JULY 20, 2022

RULES COMMITTEE PRINT 117–57

TEXT OF H.R. 5118, THE WILDFIRE RESPONSE AND DROUGHT RESILIENCY ACT

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

1 SECTION 1. SHORT TITLE.

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4 SEC. 2. TABLE OF CONTENTS.

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DIVISION A—WILDFIRE

TITLE I—FEDERAL LANDS

WORKFORCE

Subtitle A—Federal Wildland Firefighters

SEC. 101. TIM HART WILDLAND FIREFIGHTER PAY PARITY.

(a) Federal Wildland Firefighter Pay.—

(1) In general.—Not later than 1 year after the date of enactment of this Act—

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

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

(2) Annual adjustments.—Notwithstanding any other provision of law, beginning in the first pay period beginning on or after the date that the minimum rates of pay under paragraph (1) begin to apply, and annually thereafter, the basic rate of pay
for each Federal wildland firefighter shall be increased by not less than the percentage equal to the percent change in the Consumer Price Index (all items—United States city average), published monthly by the Bureau of Labor Statistics, for December of the preceding year over such Consumer Price Index for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.

(3) Compensation comparable to non-Federal firefighters.—Not later than 1 year after the date the minimum rates of pay under paragraph (1) begin to apply, the Secretary of Agriculture and the Secretary of the Interior shall submit a report to Congress on whether pay, benefits, and bonuses provided to Federal wildland firefighters are comparable to the pay, benefits, and bonuses provided for non-Federal firefighters in the State or locality where Federal wildland firefighters are based.

(4) Hazardous duty pay.—Each Federal wildland firefighter who is carrying out work completed during prescribed fire, parachuting, tree climbing over 20 feet, hazard tree removal, and other hazardous work as identified by the Secretary of Interior and the Secretary of Agriculture, shall be
considered an employee in an occupational series covering positions for which the primary duties involve the prevention, control, suppression, or management of wildland fires under section 5545(d) of title 5, United States Code. The Director of the Office of Personnel Management may prescribe regulations to carry out this paragraph.

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

(A) accumulate for use in succeeding years; and

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

(b) PAY PARITY FOR FEDERAL STRUCTURAL FIREFIGHTERS.—

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

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

c) DEFINITIONS.—In this section—

(1) the term “Federal structural firefighter”—

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

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

(2) the term “Federal wildland firefighter”
means any individual occupying a position within the
Wildland Fire Management Series, 0456 established
by the Office of Personnel Management pursuant to
section 40803(d) of the Infrastructure Investment
and Jobs Act (Public Law 117–58), or any subse-
quent series.
SEC. 102. WAIVER OF PREMIUM PAY LIMITATIONS FOR CERTAIN EMPLOYEES ENGAGED IN EMERGENCY WILDLAND FIRE SUPPRESSION ACTIVITIES.

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

(b) DEFINITIONS.—In this section:

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

(2) COVERED SERVICES.—The term “covered services” means services performed by a covered employee that are determined by the Secretary concerned to be primarily relating to emergency wildland fire suppression activities.

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

(4) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to an employee of the Department of Agriculture;
(B) the Secretary of the Interior, with respect to an employee of the Department of the Interior; and

(C) the Secretary of Commerce, with respect to an employee of the Department of Commerce.

(e) *Waiver of Premium Pay Period Limitation.*—Any premium pay for covered services shall be disregarded in calculating the aggregate of the basic pay and premium pay for the applicable covered employee for purposes of a pay period limitation under section 5547(a) of title 5, United States Code, or under any other provision of law.

(d) *Waiver of Annual Premium Pay Limitation.*—Any premium pay for covered services shall be disregarded in calculating any annual limitation on the amount of overtime pay payable in a calendar year or fiscal year under section 5547(b) of title 5, United States Code.

(e) *Pay Limitation.*—A covered employee may not be paid premium pay if, or to the extent that, the aggregate amount of the basic pay and premium pay (including premium pay for covered services) of the covered employee for a calendar year would exceed the rate of basic pay payable for a position at level II of the Executive Schedule
under section 5313 of title 5, United States Code, as in
effect at the end of that calendar year.

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

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

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

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

SEC. 103. DIRECT HIRE AUTHORITY.

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

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

“(4) DIRECT HIRE AUTHORITY.—
“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Agriculture may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code (other than sections 3303 and 3328 of such title), covered graduates directly to any position with the Forest Service for which the candidate meets Office of Personnel Management qualification standards.

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

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

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

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

“(iv) during fiscal year 2026 and each fiscal year thereafter, more than 50 covered job corps graduates.

“(C) COVERED JOB CORPS GRADUATE DEFINED.—In this paragraph, the term ‘covered graduate’ means a graduate of a Civilian Conservation Center who successfully completed a training program, including in administration,
human resources, business, or quality assurance, that was focused on forestry, wildland firefighting, or another topic relating to the mission of the Forest Service.”.

Subtitle B—Authorization of Appropriations for Forest Service Fire and Non-Fire Salaries and Expenses

SEC. 111. IN GENERAL.

There is authorized to be appropriated—

(1) for salaries and expenses of fire-related employees of the Forest Service to carry out wildfire preparedness under the wildland fire management program authorized pursuant to the Organic Administration Act of 1897 (16 U.S.C. 551), $1,615,600,000 for fiscal year 2023 and each fiscal year thereafter; and

(2) for salaries and expenses of National Forest System employees not described in paragraph (1) to carry out activities for the stewardship and management of the National Forest System, $2,353,400,000 for fiscal year 2023 and each fiscal year thereafter.
Subtitle C—Other Personnel

SEC. 121. NATIONAL ENVIRONMENTAL POLICY ACT STRIKE TEAMS.

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

(b) PRIORITY ASSIGNMENTS.—The Secretary of Agriculture shall give priority assignments to NEPA strike teams established under subsection (a) that serve—

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

(2) at-risk communities with a significant number or percentage of homes exposed to wildfire.

(c) COMPOSITION OF STRIKE TEAMS.—Strike teams established under subsection (a) shall, to the maximum extent practicable, consist of interdisciplinary members who have demonstrated success in the efficient and effective completion of all stages of compliance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

SEC. 122. COMMUNITY MITIGATION ASSISTANCE TEAMS.

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

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

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

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

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

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

(a) IN GENERAL.—The Secretary of Agriculture, act-
ing through the Chief of the Forest Service, shall fill va-
cancies in Forest Service recreation management and
planning staff, including recreation technicians, recreation
officers, and natural resource managers.
(b) PRIORITY.—The Secretary shall prioritize filling vacancies under subsection (a) in units of the National Forest System that—

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

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

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

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

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

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

(2) assess the number of positions necessary to promote public safety and protect resources from unauthorized use; and
(3) seek to increase the number of positions available, as described in paragraph (2), as appropriate.

