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—There is authorized to be appro-
 8 priated to the Secretary to carry out sections 602 through
 9 604 \$15,000,000 for each of fiscal years 2023 through
 10 2027, to remain available until expended.

11 (b) TRANSFER OF FUNDS.—The Secretary may, to
 12 the extent provided in advance in appropriations Acts,
 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 (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 **SEC. 103. CRITICAL DOCUMENT FEE WAIVER.**

21 Section 1238(a) of the Disaster Recovery Reform Act
22 of 2018 (42 U.S.C. 5174b) is amended—

23 (1) in paragraph (2), by striking “applies re-
24 gardless” and inserting “and the requirement of the

1 President to waive fees under paragraph (4) apply
2 regardless”;

3 (2) by redesignating paragraph (4) as para-
4 graph (5); and

5 (3) by inserting after paragraph (3) the fol-
6 lowing:

7 “(4) MANDATORY AUTOMATIC WAIVER.—The
8 President, in consultation with the Governor of a
9 State, shall automatically provide a fee waiver de-
10 scribed in paragraph (1) to an individual or house-
11 hold that has been adversely affected by a major dis-
12 aster declared under section 401 of the Robert T.
13 Stafford Disaster Relief and Emergency Assistance
14 Act (42 U.S.C. 5170)—

15 “(A) for which the President provides as-
16 sistance to individuals and households under
17 section 408 of that Act (42 U.S.C. 5174); and

18 “(B) that destroyed a critical document de-
19 scribed in paragraph (1) of the individual or
20 household.”.

21 **SEC. 104. HERMIT’S PEAK/CALF CANYON FIRE ASSISTANCE.**

22 (a) FINDINGS AND PURPOSES.—

23 (1) FINDINGS.—Congress finds that—

24 (A) on April 6, 2022, the Forest Service
25 initiated the Las Dispensas-Gallinas prescribed

1 burn on Federal land in the Santa Fe National
2 Forest in San Miguel County, New Mexico,
3 when erratic winds were prevalent in the area
4 that was also suffering from severe drought
5 after many years of insufficient precipitation;

6 (B) on April 6, 2022, the prescribed burn,
7 which became known as the “Hermit’s Peak
8 Fire”, exceeded the containment capabilities of
9 the Forest Service, was declared a wildfire, and
10 spread to other Federal and non-Federal land;

11 (C) on April 19, 2022, the Calf Canyon
12 Fire, also in San Miguel County, New Mexico,
13 began burning on Federal land and was later
14 identified as the result of a pile burn in Janu-
15 ary 2022 that remained dormant under the sur-
16 face before reemerging;

17 (D) on April 27, 2022, the Hermit’s Peak
18 Fire and the Calf Canyon Fire merged, and
19 both fires were reported as the Hermit’s Peak
20 Fire or the Hermit’s Peak/Calf Canyon Fire,
21 (referred hereafter in this subsection as the
22 “Hermit’s Peak/Calf Canyon Fire”);

23 (E) by May 2, 2022, the fire had grown in
24 size and caused evacuations in multiple villages
25 and communities in San Miguel County and

1 Mora County, including in the San Miguel
2 county jail, the State’s psychiatric hospital, the
3 United World College, and New Mexico High-
4 lands University;

5 (F) on May 4, 2022, the President issued
6 a major disaster declaration for the counties of
7 Colfax, Mora, and San Miguel, New Mexico;

8 (G) on May 20, 2022, U.S. Forest Service
9 Chief Randy Moore ordered a 90-day review of
10 prescribed burn policies to reduce the risk of
11 wildfires and ensure the safety of the commu-
12 nities involved;

13 (H) the U.S. Forest Service has assumed
14 responsibility for the Hermit’s Peak/Calf Can-
15 yon Fire;

16 (I) the fire resulted in the loss of Federal,
17 State, local, Tribal, and private property; and

18 (J) the United States should compensate
19 the victims of the Hermit’s Peak/Calf Canyon
20 Fire.

21 (2) PURPOSES.—The purposes of this section
22 are—

23 (A) to compensate victims of the Hermit’s
24 Peak/Calf Canyon Fire, for injuries resulting
25 from the fire; and

1 (B) to provide for the expeditious consider-
2 ation and settlement of claims for those inju-
3 ries.

4 (b) DEFINITIONS.—In this section:

5 (1) ADMINISTRATOR.—The term “Adminis-
6 trator” means—

7 (A) the Administrator of the Federal
8 Emergency Management Agency; or

9 (B) if a Manager is appointed under sub-
10 section (c)(1)(C), the Manager.

11 (2) HERMIT’S PEAK/CALF CANYON FIRE.—The
12 term “Hermit’s Peak/Calf Canyon Fire” means—

13 (A) the fire resulting from the initiation by
14 the Forest Service of a prescribed burn in the
15 Santa Fe National Forest in San Miguel Coun-
16 ty, New Mexico, on April 6, 2022;

17 (B) the pile burn holdover resulting from
18 the prescribed burn by the Forest Service,
19 which reemerged on April 19, 2022; and

20 (C) the merger of the two fires described
21 in subparagraphs (A) and (B), reported as the
22 Hermit’s Peak Fire or the Hermit’s Peak Fire/
23 Calf Canyon Fire.

24 (3) INDIAN TRIBE.—The term “Indian Tribe”
25 means the recognized governing body of any Indian

1 or Alaska Native Tribe, band, nation, pueblo, village,
2 community, component band, or component reserva-
3 tion individually identified (including parenthetically)
4 in the list published most recently as of the date of
5 enactment of this Act pursuant to section 104 of the
6 Federally Recognized Indian Tribe List Act of 1994
7 (25 U.S.C. 5131).

8 (4) INJURED PERSON.—The term “injured per-
9 son” means—

10 (A) an individual, regardless of the citizen-
11 ship or alien status of the individual; or

12 (B) an Indian Tribe, corporation, Tribal
13 corporation, partnership, company, association,
14 county, township, city, State, school district, or
15 other non-Federal entity (including a legal rep-
16 resentative) that suffered injury resulting from
17 the Hermit’s Peak/Calf Canyon Fire.

18 (5) INJURY.—The term “injury” has the same
19 meaning as the term “injury or loss of property, or
20 personal injury or death” as used in section
21 1346(b)(1) of title 28, United States Code.

22 (6) MANAGER.—The term “Manager” means
23 an Independent Claims Manager appointed under
24 subsection (c)(1)(C).

1 (7) OFFICE.—The term “Office” means the Of-
2 fice of Hermit’s Peak/Calf Canyon Fire Claims es-
3 tablished by subsection (c)(1)(B).

4 (8) TRIBAL ENTITY.—The term “Tribal entity”
5 includes any Indian Tribe, tribal organization, In-
6 dian-controlled organization serving Indians, Native
7 Hawaiian organization, or Alaska Native entity, as
8 such terms are defined or used in section 166 of the
9 Workforce Innovation and Opportunity Act (25
10 U.S.C. 5304).

11 (c) COMPENSATION FOR VICTIMS OF HERMIT’S
12 PEAK/CALF CANYON FIRE.—

13 (1) IN GENERAL.—

14 (A) COMPENSATION.—Each injured person
15 shall be entitled to receive from the United
16 States compensation for injury suffered by the
17 injured person as a result of the Hermit’s Peak/
18 Calf Canyon Fire.

19 (B) OFFICE OF HERMIT’S PEAK/CALF CAN-
20 YON FIRE CLAIMS.—

21 (i) IN GENERAL.—There is established
22 within the Federal Emergency Manage-
23 ment Agency an Office of Hermit’s Peak/
24 Calf Canyon Fire Claims.

1 (ii) PURPOSE.—The Office shall re-
2 ceive, process, and pay claims in accord-
3 ance with this section.

4 (iii) FUNDING.—The Office—

5 (I) shall be funded from funds
6 made available to the Administrator
7 under this section;

8 (II) may appoint and fix the
9 compensation of such temporary per-
10 sonnel as may be necessary, without
11 regard to the provisions of title 5,
12 United States Code, governing ap-
13 pointments in competitive service; and

14 (III) may reimburse other Fed-
15 eral agencies for claims processing
16 support and assistance.

17 (C) OPTION TO APPOINT INDEPENDENT
18 CLAIMS MANAGER.—The Administrator may ap-
19 point an Independent Claims Manager to—

20 (i) head the Office; and

21 (ii) assume the duties of the Adminis-
22 trator under this section.

23 (2) SUBMISSION OF CLAIMS.—Not later than 2
24 years after the date on which regulations are first
25 promulgated under paragraph (6), an injured person

1 may submit to the Administrator a written claim for
2 1 or more injuries suffered by the injured person in
3 accordance with such requirements as the Adminis-
4 trator determines to be appropriate.

5 (3) INVESTIGATION OF CLAIMS.—

6 (A) IN GENERAL.—The Administrator
7 shall, on behalf of the United States, inves-
8 tigate, consider, ascertain, adjust, determine,
9 grant, deny, or settle any claim for money dam-
10 ages asserted under paragraph (2).

11 (B) APPLICABILITY OF STATE LAW.—Ex-
12 cept as otherwise provided in this section, the
13 laws of the State of New Mexico shall apply to
14 the calculation of damages under paragraph
15 (4)(D).

16 (C) EXTENT OF DAMAGES.—Any payment
17 under this section—

18 (i) shall be limited to actual compen-
19 satory damages measured by injuries suf-
20 fered; and

21 (ii) shall not include—

22 (I) interest before settlement or
23 payment of a claim; or

24 (II) punitive damages.

25 (4) PAYMENT OF CLAIMS.—

1 (A) DETERMINATION AND PAYMENT OF
2 AMOUNT.—

3 (i) IN GENERAL.—

4 (I) PAYMENT.—Not later than
5 180 days after the date on which a
6 claim is submitted under this section,
7 the Administrator shall determine and
8 fix the amount, if any, to be paid for
9 the claim.

10 (II) PRIORITY.—The Adminis-
11 trator, to the maximum extent prac-
12 ticable, shall pay subrogation claims
13 submitted under this section only
14 after paying claims submitted by in-
15 jured parties that are not insurance
16 companies seeking payment as
17 subrogees.

18 (ii) PARAMETERS OF DETERMINA-
19 TION.—In determining and settling a claim
20 under this section, the Administrator shall
21 determine only—

22 (I) whether the claimant is an in-
23 jured person;

1 (II) whether the injury that is
2 the subject of the claim resulted from
3 the fire;

4 (III) the amount, if any, to be al-
5 lowed and paid under this section; and

6 (IV) the person or persons enti-
7 tled to receive the amount.

8 (iii) INSURANCE AND OTHER BENE-
9 FITS.—

10 (I) IN GENERAL.—In deter-
11 mining the amount of, and paying, a
12 claim under this section, to prevent
13 recovery by a claimant in excess of ac-
14 tual compensatory damages, the Ad-
15 ministrator shall reduce the amount
16 to be paid for the claim by an amount
17 that is equal to the total of insurance
18 benefits (excluding life insurance ben-
19 efits) or other payments or settle-
20 ments of any nature that were paid,
21 or will be paid, with respect to the
22 claim.

23 (II) GOVERNMENT LOANS.—This
24 subparagraph shall not apply to the
25 receipt by a claimant of any govern-

1 ment loan that is required to be re-
2 paid by the claimant.

3 (B) PARTIAL PAYMENT.—

4 (i) IN GENERAL.—At the request of a
5 claimant, the Administrator may make 1
6 or more advance or partial payments be-
7 fore the final settlement of a claim, includ-
8 ing final settlement on any portion or as-
9 pect of a claim that is determined to be
10 severable.

11 (ii) JUDICIAL DECISION.—If a claim-
12 ant receives a partial payment on a claim
13 under this section, but further payment on
14 the claim is subsequently denied by the
15 Administrator, the claimant may—

16 (I) seek judicial review under
17 paragraph (9); and

18 (II) keep any partial payment
19 that the claimant received, unless the
20 Administrator determines that the
21 claimant—

22 (aa) was not eligible to re-
23 ceive the compensation; or

24 (bb) fraudulently procured
25 the compensation.

1 (C) RIGHTS OF INSURER OR OTHER THIRD
2 PARTY.—If an insurer or other third party pays
3 any amount to a claimant to compensate for an
4 injury described in paragraph (1), the insurer
5 or other third party shall be subrogated to any
6 right that the claimant has to receive any pay-
7 ment under this section or any other law.

8 (D) ALLOWABLE DAMAGES.—

9 (i) LOSS OF PROPERTY.—A claim that
10 is paid for loss of property under this sec-
11 tion may include otherwise uncompensated
12 damages resulting from the Hermit’s Peak/
13 Calf Canyon Fire for—

14 (I) an uninsured or underinsured
15 property loss;

16 (II) a decrease in the value of
17 real property;

18 (III) damage to physical infra-
19 structure, including irrigation infra-
20 structure such as acequia systems;

21 (IV) a cost resulting from lost
22 subsistence from hunting, fishing,
23 firewood gathering, timbering, graz-
24 ing, or agricultural activities con-

1 ducted on land damaged by the Her-
2 mit's Peak/Calf Canyon Fire;

3 (V) a cost of reforestation or re-
4 vegetation on Tribal or non-Federal
5 land, to the extent that the cost of re-
6 forestation or revegetation is not cov-
7 ered by any other Federal program;
8 and

9 (VI) any other loss that the Ad-
10 ministrator determines to be appro-
11 priate for inclusion as loss of prop-
12 erty.

13 (ii) BUSINESS LOSS.—A claim that is
14 paid for injury under this section may in-
15 clude damages resulting from the Hermit's
16 Peak/Calf Canyon Fire for the following
17 types of otherwise uncompensated business
18 loss:

19 (I) Damage to tangible assets or
20 inventory.

21 (II) Business interruption losses.

22 (III) Overhead costs.

23 (IV) Employee wages for work
24 not performed.

1 (V) Any other loss that the Ad-
2 ministrator determines to be appro-
3 priate for inclusion as business loss.

4 (iii) FINANCIAL LOSS.—A claim that
5 is paid for injury under this section may
6 include damages resulting from the Her-
7 mit’s Peak/Calf Canyon Fire for the fol-
8 lowing types of otherwise uncompensated
9 financial loss:

10 (I) Increased mortgage interest
11 costs.

12 (II) An insurance deductible.

13 (III) A temporary living or relo-
14 cation expense.

15 (IV) Lost wages or personal in-
16 come.

17 (V) Emergency staffing expenses.

18 (VI) Debris removal and other
19 cleanup costs.

20 (VII) Costs of reasonable efforts,
21 as determined by the Administrator,
22 to reduce the risk of wildfire, flood, or
23 other natural disaster in the counties
24 impacted by the Hermit’s Peak/Calf
25 Canyon Fire to risk levels prevailing

1 in those counties before the Hermit's
2 Peak/Calf Canyon Fire, that are in-
3 curred not later than the date that is
4 3 years after the date on which the
5 regulations under paragraph (6) are
6 first promulgated.

7 (VIII) A premium for flood in-
8 surance that is required to be paid on
9 or before May 31, 2024, if, as a result
10 of the Hermit's Peak/Calf Canyon
11 Fire, a person that was not required
12 to purchase flood insurance before the
13 Hermit's Peak/Calf Canyon Fire is re-
14 quired to purchase flood insurance.

15 (IX) A disaster assistance loan
16 received from the Small Business Ad-
17 ministration.

18 (X) Any other loss that the Ad-
19 ministrator determines to be appro-
20 priate for inclusion as financial loss.

21 (5) ACCEPTANCE OF AWARD.—The acceptance
22 by a claimant of any payment under this section, ex-
23 cept an advance or partial payment made under
24 paragraph (4)(B), shall—

1 (A) be final and conclusive on the claim-
2 ant, with respect to all claims arising out of or
3 relating to the same subject matter; and

4 (B) constitute a complete release of all
5 claims against the United States (including any
6 agency or employee of the United States) under
7 chapter 171 of title 28, United States Code
8 (commonly known as the “Federal Tort Claims
9 Act”), or any other Federal or State law, aris-
10 ing out of or relating to the same subject mat-
11 ter.

12 (6) REGULATIONS AND PUBLIC INFORMA-
13 TION.—

14 (A) REGULATIONS.—Notwithstanding any
15 other provision of law, not later than 45 days
16 after the date of enactment of this section, the
17 Administrator shall promulgate and publish in
18 the Federal Register interim final regulations
19 for the processing and payment of claims under
20 this section.

21 (B) PUBLIC INFORMATION.—

22 (i) IN GENERAL.—At the time at
23 which the Administrator promulgates regu-
24 lations under subparagraph (A), the Ad-
25 ministrator shall publish, online and in

1 print, in newspapers of general circulation
2 in the State of New Mexico, a clear, con-
3 cise, and easily understandable expla-
4 nation, in English and Spanish, of—

5 (I) the rights conferred under
6 this section; and

7 (II) the procedural and other re-
8 quirements of the regulations promul-
9 gated under subparagraph (A).

10 (ii) DISSEMINATION THROUGH OTHER
11 MEDIA.—The Administrator shall dissemi-
12 nate the explanation published under
13 clause (i) through websites, blogs, social
14 media, brochures, pamphlets, radio, tele-
15 vision, and other media that the Adminis-
16 trator determines are likely to reach pro-
17 spective claimants.

18 (7) CONSULTATION.—In administering this sec-
19 tion, the Administrator shall consult with the Sec-
20 retary of the Interior, the Secretary of Energy, the
21 Secretary of Agriculture, the Administrator of the
22 Small Business Administration, other Federal agen-
23 cies, and State, local, and Tribal authorities, as de-
24 termined to be necessary by the Administrator, to—

1 (A) ensure the efficient administration of
2 the claims process; and

3 (B) provide for local concerns.

4 (8) ELECTION OF REMEDY.—

5 (A) IN GENERAL.—An injured person may
6 elect to seek compensation from the United
7 States for 1 or more injuries resulting from the
8 Hermit’s Peak/Calf Canyon Fire by—

9 (i) submitting a claim under this sec-
10 tion;

11 (ii) filing a claim or bringing a civil
12 action under chapter 171 of title 28,
13 United States Code (commonly known as
14 the “Federal Tort Claims Act”); or

15 (iii) bringing an authorized civil action
16 under any other provision of law.

17 (B) EFFECT OF ELECTION.—An election
18 by an injured person to seek compensation in
19 any manner described in subparagraph (A)
20 shall be final and conclusive on the claimant
21 with respect to all injuries resulting from the
22 Hermit’s Peak/Calf Canyon Fire that are suf-
23 fered by the claimant.

24 (C) ARBITRATION.—

1 (i) IN GENERAL.—Not later than 45
2 days after the date of enactment of this
3 Act, the Administrator shall establish by
4 regulation procedures under which a dis-
5 pute regarding a claim submitted under
6 this section may be settled by arbitration.

7 (ii) ARBITRATION AS REMEDY.—On
8 establishment of arbitration procedures
9 under clause (i), an injured person that
10 submits a disputed claim under this section
11 may elect to settle the claim through arbi-
12 tration.

13 (iii) BINDING EFFECT.—An election
14 by an injured person to settle a claim
15 through arbitration under this subpara-
16 graph shall—

17 (I) be binding; and

18 (II) preclude any exercise by the
19 injured person of the right to judicial
20 review of a claim described in para-
21 graph (9).

22 (D) NO EFFECT ON ENTITLEMENTS.—
23 Nothing in this section affects any right of a
24 claimant to file a claim for benefits under any
25 Federal entitlement program.

1 (9) JUDICIAL REVIEW.—

2 (A) IN GENERAL.—Any claimant aggrieved
3 by a final decision of the Administrator under
4 this section may, not later than 60 days after
5 the date on which the decision is issued, bring
6 a civil action in the United States District
7 Court for the District of New Mexico, to modify
8 or set aside the decision, in whole or in part.

9 (B) RECORD.—The court shall hear a civil
10 action under subparagraph (A) on the record
11 made before the Administrator.

12 (C) STANDARD.—The decision of the Ad-
13 ministrator incorporating the findings of the
14 Administrator shall be upheld if the decision is
15 supported by substantial evidence on the record
16 considered as a whole.

17 (10) ATTORNEY'S AND AGENT'S FEES.—

18 (A) IN GENERAL.—No attorney or agent,
19 acting alone or in combination with any other
20 attorney or agent, shall charge, demand, re-
21 ceive, or collect, for services rendered in connec-
22 tion with a claim submitted under this section,
23 fees in excess of the limitations established
24 under section 2678 of title 28, United States
25 Code.

1 (B) VIOLATION.—An attorney or agent
2 who violates subparagraph (A) shall be fined
3 not more than \$10,000.

4 (11) WAIVER OF REQUIREMENT FOR MATCHING
5 FUNDS.—

6 (A) STATE AND LOCAL PROJECT.—

7 (i) IN GENERAL.—Notwithstanding
8 any other provision of law, a State or local
9 project that is determined by the Adminis-
10 trator to be carried out in response to the
11 Hermit’s Peak/Calf Canyon Fire under any
12 Federal program that applies to an area
13 affected by the Hermit’s Peak/Calf Canyon
14 Fire shall not be subject to any require-
15 ment for State or local matching funds to
16 pay the cost of the project under the Fed-
17 eral program.

18 (ii) FEDERAL SHARE.—The Federal
19 share of the costs of a project described in
20 clause (i) shall be 100 percent.

21 (B) OTHER NEEDS PROGRAM ASSIST-
22 ANCE.—Notwithstanding section 408(g)(2) of
23 the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C.
25 5174(g)(2)), for any emergency or major dis-

1 aster declared by the President under that Act
2 for the Hermit's Peak/Calf Canyon Fire, the
3 Federal share of assistance provided under that
4 section shall be 100 percent.

5 (12) APPLICABILITY OF DEBT COLLECTION RE-
6 QUIREMENTS.—Section 3711(a) of title 31, United
7 States Code, shall not apply to any payment under
8 this section, unless—

9 (A) there is evidence of civil or criminal
10 fraud, misrepresentation, presentation of a false
11 claim; or

12 (B) a claimant was not eligible under para-
13 graph (4)(B) of this section to any partial pay-
14 ment.

15 (13) INDIAN COMPENSATION.—Notwithstanding
16 any other provision of law, in the case of an Indian
17 Tribe, a Tribal entity, or a member of an Indian
18 Tribe that submits a claim under this section—

19 (A) the Bureau of Indian Affairs shall
20 have no authority over, or any trust obligation
21 regarding, any aspect of the submission of, or
22 any payment received for, the claim;

23 (B) the Indian Tribe, Tribal entity, or
24 member of an Indian Tribe shall be entitled to
25 proceed under this section in the same manner

1 and to the same extent as any other injured
2 person; and

3 (C) except with respect to land damaged
4 by the Hermit's Peak/Calf Canyon Fire that is
5 the subject of the claim, the Bureau of Indian
6 Affairs shall have no responsibility to restore
7 land damaged by the Hermit's Peak/Calf Can-
8 yon Fire.

9 (14) REPORT.—Not later than 1 year after the
10 date of promulgation of regulations under paragraph
11 (6)(A), and annually thereafter, the Administrator
12 shall submit to Congress a report that describes the
13 claims submitted under this section during the year
14 preceding the date of submission of the report, in-
15 cluding, for each claim—

16 (A) the amount claimed;

17 (B) a brief description of the nature of the
18 claim; and

19 (C) the status or disposition of the claim,
20 including the amount of any payment under
21 this section.

22 (15) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated such sums
24 as are necessary to carry out this section.

1 **SEC. 105. FIRE MANAGEMENT ASSISTANCE COST SHARE.**

2 (a) IN GENERAL.—Section 420 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act is
4 amended—

5 (1) by redesignating subsection (e) as sub-
6 section (f); and

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

9 “(e) FEDERAL SHARE.—The Federal share of assist-
10 ance under this section shall be not less than 75 percent
11 of the eligible cost of such assistance.”.

12 (b) APPLICABILITY.—The amendment made by sub-
13 section (a) shall only apply to amounts appropriated on
14 or after the date of enactment of this Act.

15 (c) RULEMAKING.—Not later than 3 years after the
16 date of enactment of this Act, the President, acting
17 through the Administrator of the Federal Emergency
18 Management Agency, shall conduct and complete a rule-
19 making to provide criteria for the circumstances under
20 which the Administrator may recommend the President in-
21 crease the Federal cost share for section 420 of the Robert
22 T. Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5187). Such criteria shall include a threshold
24 metric that assesses the financial impact to a State or
25 local government from responding to a fire for which fire
26 management assistance is being provided.

1 **SEC. 106. TRANSITIONAL SHELTERING ASSISTANCE.**

2 (a) DEFINITIONS.—In this section:

3 (1) INDIVIDUAL AT RISK OF WILDFIRE SMOKE
4 RELATED ILLNESS.—The term “individual at risk of
5 wildfire smoke related illness” means an individual,
6 living in an area where the air quality index is deter-
7 mined to be unhealthy for not less than 3 consecu-
8 tive days as a result of a wildfire, who is—

9 (A) a low-income individual;

10 (B) a parent or guardian with a child who
11 has not attained 19 years of age;

12 (C) a pregnant woman;

13 (D) an individual who is 65 years of age
14 or older;

15 (E) an individual with chronic respiratory
16 or cardiovascular illness; or

17 (F) an individual with a chronic disease
18 that is exacerbated by smoke inhalation.

19 (2) LOW-INCOME INDIVIDUAL.—The term “low-
20 income individual” means an individual from a fam-
21 ily whose taxable income (as defined in section 63 of
22 the Internal Revenue Code of 1986) for the pre-
23 ceding year did not exceed 200 percent of an
24 amount equal to the poverty level, as determined by
25 using criteria of poverty established by the Bureau
26 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 and the Department of Energy shall
22 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, the term “appro-
6 priate committees of Congress” means—

7 (1) the Committee on Energy and Commerce of
8 the House of Representatives; and

9 (2) the Committee on Energy and Natural Re-
10 sources of the Senate.

11 **SEC. 108. NONNATIVE PLANT SPECIES REMOVAL GRANT**

12 **PROGRAM.**

13 (a) DEFINITIONS.—In this section:

14 (1) ELIGIBLE ENTITY.—The term “eligible enti-
15 ty” means a partnership between 2 or more entities
16 that—

17 (A) shall include—

18 (i) at least 1 flood control district;

19 and

20 (ii) at least 1 city, county, township,
21 town, borough, parish, village, or other
22 general purpose political subdivision of a
23 State or Indian tribe (as defined in section
24 4 of the Indian Self-Determination and

1 Education Assistance Act (25 U.S.C.
2 5304)); and

3 (B) may include any other entity (such as
4 a nonprofit organization or institution of higher
5 education), as determined by the Secretary.

6 (2) NONNATIVE PLANT SPECIES.—The term
7 “nonnative plant species” means a plant species
8 that—

9 (A) is nonnative or alien to an ecosystem;
10 and

11 (B) if introduced to that ecosystem, will
12 cause, or is likely to cause, economic harm, en-
13 vironmental harm, or harm to human health.

14 (3) SECRETARY.—The term “Secretary” means
15 the Secretary of Agriculture.

16 (b) ESTABLISHMENT.—The Secretary shall establish
17 a grant program to award grants, on a competitive basis,
18 to eligible entities—

19 (1) to remove nonnative plant species in ripar-
20 ian areas that contribute to drought conditions;

21 (2) to replace those nonnative plant species
22 with native plant species; and

23 (3) to maintain and monitor riparian areas in
24 which nonnative plant species have been removed
25 and replaced.

1 (c) APPLICATIONS.—

2 (1) IN GENERAL.—To be eligible to receive a
3 grant under this section, an eligible entity shall sub-
4 mit to the Secretary an application at such time, in
5 such manner, and containing such information as
6 the Secretary may require, including—

7 (A) a plan for how the eligible entity will
8 use grant funds to carry out the activities de-
9 scribed in paragraphs (1) through (3) of sub-
10 section (b);

11 (B) a description of the manner in which
12 the eligible entity has carried out the consulta-
13 tion required under paragraph (2); and

14 (C) information demonstrating that each
15 native plant species described in subsection
16 (b)(2) will—

17 (i)(I) reduce flood risk;

18 (II) improve hydrology and water
19 storage capacities; or

20 (III) reduce fire hazard; and

21 (ii) protect and restore rivers and
22 streams and associated riparian habitats,
23 including fish and wildlife resources that
24 are dependent on those habitats.

1 (2) the means by which communities can better
2 respond to the impacts of emissions from wildland
3 fires.

4 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
5 authorized to be appropriated to the Administrator to
6 carry out this section \$10,000,000 for each of fiscal years
7 2023 through 2027.

8 **SEC. 110. COMMUNITY SMOKE PLANNING.**

9 (a) **IN GENERAL.**—Not later than 180 days after the
10 date of enactment of this Act, the Administrator of the
11 Environmental Protection Agency (referred to in this sec-
12 tion as the “Administrator”) shall establish a competitive
13 grant program to assist eligible entities described in sub-
14 section (b) in developing and implementing collaborative
15 community plans for mitigating the impacts of smoke
16 emissions from wildland fires.

17 (b) **ELIGIBLE ENTITIES.**—An entity that is eligible
18 to submit an application for a grant under subsection (a)
19 is—

20 (1) a State, as defined in section 302 of the
21 Clean Air Act (42 U.S.C. 7602);

22 (2) an air pollution control agency, as defined
23 in section 302 of the Clean Air Act (42 U.S.C.
24 7602);

1 (3) a municipality, as defined in section 302 of
2 the Clean Air Act (42 U.S.C. 7602); or

3 (4) an Indian tribe, as defined in section 302
4 of the Clean Air Act (42 U.S.C. 7602).

5 (c) APPLICATIONS.—To be eligible to receive a grant
6 under subsection (a), an eligible entity described in sub-
7 section (b) shall submit to the Administrator an applica-
8 tion at such time, in such manner, and containing such
9 information as the Administrator may require.

10 (d) TECHNICAL ASSISTANCE.—The Administrator
11 may use amounts made available to carry out this section
12 to provide to eligible entities described in subsection (b)
13 technical assistance in—

14 (1) submitting grant applications under sub-
15 section (c); or

16 (2) carrying out projects using a grant under
17 this section.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Administrator to
20 carry out this section \$50,000,000 for each of fiscal years
21 2023 through 2027.

22 **SEC. 111. DISASTER EQUITY AND FAIRNESS.**

23 (a) DEFINITIONS.—In this section—

24 (1) the term “Administrator” means the Ad-
25 ministrators of the Agency;

1 (2) the term “Agency” means the Federal
2 Emergency Management Agency;

3 (3) the term “emergency” means an emergency
4 declared or determined to exist by the President
5 under section 501 of the Robert T. Stafford Disaster
6 Relief and Emergency Assistance Act (42 U.S.C.
7 5191);

8 (4) the terms “Indian tribal government” and
9 “local government” have the meanings given such
10 terms in section 102 of the Robert T. Stafford Dis-
11 aster Relief and Emergency Assistance Act (42
12 U.S.C. 5122); and

13 (5) the term “major disaster” means a major
14 disaster declared by the President under section 401
15 of the Robert T. Stafford Disaster Relief and Emer-
16 gency Assistance Act (42 U.S.C. 5170).

17 (b) INCREASE COST-SHARE FOR CONSECUTIVE IM-
18 PACTS.—

19 (1) IN GENERAL.—Notwithstanding the provi-
20 sions of law described in paragraph (2), for assist-
21 ance provided under sections 403, 404, 406, 408,
22 420, and 428 of the Robert T. Stafford Disaster Re-
23 lief and Emergency Assistance Act (42 U.S.C.
24 5170b, 5170c, 5172, 5174, 5187, 5189f) to a local
25 government or Indian tribal government in connec-

1 tion with the second, or subsequent, major disaster
2 during any 3-year period, the Federal share shall be
3 not less than 90 percent of the eligible cost of such
4 assistance.

5 (2) PROVISIONS.—The provisions of law de-
6 scribed in this paragraph are sections 403(b),
7 403(c)(4), 404(a), 406(b), 408(d), 408(g)(2),
8 420(a), and 428(e)(2)(B) of the Robert T. Stafford
9 Disaster Relief and Emergency Assistance Act (42
10 U.S.C. 5170b(b), 5170b(c)(4), 5170c(a), 5172(b),
11 5174(d), 5174(g)(2), 5187(a), 5189f(e)(2)).