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

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

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

TITLE II—WILDFIRE, ECO-SYSTEM PROTECTION, COMMUNITY PREPAREDNESS, AND RECOVERY

Subtitle A—10-Year National Wildfire Plan

SEC. 201. DEFINITIONS.

In this subtitle:

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

(2) SECRETARIES.—The term “Secretaries” means the Secretary of Agriculture and the Secretary of the Interior.
(3) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to National Forest System lands; and

(B) the Secretary of the Interior, with respect to public lands.

SEC. 202. IMPLEMENTATION OF 10-YEAR NATIONAL WILDFIRE PLAN.

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

(1) includes—

(A) hazardous fuels and prescribed fire activities to address wildfire risk;

(B) vegetation, watershed, wildlife and fisheries habitat management to maintain habitat and improve ecological conditions, including—

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

   (ii) maintaining habitat in a way that advances at-risk species recovery and conservation; and
(iii) completing consultations required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

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

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

(E) the activities required under this subtitle;

(F) the activities included in—

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

(ii) the Wildfire Crisis Strategy entitled "Confronting the Wildfire Crisis: A Strategy for Protecting Communities and Improving Resilience in America’s Forests" and dated January 2022 (and successor documents);

(iii) the Wildfire Crisis Strategy Implementation Plan entitled "Wildfire Crisis Implementation Plan" and dated January 2022 (and successor documents); and

(iv) the Wildfire Crisis Landscape Investments plan entitled "Confronting the
Wildfire Crisis: Initial Landscape Investments to Protect Communities and Improve Resilience in America’s Forests’ dated April 2022 (and successor documents); and

(G) such other wildfire-related activities as determined appropriate by the Secretary of Agriculture or the Secretary of the Interior, in accordance with existing law and regulations; and

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

(b) COORDINATION.—In carrying out subsection (a), to the maximum extent practicable, the Secretary of Agriculture, in coordination with the Secretary of Interior, shall—

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

(2) solicit proposals from States, counties, and Tribes to address water quantity and quality concerns;

(3) solicit proposals from States, counties, and Tribes for hazardous fuels treatments;
(4) consider the long-term State-wide assessments and forest resource strategies established in section 2A the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a); and

(5) provide priority to collaboratively developed projects.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

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

(B) VEGETATION, WATERSHED, WILDLIFE, AND FISHERIES MANAGEMENT.—There is authorized to be appropriated to the Secretary of Agriculture to carry out vegetation, watershed, wildlife and fisheries management activities under subsection (a)(1)(B), $500,000,000 for each of fiscal years 2023 through 2032.

(C) RECREATION, HERITAGE, WILDERNESS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out recreation, heritage, and wilderness programs
under subsection (a)(1)(C), $500,000,000 for each of fiscal years 2023 through 2032.

(D) JOINT FIRE SCIENCE PROGRAM.—There is authorized to be appropriated to carry out wildfire risk reduction and research activities of the Joint Fire Science Program pursuant to the Plan, $20,000,000, for each of fiscal years 2023 through 2032, of which—

(i) $10,000,000 shall be made available to the Secretary of Agriculture; and

(ii) $10,000,000 shall be made available to the Secretary of the Interior.

(2) HAZARDOUS FUELS.—

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

(B) LIMITATION.—The amounts made available pursuant to paragraph (1)(A) may not be used to cover any portion of wildland firefighter salaries if the activities to reduce wild-
fire risk are considered wildfire suppression activities.

SEC. 203. SELECTION AND IMPLEMENTATION OF LAND-SCAPE-SCALE FOREST RESTORATION PROJECTS.

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

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

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

(b) INITIAL PHASE.—During the 5-year period beginning on the date of enactment of this Act, subject to the availability of appropriations, the Secretary of Agriculture shall select not more than 20 landscape-scale forest restoration projects under subsection (a).

(c) ELIGIBILITY REQUIREMENTS.—

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

(A) The purposes and needs for the project shall be—
(i) to restore the ecological integrity and ecological resilience of terrestrial and aquatic areas that have departed from reference conditions within the forest landscape;

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

and

(iii) to conduct wildfire risk reduction activities within the wildland-urban interface to the extent that the project includes lands within the wildland-urban interface.

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

(i) includes multiple interested persons representing diverse interests;

(ii) is transparent and inclusive; and

(iii) has sufficient expertise, capacity, and scientific support to effectively plan, implement, and monitor landscape-level, ecologically based forest restoration activities.
(C) The project shall be based on a landscape assessment that shall—

(i) cover a landscape of—

(I) except as provided in subclauses (II) and (III), not less than 100,000 acres;

(II) in such limited cases as the Secretary of Agriculture determines to be appropriate, not less than 80,000 acres if—

(aa) the assessment is completed or substantially completed as of the date of enactment of this Act; and

(bb) in the determination of the Secretary of Agriculture, assessing a larger area is not necessary to restore the integrity, resilience, and fire regimes of the landscape; or

(III) not less than 50,000 acres in the case of a project that is carried out east of the 100th meridian;
(ii) evaluate ecological integrity and determine reference conditions for the landscape;

(iii) identify terrestrial and aquatic areas within the landscape that have departed from reference conditions;

(iv) identify criteria to determine appropriate restoration treatments within degraded areas of the landscape to achieve reference conditions, including management prescriptions and necessary mitigation measures to protect at-risk species;

(v) be based on the best available scientific information and data, including, where applicable, high-resolution imagery, LiDAR, and similar technologies and information, and involve direct engagement by scientists; and

(vi) identify priority restoration strategies for terrestrial and aquatic areas, including prescribed fire and wildfires managed for multiple resource benefits, which shall focus on—

(I) areas that are the most departed from reference conditions; and
(II) areas that would benefit the most from reducing the risk of uncharacteristic wildfire, especially with respect to nearby communities, taking into account other completed, ongoing, planned fuels-reduction projects, and the effects of recent wildfires.

(D) Restoration treatments under the project—

(i) shall emphasize the reintroduction of characteristic fire, based on forest ecology and reference conditions, through the use of prescribed fire, wildfire, or both;

(ii) that involve any proposed mechanical treatments shall be designed to promote—

(I) the restoration of reference conditions in areas that lack ecological integrity, with a focus on the reduction of surface and ladder fuels; and

(II) the establishment of conditions that will facilitate prescribed fire or managed wildfire;

(iii) shall—
(I) fully maintain or contribute to the restoration of reference old forest conditions, taking into account the current and projected impacts of climate change; and

(II) protect or increase the number and distribution of large old trees, consistent with reference conditions, excepting any de minimis losses of large old trees from prescribed fire or hazardous tree removal; and

(iv) that involve prescribed fire shall provide advance notification, in accordance with notification procedures developed by the Secretary of Agriculture, to the owner or operator of critical infrastructure, such as a power line right-of-way, of any prescribed fire treatments within close proximity to the infrastructure.