12 (c) STATE AND LOCAL PLANS FOR MEAL DELIV-
13 ERY.—

14 (1) IN GENERAL.—Title IV of the Robert T.
15 Stafford Disaster Relief and Emergency Assistance
16 Act (42 U.S.C. 5170 et seq.) is amended by adding
17 at the end the following:

18 **“SEC. 431. STATE AND LOCAL PLANS FOR MEAL DELIVERY.**

19 “(a) IN GENERAL.—The Administrator may provide
20 assistance to a State, local government, or Indian tribal
21 government to reimburse the cost of coordinating food de-
22 livery, production, and distribution in the event of a major
23 disaster, including—

1 “(1) establishing a network to coordinate food
2 delivery, production, and distribution with businesses
3 and private nonprofit organizations;

4 “(2) establishing contracts with small and mid-
5 sized restaurants, food vendors, and private non-
6 profit organizations, including faith-based organiza-
7 tions, food banks, and soup kitchens, to prepare
8 healthy meals for people in need; and

9 “(3) partnering with private nonprofit organiza-
10 tions, including faith-based organizations, food
11 banks, and soup kitchens to purchase directly from
12 food producers and farmers.

13 “(b) FEDERAL SHARE.—The Federal share of the
14 cost of an activity carried out using assistance under this
15 section shall be—

16 “(1) not less than 90 percent of the eligible cost
17 of food delivery, production, and distribution during
18 the 30-day period beginning on the date of the dec-
19 laration of the major disaster; and

20 “(2) not less than 90 percent of such eligible
21 cost after the end of the 30-day period described in
22 paragraph (1).”.

23 (2) EMERGENCIES.—Section 502(a) of the Rob-
24 ert T. Stafford Disaster Relief and Emergency As-
25 sistance Act (42 U.S.C. 5192(a)) is amended—

1 (A) in paragraph (7), by striking “and” at
2 the end;

3 (B) by redesignating paragraph (8) as
4 paragraph (9); and

5 (C) by inserting after paragraph (7) the
6 following:

7 “(8) provide assistance for food delivery, pro-
8 duction, and distribution in accordance with section
9 431; and”.

10 (3) GUIDANCE.—Not later than 1 year after
11 the date of enactment of this Act, the Administrator
12 shall issue comprehensive guidance to States, local
13 governments, and Indian tribal governments regard-
14 ing receiving reimbursement for the cost of food de-
15 livery, production, and distribution in the event of
16 an emergency or major disaster under section 431 of
17 the Robert T. Stafford Disaster Relief and Emer-
18 gency Assistance Act, as added by paragraph (1), in-
19 cluding—

20 (A) establishing a coordination network;

21 (B) enabling streamlined arrangements for
22 food production and distribution; and

23 (C) streamlined contracting and partnering
24 with private nonprofit organizations such that
25 private nonprofit organizations may apply di-

1 rectly for reimbursement under such section as
2 an agent of a State, local government, or Indian
3 tribal government.

4 (d) **APPLICABILITY.**—The amendments made by this
5 section shall apply with respect to any amounts appro-
6 priated after the date of enactment of this Act.

7 **SEC. 112. FEMA IMPROVEMENT, REFORM, AND EFFICIENCY.**

8 (a) **DEFINITIONS.**—In this section—

9 (1) the term “Administrator” means the Ad-
10 ministrator of the Agency;

11 (2) the term “Agency” means the Federal
12 Emergency Management Agency;

13 (3) the term “appropriate committees of Con-
14 gress” means—

15 (A) the Committee on Homeland Security
16 and Governmental Affairs and the Committee
17 on Appropriations of the Senate; and

18 (B) the Committee on Transportation and
19 Infrastructure and the Committee on Appro-
20 priations of the House of Representatives;

21 (4) the term “emergency” means an emergency
22 declared or determined to exist by the President
23 under section 501 of the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C.
25 5191);

1 (5) the terms “Indian tribal government”,
2 “local government”, and “State” have the meanings
3 given such terms in section 102 of the Robert T.
4 Stafford Disaster Relief and Emergency Assistance
5 Act (42 U.S.C. 5122); and

6 (6) the term “major disaster” means a major
7 disaster declared by the President under section 401
8 of the Robert T. Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C. 5170).

10 (b) REPORT ON RELOCATION ASSISTANCE.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of this Act, the Adminis-
13 trator shall submit a report regarding the use of re-
14 location assistance under sections 203, 404, and 406
15 of the Robert T. Stafford Disaster Relief and Emer-
16 gency Assistance Act (42 U.S.C. 5133, 5170c, 5172)
17 for wildfire risk to the appropriate committees of
18 Congress.

19 (2) CONTENTS.—The report submitted under
20 paragraph (1) shall include the following:

21 (A) Any information on relocation projects
22 that have been carried out due to fire risks or
23 denied by the Agency, including the number
24 and value of projects either carried out or de-
25 nied.

1 (B) A discussion of the possible benefits or
2 disadvantages of providing relocation assistance
3 that may reduce, but not eliminate, the risk of
4 loss due to wildfires.

5 (C) A discussion of how the Agency may
6 optimize relocation assistance when entire
7 States or geographic areas are considered sub-
8 ject to a fire risk.

9 (D) An analysis of whether other mitiga-
10 tion measures are more cost-effective than relo-
11 cation assistance when the applicant is applying
12 to move from a high-risk to a medium-risk or
13 low-risk area with respect to wildfires.

14 (E) An analysis of the need for the Fed-
15 eral Government to produce wildfire maps that
16 identify high-risk, moderate-risk, and low-risk
17 wildfire zones.

18 (F) An analysis of whether other mitiga-
19 tion measures promote greater resilience to
20 wildfires when compared to relocation or, if ad-
21 ditional data is required in order to carry out
22 such an analysis, a discussion of the additional
23 data required.

24 (G) A discussion of the ability of States,
25 local governments, and Indian tribal govern-

1 ments to demonstrate fire risk, and whether the
2 level of this ability impacts the ability of States,
3 local governments, or Indian tribal governments
4 to access relocation assistance, including an as-
5 sessment of existing fire mapping products and
6 capabilities and recommendations on redressing
7 any gaps in the ability of the Agency to assist
8 States, local governments, and Indian tribal
9 governments in demonstrating fire risk.

10 (H) An evaluation of—

11 (i) the scope of the data available to
12 the Agency regarding historical wildfire
13 losses;

14 (ii) how such data is utilized in ben-
15 efit-cost analysis determinations by the
16 Agency;

17 (iii) what additional data, if any, may
18 be pertinent to such determinations; and

19 (iv) what, if any, alternative methods
20 may be relevant to the determination of
21 cost effectiveness.

22 (I) A discussion of the extent to which the
23 decision process for relocation assistance appro-
24 priately considers the change in future risks for
25 wildfires due to a changing climate.

1 (J) An analysis of whether statutes and
2 regulations regarding relocation assistance by
3 the Agency present barriers for States, local
4 governments, or Indian tribal governments try-
5 ing to access funding to reduce wildfire risk.

6 (K) An analysis of—

7 (i) how, if at all, the Agency has
8 modified policies and procedures to deter-
9 mine the eligibility of proposed relocation
10 or mitigation projects with respect to
11 wildfires;

12 (ii) the cost effectiveness of such
13 projects, in light of the increasing losses
14 and obligations for wildfires in recent
15 years; and

16 (iii) the effectiveness of any modifica-
17 tions described in clause (i).

18 (L) An analysis of how, if at all, recent
19 changes in the availability of fire insurance has
20 resulted in modifications of policy or procedure
21 with respect to determining the cost efficacy of
22 relocation assistance for wildfires.

23 (M) An analysis of how to define repetitive
24 loss and repetitively damaged properties in the
25 context of wildfires.

1 (N) A discussion of whether any legisla-
2 tive, regulatory, or policy changes are necessary
3 for the Agency to better implement relocation
4 assistance to reduce risk from wildfires.

5 (O) Other related issues that the Adminis-
6 trator determines appropriate.

7 (c) RED FLAG WARNINGS AND PREDISASTER AC-
8 TIONS.—Not later than 1 year after the date of enactment
9 of this Act, the Administrator, in coordination with the
10 National Weather Service of the National Oceanic and At-
11 mospheric Administration, shall—

12 (1) conduct a study of, develop recommenda-
13 tions for, and initiate a process for the use of Red
14 Flag Warnings and similar weather alert and notifi-
15 cation methods, including the use of emerging tech-
16 nologies, to establish—

17 (A) plans and actions, consistent with law,
18 that can be implemented prior to a wildfire
19 event, including pre-impact disaster declara-
20 tions and surge operations, that can limit the
21 impact, duration, or severity of the fire; and

22 (B) mechanisms to increase interagency
23 collaboration to expedite the delivery of disaster
24 assistance; and

1 (2) submit to the appropriate committees of
2 Congress a comprehensive report regarding the
3 study described in paragraph (1), including any rec-
4 ommendations of the Administrator, and the activi-
5 ties of the Administrator to carry out paragraph (1).

6 (d) ASSISTANCE FOR WILDFIRE DAMAGE.—Not later
7 than 180 days after the date of enactment of this Act,
8 the Administrator shall brief the appropriate committees
9 of Congress regarding—

10 (1) the application for assistance and consist-
11 ency of assistance provided by the Agency in re-
12 sponse to wildfires; and

13 (2) the kinds of damage that result from
14 wildfires.

15 (e) GAO REPORT ON GAPS.—Not later than 1 year
16 after the date of enactment of this Act, the Comptroller
17 General of the United States shall submit to the appro-
18 priate committees of Congress a report that examines—

19 (1) gaps in the policies of the Agency related to
20 wildfires, when compared to other hazards;

21 (2) disparities in regulations and guidance
22 issued by the Administrator, including any oversight
23 of the programs of the Agency, when addressing im-
24 pacts of wildfires and other hazards;

1 (3) ways to shorten the period of time between
2 the initiating of and the distribution of assistance,
3 reimbursements, and grants;

4 (4) the effectiveness of the programs of the
5 Agency in addressing wildfire hazards;

6 (5) ways to improve the ability of the Agency
7 to assist States, local governments, and Indian tribal
8 governments to prepare for, respond to, recover
9 from, and mitigate against wildfire hazards;

10 (6) revising the application process for assist-
11 ance relating to wildfires to more effectively assess
12 uninsured and underinsured losses and serious
13 needs; and

14 (7) ways to improve the disaster assistance pro-
15 grams of agencies other than the Agency.

16 (f) CRISIS COUNSELING CULTURAL COMPETENCY.—
17 Section 416 of the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act (42 U.S.C. 5183) is amend-
19 ed—

20 (1) by striking “The President” and inserting
21 the following:

22 “(a) IN GENERAL.—The President”; and

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

24 “(b) CULTURAL COMPETENCY.—The President shall,
25 in consultation with affected States, local governments,

1 and Indian tribal governments and cultural experts, en-
2 sure that any individual providing professional counseling
3 services to victims of a major disaster as authorized under
4 subsection (a), including those working for nonprofit part-
5 ners and recovery organizations, is appropriately trained
6 to address—

7 “(1) cultural competency and respectful care
8 practices; and

9 “(2) impacts from major disasters in commu-
10 nities, and to individuals, with socio-economically
11 disadvantaged backgrounds.”.

12 (g) CASE MANAGEMENT CULTURAL COMPETENCY.—
13 Section 426 of the Robert T. Stafford Disaster Relief and
14 Emergency Assistance Act (42 U.S.C. 5189d) is amend-
15 ed—

16 (1) by striking “The President” and inserting
17 the following:

18 “(a) IN GENERAL.—The President”; and

19 (2) by adding at the end the following:

20 “(b) CULTURAL COMPETENCY.—The President shall,
21 in consultation with affected States, local governments,
22 and Indian tribal governments and cultural experts, en-
23 sure that any individual providing case management serv-
24 ices to victims of a major disaster as authorized under
25 subsection (a), including those working for nonprofit part-

1 ners and recovery organizations, is appropriately trained
2 to address—

3 “(1) cultural competency and respectful care
4 practices; and

5 “(2) impacts from major disasters in commu-
6 nities, and to individuals, with socio-economically
7 disadvantaged backgrounds.”.

8 (h) STUDY AND PLAN FOR DISASTER HOUSING AS-
9 SISTANCE.—

10 (1) STUDY.—Not later than 180 days after the
11 date of enactment of this Act, the Administrator
12 shall—

13 (A) conduct a study and develop a plan,
14 consistent with law, under which the Agency
15 will address providing housing assistance to
16 survivors of major disasters or emergencies
17 when presented with challenges such as—

18 (i) the lack of proof of ownership or
19 ownership documentation;

20 (ii) the presence of multiple families
21 within a single household; and

22 (iii) the near loss of a community,
23 with the majority of homes destroyed in
24 that community, including as a result of a

1 wildfire, earthquake, or other event causing
2 a major disaster; and

3 (B) make recommendations for legislative
4 changes needed to address—

5 (i) the unmet needs of survivors of
6 major disasters or emergencies who are
7 unable to document or prove ownership of
8 the household;

9 (ii) the presence of multiple families
10 within a single household; and

11 (iii) the near loss of a community,
12 with the majority of homes destroyed in
13 that community, including as a result of a
14 wildfire, earthquake, or other event causing
15 a major disaster.

16 (2) COMPREHENSIVE REPORT.—The Adminis-
17 trator shall submit to the appropriate committees of
18 Congress a report that provides a detailed discussion
19 of the plans developed under paragraph (1)(A) and
20 the recommendations of the Administrator under
21 paragraph (1)(B).

22 (3) BRIEFING.—Not later than 30 days after
23 submission of the report and recommendations
24 under paragraph (2), the Administrator shall brief
25 the appropriate committees of Congress on the find-

1 ings and any recommendations made pursuant to
2 this subsection.

3 (i) REIMBURSEMENT.—Not later than 180 days after
4 the date of enactment of this Act, the Administrator shall
5 brief the appropriate committees of Congress regarding
6 the extent to which the Agency is using housing solutions
7 proposed by a State or local government to reduce the
8 time or cost required to implement housing solutions after
9 a major disaster.

10 (j) WILDFIRE INSURANCE STUDY BY THE NATIONAL
11 ACADEMIES.—

12 (1) STUDY.—

13 (A) IN GENERAL.—Not later than 180
14 days after the date of enactment of this Act,
15 the Administrator shall seek to enter into an
16 agreement with the National Academy of
17 Sciences to conduct a study of—

18 (i) potential solutions to address the
19 availability and affordability of insurance
20 for wildfire perils in all regions of the
21 United States, including consideration of a
22 national all natural hazards insurance pro-
23 gram;

24 (ii) the ability of States, communities,
25 and individuals to mitigate wildfire risks,

1 including the affordability and feasibility of
2 such mitigation activities;

3 (iii) the current and potential future
4 effects of land use policies and building
5 codes on the potential solutions;

6 (iv) the reasons why many properties
7 at risk of wildfire lack insurance coverage;

8 (v) the role of insurers in providing
9 incentives for wildfire risk mitigation ef-
10 forts;

11 (vi) the state of catastrophic insur-
12 ance and reinsurance markets and the ap-
13 proaches in providing insurance protection
14 to different sectors of the population of the
15 United States;

16 (vii) the role of the Federal Govern-
17 ment and State and local governments in
18 providing incentives for feasible wildfire
19 risk mitigation efforts and the cost of pro-
20 viding assistance in the absence of insur-
21 ance;

22 (viii) the state of modeling and map-
23 ping wildfire risk and solutions for accu-
24 rately and adequately identifying future
25 wildfire risk;

1 (ix) approaches to insuring wildfire
2 risk in the United States; and

3 (x) such other issues that may be nec-
4 essary or appropriate for the report.

5 (B) CONSULTATION.—The agreement to
6 conduct the study described in subparagraph
7 (A) shall require that, in conducting the study,
8 the National Academy of Sciences shall consult
9 with State insurance regulators, consumer orga-
10 nizations, representatives of the insurance and
11 reinsurance industry, policyholders, and other
12 organizations and experts, as appropriate.

13 (2) SUBMISSION.—Not later than 2 years after
14 the date of enactment of this Act, the Administrator
15 shall submit to Congress the results of the study
16 commissioned under paragraph (1).

17 (k) INCREASED CAP FOR EMERGENCY DECLARA-
18 TIONS BASED ON REGIONAL COST OF LIVING.—Not later
19 than 180 days after the date of enactment of this Act,
20 the Administrator shall brief the appropriate committees
21 of Congress regarding the benefits and drawbacks of es-
22 tablishing a maximum amount for assistance provided for
23 an emergency that is based on the cost of living in the
24 region in which the emergency occurs.

1 (l) FACILITATING DISPOSAL OF TEMPORARY TRANS-
2 PORTABLE HOUSING UNITS TO SURVIVORS.—Section
3 408(d)(2)(B)(i) of the Robert T. Stafford Disaster Relief
4 and Emergency Assistance Act (42 U.S.C.
5 5174(d)(2)(B)(i)) is amended by inserting “, with priority
6 given to a survivor of a major disaster who suffered a
7 property loss as a result of the major disaster” after “any
8 person”.

9 (m) DEADLINE ON CODE ENFORCEMENT AND MAN-
10 AGEMENT COST ELIGIBILITY.—Section 406(a)(2)(D) of
11 the Robert T. Stafford Disaster Relief and Emergency As-
12 sistance Act (42 U.S.C. 5172(a)(2)(D)) is amended by
13 striking “180 days” and inserting “1 year”.

14 (n) PERMIT APPLICATIONS FOR TRIBAL UPGRADES
15 TO EMERGENCY OPERATIONS CENTERS.—Section 614(a)
16 of the Robert T. Stafford Disaster Relief and Emergency
17 Assistance Act (42 U.S.C. 5196c(a)) is amended by insert-
18 ing “and Indian tribal governments” after “grants to
19 States”.

20 (o) APPLICABILITY.—The amendments made by this
21 section shall apply with respect to any amounts appro-
22 priated after the date of enactment of this Act.

1 **SEC. 113. FIRE INVESTIGATIONS.**

2 The Federal Fire Prevention and Control Act of 1974
3 (15 U.S.C. 2201 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 38. INVESTIGATION AUTHORITIES.**

6 “(a) IN GENERAL.—In the case of any major fire,
7 the Administrator may send incident investigators, which
8 may include safety specialists, fire protection engineers,
9 codes and standards experts, researchers, and fire training
10 specialists, to the site of the fire to conduct an investiga-
11 tion as described in subsection (b).

12 “(b) INVESTIGATION REQUIRED.—A fire investiga-
13 tion conducted under this section—

14 “(1) shall be conducted in coordination and co-
15 operation with appropriate Federal, State, and local
16 authorities, including Federal agencies that are au-
17 thorized to investigate a major fire or an incident of
18 which the major fire is a part; and

19 “(2) shall examine the determined cause and
20 origin of the fire and assess broader systematic mat-
21 ters to include use of codes and standards, demo-
22 graphics, structural characteristics, smoke and fire
23 dynamics (movement) during the event, and costs of
24 associated injuries and deaths.

25 “(c) REPORT.—Upon concluding any fire investiga-
26 tion under this section, the Administrator shall issue a

1 public report to local, State, and Federal authorities on
2 the findings of such investigation, or collaborate with an-
3 other investigating Federal agency on that agency's re-
4 port, including recommendations on—

5 “(1) any other buildings with similar character-
6 istics that may bear similar fire risks;

7 “(2) improving tactical response to similar fires;

8 “(3) improving civilian safety practices;

9 “(4) assessing the costs and benefits to the
10 community of adding fire safety features; and

11 “(5) how to mitigate the causes of such fire.

12 “(d) DISCRETIONARY AUTHORITY.—In addition to
13 investigations conducted pursuant to subsection (a), the
14 Administrator may send fire investigators to conduct in-
15 vestigations at the site of any fire with unusual or remark-
16 able context that results in losses less severe than those
17 occurring as a result of a major fire, in coordination with
18 appropriate Federal, State, and local authorities, including
19 Federal agencies that are authorized to investigate a
20 major fire or an incident of which the major fire is a part.

21 “(e) MAJOR FIRE DEFINED.—For purposes of this
22 section, the term ‘major fire’ shall have the meaning given
23 such term under regulations to be issued by the Adminis-
24 trator.”.

1 **SEC. 114. CRITICAL INFRASTRUCTURE AND MICROGRID**
2 **PROGRAM.**

3 (a) DEFINITIONS.—In this section:

4 (1) CRITICAL FACILITY.—

5 (A) IN GENERAL.—The term “critical fa-
6 cility” means a facility that provides services or
7 may be used—

8 (i) to save lives;

9 (ii) to protect property, public health,
10 and public safety; or

11 (iii) to lessen or avert the threat of a
12 catastrophe.

13 (B) INCLUSIONS.—The term “critical facil-
14 ity” includes—

15 (i) a hospital;

16 (ii) an outpatient clinic;

17 (iii) a nursing home;

18 (iv) a police station;

19 (v) an emergency operation center;

20 (vi) a jail or prison;

21 (vii) a fire station;

22 (viii) a facility in the communications
23 sector, as determined by the Secretary;

24 (ix) a facility in the chemical sector,
25 as determined by the Secretary;

1 (x) a school or other large building
2 that may serve as a temporary gathering
3 space;

4 (xi) a utility station, such as a water
5 and wastewater station; and

6 (xii) a facility described in subpara-
7 graph (A) that is owned or operated by, or
8 provides services to, an Indian Tribe (as
9 defined in section 4 of the Indian Self-De-
10 termination and Education Assistance Act
11 (25 U.S.C. 5304)).

12 (2) SECRETARY.—The term “Secretary” means
13 the Secretary of Energy.

14 (b) CRITICAL INFRASTRUCTURE AND MICROGRID
15 PROGRAM.—

16 (1) IN GENERAL.—The Secretary shall establish
17 a program—

18 (A) to provide grants to improve the en-
19 ergy resilience and power needs of critical facili-
20 ties through the use of microgrids, renewable
21 energy, energy efficiency, reduced electricity de-
22 mand, and on-site storage;

23 (B) to provide grants to improve the en-
24 ergy efficiency of critical facilities by decreasing
25 the size and cost of generators;

1 (C) to provide technical assistance and fa-
2 cilitate the distribution and sharing of informa-
3 tion to develop more resilient electricity systems
4 (including bulk systems and localized systems);
5 and

6 (D) to promulgate consumer-facing infor-
7 mation and resources to inform the public on
8 best practices and resources related to increas-
9 ing resilience of electricity systems and reducing
10 the impacts of extreme weather events on elec-
11 tricity systems.

12 (2) REQUIREMENTS.—In carrying out the pro-
13 gram established under paragraph (1), the Secretary
14 shall ensure, with respect to critical facilities—

15 (A) provision of on-site back-up power with
16 renewable resources, low-carbon liquid fuels,
17 and on-site energy storage technologies; and

18 (B) installation, at the transmission and
19 distribution level, of interoperable technologies,
20 advanced power flow control, dynamic line rat-
21 ing, topology optimization, and communications
22 systems.

23 (3) INTERESTED PARTY INPUT.—In estab-
24 lishing the program under paragraph (1), the Sec-
25 retary shall seek the input of State energy regu-

1 lators, electric utilities (as defined in section 3 of the
2 Federal Power Act (16 U.S.C. 796)), regional trans-
3 mission organizations and independent system oper-
4 ators, electric utility customers and ratepayer orga-
5 nizations, local governments, community choice
6 aggregators or regional energy collaboratives, and
7 other interested parties.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There is authorized to be
10 appropriated to the Secretary \$100,000,000 to carry
11 out this section, to remain available until expended.

12 (2) ADMINISTRATIVE COSTS.—Of the amount
13 authorized to be appropriated to carry out this sec-
14 tion, not more than 10 percent authorized to be ap-
15 propriated for salaries and expenses, administrative
16 management, and oversight of the program estab-
17 lished under subsection (b)(1).

18 **SEC. 115. ADVANCED TRANSMISSION TECHNOLOGY STUDY.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 date of enactment of this Act, the Secretary of Energy
21 shall—

22 (1) conduct a study on the ability of advanced
23 transmission technologies, including low sag ad-
24 vanced conductors, to reduce the vulnerability of
25 electric grid infrastructure to energy disruptions

1 caused by natural disasters and extreme weather;
2 and

3 (2) submit to the appropriate committees of
4 Congress the results of such study.

5 (b) DEFINITIONS.—In this section, the term “appro-
6 priate committees of Congress” means—

7 (1) the Committee on Energy and Commerce of
8 the House of Representatives; and

9 (2) the Committee on Energy and Natural Re-
10 sources of the Senate.

11 **SEC. 116. RURAL COMMUNITIES DRINKING WATER RESIL-**
12 **IENCY.**

13 (a) NEW WELL CONSTRUCTION GRANTS.—Subtitle
14 A of the Consolidated Farm and Rural Development Act
15 (7 U.S.C. 1922–1936c) is amended by inserting after sec-
16 tion 306E the following:

17 **“SEC. 306F. NEW WELL CONSTRUCTION GRANTS.**

18 “(a) IN GENERAL.—The Secretary shall provide
19 grants in accordance with this section to local govern-
20 ments and public or private nonprofit entities for projects
21 designed to supply drinking water to rural communities
22 in which a significant number of dwellings with private
23 drinking water wells have wells that are not producing
24 water.

1 “(b) USE OF FUNDS.—Grants made under this sec-
2 tion may be used—

3 “(1) for waterline extensions from existing sys-
4 tems, laying of new waterlines, repairs or mainte-
5 nance to an existing system, digging of new wells or
6 development of other sources of water designed to
7 replace sources of drinking water with high levels of
8 nitrates, equipment replacement, and hook-up fees;
9 and

10 “(2) in the case of a project designed to benefit
11 a rural community outside the jurisdiction of the
12 grantee, to maintain existing water supplies of the
13 grantee that will be reduced as a result of the
14 project.

15 “(c) RURAL COMMUNITY.—In this section, the term
16 ‘rural community’ does not include—

17 “(1) any area in any city or town with a popu-
18 lation in excess of 10,000 inhabitants according to
19 the most recent decennial census of the United
20 States; and

21 “(2) any area with a median household income
22 in excess of the State nonmetropolitan median
23 household income.

1 “(d) FULL FUNDING.—Grants under this section
2 shall be made in an amount equal to 100 percent of the
3 costs of the projects conducted under this section.

4 “(e) APPLICATION.—Subsection (h) of section 306A
5 shall apply with respect to the administration of applica-
6 tions for grants under this section.

7 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 \$50,000,000 for each of fiscal years 2023 through 2027.”.

10 (b) REPEAL.—Effective 5 years after the date of the
11 enactment of this section, section 306F of the Consoli-
12 dated Farm and Rural Development Act, as added by the
13 amendment made by subsection (a), is repealed.

14 **TITLE II—NATIONAL DISASTER**
15 **SAFETY BOARD ACT**

16 **SEC. 201. ESTABLISHMENT AND PURPOSE.**

17 (a) ORGANIZATION.—There is established in the exec-
18 utive branch a National Disaster Safety Board, which
19 shall be an independent establishment, as defined in sec-
20 tion 104 of title 5, United States Code.

21 (b) PURPOSE.—The purposes of the Board are—

22 (1) to reduce loss of life, injury, and economic
23 injury caused by future incidents by learning from
24 natural hazards, including the impacts and under-

1 lying factors of such incidents, in a standardized
2 way;

3 (2) to maintain a focus that is future-looking
4 and national in scope, by applying what the Board
5 learns through the trends that emerge from the inci-
6 dents the Board reviews nationally to prevent loss of
7 life, or human or economic injury, not only in the af-
8 fected jurisdiction, but nationally, as the Board de-
9 termines relevant;

10 (3) in carrying out reviews, analyses, and rec-
11 ommendations, not to be accusatory in nature and
12 the Board shall not seek to find blame in any indi-
13 vidual or organization, or second-guess any relevant
14 authorities;

15 (4) to address systemic causes behind the loss
16 of life and human or economic injury in incidents,
17 including by recommending the augmentation of re-
18 sources available to entities responsible for man-
19 aging incident consequences; and

20 (5) while preventing economic injury as part of
21 the mission of the Board, when relevant, to prioritize
22 efforts that focus on lifesaving and injury preven-
23 tion, especially in disproportionately impacted com-
24 munities, as its work determines them to be.

1 **SEC. 202. GENERAL AUTHORITY.**

2 (a) **AUTHORITY TO REVIEW.**—

3 (1) **IN GENERAL.**—Subject to subsection (b),
4 the Board shall review and establish the facts, cir-
5 cumstances, and cause or probable cause of the loss
6 of life, human injury, and economic injury due to a
7 natural hazard with 10 or more fatalities or that
8 meets the requirements described in paragraph (5)
9 or (6) of subsection (b) that occurs after the date
10 of enactment of this Act.

11 (2) **DUE TO A NATURAL HAZARD INCIDENT DE-**
12 **FINED.**—For purposes of paragraph (1), the term
13 “due to a natural hazard” means a fatality that, if
14 not for the natural hazard incident, as the case may
15 be, would not have occurred within the time frame
16 of the incident, as defined by standards developed by
17 the Board.

18 (b) **DETERMINATION OF WHETHER INCIDENT WAR-**
19 **RANTS BOARD REVIEW.**—In carrying out subsection (a),
20 the Board—

21 (1) may begin the review of an incident, includ-
22 ing by monitoring the natural hazard and collecting
23 facts, before the total number of fatalities is known
24 if the Board determines that the natural hazard in-
25 cident has the potential to cause 10 or more fatali-

1 ties at its onset, in accordance with the policies and
2 procedures established by the Board;

3 (2) may, by a two-thirds vote, decide that an in-
4 cident that caused 10 or more fatalities does not re-
5 quire a review and shall issue a public statement ex-
6 plaining the determination;

7 (3) may, by a majority vote, decide to review
8 any natural hazard incident that occurs after the
9 date of enactment of this Act upon request from a
10 representative of an affected State, Tribal govern-
11 ment, or unit of local government, regardless of the
12 number of fatalities;

13 (4) may, by a majority vote, decide to review
14 any natural hazard incident that occurs after the
15 date of enactment of this Act upon recommendation
16 by the Office for the Protection of Disproportion-
17 ately Impacted Communities of the Board, which the
18 Office may make because of the incident's impacts
19 on populations that are socially, medically, or eco-
20 nomically vulnerable, as decided by the Office; and

21 (5) may, by a majority vote, decide to review a
22 natural hazard incident that occurs after the date of
23 enactment of this Act if—

24 (A) the Board determines that information
25 may be gained by the review that will be useful

1 in reducing systemic causes behind the loss of
2 life and human or economic injury; and

3 (B) the incident—

4 (i) did not result in 10 or more fatali-
5 ties; and

6 (ii)(I) could have resulted in a large
7 number of fatalities if not for swift inter-
8 vention or a shift in the course of events;
9 or

10 (II) resulted in, as determined by the
11 Board—

12 (aa) a significant amount of eco-
13 nomic or infrastructure damage;

14 (bb) significant human displace-
15 ment; or

16 (cc) a significant number of se-
17 vere non-fatal injuries or cases of se-
18 vere illness; and

19 (6) shall, by majority vote, determine whether
20 each incident for which the President issues a major
21 disaster declaration under section 401 of the Robert
22 T. Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5170) meets the criteria for re-
24 view under paragraph (5).

25 (c) NATURE OF REVIEW.—

1 (1) IN GENERAL.—In carrying out a review
2 under this title, the Board shall—

3 (A) conduct the review to determine the
4 facts, conditions, and circumstances relating to
5 the loss of life, human injury, and economic in-
6 jury due to an incident;

7 (B) following an initial assessment of an
8 incident by the Board, notify any individual or
9 organization that the Board anticipates will be
10 affected by the review as to the extent of the
11 expected review response of the Board;

12 (C) use the results of the review under
13 subparagraph (A) to—

14 (i) determine how and why people die
15 and are injured during an incident; and

16 (ii) issue recommendations to prevent
17 or mitigate the loss of life, human injury,
18 or economic injury due to similar incidents;
19 and

20 (D) report on the facts and circumstances
21 of the incident review, including the pre-inci-
22 dent resilience or vulnerabilities of the incident
23 area or population.

1 (2) GENERALIZED NATURE OF REVIEWS.—A
2 review of loss of life and injury conducted by the
3 Board shall—

4 (A) be generalized;

5 (B) focus on trends across an incident; and

6 (C) not aim to determine the exact indi-
7 vidual cause of death or injury of any affected
8 people.

9 (3) FACT-FINDING PROCEEDING.—Any review
10 of an incident by the Board under this title shall be
11 a fact-finding proceeding with no adverse parties.