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

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

(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and
(iii) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

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

(G) The project shall require multiparty monitoring, including opportunities for public engagement, and an adaptive management approach that—

(i) conditions the future implementation of the project on the satisfactory completion of—

(I) priority restoration actions;

and

(II) required monitoring after implementation;

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

(iii) requires modifications to the project if monitoring reveals impacts beyond the anticipated impacts of the project.

(H)(i) No new permanent road may be built as part of the project.
(ii) Any new temporary roads needed to implement the project shall be decommissioned not later than 3 years after completion of the project.

(I) The project shall use an efficient approach to landscape-scale analysis and decision-making that is consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), which may include—

(i) the preparation of a single environmental impact statement or environmental assessment, as applicable, for the entire project, incorporating the landscape assessment described in subparagraph (C);

(ii) the use of, as applicable—

(I) multiple records of decision to implement a single environmental impact statement; or

(II) multiple decision notices to implement a single environmental assessment;

(iii) the preparation of a programmatic environmental impact statement or environmental assessment, as applicable, for the entire project, incor-
porating the landscape assessment described in subparagraph (C), followed by focused, concise, and site-specific—

(I) environmental assessments; or

(II) categorical exclusions consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(iv) the use of the landscape assessment described in subparagraph (C), through incorporation by reference and similar approaches, to support focused, concise, and site-specific—

(I) environmental assessments; or

(II) categorical exclusions consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) EXCEPTION.—If the Secretary of Agriculture determines that there are an insufficient number of projects that fully comply with the requirements described in paragraph (1) to implement based on all available funding, then the Secretary of Agriculture may, during the 2-year period beginning on the date of enactment of this Act, select under
subsection (a) not more than a total of 5 landscape-

scale forest restoration projects to implement that
do not fully comply with those requirements if the
projects—

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

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

and

(C) are supported by landscape assess-
ments that are substantially (if not completely)
consistent with the requirements described in
subparagraph (C) of that paragraph, subject to
the condition that the applicable landscape as-
sements fully comply with the requirements
described in clauses (i) and (v) of that subpara-

(d) EVALUATION OF ELIGIBLE PROJECTS.—

(1) IN GENERAL.—In determining which land-

scape-scale forest restoration projects to select under
subsection (a), the Secretary of Agriculture shall
consider—
(A) the criteria described in paragraph (2);
(B) the extent to which the project utilizes
the approaches to project implementation de-
scribed in paragraph (3); and
(C) the recommendations of the advisory
panel established under subsection (e).
(2) CRITERIA.—The criteria referred to in
paragraph (1)(A) are—
(A) the demonstrated need, based on the
best available science, to restore ecological in-
tegrity to degraded or departed areas within the
landscape covered by the project, taking into
account the current and projected impacts of
climate change;
(B)(i) the importance of watersheds in the
area covered by the project for downstream
waters supply; and
(ii) the opportunity to improve the eco-
logical integrity and ecological conditions
of those watersheds and reduce risks to
water resources through landscape-scale
forest restoration;
(C)(i) the potential extent of cost sharing
for the development and implementation of the
project from diverse sources, such as State or
local governments, water or electric utilities, carbon credits, or private entities; and 
(ii) the proportion of the non-Federal cost share that is in the form of cash contributions; 
(D) whether the area covered by the project has high-resolution, remote-sensing data and other information available that enables a landscape assessment and a robust analysis and disclosure of the effects and outcomes of implementing restoration activities; 
(E) whether the project is using, or will use, innovative approaches to completing resource surveys that are less costly and less time-consuming than usual practices while providing the information necessary for project design and analysis; 
(F) whether the project will reduce the number of miles of permanent roads on National Forest System land that are not necessary for resource management or recreational access; 
(G) whether the project will assess or quantify the ecosystem service benefits of forest restoration within the landscape covered by the
project, such as water, carbon, biodiversity, fire risk reduction, public health, and community safety;

(H) whether the project has the potential to support new or existing wood processing infrastructure that can make economic use of the byproducts of forest restoration;

(I) whether the project has the potential to support local employment and investment opportunities, particularly in economically disadvantaged communities;

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

(K) whether the project—

(i) strives to restore ecological integrity and ecological conditions within areas across land ownerships, including State and private land; and

(ii) will reduce the risk of uncharacteristic wildfire, and, to the extent practicable, restore ecological integrity, within the wildland-urban interface.
(3) COLLABORATION.—The Secretary of Agriculture may coordinate with Federal, State, local, and Tribal agencies with respect to selection and implementation under subsection (a), a landscape-scale forest restoration project.

(e) ADVISORY PANEL.—

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

(A) each landscape-scale forest restoration project that the Secretary of Agriculture is reviewing for potential selection under subsection (a); and

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

(2) REPRESENTATION.—The Secretary of Agriculture shall ensure that the membership of the advisory panel established under paragraph (1) is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory panel.

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

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

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

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

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

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

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

(i) the Corps Network;

(ii) the National Wilderness Steward-
ship Alliance;

(iii) American Trails; and

(iv) other public lands stewardship or-
organizations, as appropriate; and
(2) waive any matching funds requirements, in- 
cluding under section 212(a)(1) of the Public Lands 
Corps Act of 1993 (16 U.S.C. 1729(a)(1)).

SEC. 205. PRESCRIBED FIRE TRAINING EXCHANGES.

(a) WESTERN PRESCRIBED FIRE CENTERS.—

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

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

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

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

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

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

(B) Developing and advancing interdiscipli-
nary science relating to wildfire, including social 
science and human dimensions of wildfire.
(C) Conducting ongoing and forward-looking needs assessments among stakeholders, including Federal and State agencies and Indian Tribes, to determine common need requirements and emerging challenges to reduce wildfire risk and adapt communities to increased risk from wildfire, including the following hazard-related focus areas:

(i) Increasing disaster resilience.

(ii) Mitigation and management methods.

(iii) Air quality.

(iv) Firestorm weather forecasting and burn-area debris flow forecasting, including empirical and modeling research.

(D) Collaborating with Federal wildfire scientists at the Forest Service, the Department of the Interior, and other related Federal agencies.

(E) Identifying, through a detailed engagement process targeting defined end-users, the requirements and delivery mechanisms for products and services that are practical and will have an impact on mitigating wildfire risk.

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

(G) Ensuring the connectivity and interoperability of distributed services to maximize synergies and benefits across services.

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

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

(4) LOCATION.—

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

(B) CONSULTATION.—The Secretaries shall consult with the Joint Fire Science Program to solicit and evaluate proposals for the location of the 1 or more centers.