12 (4) LIMITATION OF APPLICABILITY OF OTHER
13 ACTS.—

14 (A) ADMINISTRATIVE PROCEDURE ACT.—
15 Any review proceedings of the Board under this
16 title shall not be—

17 (i) subject to the Administrative Pro-
18 cedure Act (5 U.S.C. 551 et seq.); or

19 (ii) conducted for the purpose of de-
20 termining the rights, liabilities, or blame of
21 any person, as the review is not an adju-
22 dicatory proceeding.

23 (B) PAPERWORK REDUCTION ACT.—Chap-
24 ter 35 of title 44, United States Code (com-
25 monly known as the “Paperwork Reduction

1 Act’), shall not apply to the review proceedings
2 of the Board under this title.

3 (C) FEDERAL ADVISORY COMMITTEE
4 ACT.—The Federal Advisory Committee Act (5
5 U.S.C. App.) shall not apply to the Board.

6 (5) INITIATING REVIEWS.—The Board shall ini-
7 tiate a review of an incident by monitoring the situa-
8 tion and assessing available facts to determine the
9 appropriate review response, without interfering in
10 any ongoing lifesaving and life sustaining efforts un-
11 derway by other entities.

12 (6) ALIGNMENT AND COORDINATION.—In car-
13 rying out this title, the Board shall coordinate with
14 Federal, State, local, and Tribal entities to—

15 (A) establish or adopt standard methods of
16 measuring the impacts of natural hazards and
17 accessing response capacity and capabilities to
18 maintain consistency and allow for the analysis
19 of trends over time;

20 (B) ensure that the standard data sets and
21 formats necessary for reviews developed under
22 subparagraph (A) are propagated among Fed-
23 eral, State, local, and tribal entities that may be
24 involved in response operations;

1 (C) leverage, to the extent practicable,
2 data collected using standard data sets and for-
3 mats established under subparagraph (B) by
4 Federal entities involved in response operations
5 to avoid any duplication of data collection; and

6 (D) during incident response operations,
7 coordinate with partners active in the operation
8 to collect data remotely or take other actions
9 that the Board finds necessary to align and co-
10 ordinate the requirements of the review with
11 ongoing operations, including through the re-
12 quirements of paragraph (7).

13 (7) INCIDENT COMMAND.—The Board shall—

14 (A) recognize the role of incident command
15 systems to address incidents;

16 (B) observe the incident command system
17 to identify and coordinate review needs related
18 to the preservation and collection of information
19 and evidence; and

20 (C) shall collect information and evidence
21 from the incident command in a timely and rea-
22 sonable manner so as not to interfere with the
23 operations of the incident command.

24 (8) PARTIES TO THE REVIEW.—

1 (A) PARTICIPANTS.—Subject to subpara-
2 graph (B), the Board may invite one or more
3 entities to serve as a party in a review on a vol-
4 untary basis, and any party participant shall be
5 required to follow all directions and instructions
6 from the Board.

7 (B) ELIGIBLE ENTITY.—In designating an
8 entity to serve as a party under subparagraph
9 (A), the Board may designate only a Federal,
10 State, or local government agency or private or-
11 ganization whose employees, functions, activi-
12 ties, or products were involved in the incident,
13 including responsible parties, and that can pro-
14 vide suitable qualified technical personnel to ac-
15 tively assist in the review.

16 (C) REPRESENTATIVES OF ELIGIBLE ENTI-
17 TIES.—To the extent practicable, a representa-
18 tive proposed by an entity designated as a party
19 under subparagraph (A) to participate in the
20 review may not be an individual who had direct
21 involvement in the incident under review.

22 (D) REVOCATION OF PARTY STATUS.—A
23 designation as a party under subparagraph (A)
24 may be revoked or suspended by the Board if
25 the party fails to comply with assigned duties

1 and instructions, withholds information, or oth-
2 erwise acts in a manner prejudicial or disrup-
3 tive to a review.

4 (E) RULE OF CONSTRUCTION.—Nothing in
5 this paragraph shall be construed to establish a
6 right for any entity to participate in a Board
7 review as a party.

8 (F) INTERNAL REVIEW BY A PARTY.—To
9 assure coordination of concurrent efforts, a
10 party to a review that conducts or authorizes an
11 internal review of the processes and procedures
12 of the party as a result of an incident that the
13 Board is reviewing shall—

14 (i) inform the Board of the nature of
15 the review; and

16 (ii) provide to the Board findings
17 from the review.

18 (9) REVIEW PROCEDURES.—In addition to any
19 procedures required under this title, the Board shall
20 determine and publish detailed review procedures as
21 the Board determines necessary.

22 (10) PRODUCTS.—The Board may use any me-
23 dium that will effectively convey the findings and
24 recommendations of the Board to the targeted audi-
25 ence of such findings or recommendations.

1 (d) REVIEW BY AFFECTED AUTHORITIES.—

2 (1) IN GENERAL.—When the Board has com-
3 pleted the findings and recommendations or other
4 products as a result of a review under this title, the
5 Board shall provide all affected States, Tribal gov-
6 ernments, and units of local government, or their
7 designees, an opportunity to review and comment
8 not later than 30 days before the publication of the
9 findings or recommendations.

10 (2) REQUIREMENT.—The Board shall make
11 every reasonable effort, within its discretion, to re-
12 spond to requests for additional information and
13 context that an affected jurisdiction may make and
14 to edit their findings and recommendations with any
15 useful additional information or context provided by
16 any affected jurisdiction in its comments without af-
17 fecting the integrity or independence of the review
18 and its findings and recommendations, as the Board
19 shall determine.

20 (e) DISPROPORTIONATELY IMPACTED COMMU-
21 NITIES.—

22 (1) IN GENERAL.—In carrying out a review of
23 an incident under this section, including in deter-
24 mining whether to launch a review, the Board shall
25 ensure the potential development of findings that

1 would benefit the prevention of loss of life and
2 human or economic injury to populations that are
3 socially, medically, or economically vulnerable, as de-
4 cided by the Board.

5 (2) DATA REQUIREMENT.—To forward the
6 analysis and identification of trends of fatalities and
7 injuries as a result of incidents, the Board shall pub-
8 lish information regarding the number of fatalities
9 and injuries, and the facts and circumstances sur-
10 rounding them, disaggregated by race, color or eth-
11 nicity, religion, nationality, sex, age, disability,
12 English proficiency, occupation, or economic status,
13 and other demographic characteristics that the
14 Board may determine appropriate.

15 (f) COORDINATION WITH OTHER REVIEWS AND IN-
16 VESTIGATIONS.—

17 (1) IN GENERAL.—Subject to the requirements
18 of this section, a review of a natural hazard incident
19 by the Board under subsection (a)(1) shall have pri-
20 ority over any investigation by another department,
21 agency, or instrumentality of the Federal Govern-
22 ment or a State, Tribal, or local government.

23 (2) PARTICIPATION BY OTHER AGENCIES.—The
24 Board shall provide for appropriate participation by
25 other departments, agencies, or instrumentalities in

1 a review conducted by the Board, except that an-
2 other department, agency, or instrumentality may
3 not influence the final findings of the Board.

4 (3) COORDINATION.—The Board shall coordi-
5 nate with all other Federal, State, Tribal, or local le-
6 gally mandated investigations or reviews and may
7 share information with those entities, according to
8 policies and procedures that the Board will provide,
9 to ensure that appropriate findings and recommen-
10 dations to reduce loss of life, injury, and economic
11 injury caused by future incidents are produced as ef-
12 ficiently as possible.

13 (4) MEMORANDA OF UNDERSTANDING.—Not
14 later than 1 year after the date of enactment of this
15 Act, and biennially thereafter, the Chairman of the
16 Board shall enter into memoranda of understanding
17 with the Director of the National Institute of Stand-
18 ards and Technology, the Administrator of the Fed-
19 eral Emergency Management Agency, the Chairman
20 of the Chemical Safety Board, and the Chairman of
21 the National Transportation Safety Board, respec-
22 tively, and may enter into additional memoranda of
23 understanding with any other Federal entity that re-
24 quests such due to the relationship that the require-

1 ments of the Federal entity may have with the re-
2 quirements with the Board, in order to—

3 (A) determine the appropriate roles and re-
4 sponsibilities of the Board with respect to the
5 other agency or board;

6 (B) avoid any duplication of effort; and

7 (C) ensure that appropriate findings and
8 recommendations to reduce loss of life, injury,
9 and economic injury caused by future incidents
10 are provided.

11 (g) PARTICIPATION IN SUPPORT OF ANOTHER AGEN-
12 CY.—

13 (1) IN GENERAL.—

14 (A) INVESTIGATION OF ACTS OF VIO-
15 LENCE.—The Board may participate in an in-
16 vestigation of an act of violence in support of
17 another Federal department or agency, or other
18 Federal investigative body with statutory au-
19 thority to lead such an investigation, if the head
20 of the lead investigative agency determines that
21 the participation of the Board would be bene-
22 ficial to reduce the likelihood of the loss of life
23 and human or economic injury, for future simi-
24 lar incidents.

1 (B) INVESTIGATION OF TECHNOLOGICAL
2 INCIDENTS.—

3 (i) IN GENERAL.—The Board may
4 participate in an investigation of a techno-
5 logical incident—

6 (I) in support of another Federal
7 department or agency, or other Fed-
8 eral investigative body with statutory
9 authority to lead such an investiga-
10 tion, if the head of the lead investiga-
11 tive agency determines that the par-
12 ticipation of the Board would be bene-
13 ficial to reduce the likelihood of the
14 loss of life and human or economic in-
15 jury, for future similar incidents; or

16 (II) in the case of no statutory
17 authority for another Federal depart-
18 ment or agency, or other Federal in-
19 vestigative body, to lead such an in-
20 vestigation, as the lead investigative
21 entity.

22 (ii) MEMORANDA OF UNDER-
23 STANDING.—Not later than 1 year after
24 the date of enactment of this Act, and bi-
25 ennially thereafter, the Chairman of the

1 Board shall enter into memoranda of un-
2 derstanding with the heads of appropriate
3 Federal agencies in order to—

4 (I) determine the appropriate
5 roles and responsibilities of the Board
6 in investigating technological incidents
7 with respect to the other agency;

8 (II) avoid any duplication of ef-
9 fort; and

10 (III) ensure that appropriate
11 findings and recommendations to re-
12 duce loss of life, injury, and economic
13 injury caused by future incidents are
14 provided.

15 (2) FINDINGS.—If the Board participates in an
16 act of violence or technological incident investigation
17 under subparagraph (A), the Board may issue inde-
18 pendent findings and recommendations notwith-
19 standing the outcome of any investigation conducted
20 by another Federal agency or other Federal inves-
21 tigative body.

22 (3) CRIMINAL CIRCUMSTANCES.—If the Attor-
23 ney General, in consultation with the Chairperson,
24 determines and notifies the Board that circum-
25 stances reasonably indicate that the act of violence

1 or technological incident described in subparagraph
2 (A) may have been caused by an intentional criminal
3 act, the Board shall relinquish investigative priority
4 to the responsible Federal law enforcement entity.

5 (4) RULE OF CONSTRUCTION.—This section
6 shall not be construed to affect the authority of an-
7 other department, agency, or instrumentality of the
8 Federal Government to investigate an incident under
9 applicable law or to obtain information directly from
10 the parties involved in, and witnesses to, the inci-
11 dent. The Board and other departments, agencies,
12 and instrumentalities shall ensure that appropriate
13 information developed about the incident is ex-
14 changed in a timely manner.

15 (h) TECHNICAL ASSISTANCE.—The Board may make
16 the following types of technical assistance available to
17 Federal, State, Tribal, and local government agencies and
18 to private entities as designated by a Federal, State, Trib-
19 al, or local government agency:

20 (1) INDEPENDENT REVIEW.—The Board shall
21 disseminate best practices to develop disaster inves-
22 tigation and review capacity within State, Tribal,
23 and local governments.

24 (2) IMPLEMENTATION OF RECOMMENDA-
25 TIONS.—The Board—

1 (A) may provide technical assistance to
2 any entity identified as responsible for imple-
3 menting a recommendation under section
4 203(a)(1) to assist the entity in implementing
5 the recommendation; and

6 (B) to the extent possible, shall provide the
7 technical assistance described in subparagraph
8 (A) in coordination with technical assistance of-
9 fered by another Federal department or agency.

10 (3) PRIORITIZATION.—In offering technical as-
11 sistance under this subsection, the Board shall use
12 a risk-based method of prioritization, as the Board
13 determines appropriate.

14 (i) FINDINGS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), not later than 1 year after the date on
17 which the Board initiates a review conducted under
18 this section, the Board shall make the findings and
19 relevant underlying data of the review available to
20 the public.

21 (2) EXTENSION OF DEADLINE.—The Chair-
22 person of the Board may extend the 1-year period
23 described in paragraph (1) if the Chairperson, before
24 the end of such 1-year period—

1 (A) provides an explanation for the exten-
2 sion; and

3 (B) makes available to the public all avail-
4 able interim findings and underlying data.

5 **SEC. 203. RECOMMENDATIONS AND RESPONSES.**

6 (a) IN GENERAL.—If the Board issues a recommen-
7 dation about an incident, the Board shall—

8 (1) explain the relationship between any rec-
9 ommendation and the results of a fact-finding re-
10 view;

11 (2) identify each relevant entity responsible for
12 making the change called for in the recommenda-
13 tion, including State, local, or private entities, as ap-
14 propriate;

15 (3) publish any responses to the recommenda-
16 tion publicly; and

17 (4) assess whether the responses adequately
18 lower the likelihood that a future similar incident
19 will result in loss of life, or human or economic in-
20 jury in the view of the Board.

21 (b) FEDERAL RESPONSES TO RECOMMENDATIONS.—

22 (1) IN GENERAL.—All Federal departments and
23 agencies identified in a recommendation made by the
24 Board shall reply to the recommendations not later

1 than 90 days after the date on which the rec-
2 ommendation is published by the Board.

3 (2) RESPONSE DESCRIBED.—A response under
4 paragraph (1) made by a Federal department or
5 agency shall include—

6 (A) whether the department or agency in-
7 tends to adopt the recommendation in whole, in
8 part, or not at all;

9 (B) an explanation of the reasons for only
10 adopting the recommendation in part or not at
11 all; and

12 (C) a proposed timetable for completing
13 the action the Federal department or agency
14 has agreed to.

15 (3) PROGRESS UPDATES.—A Federal depart-
16 ment or agency that agrees to adopt a recommenda-
17 tion of the Board shall—

18 (A) track the progress of the department
19 or agency toward completion; and

20 (B) provide an update to the Board, to be
21 published publicly, periodically, and not less fre-
22 quently than annually.

23 (c) PUBLIC AVAILABILITY.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date on which a final determination is made on

1 a recommendation under this section, the Board
2 shall make a copy of the recommendation and re-
3 sponse to the recommendation available to the pub-
4 lic.

5 (2) EXTENSION OF DEADLINE.—The Chair-
6 person of the Board may extend the 1-year period
7 described in paragraph (1) if the Chairperson, before
8 the end of such 1-year period—

9 (A) provides an explanation for the exten-
10 sion; and

11 (B) makes available to the public any
12 available interim response to the recommenda-
13 tion and underlying data.

14 (d) DISSEMINATION.—The Board shall propagate
15 each recommendation issued under this section, including
16 by—

17 (1) incorporating the recommendation, and any
18 related findings, into training material used by Fed-
19 eral, State, Tribal, and private training facilities
20 specializing in building resilience to and responding
21 to and recovering from natural hazards, as the
22 Board deems appropriate;

23 (2) coordinating with professional associations
24 related to building resilience to and responding to
25 and recovering from natural hazards;

1 (3) collaborating with relevant Federal, State,
2 and Tribal authorities and private organizations;
3 and

4 (4) coordinating with private and public institu-
5 tions of higher education and research institutions.

6 **SEC. 204. REPORTS AND STUDIES.**

7 (a) STUDIES AND OTHER REPORTS.—

8 (1) IN GENERAL.—The Board shall annually
9 submit a report containing the information described
10 in paragraph (2) to—

11 (A) Congress;

12 (B) any department, agency, or instrumen-
13 tality of the Federal Government concerned
14 with natural hazards;

15 (C) all State and Tribal governments; and

16 (D) the general public.

17 (2) INFORMATION DESCRIBED.—The informa-
18 tion described in this paragraph is—

19 (A) the results of special studies on how to
20 reduce morbidity and mortality from incidents;

21 (B) an examination of techniques and
22 methods of evaluating measures to protect the
23 public from incidents and periodically publish
24 recommended procedures for reviews;

1 (C) evaluation and examination of the ef-
2 fectiveness of the findings of the Board about
3 the natural hazard resilience of other depart-
4 ments, agencies, and instrumentalities of the
5 Federal Government and their effectiveness in
6 preventing loss of life, or human or economic
7 injury; and

8 (D) recommend meaningful responses to
9 reduce the likelihood of loss of life, or human
10 or economic injury, according to the findings of
11 the above-mentioned research, including na-
12 tional and regional policies and programs.

13 (b) BIENNIAL REPORT.—Not later than June 1,
14 2023, and once every 2 years thereafter, the Board shall
15 submit a report to Congress, which shall include—

16 (1) a statistical and analytical summary of the
17 reviews conducted and reviewed by the Board during
18 the prior 2 calendar years;

19 (2) a survey and summary of the recommenda-
20 tions made by the Board and the observed response
21 to each recommendation, including the classification,
22 containing a written justification and explanation of
23 each recommendation as—

24 (A) open, if, in the determination of the
25 Board, sufficient action to fulfill the intent of

1 the recommendation has not been taken and
2 still should be;

3 (B) closed, if, in the determination of the
4 Board, sufficient action to fulfill the intent of
5 the recommendation has been taken and no fur-
6 ther action is necessary; and

7 (C) outdated, if, in the determination of
8 the Board, the recommendation is no longer rel-
9 evant because of any change in circumstances
10 or actions by parties other than the intended
11 recipient of the recommendation;

12 (3) an assessment of efforts of Federal, State,
13 Tribal, and local governments to respond to rec-
14 ommendations made by the Board, if such entities
15 have voluntarily provided information to the Board
16 on the progress of the entity;

17 (4) a description of the training undertaken by
18 the Board and its staff and persons sponsored by
19 the Board;

20 (5) a list of natural hazards that caused 10 or
21 more fatalities that the Board did not review and a
22 recommendation with justification by the Board of
23 whether similar incidents should be reviewed in the
24 future;

1 (6) a recommendation on how, if at all, the
2 thresholds and triggers for a review by the Board
3 should change;

4 (7) an assessment of the sufficiency of Federal
5 resources provided to State, Tribal, and local gov-
6 ernments in aggregate relative to any vulnerabilities
7 that the Board determines the governments have;

8 (8) a list of all requests for review from Gov-
9 ernors of States and territories and chief executives
10 of Tribal governments or recommended by the office
11 established under section 205(f)(2) that the Board
12 rejected, including comments and recommendations
13 from the Board regarding whether similar incidents
14 should be reviewed in the future; and

15 (9) a list of ongoing reviews that have exceeded
16 the expected time allotted for completion by Board
17 order and an explanation for the additional time re-
18 quired to complete each such review.

19 (c) DISSEMINATION.—The Board shall propagate the
20 information described in subsection (a)(2), including by—

21 (1) incorporating the information into training
22 material used by Federal, State, Tribal, and private
23 training facilities specializing in building resilience
24 to and responding to and recovering from natural
25 hazards, as the Board deems appropriate;

1 (2) coordinating with professional associations
2 related to building resilience to and responding to
3 and recovering from natural hazards;

4 (3) collaborating with relevant Federal, State,
5 and Tribal authorities and private organizations;
6 and

7 (4) coordinating with private and public institu-
8 tions of higher education and research institutions.

9 **SEC. 205. APPOINTMENT AND ORGANIZATION.**

10 (a) APPOINTMENT OF MEMBERS.—

11 (1) IN GENERAL.—The Board shall be com-
12 posed of 7 members, who shall, in accordance with
13 paragraph (2) and subject to paragraph (3), be ap-
14 pointed by the President, by and with the advice and
15 consent of the Senate.

16 (2) PROCEDURE.—

17 (A) INITIAL APPOINTMENTS.—The Presi-
18 dent shall, in consultation with the National
19 Academies of Sciences, Engineering, and Medi-
20 cine and relevant professional associations and
21 leaders in the private sector, appoint the 7
22 members of the Board from among a list of 14
23 individuals provided by both houses of Con-
24 gress, of which—

1 (i) the majority leader of the Senate
2 shall provide the names of 4 individuals;

3 (ii) the minority leader of the Senate
4 shall provide the names of 3 individuals;

5 (iii) the Speaker of the House of Rep-
6 resentatives shall provide the names of 4
7 individuals; and

8 (iv) the minority leader of the House
9 of Representatives shall provide the names
10 of 3 individuals.

11 (B) SUBSEQUENT APPOINTMENTS.—Any
12 vacancy of the Board shall be filled in the same
13 manner as the original appointment.

14 (3) REQUIREMENTS.—Of the 7 members ap-
15 pointed under paragraph (1)—

16 (A) not more than 4 members may be ap-
17 pointed from the same political party;

18 (B) all members shall be appointed on the
19 basis of technical qualification, professional
20 standing, and demonstrated knowledge in emer-
21 gency management, fire management, emer-
22 gency medical services, public-health, physical
23 sciences, social science, behavioral science, or
24 architectural and engineering with post-disaster

1 evaluation or building forensics expertise in
2 their respective field;

3 (C) a minimum of 2 members shall have
4 experience working at the State or municipal
5 level in 1 of the fields described in subpara-
6 graph (B); and

7 (D) a minimum of 2 members shall have
8 demonstrated professional experience working
9 with populations that have historically been
10 more vulnerable to incidents because of their
11 race, color, nationality, sex, age, disability,
12 English proficiency, or economic status.

13 (b) TERMS OF OFFICE AND REMOVAL.—

14 (1) TERM OF OFFICE.—Except as provided in
15 paragraph (2), the term of office of each member
16 shall be 5 years.

17 (2) FILLING OF VACANCY.—An individual ap-
18 pointed to fill a vacancy occurring before the expira-
19 tion of the term for which the predecessor of that
20 individual was appointed is appointed for the re-
21 mainder of that term.

22 (3) CONTINUATION UNTIL SUCCESSOR IS AP-
23 POINTED.—When the term of office of a member
24 ends, the member may continue to serve until a suc-
25 cessor is appointed and confirmed.

1 (4) REMOVAL.—The President may remove a
2 member only for inefficiency, neglect of duty, or
3 malfeasance in office. Immediately upon removing a
4 member of the Board, the President shall issue a
5 public statement that details how the actions of the
6 removed member met the criteria of this paragraph.

7 (c) CHAIRPERSON AND VICE CHAIRPERSON.—

8 (1) CHAIRPERSON.—The President shall des-
9 ignate, by and with the advice and consent of the
10 Senate, a member appointed under subsection (b) to
11 serve as the Chairperson of the Board.

12 (2) VICE CHAIRPERSON.—The President shall
13 designate a member appointed under subsection (b)
14 to serve as the Vice Chairperson of the Board and
15 if the Chairperson is absent or unable to serve, or
16 if the position of Chairperson is vacant, the Vice
17 Chairperson shall act as the Chairperson.

18 (3) TERM OF OFFICE.—The Chairperson and
19 Vice Chairperson shall each serve in such position
20 for a term of 3 years.

21 (d) DUTIES AND POWERS OF CHAIRPERSON.—

22 (1) IN GENERAL.—The Chairperson shall be the
23 chief executive and administrative officer of the
24 Board.

1 (2) POWERS.—Subject to the general policies
2 and decisions of the Board, the Chairperson shall—

3 (A) appoint and supervise officers and em-
4 ployees, other than regular and full-time em-
5 ployees in the immediate offices of another
6 member, necessary to carry out this title;

7 (B) fix the pay of officers and employees
8 necessary to carry out this title;

9 (C) distribute business among the officers,
10 employees, and administrative units of the
11 Board; and

12 (D) supervise the expenditures of the
13 Board.

14 (e) QUORUM.—

15 (1) IN GENERAL.—Subject to paragraphs (2)
16 and (3), 4 members of the Board shall constitute a
17 quorum for purposes of carrying out the duties and
18 powers of the Board, subject to the limitations in
19 the remainder of this subsection.

20 (2) PARTY LIMITATION.—Not less than 1 rep-
21 resentative from each party shall be present for a
22 quorum to be established.

23 (3) CHAIRPERSON.—Either the Chairperson or
24 Vice Chairperson shall be present for a quorum to
25 be established.

1 (f) OFFICES.—

2 (1) IN GENERAL.—The Board shall establish
3 such offices as are necessary to carry out this title,
4 which may include offices responsible for—

5 (A) operations;

6 (B) science and methodology;

7 (C) review and evaluation;

8 (D) communications;

9 (E) external coordination; or

10 (F) technical assistance.

11 (2) OFFICE FOR THE PROTECTION OF DIS-
12 PROPORTIONATELY IMPACTED COMMUNITIES.—

13 (A) IN GENERAL.—The Board shall estab-
14 lish an office to review and make recommenda-
15 tions to mitigate and prevent the loss of life, or
16 human or economic injury for vulnerable popu-
17 lations, including populations that may be more
18 vulnerable because of their race, color, religion,
19 nationality, sex, age, disability, English pro-
20 ficiency, or economic status, or other demo-
21 graphic characteristics that the Board may de-
22 termine appropriate.

23 (B) RESPONSIBILITIES.—The office estab-
24 lished under paragraph (1) shall—

1 (i) provide recommendations to the
2 Board for incidents to review in accordance
3 with section 202(b)(4) that do not other-
4 wise meet the requirements of section
5 202(b);

6 (ii) determine and maintain a list spe-
7 cific demographic, economic, social, and
8 health characteristics of populations that
9 historically have shown to be disproportion-
10 ately impacted by incidents;

11 (iii) during a review conducted by the
12 Board, provide research and analysis on
13 how the incident impacts populations that
14 the Office determines to be disproportion-
15 ately impacted;

16 (iv) provide recommendations for each
17 review conducted by the Board and for
18 each report developed under section 204 on
19 actions that can be taken to reduce the im-
20 pact to populations that are found to be
21 disproportionately impacted under clause
22 (ii); and

23 (v) provide training, and establish
24 training requirements, for Board members
25 and staff in the fields of diversity, inclu-

1 sion, and equity in consultation with orga-
2 nizations specializing in those fields.

3 (3) REGIONAL OFFICES.—In establishing offices
4 under this subsection, the Board may establish re-
5 gional offices across the United States to facilitate
6 collaboration, coordination, and the dissemination of
7 findings, recommendations, and best practices to
8 State, Tribal, and local governments and the private
9 sector in such regions as the Board determines ap-
10 propriate.

11 (4) PURPOSE.—Each office established under
12 this subsection shall enable the Board to review, re-
13 port on, and issue recommendations to prevent the
14 loss of life, human injury, and economic injury and
15 deliver technical assistance to disseminate best prac-
16 tices in accordance with this title.

17 (g) CHIEF FINANCIAL OFFICER.—The Chairperson
18 shall designate an officer or employee of the Board to
19 serve as the Chief Financial Officer, who shall—

20 (1) report directly to the Chairperson on finan-
21 cial management and budget execution;

22 (2) direct, manage, and provide policy guidance
23 and oversight on financial management and property
24 and inventory control; and

1 (3) review the fees, rents, and other charges im-
2 posed by the Board for services and things of value
3 it provides and suggest appropriate revisions to
4 those charges to reflect costs incurred by the Board
5 in providing those services and things of value.

6 (h) BOARD MEMBER STAFF.—

7 (1) IN GENERAL.—Each member of the Board
8 shall appoint and supervise regular and full-time em-
9 ployees in the immediate office of the member as
10 long as any such employee has been approved for
11 employment by the designated agency ethics official
12 under the same guidelines that apply to all employ-
13 ees of the Board.

14 (2) DESIGNATION.—With respect to an indi-
15 vidual appointed under paragraph (1)—

16 (A) the member of the Board making the
17 appointment shall determine which grade of the
18 General Schedule most closely corresponds with
19 respect to the duties and functions of the posi-
20 tion to which the individual is appointed; and

21 (B) during the period of the appoint-
22 ment—

23 (i) the individual shall be compensated
24 at the appropriate rate of pay for the
25 grade of the General Schedule with respect

1 to which the determination is made under
2 subparagraph (A); and

3 (ii) for the purposes of title 5, United
4 States Code, and the rules issued under
5 that title, the individual shall be considered
6 to be an employee, as that term is defined
7 in section 5331(a) of title 5, United States
8 Code.

9 (3) LIMITATION.—Except for the Chairperson,
10 the appointment authority in paragraph (1) shall be
11 limited to the number of full-time equivalent posi-
12 tions, in addition to 1 senior professional staff posi-
13 tion at a level not to exceed the GS–15 level of the
14 General Schedule and 1 administrative staff posi-
15 tion, allocated to each member of the Board through
16 the annual budget and allocation process of the
17 Board.

18 (i) DETAILED STAFF.—

19 (1) FEDERAL EMPLOYEES.—

20 (A) IN GENERAL.—Upon request of the
21 Board, the head of an agency described in sub-
22 paragraph (B), or any other Federal depart-
23 ment or agency that the Board may request,
24 may detail, on a reimbursable basis, any of the
25 personnel of that department or agency to the

1 Board to assist the Board in carrying out the
2 duties of the Board under this title.

3 (B) RELEVANT AGENCIES.—For purposes
4 of subparagraph (A), the following are agencies
5 described in this subparagraph:

6 (i) The Federal Emergency Manage-
7 ment Agency.

8 (ii) The Cybersecurity and Infrastruc-
9 ture Security Agency of the Department of
10 Homeland Security.

11 (iii) The National Oceanic and Atmos-
12 pheric Administration, including the Na-
13 tional Weather Service.

14 (iv) The Department of Defense, in-
15 cluding the Army Corps of Engineers.

16 (v) The Department of Health and
17 Human Services.

18 (vi) The National Institutes of
19 Health.

20 (vii) The Centers for Disease Control
21 and Prevention.

22 (viii) The Coast Guard.

23 (ix) The National Transportation
24 Safety Board.

1 (x) The National Institute of Stand-
2 ards and Technology.

3 (xi) The Government Accountability
4 Office.

5 (xii) The Department of the Interior,
6 including the United States Geological
7 Survey.

8 (xiii) Any Office of the Inspector Gen-
9 eral.

10 (xiv) The Small Business Administra-
11 tion.

12 (xv) The Chemical Safety and Hazard
13 Investigation Board.

14 (xvi) The Department of Housing and
15 Urban Development.

16 (xvii) The Department of Agriculture.

17 (2) STATE, LOCAL, TRIBAL, AND RESEARCH
18 STAFF.—

19 (A) IN GENERAL.—The Board may enter
20 into agreements with State, local, and Tribal
21 governments and relevant nonprofit institutions
22 of higher education and research institutions to
23 request staff, with specialized experience that
24 the Board determines relevant, to be detailed to
25 the Board, on a reimbursable basis, and shall

1 consult with relevant associations and organiza-
2 tions of those entities in developing an efficient
3 process for requesting and receiving detailed
4 staff.

5 (B) COMPENSATION.—The Board shall en-
6 sure that any staff members detailed to the
7 Board under this paragraph are compensated
8 equitably and shall pay differences in salaries
9 based on the experience of said staff and in
10 consultation with the Office of Personnel Man-
11 agement.

12 (3) TERM OF DETAIL.—Any staff member de-
13 tailed to the Board under this section shall be de-
14 tailed for a term of 1 year and such detail may be
15 extended for not more than two 1-year terms.

16 (4) LIMITATIONS.—Under this subsection—

17 (A) not more than 25 percent of the total
18 number of staff members working for the
19 Board at any time may be detailees or other-
20 wise nonpermanent staff;

21 (B) a detailee shall serve as an adviser or
22 supplemental professional staff in any office es-
23 tablished by the Board under subsection (g);
24 and

25 (C) a detailee may not—

1 (i) determine any final findings or rec-
2 ommendations; and

3 (ii) be the sole decisionmaker in re-
4 view or evaluation methodologies.

5 (j) SEAL.—The Board shall have a seal that shall be
6 judicially recognized.

7 (k) OPEN MEETINGS.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the Board shall be considered an agency
10 for purposes of section 552b of title 5, United States
11 Code.

12 (2) NONPUBLIC COLLABORATIVE DISCUS-
13 SIONS.—

14 (A) IN GENERAL.—Notwithstanding sec-
15 tion 552b of title 5, United States Code, a ma-
16 jority of the members may hold a meeting that
17 is not open to public observation to discuss offi-
18 cial agency business, if—

19 (i) no formal or informal vote or other
20 official agency action is taken at the meet-
21 ing;

22 (ii) each individual present at the
23 meeting is a member or an employee of the
24 Board;

1 (iii) at least 1 member of the Board
2 from each political party is present at the
3 meeting, if applicable;

4 (iv) the General Counsel of the Board
5 is present at the meeting; and

6 (v) the records of the meeting, includ-
7 ing the names of the individuals in attend-
8 ance, time, place, and summary to be as
9 thorough as the Board determines to be
10 prudent, are posted publicly and online.

11 (B) DISCLOSURE OF NONPUBLIC COLLABO-
12 RATIVE DISCUSSIONS.—Except as provided
13 under subparagraphs (C) and (D), not later
14 than 2 business days after the conclusion of a
15 meeting under subparagraph (A), the Board
16 shall make available to the public, in a place
17 easily accessible to the public—

18 (i) a list of the individuals present at
19 the meeting; and

20 (ii) a summary of the matters, includ-
21 ing key issues, discussed at the meeting,
22 except for any matter the Board properly
23 determines may be withheld from the pub-
24 lic under section 552b(e) of title 5, United
25 States Code.

1 (C) SUMMARY.—If the Board properly de-
2 termines a matter may be withheld from the
3 public under section 552b(c) of title 5, United
4 States Code, the Board shall provide a sum-
5 mary with as much general information as pos-
6 sible on each matter withheld from the public.

7 (D) ACTIVE REVIEWS.—If a discussion
8 under subparagraph (A) directly relates to an
9 active review, the Board shall make the dislo-
10 sure under subparagraph (B) on the date the
11 Board adopts the final report.

12 (E) PRESERVATION OF OPEN MEETINGS
13 REQUIREMENTS FOR AGENCY ACTION.—Noth-
14 ing in this paragraph may be construed to limit
15 the applicability of section 552b of title 5,
16 United States Code, with respect to a meeting
17 of the members other than that described in
18 this paragraph.

19 (F) STATUTORY CONSTRUCTION.—Nothing
20 in this paragraph may be construed—

21 (i) to limit the applicability of section
22 552b of title 5, United States Code, with
23 respect to any information which is pro-
24 posed to be withheld from the public under
25 subparagraph (B)(ii); or

1 (ii) to authorize the Board to withhold
2 from any individual any record that is ac-
3 cessible to that individual under section
4 552a of title 5, United States Code.

5 **SEC. 206. METHODOLOGY.**

6 (a) IN GENERAL.—The Board shall conduct each re-
7 view, issue each recommendation, develop each report, and
8 deliver all technical assistance authorized under this title
9 using the methods that are in accordance with relevant
10 professional best practices, including those by analogous
11 review organizations, academia, and government and pri-
12 vate organizations.

13 (b) REQUIRED REVIEW.—The Board shall—

14 (1) review, on a regular basis, the methodolo-
15 gies of the Board; and

16 (2) update the methodologies of the Board in
17 accordance with the findings of each review con-
18 ducted under paragraph (1).

19 (c) REQUIREMENT.—In establishing the methodolo-
20 gies of the Board under this section, the Board shall incor-
21 porate all relevant information from relevant Federal,
22 State, and local entities, including past experience with
23 similar incidents, exercises, risk assessments, and all other
24 past research and analysis.

1 (d) TRANSPARENCY.—The Chairperson shall include
2 with each review report in which a recommendation is
3 issued by the Board a methodology section detailing the
4 process and information underlying the selection of each
5 recommendation.

6 (e) ELEMENTS.—Except as provided in subsection
7 (f), the methodology section under subsection (a) shall in-
8 clude, for each recommendation—

9 (1) a brief summary of the Board’s collection
10 and analysis of the specific information most rel-
11 evant to the recommendation;

12 (2) a description of the Board’s use of external
13 information, including studies, reports, and experts,
14 other than the findings of a specific review, if any
15 were used to inform or support the recommendation,
16 including a brief summary of the specific resilience
17 benefits and other effects identified by each study,
18 report, or expert; and

19 (3) a brief summary of actions, including im-
20 portant examples, taken by regulated entities before
21 the publication of the recommendation, to the extent
22 such actions are known to the Board, that were con-
23 sistent with the recommendation.

24 (f) SAVINGS CLAUSE.—

1 (1) IN GENERAL.—Nothing in this section may
2 be construed—

3 (A) to delay publication of the findings,
4 cause, or probable cause of a Board review;

5 (B) to delay the issuance of an urgent rec-
6 ommendation that the Board has determined
7 must be issued to avoid immediate death, or
8 human or economic injury; or

9 (C) to limit the number of examples the
10 Board may consider before issuing a rec-
11 ommendation.

12 (2) LIMITATION.—Notwithstanding paragraph
13 (1), the Board shall publish the methodology re-
14 quired under this section not later than 30 days
15 after the date on which the review is initially pub-
16 lished.

17 **SEC. 207. ADMINISTRATIVE.**

18 (a) AUTHORITY.—

19 (1) IN GENERAL.—The Board, and when au-
20 thorized by the Board, a member of the Board, an
21 administrative law judge employed by or assigned to
22 the Board, or an officer or employee designated by
23 the Chairperson, may conduct hearings to carry out
24 this title, administer oaths, and require, by subpoena
25 or otherwise, necessary witnesses and evidence.

1 (2) SUBPOENA AUTHORITY.—A witness or evi-
2 dence in a hearing under paragraph (1) of this sub-
3 section may be summoned or required to be pro-
4 duced from any place in the United States to the
5 designated place of the hearing. A witness sum-
6 moned under this subsection is entitled to the same
7 fee and mileage the witness would have been paid in
8 a court of the United States.

9 (3) REQUIREMENT.—A subpoena shall be
10 issued under the signature of the Chairperson or the
11 Chairperson’s designee, but may be served by any
12 person designated by the Chairperson.

13 (4) ENFORCEMENT.—If a person disobeys a
14 subpoena, order, or inspection notice of the Board,
15 the Board may bring a civil action in a district court
16 of the United States to enforce the subpoena, order,
17 or notice. An action under this paragraph may be
18 brought in the judicial district in which the person
19 against whom the action is brought resides, is found,
20 or does business. The court may punish a failure to
21 obey an order of the court to comply with the sub-
22 poena, order, or notice as a contempt of court.

23 (b) ADDITIONAL POWERS.—The Board may—

1 (1) procure the temporary or intermittent serv-
2 ices of experts or consultants under section 3109 of
3 title 5, United States Code;

4 (2) make agreements and other transactions
5 necessary to carry out this title without regard to
6 subsections (b), (c), and (d) of section 6101 of title
7 41, United States Code;

8 (3) use, when appropriate, available services,
9 equipment, personnel, and facilities of a department,
10 agency, or instrumentality of the United States Gov-
11 ernment on a reimbursable or other basis;

12 (4) confer with employees and use services,
13 records, and facilities of State and local govern-
14 mental authorities;

15 (5) appoint advisory committees composed of
16 qualified private citizens and officials of the Govern-
17 ment and State and local governments as appro-
18 priate;

19 (6) accept voluntary and uncompensated serv-
20 ices notwithstanding another law;

21 (7) make contracts with private entities to carry
22 out studies related to duties and powers of the
23 Board; and

24 (8) negotiate and enter into agreements with
25 individuals and private entities and departments,

1 agencies, and instrumentalities of the Federal Gov-
2 ernment, State, Tribal, and local governments, and
3 governments of foreign countries for the provision of
4 facilities, technical services, or training in research
5 theory and techniques, and require that such entities
6 provide appropriate consideration for the reasonable
7 costs of any facilities, goods, services, or training
8 provided by the Board.

9 (c) COLLECTION OF FUNDS.—The Board shall de-
10 posit in the Treasury of the United States amounts re-
11 ceived under subsection (b)(8) of this subsection to be
12 credited as discretionary offsetting collections to the ap-
13 propriation of the Board, and shall be available only to
14 the extent and in the amounts provided in advance in ap-
15 propriations Acts. The Board shall maintain an annual
16 record of collections received under subsection (b)(8).

17 (d) SUBMISSION OF CERTAIN COPIES TO CON-
18 GRESS.—

19 (1) IN GENERAL.—When the Board submits to
20 the President or the Director of the Office of Man-
21 agement and Budget a budget estimate, budget re-
22 quest, supplemental budget estimate, other budget
23 information, a legislative recommendation, prepared
24 testimony for congressional hearings, or comments

1 on legislation, the Board must submit a copy to
2 Congress at the same time.

3 (2) LIMITATION.—An officer, department,
4 agency, or instrumentality of the Government may
5 not require the Board to submit the estimate, re-
6 quest, information, recommendation, testimony, or
7 comments to another officer, department, agency, or
8 instrumentality of the Government for approval,
9 comment, or review before being submitted to Con-
10 gress.

11 (3) BUDGET PROCESS.—The Board shall de-
12 velop and approve a process for the Board’s review
13 and comment or approval of documents submitted to
14 the President, Director of the Office of Management
15 and Budget, or Congress under this subsection.

16 (e) LIAISON COMMITTEES.—The Chairperson may
17 determine the number of committees that are appropriate
18 to maintain effective liaison with other departments, agen-
19 cies, and instrumentalities of the Federal Government,
20 State and local governmental authorities, and independent
21 standard-setting authorities that carry out programs and
22 activities related to its work. The Board may designate
23 representatives to serve on or assist those committees.

24 (f) INQUIRIES.—The Board, or an officer or employee
25 of the Board designated by the Chairperson, may conduct

1 an inquiry to obtain information related to natural hazard
2 safety after publishing notice of the inquiry in the Federal
3 Register. The Board or designated officer or employee
4 may require by order a department, agency, or instrumen-
5 tality of the Federal Government, a State, Tribal, or local
6 governmental authority, or a person transporting individ-
7 uals or property in commerce to submit to the Board a
8 written report and answers to requests and questions re-
9 lated to a duty or power of the Board. The Board may
10 prescribe the time within which the report and answers
11 must be given to the Board or to the designated officer
12 or employee. Copies of the report and answers shall be
13 made available for public inspection.

14 (g) REGULATIONS.—The Board may prescribe regu-
15 lations to carry out this title.

16 (h) OVERTIME PAY.—

17 (1) IN GENERAL.—Subject to the requirements
18 of this section and notwithstanding paragraphs (1)
19 and (2) of section 5542(a) of title 5, United States
20 Code, for an employee of the Board whose basic pay
21 is at a rate which equals or exceeds the minimum
22 rate of basic pay for GS–10 of the General Schedule,
23 the Board may establish an overtime hourly rate of
24 pay for the employee with respect to work performed
25 in the field (including travel to or from) and other

1 work that is critical to a review in an amount equal
2 to one and one-half times the hourly rate of basic
3 pay of the employee. All of such amount shall be
4 considered to be premium pay.

5 (2) LIMITATION ON OVERTIME PAY TO AN EM-
6 PLOYEE.—An employee of the Board may not re-
7 ceive overtime pay under paragraph (1), for work
8 performed in a calendar year, in an amount that ex-
9 ceeds 25 percent of the annual rate of basic pay of
10 the employee for such calendar year.

11 (3) BASIC PAY DEFINED.—In this subsection,
12 the term “basic pay” includes any applicable local-
13 ity-based comparability payment under section 5304
14 of title 5, United States Code (or similar provision
15 of law) and any special rate of pay under section
16 5305 of such title 5 (or similar provision of law).

17 (4) ANNUAL REPORT.—Not later than January
18 31, 2022, and annually thereafter, the Board shall
19 transmit to Congress a report identifying the total
20 amount of overtime payments made under this sub-
21 section in the preceding fiscal year, and the number
22 of employees whose overtime pay under this sub-
23 section was limited in that fiscal year as a result of
24 the 25 percent limit established by paragraph (2).

25 (i) ENTRY AND INSPECTION.—

1 (1) IN GENERAL.—An officer or employee of
2 the Board—

3 (A) on display of appropriate credentials
4 and written notice of authority, may—

5 (i) enter an area where an incident
6 has occurred;

7 (ii) take such actions as are necessary
8 to conduct a review under this section, so
9 long as the actions do not interfere with
10 ongoing lifesaving and life-sustaining oper-
11 ations; and

12 (iii) during reasonable hours, inspect
13 any record, including an electronic record,
14 process, control, or facility related to an in-
15 cident under this title.

16 (2) REQUIREMENT.—The Board shall use ut-
17 most discretion to prevent interference with ongoing
18 response efforts, including by developing review pro-
19 cedures with input from relevant authorities nation-
20 wide.

21 **SEC. 208. DISCLOSURE, AVAILABILITY, AND USE OF INFOR-**
22 **MATION.**

23 (a) DISCLOSURE OF INFORMATION.—

24 (1) IN GENERAL.—Except as provided in sub-
25 sections (b), (c), (d), and (f) of this section, a copy

1 of a record, information, or review submitted or re-
2 ceived by the National Disaster Safety Board, or a
3 member or employee of the Board, shall be posted
4 publicly.

5 (2) RULE OF CONSTRUCTION.—Nothing in this
6 subsection shall be construed to require the release
7 of information described in section 552(b) of title 5,
8 United States Code, or protected from disclosure by
9 another law of the United States.

10 (b) TRADE SECRETS.—

11 (1) IN GENERAL.—The Board may disclose in-
12 formation related to a trade secret referred to in sec-
13 tion 1905 of title 18, United States Code, only—

14 (A) to another department, agency, or in-
15 strumentality of the United States Government
16 when requested for official use;

17 (B) to a committee of Congress having ju-
18 risdiction over the subject matter to which the
19 information is related, when requested by that
20 committee;

21 (C) in a judicial proceeding under a court
22 order that preserves the confidentiality of the
23 information without impairing the proceeding;
24 and

1 (D) to the public to protect health and
2 safety after giving notice to any interested per-
3 son to whom the information is related and an
4 opportunity for that person to comment in writ-
5 ing, or orally in closed session, on the proposed
6 disclosure, if the delay resulting from notice
7 and opportunity for comment would not be det-
8 rimental to health and safety.

9 (2) REQUIREMENT.—Information disclosed
10 under paragraph (1) of this subsection may be dis-
11 closed only in a way designed to preserve its con-
12 fidentiality.

13 (3) PROTECTION OF VOLUNTARY SUBMISSION
14 OF INFORMATION.—Notwithstanding any other pro-
15 vision of law, neither the Board, nor any agency re-
16 ceiving information from the Board, shall disclose
17 voluntarily provided safety-related information if
18 that information is not related to the exercise of the
19 Board’s review authority under this title and if the
20 Board finds that the disclosure of the information
21 would inhibit the voluntary provision of that type of
22 information.

23 (c) RECORDINGS AND TRANSCRIPTS.—

24 (1) CONFIDENTIALITY OF RECORDINGS.—Ex-
25 cept as provided in paragraph (2), the Board may

1 not disclose publicly any part of an original record-
2 ing or transcript of oral communications or original
3 and contemporary written communications between
4 Federal, State, Tribal, or local officials responding
5 to an incident under review by the Board.

6 (2) EXCEPTION.—Subject to subsections (b)
7 and (g), the Board shall make public any part of a
8 transcript, any written depiction of visual informa-
9 tion obtained from an audio or video recording, or
10 any still image obtained from a recording the Board
11 decides is relevant to the incident—

12 (A) if the Board holds a public hearing on
13 the incident at the time of the hearing; or

14 (B) if the Board does not hold a public
15 hearing, at the time a majority of the other fac-
16 tual reports on the incident are placed in the
17 public docket.

18 (3) REFERENCES TO INFORMATION IN MAKING
19 SAFETY RECOMMENDATIONS.—This subsection does
20 not prevent the Board from referring at any time to
21 recorded or written information in making safety
22 recommendations.

23 (d) FOREIGN REVIEWS.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, neither the Board, nor any agency

1 receiving information from the Board, shall disclose
2 records or information relating to its participation in
3 foreign incident review, except that—

4 (A) the Board shall release records per-
5 taining to such a review when the country con-
6 ducting the review issues its final report or 2
7 years following the date of the incident, which-
8 ever occurs first; and

9 (B) the Board may disclose records and in-
10 formation when authorized to do so by the
11 country conducting the review.

12 (2) SAFETY RECOMMENDATIONS.—Nothing in
13 this subsection shall restrict the Board at any time
14 from referring to foreign review information in mak-
15 ing safety recommendations.

16 (e) PRIVACY PROTECTIONS.—Before making public
17 any still image obtained from a video recorder under sub-
18 section (c)(2) or subsection (d)(2), the Board shall take
19 such action as appropriate to protect from public disclo-
20 sure any information that readily identifies an individual,
21 including a decedent.

22 **SEC. 209. TRAINING.**

23 (a) USE OF TRAINING FACILITIES.—The Board may
24 use, on a reimbursable basis, the services of any training
25 facility in the Federal Government, including those oper-

1 ated by the Department of Homeland Security, Depart-
2 ment of Health and Human Services, and Department of
3 Commerce. The responsible department or agency shall
4 make such training facility and any relevant training
5 course available to—

6 (1) the Board for safety training of employees
7 of the Board in carrying out their duties and pow-
8 ers; and

9 (2) other relevant personnel of the United
10 States Government, State and local governments,
11 governments of foreign countries, interstate authori-
12 ties, and private organizations the Board designates
13 in consultation with the relevant departments and
14 agencies.

15 (b) FEES.—Training shall be provided at a reason-
16 able fee established periodically by the Board in consulta-
17 tion with the relevant departments and agencies. The fee
18 shall be paid directly to the relevant departments and
19 agencies, and shall be deposited in the Treasury.

20 (c) TRAINING OF BOARD EMPLOYEES AND OTH-
21 ERS.—The Board may conduct training of its employees
22 in those subjects necessary for proper performance. The
23 Board may also authorize attendance at courses given
24 under this subsection by other government personnel, per-
25 sonnel of foreign governments, and personnel from indus-

1 try or otherwise who have a requirement for training. The
2 Board may require non-Board personnel to reimburse
3 some or all of the training costs, and amounts so reim-
4 bursed shall be credited to the appropriation of the Board
5 as discretionary offsetting collections, and shall be avail-
6 able only to the extent and in the amounts provided in
7 advance in appropriations Acts.

8 **SEC. 210. FUNDING.**

9 (a) IN GENERAL.—The following amounts are au-
10 thorized to be appropriated to the Board to carry out this
11 title:

12 (1) \$25,000,000 for fiscal year 2022.

13 (2) \$40,000,000 for fiscal year 2023.

14 (3) \$50,000,000 for fiscal year 2024.

15 (4) \$60,000,000 for fiscal year 2025.

16 (b) EMERGENCY FUND.—

17 (1) IN GENERAL.—There shall be established in
18 the Treasury of the United States an Emergency
19 Fund for the Board, which shall be available to the
20 Board for necessary expenses of the Board, not oth-
21 erwise provided for, for reviews.

22 (2) APPROPRIATIONS.—There are authorized to
23 be 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 **SEC. 211. AUTHORITY OF THE INSPECTOR GENERAL.**

8 (a) IN GENERAL.—The Inspector General of the De-
9 partment of Homeland Security, in accordance with the
10 mission of the Inspector General to prevent and detect
11 fraud and abuse, shall have authority to review only the
12 financial management, property management, and busi-
13 ness operations of the Board, including internal account-
14 ing and administrative control systems, to determine com-
15 pliance with applicable Federal laws, rules, and regula-
16 tions.

17 (b) DUTIES.—In carrying out this section, the In-
18 spector General shall—

19 (1) keep the Chairperson of the Board and
20 Congress fully and currently informed about prob-
21 lems relating to administration of the internal ac-
22 counting and administrative control systems of the
23 Board;

24 (2) issue findings and recommendations for ac-
25 tions to address such problems; and

1 (3) report periodically to Congress on any
2 progress made in implementing actions to address
3 such problems.

4 (c) ACCESS TO INFORMATION.—In carrying out this
5 section, the Inspector General may exercise authorities
6 granted to the Inspector General under subsections (a)
7 and (b) of section 6 of the Inspector General Act of 1978
8 (5 U.S.C. App.).

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Office of the In-
11 spector General of the Department of Homeland Security
12 such sums as may be necessary to cover expenses associ-
13 ated with activities pursuant to the authority exercised
14 under this section.

15 **SEC. 212. EVALUATION AND AUDIT OF NATIONAL DISASTER**
16 **SAFETY BOARD.**

17 (a) IN GENERAL.—As determined necessary by the
18 Comptroller General of the United States or the appro-
19 priate congressional committees, but not less frequently
20 than once every 2 years, the Comptroller General of the
21 United States shall evaluate and audit the programs and
22 expenditures of the Board in order to promote economy,
23 efficiency, and effectiveness in the administration of the
24 programs, operations, and activities of the Board.

1 (b) RESPONSIBILITY OF COMPTROLLER GENERAL.—

2 In carrying out subsection (a), the Comptroller General
3 of the United States shall evaluate and audit the pro-
4 grams, operations, and activities of the Board, including—

5 (1) information management and security, in-
6 cluding privacy protection of personally identifiable
7 information;

8 (2) the resource levels of the Board and man-
9 agement of such resources relative to the mission of
10 the Board;

11 (3) workforce development;

12 (4) procurement and contracting planning,
13 practices, and policies;

14 (5) the process and procedures to select an inci-
15 dent to review;

16 (6) the extent to which the Board follows lead-
17 ing practices in selected management areas;

18 (7) the extent to which the Board addresses
19 management challenges in completing reviews;

20 (8) the extent to which the evaluation, review,
21 and recommendation-issuing methodologies of the
22 Board are consistent with established best practice,
23 as determined by the Comptroller General; and

24 (9) an impact evaluation of the work of the
25 Board, using the purposes and intent described in

1 this title and by the Board, against the realized re-
2 sults of the Board, according to a methodology de-
3 termined by the Comptroller General, conducted in
4 a manner that is not overly disruptive to the work
5 of the Board.

6 **SEC. 213. DEFINITIONS.**

7 In this title:

8 (1) **ACT OF VIOLENCE.**—The term “act of vio-
9 lence” means an offense described in section 16(a)
10 of title 18, United States Code.

11 (2) **BOARD.**—The term “Board” means the Na-
12 tional Disaster Safety Board established under sec-
13 tion 202.

14 (3) **CHAIRPERSON.**—The term “Chairperson”
15 means the Chairperson of the Board designated
16 under section 205.

17 (4) **ECONOMIC INJURY.**—The term “economic
18 injury” has the meaning given the term “substantial
19 economic injury” in section 7(b) of the Small Busi-
20 ness Act (15 U.S.C. 636(b)).

21 (5) **INCIDENT.**—The term “incident” means a
22 natural hazard or other circumstance that the Board
23 decides to review.

1 (6) INSTITUTION OF HIGHER EDUCATION AND
2 RESEARCH INSTITUTION.—The term “institution of
3 higher education and research institution” means—

4 (A) an institution of higher education (as
5 defined in section 101 of the Higher Education
6 Act (20 U.S.C. 1001));

7 (B) a National Laboratory (as defined in
8 section 2 of the Energy Policy Act of 2005 (42
9 U.S.C. 15801));

10 (C) a laboratory described in section
11 308(c)(2) of the Homeland Security Act of
12 2002 (6 U.S.C. 188(c)(2));

13 (D) the National Domestic Preparedness
14 Consortium established under section 1204 of
15 the Implementing Recommendations of the 9/11
16 Commission Act of 2007 (6 U.S.C. 1102) and
17 the members of such Consortium; and

18 (E) a research institution associated with
19 an institution of higher education.

20 (7) NATURAL HAZARD.—The term “natural
21 hazard”—

22 (A) means a major disaster, as defined in
23 paragraph (2) of section 102 of the Robert T.
24 Stafford Disaster Relief and Emergency Assist-

1 ance Act (42 U.S.C. 5122), that is naturally oc-
2 curring, regardless of—

3 (i) whether the President makes a de-
4 termination with respect to severity and
5 magnitude of the disaster under such para-
6 graph; or

7 (ii) the result of such a determination;

8 (B) includes any naturally occurring heat
9 wave, wind storm, wildfire, wildland urban
10 interface fire, urban conflagration fire, or dust
11 storm;

12 (C) includes any combination of events
13 covered by subparagraphs (A) and (B) that
14 causes or threatens to cause loss of human life,
15 or human or economic injury, as determined by
16 the Board; and

17 (D) does not include a technological dis-
18 aster.

19 (8) STATE.—The term “State” has the mean-
20 ing given the term in section 102 of the Robert T.
21 Stafford Disaster Relief and Emergency Assistance
22 Act (42 U.S.C. 5122).

23 (9) TECHNOLOGICAL DISASTER.—The term
24 “technological disaster” means an incident that—

1 (A) is caused by human error or malfunc-
2 tion in technology, including a dam or struc-
3 tural failure, a fire (other than a naturally oc-
4 curring wildfire, wildland urban interface fire,
5 urban conflagration fire, or arson), a hazardous
6 material incident, a nuclear accident, and a
7 power and telecommunications failure; and

8 (B) causes loss of human life, or human or
9 economic injury, as determined by the Board.

10 (10) **TERRORISM.**—The term “terrorism” has
11 the meaning given the term in section 2 of the
12 Homeland Security Act of 2002 (6 U.S.C. 101).

13 (11) **TRIBAL GOVERNMENT.**—The term “Tribal
14 government” means the governing body of any In-
15 dian or Alaska Native tribe, band, nation, pueblo,
16 village, or community that the Secretary of the Inte-
17 rior acknowledges to exist as an Indian tribe under
18 the Federally Recognized Indian Tribe List Act of
19 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 the
12 connections between fire weather and modes of cli-
13 mate variability, impacts on hydrology, and wildland
14 fires, and associated fire weather and smoke, air
15 quality, for the protection of life and property and
16 for the enhancement of the national economy.

17 (2) WEATHER FORECASTING AND DECISION
18 SUPPORT FOR WILDLAND FIRES.—The Adminis-
19 trator shall—

20 (A) develop and provide in consultation
21 with the relevant Federal Agencies, as the Ad-
22 ministrator determines appropriate, accurate,
23 timely, and effective warnings and forecasts of
24 wildland fires and fire weather events that en-
25 danger life and property, which may include red

1 flag warnings, operational fire weather alerts,
2 real-time notification of ignitions, and any other
3 warnings or alerts the Administrator deems ap-
4 propriate;

5 (B) provide stakeholders and the public
6 with impact-based decision support services,
7 seasonal climate predictions, air quality prod-
8 ucts, and smoke forecasts; and

9 (C) provide on-site weather forecasts, sea-
10 sonal climate predictions, and other decision
11 support to wildland fire incident command
12 posts, including by deploying incident mete-
13 orologists for the duration of an extreme event.

14 (3) WILDLAND FIRE DATA.—The Administrator
15 shall contribute to and support the centralized, inte-
16 grated data collaboration environment in accordance
17 with section 302(2) and any other relevant Federal
18 data systems by ensuring—

19 (A) interoperability, usability, and accessi-
20 bility of National Oceanic and Atmospheric Ad-
21 ministration data and tools related to wildland
22 fires, associated smoke, and their impacts;

23 (B) inclusion of historical wildland fire in-
24 cident and fire weather data, and identifying
25 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 high-risk pre-ig-
18 nition analysis, such as drought, fuel and
19 vegetation conditions, and soil moisture,
20 that will help predict severe wildland fire
21 conditions on all 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;

8 (v) supporting post-fire assessments
9 conducted by Program agencies and rel-
10 evant stakeholders;

11 (vi) conditions that influence fire be-
12 havior and spread including those condi-
13 tions that suppress active fire events; and

14 (vii) fire risk values;

15 (B) shall prioritize the ability to detect, ob-
16 serve, and monitor wildland fire and smoke in
17 its requirements for its current and future ob-
18 serving systems and commercial data purchases;
19 and

20 (C) not later than 12 months after the
21 date of the enactment of this Act—

22 (i) may offer to enter into contracts,
23 in consultation with the Secretary of Agri-
24 culture and the Secretary of the Interior,
25 with one or more entities to obtain addi-

1 tional airborne and space-based data and
2 observations that may enhance or supple-
3 ment the understanding, monitoring, pre-
4 diction, and mitigation of wildland fire
5 risks, and the relevant Program activities
6 under section 302; and

7 (ii) in carrying out clause (i), shall
8 consult with private sector entities through
9 the advisory committee established pursu-
10 ant to section 304 to identify needed tools
11 and data that can be best provided by the
12 National Oceanic and Atmospheric Admin-
13 istration satellites and are most beneficial
14 to wildfire and smoke detection and moni-
15 toring.

16 (5) FIRE WEATHER TESTBED.—In collaboration
17 with Program agencies and other relevant stake-
18 holders, the Administrator shall establish a Fire
19 Weather Testbed to evaluate physical and social
20 science, technology, and other research to develop
21 fire weather products and services for implementa-
22 tion by relevant stakeholders.

23 (6) WILDLAND FIRE AND FIRE WEATHER RE-
24 SEARCH AND DEVELOPMENT.—The Administrator
25 shall support a wildland fire and smoke research and

1 development program that includes both physical
2 and social science with the goals of—

3 (A) improving the understanding, pre-
4 diction, detection, forecasting, monitoring, and
5 assessments of wildland fires and associated fire
6 weather, smoke, and air quality;

7 (B) developing products and services to
8 meet stakeholder needs;

9 (C) transitioning physical and social
10 science research into operations;

11 (D) improving modeling and technology,
12 including coupled fire-atmosphere fire behavior
13 modeling, in consultation with relevant Federal
14 agencies;

15 (E) better understanding of links between
16 fire weather events and subseasonal-to-climate
17 impacts;

18 (F) improving the forecasting and under-
19 standing of the impacts of prescribed fires and
20 how those impacts differ from impacts of
21 wildland fires; and

22 (G) pursuing high-priority fire science re-
23 search needs applicable to the National Oceanic
24 and Atmospheric Administration as identified
25 by any other relevant Federal program.

1 (7) EXTRAMURAL RESEARCH.—The Adminis-
2 trator shall collaborate with and support the non-
3 Federal wildland fire research community, which in-
4 cludes institutions of higher education, private enti-
5 ties, nongovernmental organizations, and other rel-
6 evant stakeholders, by making funds available
7 through competitive grants, contracts, and coopera-
8 tive agreements. In carrying out the program under
9 this paragraph, the Administrator, in collaboration
10 with other relevant Federal agencies, may establish
11 one or more national centers for prescribed fire and
12 wildfire sciences that leverage Federal research and
13 development with university and nongovernmental
14 partnerships.

15 (8) HIGH PERFORMANCE COMPUTING.—The
16 Administrator, in consultation with relevant Federal
17 agencies, such as the Secretary of Energy, shall ac-
18 quire high performance computing technologies and
19 supercomputing technologies, leveraging existing re-
20 sources and facilities, as practicable, to conduct re-
21 search and development activities, support research
22 to operations under this section, and host oper-
23 ational fire and smoke forecast models.

24 (9) INCIDENT METEOROLOGIST WORKFORCE AS-
25 SESSMENT.—Not later than 6 months after the date

1 of enactment of this Act, the Administrator shall
2 submit to the Committee on Science, Space, and
3 Technology of the House of Representatives and the
4 Committee on Commerce, Science, and Transpor-
5 tation of the Senate the results of an assessment of
6 National Weather Service workforce and training
7 challenges for Incident Meteorologists and a road-
8 map for overcoming the challenges identified. Such
9 assessment shall take into consideration information
10 technology support, logistical and administrative op-
11 erations, anticipated weather and climate conditions,
12 and feedback from relevant stakeholders, and shall
13 include, to the maximum extent practicable, an iden-
14 tification by the National Weather Service of—

15 (A) the expected number of Incident Mete-
16 orologists needed over the next 5 years;

17 (B) potential hiring authorities necessary
18 to overcome the identified workforce and train-
19 ing challenges; and

20 (C) alternative services or assistance op-
21 tions the National Weather Service could pro-
22 vide to meet operational needs.