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

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

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

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

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

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

SEC. 206. ECOSYSTEM RESTORATION GRANT FUND
THROUGH NATIONAL FISH AND WILDLIFE
FOUNDATION.

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

(1) improve community safety in the face of cli-
matic extremes through conservation and protection
of restoration and resilience lands;
(2) to protect, conserve, and restore restoration and resilience lands in order to help communities respond and adapt to natural threats, including wildfire, drought, extreme heat, and other threats posed or exacerbated by the impacts of global climate;

(3) to build the resilience of restoration and resilience lands to adapt to, recover from, and withstand natural threats, including wildfire, drought, extreme heat, and other threats posed or exacerbated by the impacts of global climate change;

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

(5) to support the health of restoration and resilience lands for the benefit of present and future generations;

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

(7) to enhance the nation’s natural carbon sequestration capabilities and help communities strengthen natural carbon sequestration capacity where applicable.

(b) MANAGEMENT OF THE FUND.—The Foundation shall manage the Fund—
(1) pursuant to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.); and

(2) in such a manner that, to the greatest extent practicable and consistent with the purposes for which the Fund is established—

(A) ensures that amounts made available through the Fund are accessible to historically underserved communities, including Tribal communities, communities of color, and rural communities; and

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

(i) the National Oceans and Coastal Security Fund, established under the National Oceans and Coastal Security Act (16 U.S.C. 7501); or

(ii) other coastal management focused programs.

(c) COMPETITIVE GRANTS.—

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

(2) PROPOSALS.—The Foundation, in coordination with the Secretary, shall establish requirements for proposals for competitive grants under this section.

(d) USE OF AMOUNTS IN THE FUND.—

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

(2) ADMINISTRATIVE COSTS.—Not more than 4 percent of amounts appropriated annually to the Fund may be used by the Foundation for administrative expenses of the Fund or administration of competitive grants offered under the Fund.

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

(4) COORDINATION.—The Secretary and Foundation shall ensure, to the greatest extent practicable and through meaningful consultation, that
input from Indian Tribes, including traditional ecological knowledge, is incorporated in the planning and execution of eligible projects and activities.

(c) Reports.—

(1) Annual reports.—Beginning at the end of the first full fiscal year after the date of enactment of this section, and not later than 60 days after the end of each fiscal year in which amounts are deposited into the Fund, the Foundation shall submit to the Secretary a report on the operation of the Fund including—

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

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

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

(2) 5-Year reports.—Not later than 90 days after the end of the fifth full fiscal year after the date of enactment of this section, and not later than
90 days after the end of every fifth fiscal year thereafter, the Foundation shall submit to the Secretary a report containing—

(A) a description of any socioeconomic, biodiversity, community resilience, or climate resilience or mitigation (including natural carbon sequestration), impacts generated by projects funded by grants awarded by the Fund, including measures and metrics illustrating these impacts;

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

(i) lands treated for invasive species;

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

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

(C) key findings for Congress, including any recommended changes to the authorization or purposes of the Fund;
(D) best practices for other Federal agencies in the administration of funds intended for land and habitat restoration;

(E) information on the use and outcome of funds specifically set aside for planning and capacity building pursuant to subsection (d)(1); and

(F) any other information that the Foundation considers relevant.

(3) SUBMISSION OF REPORTS TO CONGRESS.—Not later than 10 days after receiving a report under this section, the Secretary shall submit the report to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

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

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

(1) The term “eligible entity” means a Federal agency, State, the District of Columbia, a territory of the United States, a unit of local government, an Indian Tribe, a non-profit organization, or an accredited institution of higher education.
(2) The term “eligible projects and activities” means projects and activities carried out by an eligible entity on public lands, Tribal lands, or private land, or any combination thereof, to further the purposes for which the Fund is established, including planning and capacity building and projects and activities carried out in coordination with Federal, State, or Tribal departments or agencies, or any department or agency of a subdivision of a State.

(3) The term “Foundation” means the National Fish and Wildlife Foundation established under the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.).

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

(5) The term “Indian Tribe” means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation individually identified (including parenthetically) on the list published by the Secretary under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).
(6) The term “restoration and resilience lands” means fish, wildlife, and plant habitats, and other important natural areas in the United States, on public lands, private land (after obtaining proper consent from the landowner), or land of Indian Tribes, including grasslands, shrublands, prairies, chapparral lands, forest lands, deserts, and riparian or wetland areas within or adjacent to these ecosystems.

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

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

(9) The term “State” means a State of the United States, the District of Columbia, any Indian Tribe, and any commonwealth, territory, or possession of the United States.

SEC. 207. NATIONAL COMMUNITY CAPACITY AND LAND STEWARDSHIP GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY CAPACITY.—The term “community capacity” means the ability of an eligible entity to carry out or assist in a land stewardship activity.
(2) **Disadvantaged Community.**—The term “disadvantaged community” means—

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

(B) a community that includes a significant population that has been systematically denied a full opportunity to participate in aspects of economic, social, and civic life based on a particular characteristic, such as Black, Latino, Indigenous, and Native American persons, Asian Americans, Pacific Islanders, and other persons of color.

(3) **Eligible Entity.**—The term “eligible entity” means any of the following entities that is located in or represents a disadvantaged community:

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

(B) A collaborative group fiscally sponsored by an organization described in subparagraph (A).

(C) A unit of local government.

(D) An Indian Tribe.
(E) A special district government, as defined by the Director of the Bureau of the Census.

(4) ECOLOGICAL INTEGRITY.—The term “ecological integrity” has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

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

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

(A) Planning.

(B) Collaboration and building community support.

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

(D) Monitoring, including multiparty monitoring, and adaptive management.

(7) QUALIFYING PROJECT.—The term “qualifying project” means any of the following activities
that takes place at least in substantial part on National Forest System land or national grasslands:

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

(B) Tribal management for aligned cultural and ecological values.

(C) Enhancing community wildfire resilience in the wildland-urban interface.

(D) Increasing equitable access to environmental education and volunteerism opportunities.

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

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

(b) Purpose.—The purpose of this section is to support increasing community capacity, partnerships, and collaborations within and involving disadvantaged communities for land stewardship activities and restoration of ecological integrity on—

(1) National Forest System land;
(2) national grasslands; and

(3) adjacent private, State, and trust land associated with the health and resilience of land described in paragraphs (1) and (2).

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary may issue grants to eligible entities for increasing community capacity for land stewardship activities and related activities based on the criteria described in subsection (d).

(2) FEDERAL COST-SHARE.—

(A) IN GENERAL.—The Secretary may fund up to 100 percent of the cost of land stewardship activities and related activities carried out using a grant issued under paragraph (1).