23 (10) FIRE WEATHER SURVEYS AND ASSESS-
24 MENTS.—

1 (A) ANNUAL POST-FIRE WEATHER SEASON
2 SURVEY AND ASSESSMENT.—Not later than 24
3 months after the date of the enactment of this
4 Act, and each year thereafter, the Adminis-
5 trator shall conduct a post-fire-weather season
6 survey and assessment. After conducting a
7 post-fire-weather season survey and assessment,
8 the Administrator shall—

9 (i) investigate any data collection gaps
10 during the assessment;

11 (ii) identify and implement systems,
12 processes, strategies, and procedures need-
13 ed to enhance the efficiency and reliability
14 of data obtained and to improve program
15 services and information dissemination;

16 (iii) evaluate the accuracy and effi-
17 ciency of physical fire weather forecasting
18 information for each incident; and

19 (iv) assess and refine performance
20 measures, as needed.

21 (B) COORDINATION.—In conducting any
22 survey or assessment under this section, the
23 Administrator shall coordinate with stake-
24 holders and such entities as the Administrator
25 considers relevant in order to—

1 (i) improve operations and collabora-
2 tion; and

3 (ii) optimize data collection, sharing,
4 integration, assimilation, and dissemina-
5 tion.

6 (C) ANNUAL BRIEFING.—Not less fre-
7 quently than once each year, the Administrator
8 shall provide a briefing to the Committee on
9 Science, Space, and Technology in the House
10 and Committee on Commerce, Science, and
11 Transportation in the Senate that provides—

12 (i) an overview of the previous fire
13 season; and

14 (ii) an outlook for the fire season for
15 the coming year.

16 (D) SERVICE IMPROVEMENTS.—The Ad-
17 ministrator shall make best efforts to incor-
18 porate the results and recommendations of each
19 assessment conducted into the research and de-
20 velopment plan and operations of the Adminis-
21 tration.

22 (d) FEDERAL EMERGENCY MANAGEMENT AGEN-
23 CY.—The Administrator of the Federal Emergency Man-
24 agement Agency, acting through the United States Fire
25 Administration, shall—

1 (1) support—

2 (A) the development of community risk as-
3 sessment tools and effective mitigation tech-
4 niques for preventing and responding to
5 wildland fires, including at the wildland-urban
6 interface;

7 (B) wildland and wildland-urban interface
8 fire and operational response-related data col-
9 lection and analysis;

10 (C) public outreach, education, and infor-
11 mation dissemination related to wildland fires
12 and wildland fire risk; and

13 (D) promotion of wildland and wildland-
14 urban interface fire preparedness and commu-
15 nity risk reduction, to include hardening the
16 wildland-urban interface through proper con-
17 struction materials, land use practices, sprin-
18 klers, assessment of State and local emergency
19 response capacity and capabilities, and other
20 tools and approaches as appropriate;

21 (2) in collaboration with the National Institute
22 of Standards and Technology, and other program
23 agencies, as appropriate, promote and assist in the
24 implementation of research results and promote fire-
25 resistant buildings, retrofit, and land use practices

1 within the design and construction industry, includ-
2 ing architects, engineers, contractors, builders, plan-
3 ners, code officials, and inspectors;

4 (3) establish and operate a wildland fire pre-
5 paredness and mitigation technical assistance pro-
6 gram to assist State, local, Tribal and territorial
7 governments in using wildland fire mitigation strate-
8 gies, including through the adoption and implemen-
9 tation of wildland and wildland-urban interface fire
10 resistant codes, standards, and land use;

11 (4) incorporate wildland and wildland-urban
12 interface fire risk mitigation and loss avoidance data
13 into the Agency's existing risk, mitigation, and loss
14 avoidance analyses;

15 (5) incorporate data on the adoption and imple-
16 mentation of wildland and wildland-urban interface
17 fire resistant codes and standards into the Agency's
18 hazard resistant code tracking resources;

19 (6) translate new information and research
20 findings into best practices to improve firefighter,
21 fire service, and allied professions training and edu-
22 cation in wildland fire response, crew deployment,
23 prevention, mitigation, resilience, and firefighting;

24 (7) conduct outreach and information dissemi-
25 nation to fire departments regarding best practices

1 for wildland and wildland-urban interface fire-
2 fighting, training, and fireground deployment;

3 (8) in collaboration with other relevant Pro-
4 gram agencies and stakeholders, develop a national
5 level, interactive and publicly accessible wildland fire
6 hazard severity map that includes community and
7 parcel level data and that can readily integrate with
8 risk gradations within wildland and wildland-urban
9 interface fire resistant codes and standards;

10 (9) in coordination with the National Institute
11 of Standards and Technology and other Federal ini-
12 tiatives as appropriate, carry out a study to—

13 (A) examine PFAS and other potentially
14 harmful contaminants in firefighting gear, fire
15 retardants, and wetting agents;

16 (B) determine the lifecycle of firefighting
17 garments; and

18 (C) evaluate exposure risks based on dif-
19 ferent phases of the fire; and

20 (10) develop resources regarding best practices
21 for establishing or enhancing peer-support programs
22 within wildland fire firefighting units.

23 (e) NATIONAL AERONAUTICS AND SPACE ADMINIS-
24 TRATION.—The responsibilities of the Administrator of
25 the National Aeronautics and Space Administration (in

1 this subsection referred to as the “Administrator”) with
2 respect to the Program are as follows:

3 (1) IN GENERAL.—The Administrator shall,
4 with respect to the Program—

5 (A) support relevant basic and applied sci-
6 entific research and modeling;

7 (B) ensure the use in the Program of all
8 relevant National Aeronautics and Space Ad-
9 ministration Earth observations data for max-
10 imum utility;

11 (C) explore and apply novel tools and tech-
12 nologies in the activities of the Program;

13 (D) support the translation of research to
14 operations, including to Program agencies and
15 relevant stakeholders;

16 (E) facilitate the communication of
17 wildland fire research, knowledge, and tools to
18 relevant stakeholders; and

19 (F) use commercial data where such data
20 is available and accessible through existing Fed-
21 eral government commercial contracts, agree-
22 ments, or other means, and purchase data that
23 is deemed necessary based on consultation with
24 other Program agencies.

1 (2) WILDLAND FIRE RESEARCH AND APPLICA-
2 TIONS.—The Administrator shall support basic and
3 applied wildland fire research and modeling activi-
4 ties, including competitively-selected research, to—

5 (A) improve the understanding and pre-
6 diction of fire environments, wildland fires, as-
7 sociated smoke, and their impacts;

8 (B) improve the understanding of the im-
9 pacts of climate change and variability on
10 wildland fire risk, frequency, and severity;

11 (C) characterize the pre-fire phase and
12 fire-inducing conditions, such as soil moisture
13 and vegetative fuel availability;

14 (D) characterize the active fire phase, such
15 as fire and smoke plume mapping, fire behavior
16 and spread modeling, and domestic and global
17 fire activity;

18 (E) characterize the post-fire phase, such
19 as landscape changes, air quality, erosion, land-
20 slides, and impacts on carbon distributions in
21 forest biomass;

22 (F) contribute to advancing predictive
23 wildland fire models;

24 (G) address other relevant investigations
25 and measurements prioritized by the National

1 Academies of Sciences, Engineering, and Medi-
2 cine Decadal Survey on Earth Science and Ap-
3 plications from Space;

4 (H) improve the translation of research
5 knowledge into actionable information;

6 (I) develop research and data products, in-
7 cluding maps, decision-support information, and
8 tools, and support related training as appro-
9 priate and practicable;

10 (J) collaborate with other Program agen-
11 cies and relevant stakeholders, as appropriate,
12 on joint research and development projects, in-
13 cluding research grant solicitations and field
14 campaigns; and

15 (K) transition research advances to oper-
16 ations, including to Program agencies and rel-
17 evant stakeholders, as practicable.

18 (3) WILDLAND FIRE DATA SYSTEMS AND COM-
19 PUTATIONAL TOOLS.—The Administrator shall—

20 (A) identify, from the National Aero-
21 nautics and Space Administration’s Earth
22 science data systems, data, including combined
23 data products and relevant commercial data
24 sets, that can contribute to improving the un-
25 derstanding, monitoring, prediction, and mitiga-

1 tion of wildland fires and their impacts, includ-
2 ing data related to fire weather, plume dynam-
3 ics, smoke and fire behavior, impacts of climate
4 change and variability, land and property
5 burned, wildlife and ecosystem destruction,
6 among other areas;

7 (B) prioritize the dissemination of data
8 identified or obtained under this subparagraph
9 to the widest extent practicable to support rel-
10 evant research and operational stakeholders;

11 (C) consider opportunities to support the
12 Program under section 301 and the Program
13 activities under section 302 when planning and
14 developing Earth observation satellites, instru-
15 ments, and airborne measurement platforms;

16 (D) identify opportunities, in collaboration
17 with Program agencies and relevant stake-
18 holders, to obtain additional airborne and
19 space-based data and observations that may en-
20 hance or supplement the understanding, moni-
21 toring, prediction, and mitigation of wildland
22 fire risks, and the relevant Program activities
23 under section 302, and consider such options as
24 commercial solutions, including commercial
25 data purchases, prize authority, academic part-

1 nerships, and ground-based or space-based in-
2 struments, as practicable and appropriate; and

3 (E) contribute to and support, to the max-
4 imum extent practicable, the centralized, inte-
5 grated data collaboration environment in ac-
6 cordance with section 302(2) and any other rel-
7 evant interagency data systems, by collecting,
8 organizing, and integrating the National Aero-
9 nautics and Space Administration’s scientific
10 data, data systems, and computational tools re-
11 lated to wildland fires, associated smoke, and
12 their impacts, and by enhancing the interoper-
13 ability, useability, and accessibility of National
14 Aeronautics and Space Administration’s sci-
15 entific data, data systems, and computational
16 tools, including—

17 (i) observations and available real-
18 time and near-real-time measurements;

19 (ii) derived science and data products,
20 such as fuel conditions, risk and spread
21 maps, and data products to represent the
22 wildland-urban interface;

23 (iii) relevant historical and archival
24 observations, measurements, and derived
25 science and data products; and

1 (iv) other relevant decision support
2 and information tools.

3 (4) NOVEL TOOLS FOR ACTIVE WILDLAND FIRE
4 MONITORING AND RISK MITIGATION.—The Adminis-
5 trator, in collaboration with other Program agencies
6 and relevant stakeholders shall apply novel tools and
7 technologies to support active wildland fire research,
8 monitoring, mitigation, and risk reduction, as prac-
9 ticable and appropriate. In particular, the Adminis-
10 trator shall:

11 (A) Establish a program to develop and
12 demonstrate a unified concept of operations for
13 the safe and effective deployment of diverse air
14 capabilities in active wildland fire monitoring,
15 mitigation, and risk reduction. The objectives of
16 the Program shall be to—

17 (i) develop and demonstrate a
18 wildland fire airspace operations system
19 accounting for piloted aircraft, uncrewed
20 aerial systems, and other new and emerg-
21 ing capabilities such as autonomous and
22 high-altitude assets;

23 (ii) develop an interoperable commu-
24 nications strategy;

1 (iii) develop a roadmap for the on-
2 ramping of new technologies, capabilities,
3 or entities;

4 (iv) identify additional development,
5 testing, and demonstration that would be
6 required to expand the scale of operations;

7 (v) identify actions that would be re-
8 quired to transition the unified concept of
9 operations in subparagraph (A) into ongo-
10 ing, operational use; and

11 (vi) other objectives, as deemed appro-
12 priate by the Administrator.

13 (B) Develop and demonstrate affordable
14 and deployable sensing technologies, in con-
15 sultation with other Program agencies and rel-
16 evant stakeholders, to improve the monitoring
17 of fire fuel and active wildland fires, wildland
18 fire behavior models and forecast, mapping ef-
19 forts, and the prediction and mitigation of
20 wildland fires and their impacts. The Adminis-
21 trator shall—

22 (i) test and demonstrate technologies
23 such as infrared, microwave, and active
24 sensors suitable for deployment on space-
25 craft, aircraft, uncrewed aerial systems,

1 and ground-based and in situ platforms, as
2 appropriate and practicable;

3 (ii) develop and demonstrate afford-
4 able and deployable sensing technologies
5 that can be transitioned to operations for
6 collection of near-real-time localized meas-
7 urements;

8 (iii) develop and demonstrate near-
9 real-time data processing, availability,
10 interoperability, and visualization, as prac-
11 ticable;

12 (iv) identify opportunities and actions
13 required, in collaboration with Program
14 agencies and relevant stakeholders, to
15 transition relevant technologies, tech-
16 niques, and data to science operations,
17 upon successful demonstration of the feasi-
18 bility and scientific utility of the sensors
19 and data;

20 (v) transition demonstrated tech-
21 nologies, techniques, and data into ongo-
22 ing, operational use, including to Program
23 agencies and relevant stakeholders;

24 (vi) prioritize and facilitate, to the
25 greatest extent practicable, the dissemina-

1 tion of these science data to operations, in-
2 cluding to Program agencies and relevant
3 stakeholders; and

4 (vii) consider opportunities for poten-
5 tial partnerships, including commercial
6 data purchases, among industry, govern-
7 ment, academic institutions, and non-profit
8 organizations and other relevant stake-
9 holders in carrying out clauses (i) through
10 (vi), as appropriate and practicable.

11 (f) ENVIRONMENTAL PROTECTION AGENCY.—The
12 Administrator of the Environmental Protection Agency
13 shall support environmental research and development ac-
14 tivities to—

15 (1) improve the understanding of—

16 (A) wildland fire and smoke impacts on
17 communities and public health, including im-
18 pacts on drinking water and outdoor and indoor
19 air quality, and on freshwater ecosystems;

20 (B) wildland fire smoke plume characteris-
21 tics, chemical transformation, chemical com-
22 position, and transport;

23 (C) wildland fire and smoke impacts to
24 contaminant containment and remediation;

1 (D) the contribution of wildland fire emis-
2 sions to climate forcing emissions;

3 (E) differences between the impacts of pre-
4 scribed fires compared to other wildland fires
5 on communities and air and water quality; and

6 (F) climate change and variability on
7 wildland fires and smoke plumes, including on
8 smoke exposure;

9 (2) develop and improve tools, sensors, and
10 technologies including databases and computational
11 models, to accelerate the understanding, monitoring,
12 and prediction of wildland fires and smoke exposure;

13 (3) better integrate observational data into
14 wildland fire and smoke characterization models to
15 improve modeling at finer temporal and spatial reso-
16 lution;

17 (4) develop and improve communication of
18 wildland fire and smoke risk reduction strategies to
19 the public in coordination with relevant stakeholders
20 and other Federal agencies; and

21 (5) develop and disseminate personal and com-
22 munity-based interventions to reduce exposure to
23 and adverse health effects of wildland fire and
24 smoke.

1 (g) DEPARTMENT OF ENERGY.—The Secretary of
2 Energy shall carry out research and development activities
3 to—

4 (1) create tools, techniques, and technologies
5 for—

6 (A) withstanding and addressing the cur-
7 rent and projected impact of wildland fires on
8 energy sector infrastructure;

9 (B) providing real-time or near-time
10 awareness of the risks posed by wildland fires
11 to the operation of energy infrastructure in af-
12 fected and potentially affected areas, including
13 by leveraging the Department’s high-perform-
14 ance computing capabilities and climate and
15 ecosystem models;

16 (C) enabling early detection of, and assess-
17 ment of competing technologies and strategies
18 for addressing, malfunctioning electrical equip-
19 ment on the transmission and distribution grid,
20 including spark ignition causing wildland fires;

21 (D) assisting with the planning, safe exe-
22 cution of, and safe and timely restoration of
23 power after emergency power shut offs fol-
24 lowing wildland fires started by grid infrastruc-
25 ture;

1 (E) improving electric grid and energy sec-
2 tor safety and resilience in the event of multiple
3 simultaneous or co-located weather or climate
4 events leading to extreme conditions, such as
5 extreme wind, wildland fires, extreme cold, and
6 extreme heat;

7 (F) improving coordination between utili-
8 ties and relevant Federal agencies to enable
9 communication, information-sharing, and situa-
10 tional awareness in the event of wildland fires
11 that impact the electric grid;

12 (G) utilizing biomass produced by wildland
13 fire risk mitigation and post-fire recovery activi-
14 ties for bioenergy, including biofuels, in collabo-
15 ration with relevant stakeholders; and

16 (H) predicting wildland fire occurrence,
17 spread, and ecosystem impact;

18 (2) coordinate data and computational re-
19 sources across relevant entities to improve our un-
20 derstanding of wildland fires and to promote resil-
21 ience and wildland fire prevention in the planning,
22 design, construction, operation, and maintenance of
23 transmission infrastructure;

1 (3) consider optimal building energy efficiency
2 and weatherization practices, as practicable, in
3 wildland fire research;

4 (4) utilize the Department of Energy’s National
5 Laboratory capabilities, including user facilities,
6 earth and environmental systems modeling re-
7 sources, and high-performance computing and data
8 analytics capabilities, to improve the accuracy of ef-
9 forts to understand and predict wildland fire behav-
10 ior and occurrence and mitigate wildland fire im-
11 pacts; and

12 (5) foster engagement between the National
13 Laboratories and practitioners, researchers, policy
14 organizations, utilities, and other entities the Sec-
15 retary determines to be appropriate to understand
16 the economic and social implications of power dis-
17 ruptions caused by wildland fires, particularly within
18 disadvantaged communities and regions vulnerable
19 to wildland fires, including rural areas.

20 (h) UNITED STATES GEOLOGICAL SURVEY.—As part
21 of the Program, the Director of the United States Geologi-
22 cal Survey shall support—

23 (1) research and development activities to im-
24 prove the understanding of—

25 (A) wildland fire risk, behavior, and fuels;

1 (B) impact of pre-fire conditions, such as
2 fuel treatments, invasive species and other vege-
3 tation, on land management and economic land-
4 scapes;

5 (C) post-fire risks including debris flows,
6 erosion, and flooding, and effects on water qual-
7 ity, and revegetation;

8 (D) impacts of changing fire regimes due
9 to climate change and other ecosystem
10 stressors; and

11 (E) fire ecology and behavior;

12 (2) development and improvement of tools and
13 technologies to address wildland fire science and
14 management challenges by—

15 (A) Maintaining and expanding geospatial
16 data and support for wildfire incidents, mitiga-
17 tion, and planning;

18 (B) improving understanding and response
19 to post-fire hazards and risks, including debris-
20 flow, stream flow and quality, and revegetation;
21 and

22 (C) Maintaining, relevant wildland fire
23 computational modeling and mapping, capabili-
24 ties to identify critical information for land
25 management, decision support, and policy, and

1 enhancing such capabilities, as appropriate and
2 in consultation and collaboration with other rel-
3 evant Program agencies; and

4 (3) improvement of external communication of
5 USGS wildland fire science products with Program
6 Agencies and relevant stakeholders.

7 **SEC. 307. BUDGET ACTIVITIES.**

8 The Director of the National Institute of Standards
9 and Technology, the Director of the National Science
10 Foundation, the Administrator of the National Oceanic
11 and Atmospheric Administration, the Director of the Fed-
12 eral Emergency Management Agency, the Administrator
13 of the National Aeronautics and Space Administration,
14 the Administrator of the Environmental Protection Agen-
15 cy, and the Secretary of Energy shall each include in the
16 annual budget request to Congress of each respective
17 agency a description of the projected activities of such
18 agency under the Program for the fiscal year covered by
19 the budget request and an estimate of the amount such
20 agency plans to spend on such activities for the relevant
21 fiscal year.

22 **SEC. 308. DEFINITIONS.**

23 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.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated to the National Oceanic and Atmos-
25 pheric Administration for carrying out this title—

- 1 (A) \$200,000,000 for fiscal year 2024;
2 (B) \$215,000,000 for fiscal year 2025;
3 (C) \$220,000,000 for fiscal year 2026;
4 (D) \$230,000,000 for fiscal year 2027;
5 and
6 (E) \$250,000,000 for fiscal year 2028.

7 (2) USE OF FUNDS.—Of the amounts author-
8 ized for each of the fiscal years in paragraph (1), up
9 to \$10,000,000 may be used to support the National
10 Oceanic and Atmospheric Administration’s contribu-
11 tions to the activities of the Joint Fire Science Pro-
12 gram in section 202(c)(1)(D) of subtitle A of title II
13 of division A.

14 (d) NATIONAL AERONAUTICS AND SPACE ADMINIS-
15 TRATION.—

16 (1) IN GENERAL.—There are authorized to be
17 appropriated to the National Aeronautics and Space
18 Administration for carrying out this title—

- 19 (A) \$95,000,000 for fiscal year 2024;
20 (B) \$100,000,000 for fiscal year 2025;
21 (C) \$110,000,000 for fiscal year 2026;
22 (D) \$110,000,000 for fiscal year 2027;
23 and
24 (E) \$110,000,000 for fiscal year 2028.

1 (2) USE OF FUNDS.—Of the amounts author-
2 ized for each of the fiscal years in paragraph (1), up
3 to \$10,000,000 may be used to support National
4 Aeronautics and Space Administration research and
5 development contributions to the activities of the
6 Joint Fire Science Program in section 202(c)(1)(D)
7 of subtitle A of title II of division A.

8 (e) ENVIRONMENTAL PROTECTION AGENCY.—There
9 are authorized to be appropriated to the Environmental
10 Protection Agency for carrying out this title—

11 (1) \$11,000,000 for fiscal year 2024;

12 (2) \$11,700,000 for fiscal year 2025;

13 (3) \$12,400,000 for fiscal year 2026;

14 (4) \$13,100,000 for fiscal year 2027; and

15 (5) \$13,900,000 for fiscal year 2028.

16 (f) FEDERAL EMERGENCY MANAGEMENT AGENCY.—

17 (1) IN GENERAL.—There are authorized to be
18 appropriated to the Federal Emergency Management
19 Agency for carrying out this title—

20 (A) \$6,000,000 for fiscal year 2024;

21 (B) \$6,400,000 for fiscal year 2025;

22 (C) \$6,700,000 for fiscal year 2026;

23 (D) \$7,100,000 for fiscal year 2027; and

24 (E) \$7,600,000 for fiscal year 2028.

1 (A) For the 5-year period ending on the
2 date of enactment of this Act—

3 (i) the total amount of Federal funds
4 spent in response to major disasters and
5 emergencies declared pursuant to the Rob-
6 ert T. Stafford Disaster Relief and Emer-
7 gency Assistance Act (42 U.S.C. 5121 et
8 seq.); and

9 (ii) the total amount of State and In-
10 dian tribal government funds spent in re-
11 sponse to such major disasters and emer-
12 gencies.

13 (B) 10 proposed Federal actions, to in-
14 clude reinsurance, that, if implemented, would
15 most effectively reduce the need for spending
16 related to such major disasters or emergencies.
17 Such actions shall be listed in order of priority
18 under criteria established by the Comptroller
19 General, including the following:

20 (i) Cost effectiveness.

21 (ii) Return on investment.

22 (iii) Simplicity or speed of implemen-
23 tation using existing resources.

1 (C) The effect that using blockchain may
2 have on delivering disaster assistance to State
3 and Indian tribal governments.

4 (D) Whether insurance protection against
5 wildfires will remain available and affordable to
6 homeowners.

7 (2) REPORT.—Not later than 1 year after the
8 date of enactment of this Act, the Comptroller Gen-
9 eral shall submit to the covered entities a report con-
10 taining the results of the study.

11 (3) DEFINITIONS.—In this subsection:

12 (A) The term “covered entities” means—

13 (i) Congress;

14 (ii) the Administrator of the Federal
15 Emergency Management Agency; and

16 (iii) for each State and Indian tribal
17 government, the head of the agency for
18 such State or Indian tribal government
19 with jurisdiction over disaster response ac-
20 tivities.

21 (B) The terms “Indian tribal government”
22 and “State” have the meanings given such
23 terms in section 102 of the Robert T. Stafford
24 Disaster Relief and Emergency Assistance Act
25 (42 U.S.C. 5122).

1 (b) STATE DISASTER PLAN UPDATES.—Section 201
2 of the Robert T. Stafford Disaster Relief and Emergency
3 Assistance Act (42 U.S.C. 5131) is amended by adding
4 at the end the following:

5 “(e) With respect to State plans developed under this
6 section, the President shall coordinate with each State to
7 update such plans to incorporate strategies that decrease
8 the time required to prepare for all hazard incidents, in-
9 cluding the time to evacuate individuals.”.

10 **TITLE IV—WILDFIRE GRID**
11 **RESILIENCE ACT**

12 **SEC. 401. SHORT TITLE.**

13 This title may be cited as the “Wildfire Grid Resil-
14 iency Act”.

15 **SEC. 402. RESILIENCE ACCELERATOR DEMONSTRATION**
16 **PROGRAM.**

17 (a) IN GENERAL.—The Secretary of Energy shall
18 carry out a demonstration program, to be known as the
19 “Resilience Accelerator Demonstration Program” (in this
20 section referred to as the “Program”), to make awards
21 to eligible entities for projects that demonstrate innovative
22 technologies to improve electric grid resilience with respect
23 to wildfires.

24 (b) ELIGIBLE PROJECTS.—The Secretary may make
25 an award under the Program to facilitate a project that

1 demonstrates an innovative technology to improve electric
2 grid resilience with respect to wildfires, including—

3 (1) a project that demonstrates an innovative
4 technology for monitoring vegetation management;
5 and

6 (2) a project that demonstrates an innovative
7 technology to enhance the safety of first responders
8 who respond to electric grid emergencies.

9 (c) ELIGIBLE ENTITIES.—An eligible entity referred
10 to in subsection (a) is—

11 (1) a National Laboratory;

12 (2) an institution of higher education, including
13 a historically Black college or university, a Tribal
14 College or University, and a minority-serving institu-
15 tion;

16 (3) a private commercial entity;

17 (4) a unit of State, local, or Tribal government;

18 (5) a nonprofit organization;

19 (6) an electric utility or electric cooperative;

20 (7) a retail service provider of electricity;

21 (8) a partnership or consortium of 2 or more
22 entities described in paragraphs (1) through (8); and

23 (9) any other entity that the Secretary deter-
24 mines appropriate.

25 (d) DEFINITIONS.—In this section:

1 (1) HISTORICALLY BLACK COLLEGE OR UNI-
2 VERSITY.—The term “historically Black college or
3 university” has the meaning given the term “part B
4 institution” in section 322 of the Higher Education
5 Act of 1965 (20 U.S.C. 1061).

6 (2) INSTITUTION OF HIGHER EDUCATION.—The
7 term “institution of higher education” has the
8 meaning given the term in section 101(a) of the
9 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

10 (3) MINORITY-SERVING INSTITUTION.—The
11 term “minority-serving institution” means—

12 (A) a Hispanic-serving institution (as de-
13 fined in section 502(a) of the Higher Education
14 Act of 1965 (20 U.S.C. 1101a(a)));

15 (B) an Alaska Native-serving institution
16 (as defined in section 317(b) of the Higher
17 Education Act of 1965 (20 U.S.C. 1059d(b)));

18 (C) a Native Hawaiian-serving institution
19 (as defined in section 317(b) of the Higher
20 Education Act of 1965 (20 U.S.C. 1059d(b)));

21 (D) a Predominantly Black Institution (as
22 defined in section 371(c) of the Higher Edu-
23 cation Act of 1965 (20 U.S.C. 1067q(e)));

24 (E) an Asian American and Native Amer-
25 ican Pacific Islander-serving institution (as de-

1 fined in section 371(c) of the Higher Education
2 Act of 1965 (20 U.S.C. 1067q(c)); and

3 (F) a Native American-serving nontribal
4 institution (as defined in section 371(c) of the
5 Higher Education Act of 1965 (20 U.S.C.
6 1067q(c))).

7 (4) NATIONAL LABORATORY.—The term “Na-
8 tional Laboratory” has the meaning given such term
9 in section 2 of the Energy Policy Act of 2005 (42
10 U.S.C. 15801).

11 (5) RESILIENCE.—The term “resilience” has
12 the meaning given such term in section 1304A of
13 the Energy Independence and Security Act of 2007
14 (42 U.S.C. 17384a).

15 (6) SECRETARY.—The term “Secretary” means
16 the Secretary of Energy.

17 (7) TRIBAL COLLEGE OR UNIVERSITY.—The
18 term “Tribal College or University” has the meaning
19 given the term in section 316 of the Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1059c).

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out the Program
23 \$10,000,000 for each of fiscal years 2024 through 2028.

1 **TITLE V—WILDFIRE INSURANCE**
2 **COVERAGE STUDY**

3 **SEC. 501. SHORT TITLE.**

4 This title may be cited as the “Wildfire Insurance
5 Coverage Study Act of 2022”.

6 **SEC. 502. NATIONAL WILDFIRE RISK ASSESSMENT.**

7 (a) STUDY.—The Administrator of the Federal
8 Emergency Management Agency shall, pursuant to the au-
9 thority under section 1371 of the National Flood Insur-
10 ance Act of 1968 (42 U.S.C. 4122), conduct a study re-
11 garding wildfire risk in the United States to—

12 (1) identify trends in declarations for wildfires
13 under the Fire Management Assistance grant pro-
14 gram under section 420 of the Robert T. Stafford
15 Disaster Relief and Emergency Assistance Act (42
16 U.S.C. 5187), with respect to geography, costs,
17 probability, and frequency of wildfire disasters;

18 (2) identify mitigation practices that would as-
19 sist in reducing premiums for insurance policies cov-
20 ering damages from wildfires;

21 (3) identify existing programs of the Federal
22 Government and State governments that measure
23 wildfire risk and assess their effectiveness in fore-
24 casting wildfire events and informing wildfire re-
25 sponse; and

1 (4) analyze and assess the need for a national
2 map for measuring and quantifying wildfire risk.

3 (b) REPORT.—Not later than 1 year after date of the
4 enactment of this Act, the Administrator shall submit to
5 the Congress a report regarding the findings and conclu-
6 sions of the study conducted pursuant to subsection (a),
7 which shall include a recommendation with regard to the
8 need for a national map referred to in subsection (a)(4).

9 **SEC. 503. GAO STUDY REGARDING INSURANCE FOR WILD-
10 FIRE DAMAGE.**

11 (a) STUDY.—The Comptroller General of the United
12 States, in consultation with the Director of the Federal
13 Insurance Office and State insurance regulators, shall
14 conduct a study to analyze and determine the following:

15 (1) EXISTING STATE OF COVERAGE.—With re-
16 spect to the existing state of homeowners insurance
17 coverage and commercial property insurance cov-
18 erage for damage from wildfires in the United
19 States—

20 (A) the extent to which private insurers
21 have, during the 10-year period ending on the
22 date of the enactment of this Act, increased
23 rates, cost-sharing provisions, or both for such
24 coverage (after adjusting for inflation) and the

1 geographic areas in which such increased rates,
2 cost-sharing, or both applied;

3 (B) the extent to which private insurers
4 have, during the 10-year period ending on the
5 date of the enactment of this Act, refused to
6 renew policies for such coverages and the geo-
7 graphic areas to which such refusals applied;

8 (C) the events that have triggered such in-
9 creased rates and refusals to renew policies;

10 (D) in cases in which private insurers cur-
11 tail coverage, the extent to which homeowners
12 coverage and commercial property coverage are
13 terminated altogether and the extent to which
14 such coverages are offered but with coverage for
15 damage from wildfires excluded; and

16 (E) the extent to which, and circumstances
17 under which, private insurers are continuing to
18 provide coverage for damage from wildfires—

19 (i) in general;

20 (ii) subject to a condition that mitiga-
21 tion activities are taken, such as hardening
22 of properties and landscaping against
23 wildfires, by property owners, State or
24 local governments, park or forest authori-

1 ties, or other land management authorities;
2 and
3 (iii) subject to any other conditions.

4 (2) REGULATORY RESPONSES.—With respect to
5 actions taken by State insurance regulatory agencies
6 in response to increased premium rates, cost-shar-
7 ing, or both for coverage for damage from wildfires
8 and exclusion of such coverage from homeowners
9 policies—

10 (A) the extent of rate regulation;

11 (B) the extent of moratoria on such rate
12 and cost-sharing increases and exclusions and
13 on nonrenewals;

14 (C) the extent to which States require
15 homeowners coverage to include coverage for
16 damage from wildfires or make sales of home-
17 owners coverage contingent on the sale, under-
18 writing, or financing of separate wildfire cov-
19 erage in the State;

20 (D) the extent to which States have estab-
21 lished State residual market insurance entities,
22 reinsurance programs, or similar mechanisms
23 for coverage of damages from wildfires;

24 (E) any other actions States or localities
25 have taken in response to increased premium

1 rates, cost-sharing, or both for coverage for
2 damage from wildfires and exclusion of such
3 coverage from homeowners policies, including
4 forestry and wildfire management policies and
5 subsidies for premiums and cost-sharing for
6 wildfire coverage;

7 (F) the effects on the homeownership cov-
8 erage market of such actions taken by States;
9 and

10 (G) the effectiveness and sustainability of
11 such actions taken by States.