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

(3) DURATION.—The Secretary may issue a grant under paragraph (1) for a period of 1 or more years.
(4) **MAXIMUM GRANT AMOUNT.**—The amount of a grant issued under paragraph (1) shall be not more than $50,000 per year.

(5) **APPLICABLE LAWS.**—The Secretary shall administer grants under paragraph (1) in accordance with all applicable Federal and State laws.

(d) **CRITERIA FOR AWARDING GRANTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall award grants to eligible entities under subsection (c)(1) on a competitive basis in accordance with the following criteria:

(A) The extent to which the proposed land stewardship activities benefit units of the National Forest System and national grasslands over the short and long term.

(B) The extent to which valuable ecological, economic, and social benefits to disadvantaged communities, including job creation and business development or retention, are likely to result from the scope of the land stewardship activities.

(C) The extent to which the grant would benefit disadvantaged communities that have historically received less investment in collaborative capacity.
(D) The extent to which the proposal brings together diverse interests through planning, collaboration, implementation, or monitoring of land stewardship activities to benefit units of the National Forest System or national grasslands.

(E) The extent to which the grant funds appear to be critical for the success of the eligible entity and the identified land stewardship activities.

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

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

(e) ANNUAL REVIEWS.—

(1) IN GENERAL.—The Secretary shall establish and maintain an advisory panel composed of not more than 15 members to provide feedback each year to the Chief of the Forest Service on the extent to which the implementation of this section is fulfilling the purpose described in subsection (b).
(2) INCLUSIONS.—The advisory panel established under paragraph (1) shall include representation from a diversity of public land stakeholders from across interest groups, including—

(A) not fewer than 8 members representing the interests of a diversity of disadvantaged communities; and

(B) not fewer than 2 members representing not fewer than 2 Indian Tribes.

(3) EXEMPTION.—The advisory panel established under paragraph (1) shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(f) REPORT EVALUATING PROGRAM IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture, the Committee on Natural Resources, and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate a report evaluating the implementation of this section, including—
(A) a list of the eligible entities and land
stewardship activities selected for funding under
this section and the accomplishments of those
activities; and

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

(2) Consultation; Contracting.—In pre-
paring the report under paragraph (1), the Sec-
retary—

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

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

(g) Authorization of Appropriations.—

(1) In General.—There is authorized to be
appropriated to the Secretary to carry out this sec-
tion $50,000,000 for the period of fiscal years 2023
through 2032.

(2) Distribution.—The Secretary shall, to the
maximum extent practicable, distribute amounts
made available under paragraph (1) in a geographi-
cally equitable manner.
ADMINISTRATIVE COSTS.—Not more than 10 percent of any amounts made available to carry out this section may be used for administrative management and program oversight.

SEC. 208. PROTECTION OF INVENTORIED ROADLESS AREAS.

The Secretary of Agriculture shall not authorize road construction, road reconstruction, or the cutting, sale, or removal of timber on National Forest System lands subject to the Roadless Area Conservation Rule as published on January 12, 2001 (66 Fed. Reg. 3243) except as provided in—

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

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


SEC. 209. STRATEGIC WILDLAND FIRE MANAGEMENT PLANNING FOR PRESCRIBED FIRE.

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

(b) **Use of Existing Information.**—To comply with this section, the Secretary concerned may use a fire management plan in existence on the date of enactment of this Act, and information from the Wildland Fire Decision Support System and the Interagency Fuels Treatment Decision Support System.

(c) **Updates.**—To be valid, a spatial fire management plan established under this section shall not be in use for longer than the 10-year period beginning on the date on which the plan is established.

(d) **Contents.**—For each spatial fire management plan established under this section, the Secretary concerned shall—

(1) base the plans on a landscape-scale risk assessment that includes—

(A) risks to firefighters;

(B) risks to communities;

(C) risks to highly valuable resources; and

(D) other relevant considerations determined by the Secretary concerned;

(2) include direction, represented in spatial form, from land management plans and resource management plans;
(3) in coordination with States, delineate potential operational delineations that—

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

(B) specify the places in which firefighters will not be sent because of the presence of unacceptable risk, including areas determined by the Secretary concerned as—

(i) exceeding a certain slope;

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

(iii) containing other known hazards;

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

(5) include prefire planning provisions;

(6) include a plan for emergency wildfire suppression activities; and

(7) include, at a minimum, any other requirement determined to be necessary by the Secretary concerned.

(e) CONSISTENCY WITH MANAGEMENT PLANS.—The spatial fire management plans established under this section shall, to the maximum extent practicable, be consistent with the fire management objectives and land man-
agement objectives in the applicable land management plan or resource management plan.

(f) Revisions to Land Management Plans and Resource Management Plans.—A revision to a land management plan or resource management plan shall consider fire ecology and fire management in a manner that facilitates the issuance of direction for an incident response.

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

(a) Establishment of Account.—There is established in the Treasury of the United States the Long-Term Burned Area Recovery account for the Department of Agriculture.

(b) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 2023 and each fiscal year thereafter for the account established by subsection (a) such sums as are necessary to carry out the activities described in subsection (d), not to exceed $100,000,000.

(c) Annual Requests.—For fiscal year 2023 and each fiscal year thereafter, the Secretary of Agriculture shall submit to Congress and in accordance with subsection (b), a request for amounts necessary to carry out the activities described in subsection (d).
(d) AUTHORIZED ACTIVITIES.—The Secretary of Agriculture shall use amounts in the account established by subsection (a) for recovery projects—

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

(2) that are—

(A) scheduled to be completed not later than 3 years after the date on which the wildfire was contained; and

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

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

(e) PRIORITIZATION OF FUNDING.—The Secretary of Agriculture shall prioritize, on a nationwide basis, projects for which funding requests are submitted under this section, based on—

(1) downstream effects on water resources; and

(2) public safety.

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

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

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

(2) recommendations to improve implementation of the Plan.

SEC. 212. PERFORMANCE METRICS TRACKING.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Agriculture shall submit to Congress an assessment with respect to the prior year of the following:

(1) The acres effectively treated by the Department of Agriculture on National Forest System lands to reduce wildfire risk or improve habitat condition—

(A) within the wildland urban interface;

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

(C) within a priority watershed area;

(D) within an identified wildlife corridor; and

(E) for which prescribed fire or wildfire achieved an ecosystem management goal.
(2) Watershed assessment of the National Forest System, including if watershed conditions have degraded, improved, or been maintained.

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

Subtitle B—Tribal Biochar Promotion

SEC. 221. TRIBAL AND ALASKA NATIVE BIOCHAR DEMONSTRATION PROJECT.

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

(1) In section 2—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (g) as subsections (a) through (f), respectively,

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

(2) By adding at the end the following:

“SEC. 3. TRIBAL AND ALASKA NATIVE BIOCHAR DEMONSTRATION PROJECT.

“(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREEMENTS.—For each of fiscal years 2021 through 2030, the
Secretary shall enter into stewardship contracts or similar agreements (excluding direct service contracts) with Indian Tribes or Tribal organizations to carry out demonstration projects to support the development and commercialization of biochar on Indian forest land or rangeland and in nearby communities by providing reliable supplies of feedstock from Federal land.

“(b) DEMONSTRATION PROJECTS.—In each fiscal year for which demonstration projects are authorized under this section, not less than 4 new demonstration projects that meet the eligibility criteria described in subsection (c) shall be carried out under contracts or agreements described in subsection (a).

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

“(1) a description of—

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

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

“(2) such other information as the Secretary may require.
“(d) SELECTION.—In evaluating the applications submitted under subsection (c), the Secretary shall—

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

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

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

“(C) improves the forest health or watersheds of Federal land or Indian forest land or rangeland;

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

“(E) is located in an area with—

“(i) nearby lands identified as having a high, very high, or extreme risk of wildfire;

“(ii) availability of sufficient quantities of feedstock; or
“(iii) a high level of demand for biochar or other commercial byproducts of biochar; or
“(F) any combination of purposes specified in subparagraphs (A) through (E); and
“(2) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.
“(e) IMPLEMENTATION.—The Secretary shall—
“(1) ensure that the criteria described in subsection (c) are publicly available by not later than 120 days after the date of the enactment of this section; and
“(2) to the maximum extent practicable, consult with Indian Tribes and appropriate intertribal organizations likely to be affected in developing the application and otherwise carrying out this section.
“(f) REPORT.—Not later than 2 years after the date of the enactment of this section and every year thereafter, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—
“(1) each individual Tribal application received under this section; and
“(2) each contract and agreement entered into pursuant to this section.
“(g) INCORPORATION OF MANAGEMENT PLANS.—To the maximum extent practicable, on receipt of a request from an Indian Tribe, the Secretary shall incorporate into a contract or agreement with that Indian Tribe entered into pursuant to this section, management plans (including forest management and integrated resource management plans and Indian Trust Asset Management Plans) in effect on the Indian forest land or rangeland of that Indian Tribe.

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

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

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

“SEC. 4. DEFINITIONS.

“In this Act:

“(1) BIOCHAR.—The term ‘biochar’ means carbonized biomass produced by converting feedstock through reductive thermal processing for non-fuel uses.

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

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

“(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

“(3) FEEDSTOCK.—The term ‘feedstock’ means excess biomass in the form of plant matter or materials that serves as the raw material for the production of biochar.

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

“(A) is held in trust by, or with a restriction against alienation by, the United States for an Indian Tribe or a member of an Indian Tribe; and

“(B)(i)(I) is Indian forest land (as defined in section 304 of the National Indian Forest Resources Management Act (25 U.S.C. 3103)); or
“(II) has a cover of grasses, brush, or any similar vegetation; or
“(ii) formerly had a forest cover or vegetative cover that is capable of restoration.
“(5) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).
“(6) SECRETARY.—The term ‘Secretary’ means—
“(A) the Secretary of Agriculture, with respect to land under the jurisdiction of the Forest Service; and
“(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.
“(7) TRIBAL ORGANIZATION.—The term ‘Tribal organization’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).”.

TITLE III—OTHER MATTERS
SEC. 301. REQUIREMENTS RELATING TO CERTAIN FIRE SUPPRESSION COST SHARE AGREEMENTS.
(a) ESTABLISHMENT OF STANDARD OPERATING PROCEDURES.—Not later than 1 year after the date of
the enactment of this section, the covered Secretaries shall—

(1) establish standard operating procedures relating to fire suppression cost share agreements established under the Act of May 27, 1955 (42 U.S.C. 1856a) (commonly known as the “Reciprocal Fire Protection Act”); and

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

(A) review each such agreement; and

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

(b) ALIGNMENT OF FIRE SUPPRESSION COST SHARE AGREEMENTS WITH COOPERATIVE FIRE PROTECTION AGREEMENTS.—The standard operating procedures required under subsection (a)(1) shall include a requirement that each fire suppression cost share agreement be aligned with each of the cooperative fire protection agreements applicable to the entity subject to such fire suppression cost share agreement.

(c) SECOND-LEVEL REVIEW.—The standard operating procedures required under subsection (a)(1) shall include—
(1) a requirement that the covered Secretaries, to the maximum extent practicable, complete reviews, including second-level reviews of a fire suppression cost share agreement, as soon as practicable after a wildfire relating to the area covered by such fire suppression cost share agreement is contained; and

(2) a requirement that in completing such reviews, the covered Secretaries consults with State and local fire suppression organizations.

(d) COVERED SECRETARIES DEFINED.—In this section, the term “covered Secretaries” means—

(1) the Secretary of Agriculture;

(2) the Secretary of the Interior;

(3) the Secretary of Homeland Security; and

(4) the Secretary of Defense.

SEC. 302. INVESTMENT OF CERTAIN FUNDS INTO INTEREST BEARING OBLIGATIONS.

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

(1) by striking “of any improvement, protection, or rehabilitation” and inserting “of any assessment, improvement, protection, restoration, or rehabilitation”; and
(2) by striking “Provided, That” and all that follows through the period at the end and inserting:

“Provided, That any monies covered into the Treasury under this section, including all monies that were previously collected by the United States in a forfeiture, judgment, compromise, or settlement, shall be invested by the Secretary of the Treasury in interest bearing obligations of the United States to the extent the amounts are not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals: Provided further, That any interest earned on the amounts, including any interest earned by investment, is hereby appropriated and made available until expended to cover the costs to the United States specified in this section: Provided further, That, for fiscal year 2021 and thereafter, the Secretary shall include in the budget materials submitted to Congress in support of the President’s annual budget request (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each fiscal year the proposed use of such amounts with respect to the Forest Service: Pro-vided further, That any portion of the monies received or earned under this section in excess of the amount expended in performing the work neces-
situated by the action which led to their receipt may be used to cover the other work specified in this section.”.

DIVISION B—DROUGHT
TITLE I—DROUGHT RESPONSE AND CLIMATE RESILIENCE
SEC. 101. ADVANCING LARGE-SCALE WATER RECYCLING AND REUSE PROJECTS.

(a) Eligible Project.—Section 40905(e)(4) of the Infrastructure Investment and Jobs Act (43 U.S.C. 3205(e)(4)) is amended to read as follows:

“(4) is—

“(A) constructed, operated, and maintained by an eligible entity; or

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

(b) Removal of Termination of Authority; Additional Authorization of Appropriations.—Section 40905(k) of the Infrastructure Investment and Jobs Act (43 U.S.C. 3205(k)) is amended to read as follows:

“(k) Authorization of Appropriations.—In addition to the amounts made available under section 40901(4)(B) to carry out this section, there is authorized to be appropriated to the Secretary $700,000,000 to carry out this section, to remain available until expended.”.
SEC. 102. SALTON SEA PROJECTS IMPROVEMENTS.