12 (3) IMPEDIMENTS IN UNDERWRITING WILDFIRE
13 RISK.—With respect to impediments faced by private
14 insurers underwriting wildfire risk, what is or are—

15 (A) the correlated risks and the extent of
16 such risks;

17 (B) the extent of private insurers' inability
18 to estimate magnitude of future likelihood of
19 wildfires and of expected damages from
20 wildfires;

21 (C) the extent to which need for affordable
22 housing contributes to people relocating to more
23 remote, heavily wooded areas with higher wild-
24 fire risk;

1 (D) the potential for wildfire losses suffi-
2 ciently large to jeopardize insurers' solvency;

3 (E) the extent to which, and areas in
4 which, risk-adjusted market premiums for wild-
5 fire risk are so high as to be unaffordable;

6 (F) the manners in which the Federal Gov-
7 ernment and State governments can alleviate
8 any of these impediments, including through—

9 (i) improved forest management poli-
10 cies to reduce wildfire risk;

11 (ii) improved data to estimate risk;

12 (iii) relocating homeowners from wild-
13 fire zones;

14 (iv) allowing insurers to charge risk-
15 adjusted premiums for wildfire risk, com-
16 bined with subsidized premiums for lower-
17 income homeowners; and

18 (v) taking a last-loss position in rein-
19 suring wildfire risk;

20 (G) the available policy responses if private
21 insurers exit the wildfire coverage market and
22 the advantages and disadvantages of each such
23 response;

1 (H) the effects of lack of wildfire coverage
2 or more expensive wildfire coverage rates, cost-
3 sharing, or both—

4 (i) on local communities, including on
5 low- or moderate-income property owners
6 and small businesses;

7 (ii) by race and ethnicity;

8 (iii) on rebuilding in communities pre-
9 viously damaged by wildfires; and

10 (iv) on the demand for wildfire cov-
11 erage by property owners;

12 (I) the effects of potential State prohibi-
13 tions on termination of policies due to wildfire
14 claims on insurer solvency; and

15 (J) the manner in which private insurers
16 are modeling or estimating future wildfire risk.

17 (b) REPORT.—Not later than 2 years after the date
18 of enactment of this Act, the Comptroller General shall
19 submit to the Congress a report identifying the findings
20 and conclusions of the study conducted pursuant to sub-
21 section (a).

22 **TITLE VI—OTHER MATTERS**

23 **SEC. 601. EXTREME WEATHER EVENTS.**

24 (a) DEFINITIONS.—

1 (1) IN GENERAL.—Section 203 of the Robert T.
2 Stafford Disaster Relief and Emergency Assistance
3 Act (42 U.S.C. 5133) is amended—

4 (A) by amending subsection (a) to read as
5 follows:

6 “(a) DEFINITION OF UNDERSERVED COMMUNITY.—

7 In this section, the term ‘underserved community’ means
8 a community, or a neighborhood within a community,
9 that—

10 “(1) is classified as high risk according to cen-
11 sus tract risk ratings derived from a product that—

12 “(A) is maintained under a natural hazard
13 assessment program;

14 “(B) is available to the public;

15 “(C) defines natural hazard risk across the
16 United States;

17 “(D) reflects high levels of individual haz-
18 ard risk ratings;

19 “(E) reflects high social vulnerability rat-
20 ings and low community resilience ratings;

21 “(F) reflects the principal natural hazard
22 risks identified for the respective census tracts;
23 and

24 “(G) any other elements determined by the
25 President.

1 “(2) is comprised of 50,000 or fewer individuals
2 and is economically disadvantaged, as determined by
3 the State in which the community is located and
4 based on criteria established by the President; or

5 “(3) is otherwise determined by the President
6 based on factors including, high housing cost burden
7 and substandard housing, percentage of homeless
8 population, limited water and sanitation access, de-
9 mographic information such as race, age, and dis-
10 ability, language composition, transportation access
11 or type, disproportionate environmental stressor bur-
12 den, and disproportionate impacts from climate
13 change.”;

14 (B) in subsection (g)(9) by striking “small
15 impoverished communities” and inserting “un-
16 derserved communities”; and

17 (C) in subsection (h)(2)—

18 (i) in the heading by striking “SMALL
19 IMPOVERISHED COMMUNITIES” and insert-
20 ing “UNDERSERVED COMMUNITIES”; and

21 (ii) by striking “small impoverished
22 community” and inserting “underserved
23 community”.

24 (2) APPLICABILITY.—The amendments made
25 by subsection (a) shall apply with respect to any

1 amounts appropriated on or after the date of enact-
2 ment of this Act.

3 (b) GUIDANCE ON EXTREME TEMPERATURE
4 EVENTS.—Not later than 1 year after the date of enact-
5 ment of this Act, the Administrator of the Federal Emer-
6 gency Management Administration shall issue guidance
7 related to extreme temperature events, including heat
8 waves and freezes, and publish such guidance in the Fed-
9 eral Emergency Management Administration Public As-
10 sistance Program and Policy Guide.

11 (c) HAZARD MITIGATION PLANS.—Section 322 of the
12 Robert T. Stafford Disaster Relief and Emergency Assist-
13 ance Act (42 U.S.C. 5165) is amended—

14 (1) in subsection (a) by striking the period at
15 the end and inserting “, including—

16 “(1) identifying the extent to which resilience is
17 or will be incorporated into other planning processes,
18 including community land use, economic develop-
19 ment, capital improvement budgets and transpor-
20 tation planning processes;

21 “(2) goals and objectives related to increasing
22 resilience over a 5-year period, including benchmarks
23 for future work and an assessment of past progress;

24 “(3) the building codes in existence at the time
25 the plan is submitted and standards that are in use

1 by the State for all manner of planning or develop-
2 ment purposes and how the State has or will comply
3 with the standards set forth in section 406(e)(1)(A);

4 “(4) the use of nature-based solutions or other
5 mitigation activities that conserve or restore natural
6 features that can serve to abate or lessen the im-
7 pacts of future disasters;

8 “(5) integration of each local mitigation plan
9 with the State, Indian Tribe, or territory plan; and

10 “(6) the disparate impacts on underserved com-
11 munities (as such term is defined in section 203(a))
12 and plans to address any disparities.”; and

13 (2) by adding at the end the following:

14 “(f) GUIDANCE.—The Administrator of the Federal
15 Emergency Management Agency shall issue specific guid-
16 ance on resilience goals and provide technical assistance
17 for States, Indian Tribes, territories, and local govern-
18 ments to meet such goals.

19 “(g) ADEQUATE STAFFING.—The Administrator of
20 the Federal Emergency Management Agency shall ensure
21 that ample staff are available to develop the guidance and
22 technical assistance under section 322, including hazard
23 mitigation planning staff and personnel with expertise in
24 community planning, land use development, and consensus
25 based codes and hazard resistant designs at each regional

1 office that specifically focus on providing financial and
2 non-financial direct technical assistance to States, Indian
3 Tribes, and territories.

4 “(h) REPORTING.—Not less frequently than every 5
5 years, the Administrator shall submit to Congress a report
6 on the progress of meeting the goals under this section.”.

7 (d) ADDITIONAL USES OF FUNDS.—Section 408 of
8 the Robert T. Stafford Disaster Relief and Emergency As-
9 sistance Act (42 U.S.C. 5174) is amended by adding at
10 the end the following:

11 “(k) ADDITIONAL USES OF FUNDS.—For State and
12 local governments that have exceeded, adopted, or are im-
13 plementing the latest two published editions of relevant
14 consensus-based codes, specifications, and standards that
15 incorporate the latest hazard-resistant designs and estab-
16 lish minimum acceptable criteria for the design, construc-
17 tion, and maintenance of residential structures and facili-
18 ties, a recipient of assistance provided under this para-
19 graph may use such assistance in a manner consistent
20 with the standards set forth in clauses (ii) and (iii) of sec-
21 tion 406(e)(1)(A).”.

22 (e) COLLABORATION WITH OTHER AGENCIES.—In
23 awarding grants under the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
25 seq.), the Administrator of the Federal Emergency Man-

1 agement Agency may coordinate with other relevant agen-
2 cies, including the Environmental Protection Agency, the
3 Department of Energy, the Department of Transpor-
4 tation, the Corps of Engineers, the Department of Agri-
5 culture, and the Department of Housing and Urban De-
6 velopment, as necessary, to improve collaboration for eligi-
7 ble activities under the Act.

8 (f) GAO REPORTS.—

9 (1) EXTREME TEMPERATURE EVENTS.—Not
10 later than 1 year after the date of enactment of this
11 Act, and every 5 years thereafter, the Comptroller
12 General of the United States shall evaluate and
13 issue to Congress and the Federal Emergency Man-
14 agement Agency a report regarding the impacts of
15 extreme temperatures events on communities, the
16 challenges posed to the Federal Emergency Manage-
17 ment Agency in addressing extreme temperature
18 events, and recommendations for the Federal Emer-
19 gency Management Agency to better provide assist-
20 ance to communities experiencing extreme tempera-
21 ture events. The report may also include examples of
22 specific mitigation and resilience projects that com-
23 munities may undertake, and the Federal Emer-
24 gency Management Agency may consider, to reduce
25 the impacts of extreme temperatures on and within

1 building structures, participatory processes that
2 allow for public engagement in determining and ad-
3 dressing local risks and vulnerabilities related to ex-
4 treme temperatures events, and community infra-
5 structure, including heating or cooling shelters.

6 (2) SMOKE AND INDOOR AIR QUALITY.—Not
7 later than 1 year after the date of enactment of this
8 Act, and every 5 years thereafter, the Comptroller
9 General shall evaluate and issue to Congress and the
10 Federal Emergency Management Agency a report
11 regarding the impacts of wildfire smoke and poor in-
12 door air quality, the challenges posed to Federal
13 Emergency Management Agency in addressing wild-
14 fire smoke and indoor air quality, and recommenda-
15 tions for the Federal Emergency Management Agen-
16 cy to better provide assistance to communities and
17 individuals in dealing with wildfire smoke and indoor
18 air quality.

19 (g) REPORT CONGRESS AND UPDATE OF COST EF-
20 FECTIVENESS DETERMINATIONS AND DECLARATIONS.—

21 (1) REPORT.—Not later than 2 years after the
22 date of enactment of this Act, the Administrator of
23 the Federal Emergency Management Agency, in co-
24 ordination with the Director of the Office of Man-
25 agement and Budget, shall submit to Congress a re-

1 port regarding the challenges posed by the Agency's
2 requirements for declaring an incident or deter-
3 mining the cost effectiveness of mitigation activities
4 and specifically how such requirements may dis-
5 proportionately burden small impoverished commu-
6 nities, or specific vulnerable populations within com-
7 munities.

8 (2) UPDATE OF COST EFFECTIVENESS DETER-
9 MINATION.—Not later than 5 years after the date of
10 enactment of this Act, the Administrator, to the ex-
11 tent practicable, shall update the requirements for
12 determining cost effectiveness and declaring inci-
13 dents, including selection of appropriate interest
14 rates, based on the findings made under subsection
15 (a).

16 **SEC. 602. FIRE MANAGEMENT ASSISTANCE PROGRAM POL-**
17 **ICY.**

18 The Administrator of the Federal Emergency Man-
19 agement Agency shall issue such regulations as are nec-
20 essary to update the categories of eligibility and timelines
21 for the fire management assistance program under section
22 420 of the Robert T. Stafford Disaster Relief and Emer-
23 gency Assistance Act (42 U.S.C. 5187) to be, to the max-
24 imum extent practicable, the same as such categories and

1 timelines under the public assistance program under sec-
2 tion 406 of such Act (42 U.S.C. 5172).

3 **SEC. 603. CHANGES TO PUBLIC ASSISTANCE POLICY GUIDE.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Administrator of the Federal Emergency
6 Management Agency shall issue such regulations as are
7 necessary to update the Public Assistance Program and
8 Policy Guide of the Federal Emergency Management
9 Agency to include guidance on the wildfire-specific chal-
10 lenges, including debris removal, emergency protective
11 measures, and the resulting toxicity of drinking water re-
12 sources.

13 **SEC. 604. MITIGATION BENEFIT-COST ANALYSIS.**

14 (a) IN GENERAL.—The Administrator of the Federal
15 Emergency Management Agency shall conduct a review of
16 the benefit cost analysis criteria for mitigation projects
17 under sections 203 and 404 of the Robert T. Stafford Dis-
18 aster Relief and Emergency Assistance Act (42 U.S.C.)
19 to consider a broader range of factors, including—

- 20 (1) the establishment of a benefit cost analysis
21 pre-calculated benefits critereon for common defen-
22 sible space mitigation projects;
- 23 (2) projects that use nature-based infrastruc-
24 ture;

- 1 (3) considerations for ecological and societal
2 health;
- 3 (4) carbon sequestration;
- 4 (5) improved water quality; and
- 5 (6) lessening disaster impact on traditionally
6 underserved communities.

7 (b) UPDATED CRITERIA.—Not later than 1 year after
8 the date of enactment of this Act, the Administrator shall
9 issue such regulations as are necessary to—

- 10 (1) update the benefit cost analysis criteria for
11 mitigation projects under sections 203 and 404 of
12 the Robert T. Stafford Disaster Relief and Emer-
13 gency Assistance Act (42 U.S.C.) based on the re-
14 sults of the review conducted under subsection (a);
15 and
- 16 (2) prioritize projects under such sections based
17 on the benefit cost analysis criteria updated under
18 paragraph (1).

1 **TITLE VII—COLLATERAL RE-**
2 **QUIREMENTS FOR DISASTER**
3 **LOANS UNDER THE SMALL**
4 **BUSINESS ACT**

5 **SEC. 701. COLLATERAL REQUIREMENTS FOR DISASTER**
6 **LOANS UNDER THE SMALL BUSINESS ACT.**

7 (a) AMENDMENT TO THE RISE AFTER DISASTER
8 ACT OF 2015.—Section 2102 of the RISE After Disaster
9 Act of 2015 (Public Law 114–88) is amended—

10 (1) by striking subsections (b) and (c); and

11 (2) by striking “(a) IN GENERAL.—”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall take effect and apply as though en-
14 acted as part of the RISE After Disaster Act of 2015
15 (Public Law 114–88).

16 **DIVISION D—ENVIRONMENTAL**
17 **JUSTICE**

18 **SEC. 101. DEFINITIONS.**

19 In this division:

20 (1) ADMINISTRATOR.—The term “Adminis-
21 trator” means the Administrator of the Environ-
22 mental Protection Agency.

23 (2) ADVISORY COUNCIL.—The term “Advisory
24 Council” means the National Environmental Justice
25 Advisory Council described in section 109.

1 (3) AGGRIEVED PERSON.—The term “aggrieved
2 person” means a person aggrieved by discrimination
3 on the basis of race, color, or national origin.

4 (4) CLEARINGHOUSE.—The term “Clearing-
5 house” means the Environmental Justice Clearing-
6 house established by the Administrator under section
7 107.

8 (5) COMMUNITY OF COLOR.—The term “com-
9 munity of color” means any geographically distinct
10 area the population of color of which is higher than
11 the average population of color of the State in which
12 the community is located.

13 (6) COMMUNITY-BASED SCIENCE.—The term
14 “community-based science” means voluntary public
15 participation in the scientific process and the incor-
16 poration of data and information generated outside
17 of traditional institutional boundaries to address
18 real-world problems in ways that may include formu-
19 lating research questions, conducting scientific ex-
20 periments, collecting and analyzing data, inter-
21 preting results, making new discoveries, developing
22 technologies and applications, and solving complex
23 problems, with an emphasis on the democratization
24 of science and the engagement of diverse people and
25 communities.

1 (7) DEMONSTRATES.—The term “dem-
2 onstrates” means meets the burdens of going for-
3 ward with the evidence and of persuasion.

4 (8) DIRECTOR.—The term “Director” means
5 the Director of the National Institute of Environ-
6 mental Health Sciences.

7 (9) DISPARATE IMPACT.—The term “disparate
8 impact” means an action or practice that, even if
9 appearing neutral, actually has the effect of sub-
10 jecting persons to discrimination on the basis of
11 race, color, or national origin.

12 (10) DISPROPORTIONATE BURDEN OF ADVERSE
13 HUMAN HEALTH OR ENVIRONMENTAL EFFECTS.—
14 The term “disproportionate burden of adverse
15 human health or environmental effects” means a sit-
16 uation where there exists higher or more adverse
17 human health or environmental effects on commu-
18 nities of color, low- income communities, and Tribal
19 and Indigenous communities.

20 (11) ENVIRONMENTAL JUSTICE.—The term
21 “environmental justice” means the fair treatment
22 and meaningful involvement of all individuals, re-
23 gardless of race, color, culture, national origin, edu-
24 cational level, or income, with respect to the develop-
25 ment, implementation, and enforcement of environ-

1 mental laws, regulations, and policies to ensure
2 that—

3 (A) populations of color, communities of
4 color, Tribal and Indigenous communities, and
5 low-income communities have access to public
6 information and opportunities for meaningful
7 public participation relating to human health
8 and environmental planning, regulations, and
9 enforcement;

10 (B) Each population of color or community
11 of color, Tribal and Indigenous community, or
12 low-income community enjoy the same degree of
13 protection from pollution or other environ-
14 mental and health hazards; and

15 (C) the 17 Principles of Environmental
16 Justice written and adopted at the First Na-
17 tional People of Color Environmental Leader-
18 ship Summit held on October through 27, 1991,
19 in Washington, DC, are upheld.

20 (12) ENVIRONMENTAL JUSTICE COMMUNITY.—
21 The term “environmental justice community” means
22 a community with significant representation of com-
23 munities of color, low-income communities, or Tribal
24 and Indigenous communities, that experiences, or is

1 at risk of experiencing higher or more adverse
2 human health or environmental effects.

3 (13) FAIR TREATMENT.—The term “fair treat-
4 ment” means the conduct of a program, policy, prac-
5 tice or activity by a Federal agency in a manner that
6 ensures that no group of individuals (including ra-
7 cial, ethnic, or socioeconomic groups) experience a
8 disproportionate burden of adverse human health or
9 environmental effects resulting from such program,
10 policy, practice, or activity, as determined through
11 consultation with, and with the meaningful partici-
12 pation of, individuals from the communities affected
13 by a program, policy, practice or activity of a Fed-
14 eral agency.

15 (14) FEDERAL AGENCY.—The term “Federal
16 agency” means—

17 (A) each Federal agency represented on
18 the Working Group; and

19 (B) any other Federal agency that carries
20 out a Federal program or activity that substan-
21 tially affects human health or the environment,
22 as determined by the President.

23 (15) TRIBAL AND INDIGENOUS COMMUNITY.—
24 The term “Tribal and Indigenous community” refers
25 to a population of people who are members of—

- 1 (A) a federally recognized Indian Tribe;
2 (B) a State-recognized Indian Tribe;
3 (C) an Alaska Native or Native Hawaiian
4 community or organization; and
5 (D) any other community of Indigenous
6 people located in a State.

7 (16) 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 (U.S.C. 5304).

11 (17) INFRASTRUCTURE.—The term “infrastruc-
12 ture” means any system for safe drinking water,
13 sewer collection, solid waste disposal, electricity gen-
14 eration, communication, or transportation access (in-
15 cluding highways, airports, marine terminals, rail
16 systems, and residential roads) that is used to effec-
17 tively and safely support—

- 18 (A) housing;
19 (B) an educational facility;
20 (C) a medical provider;
21 (D) a park or recreational facility; or
22 (E) a local business.

23 (18) LOCAL GOVERNMENT.—The term “local
24 government” means—

1 (A) a county, municipality, city, town,
2 township, local public authority, school district,
3 special district, intrastate district, council of
4 governments (regardless of whether the council
5 of governments is incorporated as a nonprofit
6 corporation under State law), regional or inter-
7 state governmental entity, or agency or instru-
8 mentality of a local government; or

9 (B) an Indian Tribe or authorized Tribal
10 organization, or Alaska Native village or organi-
11 zation, that is not a Tribal Government.

12 (19) LOW INCOME.—The term “low income”
13 means an annual household income equal to, or less
14 than, the greater of—

15 (A) an amount equal to 80 percent of the
16 median income of the area in which the house-
17 hold is located, as reported by the Department
18 of Housing and Urban Development; and

19 (B) 200 percent of the Federal poverty
20 line.

21 (20) LOW-INCOME COMMUNITY.—The term
22 “low income community” means any census block
23 group in which 30 percent or more of the population
24 are individuals with low income.

1 (21) MEANINGFUL.—The term “meaningful”,
2 with respect to involvement by the public in a deter-
3 mination by a Federal agency, means that—

4 (A) potentially affected residents of a com-
5 munity have an appropriate opportunity to par-
6 ticipate in decisions regarding a proposed activ-
7 ity that will affect the environment or public
8 health of the community;

9 (B) the public contribution can influence
10 the determination by the Federal agency;

11 (C) the concerns of all participants in-
12 volved are taken into consideration in the deci-
13 sion-making process; and

14 (D) the Federal agency—

15 (i) provides to potentially affected
16 members of the public relevant and accu-
17 rate information regarding the activity po-
18 tentially affecting the environment or pub-
19 lic health of affected members of the pub-
20 lic; and

21 (ii) facilitates the involvement of po-
22 tentially affected members of the public.

23 (22) POPULATION.—The term “population”
24 means a census block group or series of geographi-
25 cally contiguous blocks representing certain common

1 characteristics, such as race, ethnicity, national ori-
2 gin, income-level, health disparities, or other public
3 health and socioeconomic attributes.

4 (23) POPULATION OF COLOR.—The term “pop-
5 ulation of color” means a population of individuals
6 who identify as—

7 (A) Black;

8 (B) African American;

9 (C) Asian;

10 (D) Pacific Islander;

11 (E) another non-White race;

12 (F) Hispanic;

13 (G) Latino; or

14 (H) linguistically isolated.

15 (24) PUBLISH.—The term “publish” means to
16 make publicly available in a form that is—

17 (A) generally accessible, including on the
18 internet and in public libraries; and

19 (B) accessible for—

20 (i) individuals who are limited in
21 English proficiency, in accordance with Ex-
22 ecutive Order No. 13166 (65 Fed. Reg.
23 50121 (August 16, 2000)); and

24 (ii) individuals with disabilities.

1 (25) STATE.—The term “State” means any
2 State of the United States, the District of Columbia,
3 Puerto Rico, the United States Virgin Islands,
4 Guam, American Samoa, and the Commonwealth of
5 the Northern Mariana Islands.

6 (26) TRIBAL GOVERNMENT.—The term “Tribal
7 Government” means the governing body of an In-
8 dian Tribe.

9 (27) WHITE HOUSE INTERAGENCY COUNCIL.—
10 The term “White House Interagency Council”
11 means the White House Environmental Justice
12 Interagency Council.

13 (28) CLIMATE JUSTICE.—The term “climate
14 justice” means the fair treatment and meaningful
15 involvement of all individuals, regardless of race,
16 color, culture, national origin, educational level, or
17 income, with respect to the development, implemen-
18 tation, and enforcement of policies and projects that
19 address climate change, a recognition of the histor-
20 ical responsibilities for climate change, and a com-
21 mitment that the people and communities least re-
22 sponsible for climate change, and most vulnerable to
23 the impacts of climate change, do not suffer dis-
24 proportionately as a result of historical injustice and
25 disinvestment.

1 (29) NATURAL INFRASTRUCTURE.—The term
2 “natural infrastructure” means infrastructure that
3 uses, restores, or emulates natural ecological proc-
4 esses and—

5 (A) is created through the action of nat-
6 ural physical, geological, biological, and chem-
7 ical processes over time;

8 (B) is created by human design, engineer-
9 ing, and construction to emulate or act in con-
10 cert with natural processes; or

11 (C) involves the use of plants, soils, and
12 other natural features, including through the
13 creation, restoration, or preservation of vege-
14 tated areas using materials appropriate to the
15 region to manage stormwater and runoff, to at-
16 tenuate flooding and storm surges, to prevent
17 and mitigate and address wildfires and drought,
18 and for other related purposes.

19 **SEC. 102. ENVIRONMENTAL JUSTICE COMMUNITY TECH-**
20 **NICAL ASSISTANCE GRANTS.**

21 (a) IN GENERAL.—The Administrator may award
22 grants to eligible entities to enable such entities to partici-
23 pate in decisions impacting the health and safety of their
24 communities in connection with an actual or potential re-

1 lease of a covered hazardous air pollutant or in connection
2 with wildfires or drought.

3 (b) TIMING.—

4 (1) GUIDANCE.—Not later than 12 months
5 after the date of enactment of this section, the Ad-
6 ministrator shall publish guidance describing the
7 process for eligible entities to apply for a grant
8 under this section, including the required content
9 and form of applications, the manner in which appli-
10 cations must be submitted, and any applicable dead-
11 lines.

12 (2) FIRST GRANT.—Not later than 180 days
13 after the issuance of guidance under paragraph (1),
14 the Administrator shall award the first grant under
15 this section.

16 (c) ELIGIBLE ENTITY.—To be eligible for a grant
17 under this section, an applicant shall be a group of individ-
18 uals who reside in a community that—

19 (1) is a population of color, a community of
20 color, a Tribal and Indigenous community, or a low-
21 income community; and

22 (2) is in close proximity to the site of an actual
23 or potential release of a covered hazardous air pol-
24 lutant.

1 (d) USE OF FUNDS.—An eligible entity receiving a
2 grant under this section shall use the grant to participate
3 in decisions impacting the health and safety of the commu-
4 nity involved in connection with an actual or potential re-
5 lease of a covered hazardous air pollutant, including—

6 (1) interpreting information with regard to the
7 nature of the hazard, cumulative impacts studies,
8 health impacts studies, remedial investigation and
9 feasibility studies, agency decisions, remedial design,
10 and operation and maintenance of necessary mon-
11 itors; and

12 (2) performing additional air pollution moni-
13 toring.

14 (e) LIMITATIONS ON AMOUNT; RENEWAL.—

15 (1) AMOUNT.—

16 (A) IN GENERAL.—The amount of a grant
17 under this section (excluding any renewals of
18 the grant) may not exceed \$50,000 for any
19 grant recipient.

20 (B) EXCEPTION.—The Administrator may
21 waive the limitation in subparagraph (A) with
22 respect to an applicant in any case where the
23 Administrator determines that such waiver is
24 necessary for the community involved to obtain
25 the necessary technical assistance.

1 (2) RENEWAL.—Grants may be renewed for
2 each step in the regulatory, removal, or remediation
3 process in connection with a facility with the poten-
4 tial to release a covered hazardous air pollutant.

5 (f) DEFINITION OF COVERED HAZARDOUS AIR POL-
6 LUTANT.—In this section, the term “covered hazardous
7 air pollutant” means a hazardous air pollutant (as defined
8 in section 112 of the Clean Air Act) that—

9 (1) is listed on the toxics release inventory
10 under section (c) of the Emergency Planning and
11 Community Right-To-Know Act of 1986; or

12 (2) is identified as carcinogenic by an assess-
13 ment under the Integrated Risk Information System
14 (IRIS) of the Environmental Protection Agency.

15 **SEC. 103. WHITE HOUSE ENVIRONMENTAL JUSTICE INTER-**
16 **AGENCY COUNCIL.**

17 (a) IN GENERAL.—The President shall maintain
18 within the Executive Office of the President a White
19 House Environmental Justice Interagency Council.

20 (b) REQUIREMENTS.—

21 (1) COMPOSITION.—The White House Inter-
22 agency Council shall be comprised of the following
23 (or a designee):

24 (A) The Secretary of Agriculture.

25 (B) The Secretary of Commerce.

1 (C) The Secretary of Defense.

2 (D) The Secretary of Energy.

3 (E) The Secretary of Health and Human
4 Services.

5 (F) The Secretary of Homeland Security.

6 (G) The Secretary of Housing and Urban
7 Development.

8 (H) The Secretary of the Interior.

9 (I) The Secretary of Labor.

10 (J) The Secretary of Transportation.

11 (K) The Attorney General.

12 (L) The Administrator.

13 (M) The Director of the Office of Environ-
14 mental Justice.

15 (N) The Chairman of the Consumer Prod-
16 uct Safety Commission.

17 (O) The Chairperson of the Chemical Safe-
18 ty Board.

19 (P) The Director of the Office of Manage-
20 ment and Budget.

21 (Q) The Director of the Office of Science
22 and Technology Policy.

23 (R) The Chair of the Council on Environ-
24 mental Quality.

1 (S) The Assistant to the President for Do-
2 mestic Policy.

3 (T) The Director of the National Economic
4 Council.

5 (U) The Chairman of the Council of Eco-
6 nomic Advisers.

7 (V) The Secretary of Education.

8 (W) The Deputy Assistant to the President
9 for Environmental Policy.

10 (X) The Director of the National Institutes
11 of Health.

12 (Y) The Director of the National Park
13 Service.

14 (Z) The Assistant Secretary of the Bureau
15 of Indian Affairs.

16 (AA) The Chairperson of the National En-
17 vironmental Justice Advisory Council.

18 (BB) Such other Federal officials as the
19 President may designate.

20 (2) FUNCTIONS.—The White House Inter-
21 agency Council shall—

22 (A) report to the President through the
23 Chair of the Council on Environmental Quality;

24 (B) provide guidance to Federal agencies
25 regarding criteria for identifying disproportion-

1 ately high and adverse human health or envi-
2 ronmental effects—

3 (i) on populations of color, commu-
4 nities of color, Tribal and Indigenous com-
5 munities, and low-income communities;
6 and

7 (ii) on the basis of race, color, na-
8 tional origin, or income;

9 (C) coordinate with, provide guidance to,
10 and serve as a clearinghouse for, each Federal
11 agency with respect to the implementation and
12 updating of an environmental justice strategy
13 required under this division, in order to ensure
14 that the administration, interpretation, and en-
15 forcement of programs, activities, and policies
16 are carried out in a consistent manner; (D) as-
17 sist in coordinating research by, and stimu-
18 lating cooperation among, the Environmental
19 Protection Agency, the Department of Health
20 and Human Services, the Department of Hous-
21 ing and Urban Development, and other Federal
22 agencies conducting research or other activities
23 in accordance with this division;

24 (E) identify, based in part on public rec-
25 ommendations contained in Federal agency

1 progress reports, important areas for Federal
2 agencies to take into consideration and address,
3 as appropriate, in environmental justice strate-
4 gies and other efforts;

5 (F) assist in coordinating data collection
6 and maintaining and updating appropriate
7 databases, as required by this division;

8 (G) examine existing data and studies re-
9 lating to environmental justice;

10 (H) hold public meetings and otherwise so-
11 licit public participation under paragraph (3);
12 and

13 (I) develop interagency model projects re-
14 lating to environmental justice that demonstrate
15 cooperation among Federal agencies.

16 (3) PUBLIC PARTICIPATION.—The White House
17 Interagency Council shall—

18 (A) hold public meetings or otherwise so-
19 licit public participation and community-based
20 science for the purpose of fact-finding with re-
21 spect to the implementation of this division; and

22 (B) prepare for public review and publish
23 a summary of any comments and recommenda-
24 tions provided.

1 (c) JUDICIAL REVIEW AND RIGHTS OF ACTION.—

2 Any person may commence a civil action—

3 (1) to seek relief from, or to compel, an agency
4 action under this section (including regulations pro-
5 mulgated pursuant to this section); or

6 (2) otherwise to ensure compliance with this
7 section (including regulations promulgated pursuant
8 to this section).

9 **SEC. 104. FEDERAL AGENCY ACTIONS TO ADDRESS ENVI-**
10 **RONMENTAL JUSTICE.**

11 (a) FEDERAL AGENCY RESPONSIBILITIES.—

12 (1) ENVIRONMENTAL JUSTICE MISSION.—To
13 the maximum extent practicable and permitted by
14 applicable law, each Federal agency shall make
15 achieving environmental justice part of the mission
16 of the Federal agency by identifying, addressing,
17 and mitigating disproportionately high and adverse
18 human health or environmental effects of the pro-
19 grams, policies, and activities of the Federal agency
20 on populations of color, communities of color, Tribal
21 and Indigenous communities, and low-income com-
22 munities in the United States (including the terri-
23 tories and possessions of the United States and the
24 District of Columbia).