Section 1101 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) is amended—

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

(2) by inserting after subsection (a) the following:

“(b) ADDITIONAL PROJECT AUTHORITIES.—

“(1) IN GENERAL.—The Secretary, acting through the Bureau of Reclamation, may provide grants and enter into contracts and cooperative agreements to carry out projects located in the area of the Salton Sea in Southern California to improve air quality, fish and wildlife habitat, recreational opportunities, and water quality, in partnership with—

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

“(B) water districts;

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

“(D) nonprofit organizations; and

“(E) institutions of higher education.

“(2) INCLUDED ACTIVITIES.—The projects described in paragraph (1) may include—
“(A) construction, operation, maintenance, permitting, and design activities required for such projects; and

“(B) dust suppression projects.”; and

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

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

In addition to the amounts otherwise available and consistent with contractual arrangements and applicable State and Federal law, there is authorized to be appropriated to the Secretary of the Interior $500,000,000, for the period of fiscal years 2023 through 2026, to use available legal authorities to reduce the near-term likelihood of Lake Mead and Lake Powell declining to critically low water elevations.

SEC. 104. WATERSMART ACCESS FOR TRIBES.


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

(2) after subclause (II), by inserting the following:
“(III) Waiver; Reduction.—

With respect to a grant or other agreement entered into under paragraph (1) between the Secretary and an Indian tribe, the Secretary may reduce or waive the non-Federal share (and increase the Federal share accordingly) of the cost of any infrastructure improvement or activity that is the subject of that grant or other agreement if the Secretary determines that meeting the cost-share requirement presents a financial hardship for the Indian tribe.”.

SEC. 105. RECLAMATION WATER SETTLEMENTS FUND.

Section 10501 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407) is amended—

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

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking “for each of fiscal years 2020 through 2034” and inserting “for fiscal year 2020 and each fiscal year thereafter”; and
(B) in paragraph (3)(C), by striking “for any authorized use” and all that follows through the period at the end and inserting “for any use authorized under paragraph (2).”; and (3) by striking subsection (f).

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

(a) Rural Water Supply Program Reauthorization.—

(1) Authorization of Appropriations.—Section 109(a) of the Rural Water Supply Act of 2006 (43 U.S.C. 2408(a)) is amended by striking “2016” and inserting “2032”.

(2) Termination of Authority.—Section 110 of the Rural Water Supply Act of 2006 (43 U.S.C. 2409) is amended by striking “2016” and inserting “2032”.

(b) Bureau of Reclamation Rural Water Supply Program.—

(1) Definitions.—In this subsection:

(A) Indian Tribe.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).
(B) Reclamation State.—The term “Reclamation State” means a State described in the first section of the Act of June 17, 1902 (43 U.S.C. 391; 32 Stat. 388, ch. 1093).

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

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

(E) Tribal Land.—The term “Tribal land” means—

(i) land located within the boundaries of—

(I) an Indian reservation, pueblo, or rancheria; or

(II) a former reservation within Oklahoma;

(ii) land not located within the boundaries of an Indian reservation, pueblo, or rancheria, title to which is held—
(I) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

(II) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(III) by a dependent Indian community;

(iii) land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a));

(iv) Hawaiian Home Lands (as defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221)); or

(v) an area or community designated by the Assistant Secretary of Indian Affairs of the Department of the Interior that is near, adjacent, or contiguous to an Indian reservation where financial assistance and social service programs are pro-
vided to Indians because of their status as Indians.

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

(A) ESTABLISHMENT.—In accordance with section 103 of the Rural Water Supply Act of 2006 (43 U.S.C. 2402), the Secretary shall establish a competitive grant program under which an Indian Tribe shall be eligible to apply for a grant from the Secretary in an amount not to exceed 100 percent of the cost of planning, design, and construction of a project determined by the Secretary to be eligible for funding under subparagraph (B).

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

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

(ii) as determined by the Secretary—

(I) provide, increase, or enhance access to safe drinking water for communities and households on Tribal land; or
(II) address public health and safety concerns associated with access to safe drinking water.

(C) PRIORITY.—

(i) IN GENERAL.—In awarding grants under subparagraph (A), the Secretary, in consultation with the Director of the Indian Health Service, shall give priority to projects that meet one or more of the following criteria:

(I) Provides potable water supplies to communities or households on Tribal land that do not have access to running water as of the date of the project application.

(II) Addresses an urgent and compelling public health or safety concern relating to access to safe drinking water for residents on Tribal land.

(III) Addresses needs identified in the Report.

(IV) Closer to being completed, or farther along in planning, design, or construction, as compared to other projects being considered for funding.
(V) Takes advantage of the experience and technical expertise of the Bureau of Reclamation in the planning, design, and construction of rural water projects, particularly with respect to a project that takes advantage of economies of scale.

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

(VII) Leverages the resources or capabilities of other Tribal, State, or Federal agencies to accelerate planning, design, and construction.

(VIII) Provides multiple benefits, including—

(aa) improved water supply reliability;

(bb) public health improvements;

(cc) ecosystem benefits;
(dd) groundwater management and enhancements; and

(ee) water quality improvements.

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

(I) shall consult with the Director of the Indian Health Service; and

(II) may coordinate funding of projects under this paragraph with the Director of the Indian Health Service, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the head of any other Federal agency in any manner that the Secretary determines would—

(aa) accelerate project planning, design, or construction; or

(bb) otherwise take advantage of the capabilities of, and resources potentially available from, other Federal sources.

(3) FUNDING.—
(A) In general.—In addition to amounts otherwise available, there is authorized to be appropriated to the Secretary $1,000,000,000 to carry out this subsection, to remain available until expended.

(B) Administrative expenses; use of funds.—Of the amounts made available under subparagraph (A), the Secretary may use up to 2 percent for—

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

(ii) related management and staffing expenses.

(e) Funding for Native American Affairs Technical Assistance Program of the Bureau of Reclamation.—In addition to amounts otherwise available, there is authorized to be appropriated to the Secretary $90,000,000 for use, in accordance with section 201 of the Energy and Water Development Appropriations Act, 2003 (43 U.S.C. 373d), for the Native American Affairs Technical Assistance Program of the Bureau of Reclamation, to remain available until expended.
SEC. 107. WHITE MOUNTAIN APACHE TRIBE RURAL WATER SYSTEM.

(a) CONVEYANCE OF TITLE TO TRIBE.—Section 307(d)(2)(E) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (title III of Public Law 111–291; 124 Stat. 3082; 132 Stat. 1626) is amended, in the matter preceding clause (i), by striking “water system—” and all that follows through the period at the end of clause (ii)(II), and inserting “water system is substantially complete, as determined by the Secretary in accordance with subsection (k).”.