1 (2) NONDISCRIMINATION.—Each Federal agen-
2 cy shall conduct any program, policy, or activity that
3 substantially affects human health or the environ-
4 ment in a manner that ensures that the program,
5 policy, or activity does not have the effect of exclud-
6 ing any individual or group from participation in,
7 denying any individual or group the benefits of, or
8 subjecting any individual or group to discrimination
9 under, the program, policy, or activity on the basis
10 of race, color, or national origin.

11 (3) STRATEGIES.—

12 (A) AGENCYWIDE STRATEGIES.—Each
13 Federal agency shall implement and update, not
14 less frequently than annually, an agencywide
15 environmental justice strategy that identifies
16 and includes strategies to address
17 disproportionally high and adverse human
18 health or environmental effects of the pro-
19 grams, policies, spending, and other activities of
20 the Federal agency with respect to populations
21 of color, communities of color, Tribal and Indig-
22 enous communities, and low- income commu-
23 nities, including, as appropriate for the mission
24 of the Federal agency, with respect to the fol-
25 lowing areas:

1 (i) Implementation of the National
2 Environmental Policy Act of 1969 (42
3 U.S.C. et seq.).

4 (ii) Implementation of title VI of the
5 Civil Rights Act of 1964 (42 U.S.C. 2000d
6 et seq.) (including regulations promulgated
7 pursuant to that title).

8 (iii) Implementation of the Robert T.
9 Stafford Disaster Relief and Emergency
10 Assistance Act (42 U.S.C. 5121 et seq.).

11 (iv) Impacts from the lack of infra-
12 structure, or from deteriorated infrastruc-
13 ture.

14 (v) Impacts from land use.

15 (vi) Impacts from climate change, in-
16 cluding wildfires and drought.

17 (vii) Impacts from commercial trans-
18 portation.

19 (viii) Strategies for the implementa-
20 tion of agency programs, policies, and ac-
21 tivities to provide for—

22 (I) equal protection from environ-
23 mental and health hazards for popu-
24 lations of color, communities of color,

1 Tribal and Indigenous communities,
2 and low-income communities;

3 (II) equal opportunity for public
4 involvement and due process to popu-
5 lations of color, communities of color,
6 Tribal and Indigenous communities,
7 and low-income communities in the
8 development, implementation, and en-
9 forcement of agency programs, poli-
10 cies, and activities;

11 (III) improved technical assist-
12 ance and access to information to
13 populations of color, communities of
14 color, Tribal and Indigenous commu-
15 nities, and low-income communities
16 regarding the impacts of agency pro-
17 grams, policies, and activities on envi-
18 ronmental justice communities;

19 (IV) improved agency cooperation
20 with State governments, Tribal Gov-
21 ernments, and local governments to
22 address pollution and public health
23 burdens for populations of color, com-
24 munities of color, Tribal and Indige-

1 nous communities, and low-income
2 communities.

3 (B) REVISIONS.—

4 (i) IN GENERAL.—Each strategy de-
5 veloped and updated pursuant to subpara-
6 graph (A) shall identify programs, policies,
7 planning and public participation proc-
8 esses, rulemaking, agency spending, and
9 enforcement activities relating to human
10 health or the environment that may be re-
11 vised, at a minimum—

12 (I) to promote enforcement of all
13 health, environmental, and civil rights
14 laws and regulations in areas con-
15 taining populations of color, commu-
16 nities of color, Tribal and Indigenous
17 communities, and low-income commu-
18 nities;

19 (II) to ensure greater public par-
20 ticipation;

21 (III) to provide increased access
22 to infrastructure;

23 (IV) to improve research and
24 data collection relating to the health
25 and environment of populations of

1 color, communities of color, Tribal
2 and Indigenous communities, and low-
3 income communities, including
4 through the increased use of commu-
5 nity-based science; and

6 (V) to identify differential pat-
7 terns of use of natural resources
8 among populations of color, commu-
9 nities of color, Tribal and Indigenous
10 communities, and low-income commu-
11 nities.

12 (ii) TIMETABLES.—Each strategy im-
13 plemented and updated pursuant to sub-
14 paragraph (A) shall include a timetable for
15 undertaking revisions identified pursuant
16 to clause (i).

17 (C) PROGRESS REPORTS.—Not later than
18 1 year after the date of enactment of this Act,
19 and not less frequently than once every 5 years
20 thereafter, each Federal agency shall submit to
21 Congress and the Working Group, and shall
22 publish, a progress report that includes, with
23 respect to the period covered by the report—

1 (i) a description of the current envi-
2 ronmental justice strategy of the Federal
3 agency;

4 (ii) an evaluation of the progress
5 made by the Federal agency at national
6 and regional levels regarding implementa-
7 tion of the environmental justice strategy,
8 including—

9 (I) metrics used by the Federal
10 agency to measure performance; and

11 (II) the progress made by the
12 Federal agency toward—

13 (aa) the achievement of the
14 metrics described in subclause

15 (I); and

16 (bb) mitigating identified in-
17 stances of environmental injus-
18 tice;

19 (iii) a description of the participation
20 by the Federal agency in interagency col-
21 laboration;

22 (iv) responses to recommendations
23 submitted by members of the public to the
24 Federal agency relating to the environ-
25 mental justice strategy of the Federal

1 agency and the implementation by the
2 Federal agency of this division; and

3 (v) any updates or revisions to the en-
4 vironmental justice strategy of the Federal
5 agency, including those resulting from pub-
6 lic comments.

7 (4) PUBLIC PARTICIPATION.—Each Federal
8 agency shall—

9 (A) ensure that meaningful opportunities
10 exist for the public to submit comments and
11 recommendations relating to the environmental
12 justice strategy, progress reports, and ongoing
13 efforts of the Federal agency to incorporate en-
14 vironmental justice principles into the pro-
15 grams, policies, and activities of the Federal
16 agency;

17 (B) hold public meetings or otherwise so-
18 licit public participation and community-based
19 science from populations of color, communities
20 of color, Tribal and Indigenous communities,
21 and low-income communities for fact-finding,
22 receiving public comments, and conducting in-
23 quiries concerning environmental justice; and

1 (C) prepare for public review and publish
2 a summary of the comments and recommenda-
3 tions provided.

4 (5) ACCESS TO INFORMATION.—Each Federal
5 agency shall—

6 (A) publish public documents, notices, and
7 hearings relating to the programs, policies, and
8 activities of the Federal agency that affect
9 human health or the environment; and

10 (B) translate and publish any public docu-
11 ments, notices, and hearings relating to an ac-
12 tion of the Federal agency as appropriate for
13 the affected population, specifically in any case
14 in which a limited English-speaking population
15 may be disproportionately affected by that ac-
16 tion.

17 (6) CODIFICATION OF GUIDANCE.—

18 (A) COUNCIL ON ENVIRONMENTAL QUAL-
19 ITY.—Notwithstanding any other provision of
20 law, sections II and III of the guidance issued
21 by the Council on Environmental Quality enti-
22 tled “Environmental Justice Guidance Under
23 the National Environmental Policy Act” and
24 dated December 10, 1997, are enacted into law.

1 (B) ENVIRONMENTAL PROTECTION AGEN-
2 CY.—Notwithstanding any other provision of
3 law, the guidance issued by the Environmental
4 Protection Agency entitled “EPA Policy on
5 Consultation and Coordination with Indian
6 Tribes: Guidance for Discussing Tribal Treaty
7 Rights” and dated February 2016 is enacted
8 into law.

9 (b) HUMAN HEALTH AND ENVIRONMENTAL RE-
10 SEARCH, DATA COLLECTION, AND ANALYSIS.—

11 (1) RESEARCH.—Each Federal agency, to the
12 maximum extent practicable and permitted by appli-
13 cable law, shall—

14 (A) in conducting environmental or human
15 health research, include diverse segments of the
16 population in epidemiological and clinical stud-
17 ies, including segments at high risk from envi-
18 ronmental hazards, such as—

19 (i) populations of color, communities
20 of color, Tribal and Indigenous commu-
21 nities, populations with low income, and
22 low-income communities;

23 (ii) fenceline communities; and

24 (iii) workers who may be exposed to
25 substantial environmental hazards;

1 (B) in conducting environmental or human
2 health analyses, identify multiple and cumu-
3 lative exposures; and

4 (C) actively encourage and solicit commu-
5 nity-based science, and provide to populations
6 of color, communities of color, Tribal and Indig-
7 enous communities, populations with low in-
8 come, and low income communities the oppor-
9 tunity to comment regarding the development
10 and design of research strategies carried out
11 pursuant to this division.

12 (2) DISPROPORTIONATE IMPACT.—To the max-
13 imum extent practicable and permitted by applicable
14 law (including section 552a of title 5, United States
15 Code (commonly known as the Privacy Act)), each
16 Federal agency shall—

17 (A) collect, maintain, and analyze informa-
18 tion assessing and comparing environmental
19 and human health risks borne by populations
20 identified by race, national origin, or income;
21 and

22 (B) use that information to determine
23 whether the programs, policies, and activities of
24 the Federal agency have disproportionately high
25 and adverse human health or environmental ef-

1 fects on populations of color, communities of
2 color, Tribal and Indigenous communities, and
3 low-income communities.

4 (3) INFORMATION RELATING TO NON-FEDERAL
5 FACILITIES.—In connection with the implementation
6 of Federal agency strategies under subsection (a)(3),
7 each Federal agency, to the maximum extent prac-
8 ticable and permitted by applicable law, shall collect,
9 maintain, and analyze information relating to the
10 race, national origin, and income level, and other
11 readily accessible and appropriate information, for
12 fenceline communities in proximity to any facility or
13 site expected to have a substantial environmental,
14 human health, or economic effect on the surrounding
15 populations, if the facility or site becomes the sub-
16 ject of a substantial Federal environmental adminis-
17 trative or judicial action.

18 (4) IMPACT FROM FEDERAL FACILITIES.—Each
19 Federal agency, to the maximum extent practicable
20 and permitted by applicable law, shall collect, main-
21 tain, and analyze information relating to the race,
22 national origin, and income level, and other readily
23 accessible and appropriate information, for fenceline
24 communities in proximity to any facility of the Fed-
25 eral agency that is—

1 (A) subject to the reporting requirements
2 under the Emergency Planning and Community
3 Right-To-Know Act of (42 U.S.C. 11001 et
4 seq.), as required by Executive Order No.
5 12898 (42 U.S.C. 4321 note; relating to Fed-
6 eral actions to address environmental justice in
7 minority populations and low-income popu-
8 lations); and

9 (B) expected to have a substantial environ-
10 mental, human health, or economic effect on
11 surrounding populations.

12 (c) CONSUMPTION OF FISH AND WILDLIFE.—

13 (1) IN GENERAL.—Each Federal agency shall
14 develop, publish (unless prohibited by law), and re-
15 vise, as practicable and appropriate, guidance on ac-
16 tions of the Federal agency that will impact fish and
17 wildlife consumed by populations that principally
18 rely on fish or wildlife for subsistence.

19 (2) REQUIREMENT.—The guidance described in
20 paragraph (1) shall—

21 (A) reflect the latest scientific information
22 available concerning methods for evaluating the
23 human health risks associated with the con-
24 sumption of pollutant-bearing fish or wildlife;
25 and

1 (B) publish the risks of such consumption
2 patterns.

3 (d) MAPPING AND SCREENING TOOL.—The Adminis-
4 trator shall continue to make available to the public an
5 environmental justice mapping and screening tool (such
6 as EJScreen or an equivalent tool) that includes, at a min-
7 imum, the following features:

8 (1) Nationally consistent data.

9 (2) Environmental data.

10 (3) Demographic data, including data relating
11 to race, ethnicity, and income.

12 (4) Capacity to produce maps and reports by
13 geographical area.

14 (5) Data on national parks and other federally
15 protected natural, historic, and cultural sites.

16 (e) 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).

24 (f) INFORMATION SHARING.—In carrying out this
25 section, each Federal agency, to the maximum extent

1 practicable and permitted by applicable law, shall share
2 information and eliminate unnecessary duplication of ef-
3 forts through the use of existing data systems and cooper-
4 ative agreements among Federal agencies and with State,
5 local, and Tribal Governments.

6 (g) **CLIMATE AND ECONOMIC JUSTICE SCREENING**
7 **TOOL.**—The Chair of the Council on Environmental Qual-
8 ity shall—

9 (1) maintain a geospatial Climate and Eco-
10 nomic Justice Screening Tool; and

11 (2) annually publish interactive maps high-
12 lighting disadvantaged communities.

13 **SEC. 105. TRAINING OF EMPLOYEES OF FEDERAL AGEN-**
14 **CIES.**

15 (a) **INITIAL TRAINING.**—Not later than 1 year after
16 the date of enactment of this Act, each employee of the
17 Department of Energy, the Environmental Protection
18 Agency, the Department of the Interior, and the National
19 Oceanic and Atmospheric Administration shall complete
20 an environmental justice training program to ensure that
21 each such employee—

22 (1) has received training in environmental jus-
23 tice; and

24 (2) is capable of—

1 (A) appropriately incorporating environ-
2 mental justice concepts into the daily activities
3 of the employee; and

4 (B) increasing the meaningful participation
5 of individuals from environmental justice com-
6 munities in the activities of the applicable agen-
7 cy.

8 (b) MANDATORY PARTICIPATION.—Effective on the
9 date that is 1 year after the date of enactment of this
10 Act, each individual hired by the Department of Energy,
11 the Environmental Protection Agency, the Department of
12 the Interior, and the National Oceanic and Atmospheric
13 Administration after that date shall be required to partici-
14 pate in environmental justice training.

15 (c) REQUIREMENT RELATING TO CERTAIN EMPLOY-
16 EES.—

17 (1) IN GENERAL.—With respect to each Fed-
18 eral agency that participates in the White House
19 Interagency Council, not later than 30 days after
20 the date on which an individual is appointed to the
21 position of environmental justice coordinator, or any
22 other position the responsibility of which involves the
23 conduct of environmental justice activities, the indi-
24 vidual shall be required to possess documentation of

1 the completion by the individual of environmental
2 justice training.

3 (2) EVALUATION.—Not later than 3 years after
4 the date of enactment of this Act, the Inspector
5 General of each Federal agency that participates in
6 the White House Interagency Council shall evaluate
7 the training programs of such Federal agency to de-
8 termine if such Federal agency has improved the
9 rate of training of the employees of such Federal
10 agency to ensure that each employee has received
11 environmental justice training.

12 **SEC. 106. ENVIRONMENTAL JUSTICE BASIC TRAINING PRO-**
13 **GRAM.**

14 (a) ESTABLISHMENT.—The Administrator shall es-
15 tablish a basic training program, in coordination and con-
16 sultation with nongovernmental environmental justice or-
17 ganizations, to increase the capacity of residents of envi-
18 ronmental justice communities to identify and address dis-
19 proportionately adverse human health or environmental ef-
20 fects by providing culturally and linguistically appro-
21 priate—

22 (1) training and education relating to—

23 (A) basic and advanced techniques for the
24 detection, assessment, and evaluation of the ef-

1 fects of hazardous substances, wildfire, and
2 drought on human health;

3 (B) methods to assess the risks to human
4 health presented by hazardous substances, wild-
5 fire, and drought;

6 (C) methods and technologies to detect
7 hazardous substances in the environment;

8 (D) basic biological, chemical, and physical
9 methods to reduce the quantity and toxicity of
10 hazardous substances and to reduce the fre-
11 quency and extent of wildfires and drought;

12 (E) the rights and safeguards currently af-
13 forded to individuals through policies and laws
14 intended to help environmental justice commu-
15 nities address disparate impacts and discrimi-
16 nation, including—

17 (i) laws adopted to protect human
18 health and the environment; and

19 (ii) section 602 of the Civil Rights Act
20 of (42 U.S.C. 2000d-1);

21 (F) public engagement opportunities
22 through the policies and laws described in sub-
23 paragraph (E);

24 (G) materials available on the Clearing-
25 house described in this division;

1 (H) methods to expand access to parks
2 and other natural and recreational amenities;
3 and

4 (I) finding and applying for Federal grants
5 related to environmental justice; and

6 (2) short courses and continuation education
7 programs for residents of communities who are lo-
8 cated in close proximity to hazardous substances or
9 in locations at risk of wildfires or drought to pro-
10 vide, as applicable—

11 (A) education relating to—

12 (i) the proper manner to handle haz-
13 ardous substances;

14 (ii) the management of facilities at
15 which hazardous substances are located
16 (including facility compliance protocols);

17 (iii) the evaluation of the hazards that
18 facilities described in clause (ii) pose to
19 human health; and

20 (iv) preventing, mitigating, and man-
21 aging wildfires and drought and the haz-
22 ards that wildfires and drought pose to
23 human health; and

24 (B) training on environmental and occupa-
25 tional health and safety with respect to the pub-

1 lic health and engineering aspects of hazardous
2 waste control.

3 (b) GRANT PROGRAM.—

4 (1) ESTABLISHMENT.—In carrying out the
5 basic training program established under subsection
6 (a), the Administrator may provide grants to, or
7 enter into any contract or cooperative agreement
8 with, an eligible entity to carry out any training or
9 educational activity described in subsection (a).

10 (2) ELIGIBLE ENTITY.—To be eligible to receive
11 assistance under paragraph (1), an eligible entity
12 shall be an accredited institution of education in
13 partnership with—

14 (A) a community-based organization that
15 carries out activities relating to environmental
16 justice;

17 (B) a generator of hazardous waste;

18 (C) any individual who is involved in the
19 detection, assessment, evaluation, or treatment
20 of hazardous waste;

21 (D) any owner or operator of a facility at
22 which hazardous substances are located; or

23 (E) any State government, Tribal Govern-
24 ment, or local government.

25 (c) PLAN.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Administrator,
3 in consultation with the Director, shall develop and
4 publish in the Federal Register a plan to carry out
5 the basic training program established under sub-
6 section (a).

7 (2) CONTENTS.—The plan described in para-
8 graph (1) shall contain—

9 (A) a list that describes the relative pri-
10 ority of each activity described in subsection
11 (a); and

12 (B) a description of research and training
13 relevant to environmental justice issues of com-
14 munities adversely affected by pollution.

15 (3) COORDINATION WITH FEDERAL AGEN-
16 CIES.—The Administrator shall, to the maximum ex-
17 tent practicable, take appropriate steps to coordinate
18 the activities of the basic training program described
19 in the plan with the activities of other Federal agen-
20 cies to avoid any duplication of effort.

21 (d) REPORT.—

22 (1) IN GENERAL.—Not later than 2 years after
23 the date of enactment of this Act, and every 2 years
24 thereafter, the Administrator shall submit to the
25 Committees on Energy and Commerce and Natural

1 Resources of the House of Representative and the
2 Committees on Environment and Public Works and
3 Energy and Natural Resources of the Senate a re-
4 port describing—

5 (A) the implementation of the basic train-
6 ing program established under subsection (a);
7 and

8 (B) the impact of the basic training pro-
9 gram on improving training opportunities for
10 residents of environmental justice communities.

11 (2) PUBLIC AVAILABILITY.—The Administrator
12 shall make the report required under paragraph (1)
13 available to the public (including by posting a copy
14 of the report on the website of the Environmental
15 Protection Agency).

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$10,000,000 for each of fiscal years 2023 through 2027.

19 **SEC. 107. ENVIRONMENTAL JUSTICE CLEARINGHOUSE.**

20 (a) ESTABLISHMENT.—Not later than 1 year after
21 the date of enactment of this Act, the Administrator shall
22 establish a public internet-based clearinghouse, to be
23 known as the Environmental Justice Clearinghouse.

1 (b) CONTENTS.—The Clearinghouse shall be com-
2 posed of culturally and linguistically appropriate materials
3 related to environmental justice, including—

4 (1) information describing the activities con-
5 ducted by the Environmental Protection Agency to
6 address issues relating to environmental justice;

7 (2) copies of training materials provided by the
8 Administrator to help individuals and employees un-
9 derstand and carry out environmental justice activi-
10 ties;

11 (3) links to web pages that describe environ-
12 mental justice activities of other Federal agencies;

13 (4) a directory of individuals who possess tech-
14 nical expertise in issues relating to environmental
15 justice;

16 (5) a directory of nonprofit and community-
17 based organizations, including grassroots organiza-
18 tions led by people of color, that address issues re-
19 lating to environmental justice at the local, State,
20 and Federal levels (with particular emphasis given to
21 nonprofit and community-based organizations that
22 possess the capability to provide advice or technical
23 assistance to environmental justice communities);
24 and

1 (6) any other appropriate information as deter-
2 mined by the Administrator, including information
3 on any resources available to help address the dis-
4 proportionate burden of adverse human health or en-
5 vironmental effects on environmental justice commu-
6 nities.

7 (c) CONSULTATION.—In developing the Clearing-
8 house, the Administrator shall consult with individuals
9 representing academic and community-based organiza-
10 tions who have expertise in issues relating to environ-
11 mental justice.

12 (d) ANNUAL REVIEW.—The Advisory Council shall—

13 (1) conduct a review of the Clearinghouse on an
14 annual basis; and

15 (2) recommend to the Administrator any up-
16 dates for the Clearinghouse that the Advisory Coun-
17 cil determines to be necessary for the effective oper-
18 ation of the Clearinghouse.

19 **SEC. 108. PUBLIC MEETINGS.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date of enactment of this Act, and biennially thereafter,
22 the Administrator shall hold public meetings on environ-
23 mental justice issues in each region of the Environmental
24 Protection Agency to gather public input with respect to
25 the implementation and updating of environmental justice

1 strategies and efforts of the Environmental Protection
2 Agency.

3 (b) OUTREACH TO ENVIRONMENTAL JUSTICE COM-
4 MUNITIES.—The Administrator, in advance of the meet-
5 ings described in subsection (a), shall to the extent prac-
6 ticable hold multiple meetings in environmental justice
7 communities in each region to provide meaningful commu-
8 nity involvement opportunities.

9 (c) NOTICE.—Notice for the meetings described in
10 subsections (a) and (b) shall be provided—

11 (1) to applicable representative entities or orga-
12 nizations present in the environmental justice com-
13 munity, including—

14 (A) local religious organizations;

15 (B) civic associations and organizations;

16 (C) business associations of people of color;

17 (D) environmental and environmental jus-
18 tice organizations;

19 (E) homeowners, tenants, and neighbor-
20 hood watch groups;

21 (F) local and Tribal Governments;

22 (G) rural cooperatives;

23 (H) business and trade organizations;

24 (I) community and social service organiza-
25 tions;

1 (J) universities, colleges, and vocational
2 schools;

3 (K) labor organizations;

4 (L) civil rights organizations;

5 (M) senior citizens' groups; and

6 (N) public health agencies and clinics;

7 (2) through communication methods that are
8 accessible in the applicable environmental justice
9 community, which may include electronic media,
10 newspapers, radio, and other media particularly tar-
11 geted at communities of color, low-income commu-
12 nities, and Tribal and Indigenous communities; and

13 (3) at least 30 days before any such meeting.

14 (d) COMMUNICATION METHODS AND REQUIRE-
15 MENTS.—The Administrator shall—

16 (1) provide translations of any documents made
17 available to the public pursuant to this section in
18 any language spoken by more than 5 percent of the
19 population residing within the applicable environ-
20 mental justice community, and make available trans-
21 lation services for meetings upon request; and

22 (2) not require members of the public to
23 produce a form of identification or register their
24 names, provide other information, complete a ques-
25 tionnaire, or otherwise fulfill any condition precedent

1 to attending a meeting, but if an attendance list,
2 register, questionnaire, or other similar document is
3 utilized during meetings, it shall state clearly that
4 the signing, registering, or completion of the docu-
5 ment is voluntary.

6 (e) **REQUIRED ATTENDANCE OF CERTAIN EMPLOY-**
7 **EES.**—In holding a public meeting under subsection (a),
8 the Administrator shall ensure that at least 1 employee
9 of the Environmental Protection Agency at the level of As-
10 sistant Administrator is present at the meeting to serve
11 as a representative of the Environmental Protection Agen-
12 cy.

13 **SEC. 109. NATIONAL ENVIRONMENTAL JUSTICE ADVISORY**
14 **COUNCIL.**

15 (a) **ESTABLISHMENT.**—The President shall establish
16 an advisory council, to be known as the National Environ-
17 mental Justice Advisory Council.

18 (b) **MEMBERSHIP.**—The Advisory Council shall be
19 composed of 26 members who have knowledge of, or expe-
20 rience relating to, the effect of environmental conditions
21 on communities of color, low-income communities, and
22 Tribal and Indigenous communities, including—

23 (1) representatives of—

24 (A) community-based organizations that
25 carry out initiatives relating to environmental

1 justice, including grassroots organizations led
2 by people of color;

3 (B) State governments, Tribal Govern-
4 ments, and local governments;

5 (C) Indian Tribes and other Indigenous
6 groups;

7 (D) nongovernmental and environmental
8 organizations; and

9 (E) private sector organizations (including
10 representatives of industries and businesses);
11 and

12 (2) experts in the field of—

13 (A) socioeconomic analysis;

14 (B) health and environmental effects;

15 (C) exposure evaluation;

16 (D) environmental law and civil rights law;

17 or

18 (E) environmental health science research.

19 (c) SUBCOMMITTEES; WORKGROUPS.—

20 (1) ESTABLISHMENT.—The Advisory Council
21 may establish any subcommittee or workgroup to as-
22 sist the Advisory Council in carrying out any duty
23 of the Advisory Council described in subsection (d).

24 (2) REPORT.—Upon the request of the Advisory
25 Council, each subcommittee or workgroup estab-

1 lished by the Advisory Council under paragraph (1)
2 shall submit to the Advisory Council a report that
3 contains—

4 (A) a description of each recommendation
5 of the subcommittee or workgroup; and

6 (B) any advice requested by the Advisory
7 Council with respect to any duty of the Advi-
8 sory Council.

9 (d) DUTIES.—The Advisory Council shall provide
10 independent advice and recommendations to the Environ-
11 mental Protection Agency with respect to issues relating
12 to environmental justice, including advice—

13 (1) to help develop, facilitate, and conduct re-
14 views of the direction, criteria, scope, and adequacy
15 of the scientific research and demonstration projects
16 of the Environmental Protection Agency relating to
17 environmental justice;

18 (2) to improve participation, cooperation, and
19 communication with respect to such issues—

20 (A) within the Environmental Protection
21 Agency;

22 (B) between, and among, the Environ-
23 mental Protection Agency and Federal agencies,
24 State and local governments, Indian Tribes, en-

1 vironmental justice leaders, interest groups, and
2 the public;

3 (3) requested by the Administrator to help im-
4 prove the response of the Environmental Protection
5 Agency in securing environmental justice for com-
6 munities of color, low-income communities, and
7 Tribal and Indigenous communities; and

8 (4) on issues relating to—

9 (A) the developmental framework of the
10 Environmental Protection Agency with respect
11 to the integration by the Environmental Protec-
12 tion Agency of socioeconomic programs into the
13 strategic planning, annual planning, and man-
14 agement accountability of the Environmental
15 Protection Agency to achieve environmental jus-
16 tice results throughout the Environmental Pro-
17 tection Agency;

18 (B) the measurement and evaluation of the
19 progress, quality, and adequacy of the Environ-
20 mental Protection Agency in planning, devel-
21 oping, and implementing environmental justice
22 strategies, project, and programs;

23 (C) any existing and future information
24 management systems, technologies, and data
25 collection activities of the Environmental Pro-

1 tection Agency (including recommendations to
2 conduct analyses that support and strengthen
3 environmental justice programs in administra-
4 tive and scientific areas);

5 (D) the administration of grant programs
6 relating to environmental justice assistance; and

7 (E) education, training, and other outreach
8 activities conducted by the Environmental Pro-
9 tection Agency relating to environmental jus-
10 tice.

11 (e) DESIGNATED FEDERAL OFFICER.—The Director
12 of the Office of Environmental Justice of the Environ-
13 mental Protection Agency is designated as the Federal of-
14 ficer required under section 10(e) of the Federal Advisory
15 Committee Act (5 U.S.C. App.) for the Advisory Council.

16 (f) MEETINGS.—

17 (1) IN GENERAL.—The Advisory Council shall
18 meet not less frequently than 3 times each calendar
19 year.

20 (2) OPEN TO PUBLIC.—Each meeting of the
21 Advisory Council shall be held open to the public.

22 (3) DUTIES OF DESIGNATED FEDERAL OFFI-
23 CER.—The designated Federal officer described in
24 subsection (e) (or a designee) shall—

1 (A) be present at each meeting of the Ad-
2 visory Council;

3 (B) ensure that each meeting is conducted
4 in accordance with an agenda approved in ad-
5 vance by the designated Federal officer;

6 (C) provide an opportunity for interested
7 persons—

8 (i) to file comments before or after
9 each meeting of the Advisory Council; or

10 (ii) to make statements at such a
11 meeting, to the extent that time permits;

12 (D) ensure that a representative of the
13 Working Group and a high-level representative
14 from each regional office of the Environmental
15 Protection Agency are invited to, and encour-
16 aged to attend, each meeting of the Advisory
17 Council; and

18 (E) provide technical assistance to States
19 seeking to establish State-level environmental
20 justice advisory councils or implement other en-
21 vironmental justice policies or programs.

22 (g) RESPONSES FROM ADMINISTRATOR.—

23 (1) PUBLIC COMMENT INQUIRIES.—The Admin-
24 istrator shall provide a written response to each in-
25 quiry submitted to the Administrator by a member

1 of the public before or after each meeting of the Ad-
2 visory Council by not later than 120 days after the
3 date of submission.

4 (2) RECOMMENDATIONS FROM ADVISORY COUN-
5 CIL.—The Administrator shall provide a written re-
6 sponse to each recommendation submitted to the Ad-
7 ministrator by the Advisory Council by not later
8 than 120 days after the date of submission.

9 (h) TRAVEL EXPENSES.—A member of the Advisory
10 Council may be allowed travel expenses, including per
11 diem in lieu of subsistence, at such rate as the Adminis-
12 trator determines to be appropriate while away from the
13 home or regular place of business of the member in the
14 performance of the duties of the Advisory Council.

15 (i) DURATION.—The Advisory Council shall remain
16 in existence unless otherwise provided by law.

17 **SEC. 110. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

18 (a) IN GENERAL.—The Administrator shall continue
19 to carry out the Environmental Justice Small Grants Pro-
20 gram and the Environmental Justice Collaborative Prob-
21 lem-Solving Cooperative Agreement Program, as those
22 programs are in existence on the date of enactment of this
23 Act.

24 (b) CARE GRANTS.—The Administrator shall con-
25 tinue to carry out the Community Action for a Renewed

1 Environment grant programs I and II, as in existence on
2 January 1, 2012.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out the programs
5 described in subsections (a) and (b) \$50,000,000 for each
6 of fiscal years 2023 through 2032.

7 **SEC. 111. ENVIRONMENTAL JUSTICE COMMUNITY SOLID**
8 **WASTE DISPOSAL TECHNICAL ASSISTANCE**
9 **GRANTS.**

10 (a) IN GENERAL.—The Administrator may award
11 grants to eligible entities to enable such entities to partici-
12 pate in decisions impacting the health and safety of their
13 communities relating to the permitting or permit renewal
14 of a solid waste disposal facility or hazardous waste facil-
15 ity.

16 (b) TIMING.—

17 (1) GUIDANCE.—Not later than 12 months
18 after the date of enactment of this section, the Ad-
19 ministrator shall publish guidance describing the
20 process for eligible entities to apply for a grant
21 under this section, including the required content
22 and form of applications, the manner in which appli-
23 cations must be submitted, and any applicable dead-
24 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 a facility described
12 in subsection (a) for which a decision relating to a
13 permit or permit renewal for such facility is re-
14 quired.

15 (d) USE OF FUNDS.—An eligible entity receiving a
16 grant under this section shall use the grant to participate
17 in decisions impacting the health and safety of the commu-
18 nity involved that are related to the permitting or permit
19 renewal of a solid waste disposal facility or hazardous
20 waste facility, including—

21 (1) interpreting information with regard to—

22 (A) cumulative impacts studies;

23 (B) health impacts studies;

24 (C) relevant agency decisions; and

1 (D) operation and maintenance of nec-
2 essary monitors; and

3 (2) performing environmental monitoring.

4 (e) LIMITATIONS ON AMOUNT; RENEWAL.—

5 (1) AMOUNT.—

6 (A) IN GENERAL.—The amount of a grant
7 under this section (excluding any renewals of
8 the grant) may not exceed \$50,000 for any
9 grant recipient.

10 (B) EXCEPTION.—The Administrator may
11 waive the limitation in subparagraph (A) with
12 respect to an applicant in any case where the
13 Administrator determines that such waiver is
14 necessary for the community involved to obtain
15 the necessary technical assistance.

16 (2) RENEWAL.—Grants may be renewed for
17 each step in the process for the permitting or permit
18 renewal of a solid waste disposal facility or haz-
19 ardous waste facility.

20 **SEC. 112. ENVIRONMENTAL JUSTICE COMMUNITY, STATE,**
21 **AND TRIBAL GRANT PROGRAMS.**

22 (a) ENVIRONMENTAL JUSTICE COMMUNITY GRANT
23 PROGRAM.—

24 (1) ESTABLISHMENT.—The Administrator shall
25 establish a program under which the Administrator

1 shall provide grants to eligible entities to assist the
2 eligible entities in—

3 (A) building capacity to address issues re-
4 lating to environmental justice; and

5 (B) carrying out any activity described in
6 paragraph (4).

7 (2) ELIGIBILITY.—To be eligible to receive a
8 grant under paragraph (1), an eligible entity shall be
9 a nonprofit, community-based organization that con-
10 ducts activities, including providing medical and pre-
11 ventive health services, to reduce the dispropor-
12 tionate health impacts of environmental pollution in
13 the environmental justice community at which the
14 eligible entity proposes to conduct an activity that is
15 the subject of the application described in paragraph
16 (3).

17 (3) APPLICATION.—To be eligible to receive a
18 grant under paragraph (1), an eligible entity shall
19 submit to the Administrator an application at such
20 time, in such manner, and containing such informa-
21 tion as the Administrator may require, including—

22 (A) an outline describing the means by
23 which the project proposed by the eligible entity
24 will—

1 (i) with respect to environmental and
2 public health issues at the local level, in-
3 crease the understanding of the environ-
4 mental justice community at which the eli-
5 gible entity will conduct the project;

6 (ii) improve the ability of the environ-
7 mental justice community to address each
8 issue described in clause (i);

9 (iii) facilitate collaboration and co-
10 operation among various stakeholders (in-
11 cluding members of the environmental jus-
12 tice community); and

13 (iv) support the ability of the environ-
14 mental justice community to proactively
15 plan and implement just sustainable com-
16 munity development and revitalization ini-
17 tiatives, including countering displacement
18 and gentrification;

19 (B) a proposed budget for each activity of
20 the project that is the subject of the applica-
21 tion;

22 (C) a list of proposed outcomes with re-
23 spect to the proposed project;

24 (D) a description of the ways by which the
25 eligible entity may leverage the funds of the eli-

1 gible entity, or the funds made available
2 through a grant under this subsection, to de-
3 velop a project that is capable of being sus-
4 tained beyond the period of the grant; and

5 (E) a description of the ways by which the
6 eligible entity is linked to, and representative
7 of, the environmental justice community at
8 which the eligible entity will conduct the
9 project.

10 (4) USE OF FUNDS.—An eligible entity may
11 only use a grant under this subsection to carry out
12 culturally and linguistically appropriate projects and
13 activities that are driven by the needs, opportunities,
14 and priorities of the environmental justice commu-
15 nity at which the eligible entity proposes to conduct
16 the project or activity to address environmental jus-
17 tice concerns and improve the health or environment
18 of the environmental justice community, including
19 activities—

20 (A) to create or develop collaborative part-
21 nerships;

22 (B) to educate and provide outreach serv-
23 ices to the environmental justice community;

1 (C) to identify and implement projects to
2 address environmental or public health con-
3 cerns; or

4 (D) to develop a comprehensive under-
5 standing of environmental or public health
6 issues.

7 (5) REPORT.—

8 (A) IN GENERAL.—Not later than 1 year
9 after the date of enactment of this Act, and an-
10 nually thereafter, the Administrator shall sub-
11 mit to the Committees on Energy and Com-
12 merce and Natural Resources of the House of
13 Representatives and the Committees on Envi-
14 ronment and Public Works and Energy and
15 Natural Resources of the Senate a report de-
16 scribing the ways by which the grant program
17 under this subsection has helped community-
18 based nonprofit organizations address issues re-
19 lating to environmental justice.

20 (B) PUBLIC AVAILABILITY.—The Adminis-
21 trator shall make each report required under
22 subparagraph (A) available to the public (in-
23 cluding by posting a copy of the report on the
24 website of the Environmental Protection Agen-
25 cy).

1 (6) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$25,000,000 for each of fiscal years
4 2023 through 2027.

5 (b) STATE GRANT PROGRAM.—

6 (1) ESTABLISHMENT.—The Administrator shall
7 establish a program under which the Administrator
8 shall provide grants to States to enable the States—

9 (A) to establish culturally and linguistically
10 appropriate protocols, activities, and mecha-
11 nisms for addressing issues relating to environ-
12 mental justice; and

13 (B) to carry out culturally and linguis-
14 tically appropriate activities to reduce or elimi-
15 nate disproportionately adverse human health
16 or environmental effects on environmental jus-
17 tice communities in the State, including reduc-
18 ing economic vulnerabilities that result in the
19 environmental justice communities being dis-
20 proportionately affected.

21 (2) ELIGIBILITY.—

22 (A) APPLICATION.—To be eligible to re-
23 ceive a grant under paragraph (1), a State shall
24 submit to the Administrator an application at
25 such time, in such manner, and containing such

1 information as the Administrator may require,
2 including—

3 (i) a plan that contains a description
4 of the means by which the funds provided
5 through a grant under paragraph (1) will
6 be used to address issues relating to envi-
7 ronmental justice at the State level; and

8 (ii) assurances that the funds pro-
9 vided through a grant under paragraph (1)
10 will be used only to supplement the
11 amount of funds that the State allocates
12 for initiatives relating to environmental
13 justice.

14 (B) ABILITY TO CONTINUE PROGRAM.—To
15 be eligible to receive a grant under paragraph
16 (1), a State shall demonstrate to the Adminis-
17 trator that the State has the ability to continue
18 each program that is the subject of funds pro-
19 vided through a grant under paragraph (1)
20 after receipt of the funds.

21 (3) REPORT.—

22 (A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this Act, and an-
24 nually thereafter, the Administrator shall sub-
25 mit to the Committees on Energy and Com-

1 merce and Natural Resources of the House of
2 Representatives and the Committees on Envi-
3 ronment and Public Works and Energy and
4 Natural Resources of the Senate a report de-
5 scribing—

6 (i) the implementation of the grant
7 program established under paragraph (1);

8 (ii) the impact of the grant program
9 on improving the ability of each partici-
10 pating State to address environmental jus-
11 tice issues; and

12 (iii) the activities carried out by each
13 State to reduce or eliminate disproportion-
14 ately adverse human health or environ-
15 mental effects on environmental justice
16 communities in the State.

17 (B) PUBLIC AVAILABILITY.—The Adminis-
18 trator shall make each report required under
19 subparagraph (A) available to the public (in-
20 cluding by posting a copy of the report on the
21 website of the Environmental Protection Agen-
22 cy).

23 (4) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to carry out

1 this subsection \$15,000,000 for each of fiscal years
2 2023 through 2027.

3 (c) TRIBAL GRANT PROGRAM.—

4 (1) ESTABLISHMENT.—The Administrator shall
5 establish a program under which the Administrator
6 shall provide grants to Tribal Governments to enable
7 the Indian Tribes—

8 (A) to establish culturally and linguistically
9 appropriate protocols, activities, and mecha-
10 nisms for addressing issues relating to environ-
11 mental justice; and

12 (B) to carry out culturally and linguis-
13 tically appropriate activities to reduce or elimi-
14 nate disproportionately adverse human health
15 or environmental effects on environmental jus-
16 tice communities in Tribal and Indigenous com-
17 munities, including reducing economic
18 vulnerabilities that result in the Tribal and In-
19 digenous communities being disproportionately
20 affected.

21 (2) ELIGIBILITY.—

22 (A) APPLICATION.—To be eligible to re-
23 ceive a grant under paragraph (1), a Tribal
24 Government shall submit to the Administrator
25 an application at such time, in such manner,

1 and containing such information as the Admin-
2 istrator may require, including—

3 (i) a plan that contains a description
4 of the means by which the funds provided
5 through a grant under paragraph (1) will
6 be used to address issues relating to envi-
7 ronmental justice in Tribal and Indigenous
8 communities; and

9 (ii) assurances that the funds pro-
10 vided through a grant under paragraph (1)
11 will be used only to supplement the
12 amount of funds that the Tribal Govern-
13 ment allocates for initiatives relating to en-
14 vironmental justice.

15 (B) ABILITY TO CONTINUE PROGRAM.—To
16 be eligible to receive a grant under paragraph
17 (1), a Tribal Government shall demonstrate to
18 the Administrator that the Tribal Government
19 has the ability to continue each program that is
20 the subject of funds provided through a grant
21 under paragraph (1) after receipt of the funds.

22 (3) REPORT.—

23 (A) IN GENERAL.—Not later than 1 year
24 after the date of enactment of this Act, and an-
25 nually thereafter, the Administrator shall sub-

1 mit to the Committees on Energy and Com-
2 merce and Natural Resources of the House of
3 Representatives and the Committees on Envi-
4 ronment and Public Works and Energy and
5 Natural Resources of the Senate a report de-
6 scribing—

7 (i) the implementation of the grant
8 program established under paragraph (1);

9 (ii) the impact of the grant program
10 on improving the ability of each partici-
11 pating Indian Tribe to address environ-
12 mental justice issues; and

13 (iii) the activities carried out by each
14 Tribal Government to reduce or eliminate
15 disproportionately adverse human health or
16 environmental effects on applicable envi-
17 ronmental justice communities in Tribal
18 and Indigenous communities.

19 (B) PUBLIC AVAILABILITY.—The Adminis-
20 trator shall make each report required under
21 subparagraph (A) available to the public (in-
22 cluding by posting a copy of the report on the
23 website of the Environmental Protection Agen-
24 cy).

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$25,000,000 for each of fiscal years
4 2023 through 2027.

5 (d) COMMUNITY-BASED PARTICIPATORY RESEARCH
6 GRANT PROGRAM.—

7 (1) ESTABLISHMENT.—The Administrator, in
8 consultation with the Director, shall establish a pro-
9 gram under which the Administrator shall provide
10 not more than 25 multiyear grants to eligible enti-
11 ties to carry out community-based participatory re-
12 search—

13 (A) to address issues relating to environ-
14 mental justice;

15 (B) to improve the environment of resi-
16 dents and workers in environmental justice
17 communities; and

18 (C) to improve the health outcomes of resi-
19 dents and workers in environmental justice
20 communities.

21 (2) ELIGIBILITY.—To be eligible to receive a
22 multiyear grant under paragraph (1), an eligible en-
23 tity shall be a partnership composed of—

24 (A) an accredited institution of higher edu-
25 cation; and

1 (B) a community-based organization.

2 (3) APPLICATION.—To be eligible to receive a
3 multiyear grant under paragraph (1), an eligible en-
4 tity shall submit to the Administrator an application
5 at such time, in such manner, and containing such
6 information as the Administrator may require, in-
7 cluding—

8 (A) a detailed description of the partner-
9 ship of the eligible entity that, as determined by
10 the Administrator, demonstrates the participa-
11 tion of members of the community at which the
12 eligible entity proposes to conduct the research;
13 and

14 (B) a description of—

15 (i) the project proposed by the eligible
16 entity; and

17 (ii) the ways by which the project
18 will—

19 (I) address issues relating to en-
20 vironmental justice;

21 (II) assist in the improvement of
22 health outcomes of residents and
23 workers in environmental justice com-
24 munities; and

1 (III) assist in the improvement of
2 the environment of residents and
3 workers in environmental justice com-
4 munities.

5 (4) PUBLIC AVAILABILITY.—The Administrator
6 shall make the results of the grants provided under
7 this subsection available to the public, including by
8 posting on the website of the Environmental Protec-
9 tion Agency a copy of the grant awards and an an-
10 nual report at the beginning of each fiscal year de-
11 scribing the research findings associated with each
12 grant provided under this subsection.

13 (5) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this subsection \$10,000,000 for each of fiscal years
16 2023 through 2027.

17 **SEC. 113. PROTECTIONS FOR ENVIRONMENTAL JUSTICE**
18 **COMMUNITIES AGAINST HARMFUL FEDERAL**
19 **ACTIONS.**

20 (a) PURPOSE.—The purpose of this section is to es-
21 tablish additional protections relating to Federal actions
22 affecting environmental justice communities in recognition
23 of the disproportionate burden of adverse human health
24 or environmental effects faced by such communities.

25 (b) DEFINITIONS.—In this section:

1 (1) ENVIRONMENTAL IMPACT STATEMENT.—

2 The term “environmental impact statement” means
3 the detailed statement of environmental impacts of
4 a proposed action required to be prepared pursuant
5 to the National Environmental Policy Act of 1969
6 (42 U.S.C. 4321 et seq.).

7 (2) FEDERAL ACTION.—The term “Federal ac-
8 tion” means a proposed action that requires the
9 preparation of an environmental impact statement,
10 environmental assessment, categorical exclusion, or
11 other document under the National Environmental
12 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

13 (c) PREPARATION OF A COMMUNITY IMPACT RE-
14 PORT.—A Federal agency proposing to take a Federal ac-
15 tion that has the potential to cause negative environmental
16 or public health impacts on an environmental justice com-
17 munity shall prepare a community impact report assessing
18 the potential impacts of the proposed action.

19 (d) CONTENTS.—A community impact report de-
20 scribed in subsection (c) shall—

21 (1) assess the degree to which a proposed Fed-
22 eral action affecting an environmental justice com-
23 munity will cause multiple or cumulative exposure to
24 human health and environmental hazards that influ-

1 ence, exacerbate, or contribute to adverse health out-
2 comes;

3 (2) assess relevant public health data and in-
4 dustry data concerning the potential for multiple or
5 cumulative exposure to human health or environ-
6 mental hazards in the area of the environmental jus-
7 tice community and historical patterns of exposure
8 to environmental hazards and Federal agencies shall
9 assess these multiple, or cumulative effects, even if
10 certain effects are not within the control or subject
11 to the discretion of the Federal agency proposing the
12 Federal action;

13 (3) assess the impact of such proposed Federal
14 action on such environmental justice community's
15 ability to access public parks, outdoor spaces, and
16 public recreation opportunities;

17 (4) evaluate alternatives to or mitigation meas-
18 ures for the proposed Federal action that will—

19 (A) eliminate or reduce any identified ex-
20 posure to human health and environmental haz-
21 ards described in paragraph (1) to a level that
22 is reasonably expected to avoid human health
23 impacts in environmental justice communities;
24 and

1 (B) not negatively impact an environ-
2 mental justice community’s ability to access
3 public parks, outdoor spaces, and public recre-
4 ation opportunities; and

5 (5) analyze any alternative developed by mem-
6 bers of an affected environmental justice community
7 that meets the purpose and need of the proposed ac-
8 tion.

9 (e) DELEGATION.—Federal agencies shall not dele-
10 gate responsibility for the preparation of a community im-
11 pact report described in subsection (c) to any other entity.

12 (f) NATIONAL ENVIRONMENTAL POLICY ACT RE-
13 QUIREMENTS FOR ENVIRONMENTAL JUSTICE COMMU-
14 NITIES.—When carrying out the requirements of the Na-
15 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
16 et seq.) for a proposed Federal action that may affect an
17 environmental justice community, a Federal agency
18 shall—

19 (1) consider all potential direct, indirect, and
20 cumulative impacts caused by the action, alter-
21 natives to such action, and mitigation measures on
22 the environmental justice community required by
23 that Act;

1 (2) require any public comment period carried
2 out during the scoping phase of the environmental
3 review process to be not less than 90 days;

4 (3) provide early and meaningful community in-
5 volvement opportunities by—

6 (A) holding multiple hearings in such com-
7 munity regarding the proposed Federal action
8 in each prominent language within the environ-
9 mental justice community; and

10 (B) providing notice of any step or action
11 in the process that Act involves public partici-
12 pation to any representative entities or organi-
13 zations present in the environmental justice
14 community including—

15 (i) local religious organizations;

16 (ii) civic associations and organiza-
17 tions;

18 (iii) business associations of people of
19 color;

20 (iv) environmental and environmental
21 justice organizations, including community-
22 based grassroots organizations led by peo-
23 ple of color;

24 (v) homeowners“, tenants”, and
25 neighborhood watch groups;

- 1 (vi) local governments and Tribal
2 Governments;
3 (vii) rural cooperatives;
4 (viii) business and trade organiza-
5 tions;
6 (ix) community and social service or-
7 ganizations;
8 (x) universities, colleges, and voca-
9 tional schools;
10 (xi) labor and other worker organiza-
11 tions;
12 (xii) civil rights organizations;
13 (xiii) senior citizens' groups; and
14 (xiv) public health agencies and clin-
15 ics; and

16 (4) provide translations of publicly available
17 documents made available pursuant to that Act in
18 any language spoken by more than 5 percent of the
19 population residing within the environmental justice
20 community.

21 (g) COMMUNICATION METHODS AND REQUIRE-
22 MENTS.—Any notice provided under subsection (f)(3)(B)
23 shall be provided—

24 (1) through communication methods that are
25 accessible in the environmental justice community,

1 which may include electronic media, newspapers,
2 radio, direct mailings, canvassing, and other out-
3 reach methods particularly targeted at communities
4 of color, low-income communities, and Tribal and In-
5 digenous communities; and

6 (2) at least 30 days before any hearing in such
7 community or the start of any public comment pe-
8 riod.

9 (h) REQUIREMENTS FOR ACTIONS REQUIRING AN
10 ENVIRONMENTAL IMPACT STATEMENT.—For any pro-
11 posed Federal action affecting an environmental justice
12 community requiring the preparation of an environmental
13 impact statement, the Federal agency shall provide the fol-
14 lowing information when giving notice of the proposed ac-
15 tion:

16 (1) A description of the proposed action.

17 (2) An outline of the anticipated schedule for
18 completing the process under the National Environ-
19 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
20 with a description of key milestones.

21 (3) An initial list of alternatives and potential
22 impacts.

23 (4) An initial list of other existing or proposed
24 sources of multiple or cumulative exposure to envi-
25 ronmental hazards that contribute to higher rates of

1 serious illnesses within the environmental justice
2 community.

3 (5) An agency point of contact.

4 (6) Timely notice of locations where comments
5 will be received or public meetings held.

6 (7) Any telephone number or locations where
7 further information can be obtained.

8 (i) NATIONAL ENVIRONMENTAL POLICY ACT RE-
9 QUIREMENTS FOR INDIAN TRIBES.—When carrying out
10 the requirements of the National Environmental Policy
11 Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed Fed-
12 eral action that may affect an Indian Tribe, a Federal
13 agency shall—

14 (1) seek Tribal representation in the process in
15 a manner that is consistent with the government-to-
16 government relationship between the United States
17 and Tribal Governments, the Federal Government’s
18 trust responsibility to federally Recognized Indian
19 Tribes, and any treaty rights;

20 (2) ensure that an Indian Tribe is invited to
21 hold the status of a cooperating agency throughout
22 the process under that Act for any proposed action
23 that could impact an Indian Tribe, including actions
24 that could impact off reservation lands and sacred
25 sites; and

1 (3) invite an Indian Tribe to hold the status of
2 a cooperating agency in accordance with paragraph
3 (2) not later than the date on which the scoping
4 process for a proposed action requiring the prepara-
5 tion of an environmental impact statement com-
6 mences.

7 (j) AGENCY DETERMINATIONS.—Federal agency de-
8 terminations about the analysis of a community impact
9 report described in subsection (c) shall be subject to judi-
10 cial review to the same extent as any other analysis per-
11 formed under the National Environmental Policy Act of
12 1969 (42 U.S.C. 4321 et seq.).

13 (k) EFFECTIVE DATE.—This section shall take effect
14 1 year after the date of enactment of this Act.

15 (l) SAVINGS CLAUSE.—Nothing in this section dimin-
16 ishes—

17 (1) any right granted through the National En-
18 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
19 seq.) to the public; or

20 (2) the requirements under that Act to consider
21 direct, indirect, and cumulative impacts.

22 **SEC. 114. PROHIBITED DISCRIMINATION.**

23 Section 601 of the Civil Rights Act of 1964 (42
24 U.S.C. 2000d) is amended—

1 (1) by striking “No” and inserting “(a) No”;

2 and

3 (2) by adding at the end the following:

4 “(b)(1)(A) Discrimination (including exclusion from
5 participation and denial of benefits) based on disparate
6 impact is established under this title if—

7 “(i) an entity subject to this title (re-
8 ferred to in this title as a ‘covered entity’)
9 has a program, policy, practice, or activity
10 that causes a disparate impact on the basis
11 of race, color, or national origin and the
12 covered entity fails to demonstrate that the
13 challenged program, policy, practice, or ac-
14 tivity is related to and necessary to achieve
15 the nondiscriminatory goal of the program,
16 policy, practice, or activity alleged to have
17 been operated in a discriminatory manner;
18 or

19 “(ii) a less discriminatory alternative
20 program, policy, practice, or activity exists,
21 and the covered entity refuses to adopt
22 such alternative program, policy, practice,
23 or activity.

24 “(B) With respect to demonstrating that a particular
25 program, policy, practice, or activity does not cause a dis-

1 parate impact, the covered entity shall demonstrate that
2 each particular challenged program, policy, practice, or ac-
3 tivity does not cause a disparate impact, except that if
4 the covered entity demonstrates to the courts that the ele-
5 ments of the covered entity's decision-making process are
6 not capable of separation for analysis, the decision-making
7 process may be analyzed as 1 program, policy, practice,
8 or activity.

9 “(2) A demonstration that a program, policy, prac-
10 tice, or activity is necessary to achieve the goals of a pro-
11 gram, policy, practice, or activity may not be used as a
12 defense against a claim of intentional discrimination under
13 this title.

14 “(3) In this subsection—

15 “(A) the term ‘demonstrates’ means to meet
16 the burdens of going forward with the evidence and
17 of persuasion; and

18 “(B) 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.

23 “(C) No person in the United States shall be
24 subjected to discrimination, including retaliation or
25 intimidation, because such person opposed any pro-

1 gram, policy, practice, or activity prohibited by this
2 title, or because such person made a charge, testi-
3 fied, assisted, or participated in any manner in an
4 investigation, proceeding, or hearing under this
5 title.”.

6 **SEC. 115. RIGHT OF ACTION.**

7 (a) IN GENERAL.—Section 602 of the Civil Rights
8 Act of 1964 (42 U.S.C. 2000d-1) is amended—

9 (1) by inserting “(a)” before “Each Federal de-
10 partment and agency which is empowered”; and

11 (2) by adding at the end the following:

12 “(b) Any person aggrieved by the failure to comply
13 with this title, including any regulation promulgated pur-
14 suant to this title, may file suit in any district court of
15 the United States having jurisdiction of the parties, with-
16 out respect to the amount in controversy and without re-
17 gard to the citizenship of the parties.”.

18 (b) EFFECTIVE DATE.—

19 (1) IN GENERAL.—This section, including the
20 amendments made by this section, takes effect on
21 the date of enactment of this Act.

22 (2) APPLICATION.—This section, including the
23 amendments made by this section, applies to all ac-
24 tions or proceedings pending on or after the date of
25 enactment of this Act.

1 **SEC. 116. RIGHTS OF RECOVERY.**

2 Title VI of the Civil Rights Act of 1964 (42 U.S.C.
3 2000d et seq.) is amended by inserting after section 602
4 the following:

5 **“SEC. 602A. ACTIONS BROUGHT BY AGGRIEVED PERSONS.**

6 “(a) CLAIMS BASED ON PROOF OF INTENTIONAL
7 DISCRIMINATION.—In an action brought by an aggrieved
8 person under this title against an entity subject to this
9 title (referred to in this section as a ‘covered entity’) who
10 has engaged in unlawful intentional discrimination (not a
11 practice that is unlawful because of its disparate impact)
12 prohibited under this title (including its implementing reg-
13 ulations), the aggrieved person may recover equitable and
14 legal relief (including compensatory and punitive dam-
15 ages), attorney’s fees (including expert fees), and costs of
16 the action, except that punitive damages are not available
17 against a government, government agency, or political
18 subdivision.

19 “(b) CLAIMS BASED ON THE DISPARATE IMPACT
20 STANDARD OF PROOF.—In an action brought by an ag-
21 grieved person under this title against a covered entity
22 who has engaged in unlawful discrimination based on dis-
23 parate impact prohibited under this title (including imple-
24 menting regulations), the aggrieved person may recover
25 attorney’s fees (including expert fees), and costs of the
26 action.

1 “(c) DEFINITIONS.—In this section:

2 “(1) AGGRIEVED PERSON.—The term ‘ag-
3 grievied person’ means a person aggrieved by dis-
4 crimination on the basis of race, color, or national
5 origin.

6 “(2) the term ‘disparate impact’ means an ac-
7 tion or practice that, even if appearing neutral, actu-
8 ally has the effect of subjecting persons to discrimi-
9 nation on the basis of their race, color, or national
10 origin.”.

11 **SEC. 117. PUBLIC HEALTH RISKS ASSOCIATED WITH CUMU-**
12 **LATIVE ENVIRONMENTAL STRESSORS.**

13 (a) PROPOSED PROTOCOL.—Not later than 180 days
14 after the date of enactment of this section, the Adminis-
15 trator, in consultation with the Advisory Council, shall
16 publish a proposal for a protocol for assessing and ad-
17 dressing the cumulative public health risks associated with
18 multiple environmental stressors. The Administrator shall
19 allow 90 days for public comment on such proposal. The
20 environmental stressors addressed under such proposal
21 shall include—

22 (1) impacts associated with global climate
23 change, including extreme heat, extremes in tem-
24 perature change, drought, wildfires, sea level rise,
25 flooding, storms, water shortage, food shortage, eco-

1 system disruption, and the spread of infectious dis-
2 ease;

3 (2) exposure to pollutants, emissions, dis-
4 charges, waste, chemicals, or other materials subject
5 to regulation under the Clean Air Act, the Federal
6 Water Pollution Control Act, the Safe Drinking
7 Water Act, the Toxic Substances Control Act, the
8 Solid Waste Disposal Act, the Comprehensive Envi-
9 ronmental Response, Compensation, and Liability
10 Act of 1980, the Emergency Planning and Commu-
11 nity Right-to-Know Act of 1986, and other laws ad-
12 ministered by the Administrator; and

13 (3) other environmental stressors determined by
14 the Administrator to impact public health.

15 (b) FINAL PROTOCOL.—Not later than 1 year after
16 the enactment of this section, the Administrator shall pub-
17 lish the final protocol for assessing and addressing the cu-
18 mulative public health risks associated with multiple envi-
19 ronmental stressors.

20 (c) IMPLEMENTATION.—Not later than 3 years after
21 the enactment of this section, the Administrator shall im-
22 plement the protocol described under subsection (b).

23 **SEC. 118. CLIMATE JUSTICE GRANT PROGRAM.**

24 (a) ESTABLISHMENT.—The Administrator shall es-
25 tablish a program under which the Administrator shall

1 provide grants to eligible entities to assist the eligible enti-
2 ties in—

3 (1) building capacity to address issues relating
4 to climate justice; and

5 (2) carrying out any activity described in sub-
6 section (d).

7 (b) ELIGIBILITY.—To be eligible to receive a grant
8 under subsection (a), an eligible entity shall be a tribal
9 government, local government, or nonprofit, community-
10 based organization.

11 (c) APPLICATION.—To be eligible to receive a grant
12 under subsection (a), an eligible entity shall submit to the
13 Administrator an application at such time, in such man-
14 ner, and containing such information as the Administrator
15 may require, including—

16 (1) an outline describing the means by which
17 the project proposed by the eligible entity will—

18 (A) with respect to climate justice issues at
19 the local level, increase the understanding of
20 the environmental justice community at which
21 the eligible entity will conduct the project;

22 (B) improve the ability of the environ-
23 mental justice community to address each issue
24 described in subparagraph (A);

1 (C) facilitate collaboration and cooperation
2 among various stakeholders (including members
3 of the environmental justice community); and

4 (D) support the ability of the environ-
5 mental justice community to proactively plan
6 and implement climate justice initiatives;

7 (2) a proposed budget for each activity of the
8 project that is the subject of the application;

9 (3) a list of proposed outcomes with respect to
10 the proposed project;

11 (4) a description of the ways by which the eligi-
12 ble entity may leverage the funds of the eligible enti-
13 ty, or the funds made available through a grant
14 under this subsection, to develop a project that is ca-
15 pable of being sustained beyond the period of the
16 grant; and

17 (5) a description of the ways by which the eligi-
18 ble entity is linked to, and representative of, the en-
19 vironmental justice community at which the eligible
20 entity will conduct the project.

21 (d) USE OF FUNDS.—An eligible entity may only use
22 a grant under this subsection to carry out culturally and
23 linguistically appropriate projects and activities that are
24 driven by the needs, opportunities, and priorities of the
25 environmental justice community at which the eligible en-

1 tity proposes to conduct the project or activity to address
2 climate justice concerns of the environmental justice com-
3 munity, including activities—

4 (1) to create or develop collaborative partner-
5 ships;

6 (2) to educate and provide outreach services to
7 the environmental justice community on climate jus-
8 tice;

9 (3) to identify and implement projects to ad-
10 dress climate justice concerns, including community
11 solar and wind energy projects, energy efficiency,
12 home and building electrification, home and building
13 weatherization, energy storage, solar and wind en-
14 ergy supported microgrids, battery electric vehicles,
15 electric vehicle charging infrastructure, natural in-
16 frastructure, addressing the risks and hazards of
17 wildfires and droughts, and climate resilient infra-
18 structure.

19 (e) LIMITATIONS ON AMOUNT.—The amount of a
20 grant under this section may not exceed \$2,000,000 for
21 any grant recipient.

22 (f) REPORT.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, and annually
25 thereafter, the Administrator shall submit to the

1 Committees on Energy and Commerce and Natural
2 Resources of the House of Representatives and the
3 Committees on Environment and Public Works and
4 Energy and Natural Resources of the Senate a re-
5 port describing the ways by which the grant pro-
6 gram under this subsection has helped eligible enti-
7 ties address issues relating to energy and climate
8 justice.

9 (2) PUBLIC AVAILABILITY.—The Administrator
10 shall make each report required under paragraph (1)
11 available to the public (including by posting a copy
12 of the report on the website of the Environmental
13 Protection Agency).

14 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this subsection
16 \$1,000,000,000 for each of fiscal years 2023 through
17 2027 of which, not more than 4 percent for each fiscal
18 year is authorized to be appropriated for administrative
19 expenses, including outreach and technical assistance to
20 eligible entities.

21 **SEC. 119. ENVIRONMENTAL JUSTICE FOR COMMUNITIES**
22 **OVERBURDENED BY ENVIRONMENTAL VIOLA-**
23 **TIONS.**

24 (a) IDENTIFICATION OF COMMUNITIES.—Not later
25 than 180 days after the date of enactment of this section,

1 the Administrator shall, in consultation with the Advisory
2 Council and co-regulators in State and local agencies,
3 identify at least 100 communities—

4 (1) that are environmental justice communities;

5 and

6 (2) in which there have been over the previous
7 5 years a number of violations of environmental law
8 that the Administrator determines to be greater
9 than the national average of such violations.

10 (b) ANALYSIS AND RECOMMENDATIONS.—Not later
11 than 1 year after the enactment of this section, with re-
12 spect to each community identified under subsection (a),
13 and in consultation with the Advisory Council, the Admin-
14 istrator shall—

15 (1) undertake an analysis of the conditions
16 which have led to the number of violations identified
17 under subsection (a)(1), including through commu-
18 nity-based science implemented through engagement
19 with the residents of each such community;

20 (2) identify the root cause of the number of vio-
21 lations described under subsection (a)(1); and

22 (3) recommend measures that the Adminis-
23 trator shall take, in coordination with co-regulators
24 in State and local agencies, to reduce the number of
25 violations of environmental law to a number that the

1 Administrator determines to be significantly below
2 the national average.

3 (c) IMPLEMENTATION.—Not later than 2 years after
4 the date of enactment of this section, the Administrator
5 shall complete the implementation of the measures identi-
6 fied under subsection (b)(3).

Passed the House of Representatives July 29, 2022.

Attest:

Clerk.

117TH CONGRESS
2^D SESSION

H. R. 5118

AN ACT

To direct the Secretary of Agriculture and the Secretary of the Interior to prioritize the completion of the Continental Divide National Scenic Trail, and for other purposes.