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

“(k) REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE WMAT RURAL WATER SYSTEM.—The WMAT rural water system shall be determined to be substantially complete if—

“(1) the infrastructure constructed is capable of storing, diverting, treating, transmitting, and distributing a supply of water as set forth in the final project design described in subsection (c); or

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

“(B) despite diligent efforts, cannot complete construction as described in the final project design described in subsection (c) due solely to the lack of additional authorized funding.”.

(e) ENFORCEABILITY DATE.—

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

(A) in paragraph (1)—

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

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

“(D) such amount, up to the amount made available under section 312(e)(2), as the Secretary determines to be necessary to construct the WMAT rural water system that is capable of storing, diverting, treating, transmitting, and distributing a supply of water as set forth in
the final project design described in section 307(c) has been deposited in the WMAT Cost Overrun Subaccount;”; and

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

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

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

“(3) EXPENDITURES.—If, before the enforceability date under section 309(d), Federal funds are expended to carry out activities identified in subparagraphs (A) or (C) of paragraph (2) in excess of the amounts provided pursuant to the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110–390; 122 Stat. 4191), such expenditures shall be accounted for as
White Mountain Apache Tribe Water Rights Settlement Subaccount funds.”

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

“(c) COST INDEXING.—

“(1) WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS SETTLEMENT SUBACCOUNT.—All amounts made available under subsection (a) shall be adjusted as necessary to reflect the changes made since October 1, 2007, with respect to the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water system and the maintenance of the WMAT rural water system.

“(2) WMAT SETTLEMENT FUND.—All amounts made available under subsection (b)(2) shall be adjusted annually to reflect the changes made since October 1, 2007, with respect to the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water system and the maintenance of the WMAT rural water system.
“(3) WMAT MAINTENANCE FUND.—All amounts made available under subsection (b)(3) shall be adjusted on deposit to reflect the changes made since October 1, 2007, with respect to the Consumer Price Index for All Urban Consumers West Urban 50,000 to 1,500,000 published by the Bureau of Labor Statistics.

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

“(A) $35,000,000 shall be adjusted as necessary to reflect the changes made since October 1, 2007, with respect to the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water system and the maintenance of the WMAT rural water system; and

“(B) additional funds, in excess of the amount referred to in subparagraph (A), shall be adjusted as necessary to reflect the changes made since April 1, 2021, with respect to the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water system and the maintenance of the WMAT rural water system.
“(5) CONSTRUCTION COSTS ADJUSTMENT.—

The amounts made available under subsections (a), (b)(2), and (e)(2), shall be adjusted to address construction cost changes necessary to account for unforeseen market volatility that may not otherwise be captured by engineering cost indices as determined by the Secretary, including repricing applicable to the types of construction and current industry standards involved.”.

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

(g) RETURN TO TREASURY.—

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

(2) CONFORMING AMENDMENT.—Section 312(b)(2) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public
Law 111–291; 124 Stat. 3093; 132 Stat. 1626) is amended by striking subparagraph (B) and inserting the following:

“(B) TRANSFERS TO FUND.—There is authorized to be appropriated to the Secretary for deposit in the WMAT Settlement Fund $78,500,000.”.

SEC. 108. DESALINATION RESEARCH AUTHORIZATION.

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

(1) in section 3(e)—

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

(B) in paragraph (6), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(7) to minimize the impacts of seawater desalination on aquatic life and coastal ecosystems, including technologies to monitor and reduce those impacts.”; and

(2) in section 8(a)—

(A) by striking “$5,000,000 per year for fiscal years 1997 through 2021” and inserting “$20,000,000 per year for fiscal years 2023 through 2027”; and
(B) by striking "$1,000,000" and inserting "$15,000,000".

SEC. 109. WATER RESOURCES RESEARCH ACT AMENDMENTS.

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

(b) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended by striking “$3,000,000 for each of fiscal years 2022 through 2025” and inserting “$6,000,000 for each of fiscal years 2023 through 2032”.

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

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

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

“(2) ALLOCATION.—From the sums appropriated, the Secretary shall allocate a minimum of—

“(A) 80 percent of the sums to base grants consistent with subsection (f)(1); and
“(B) 20 percent of the sums to research focused on water problems of interstate nature consistent with subsection (g)(1).

“(3) ADDITIONAL SPECIAL PROJECTS.—Any sums Congress delineates for specific topics and water priorities shall fall under subsection (g)(1). All sums under subsection (g)(1), including congressionally delineated sums for specific topics and water priorities, shall not exceed 20 percent of the sums appropriated for the Water Resources Research Act program.”.

SEC. 110. SALINE LAKE ECOSYSTEMS IN THE GREAT BASIN STATES ASSESSMENT AND MONITORING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term “Program” means the Saline Lake Ecosystems in the Great Basin States Assessment and Monitoring Program established under subsection (b).

(2) COORDINATING ENTITIES.—The term “coordinating entities” includes—

(A) Federal, State, Tribal, and local agencies;

(B) institutions of higher education;

(C) nonprofit organizations; and
(D) local stakeholders.

(3) SALINE LAKE ECOSYSTEMS.—The term “saline lake ecosystems” means the ecosystems associated with the following lakes:

(A) Lake Abert in Oregon.

(B) Eagle Lake in California.

(C) Franklin Lake in Nevada.

(D) Goose Lake in California and Oregon.

(E) Great Salt Lake in Utah.

(F) Harney Lake in Oregon.

(G) Honey Lake in California.

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

(I) Malheur Lake in Oregon.

(J) Mono Lake in California.

(K) Owens Lake in California.

(L) Pyramid Lake in Nevada.

(M) Ruby Lake in Nevada.

(N) Sevier Lake in Utah.

(O) Silver Lake in Oregon.

(P) Summer Lake in Oregon.

(Q) Walker Lake in Nevada.

(R) Warner Lake in Oregon.

(S) Winnemucca Lake in Nevada.
(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

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

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

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

(2) inform and support coordinated management and conservation actions to benefit saline lake ecosystems, migratory birds, and other wildlife.

(c) WORK AND IMPLEMENTATION PLAN.—

(1) IN GENERAL.—In carrying out the Program, the Secretary, in coordination with the Director of the United States Fish and Wildlife Service and coordinating entities, shall establish a multiyear work and implementation plan to assess, monitor, and conserve saline lake ecosystems and migratory wildlife.
birds and other wildlife that depend on saline lake ecosystems.

(2) INCLUSIONS.—The work and implementation plan shall include—

(A) a synthesis of available information, literature, and data, and an assessment of scientific and informational needs, relating to saline lake ecosystems with respect to—

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

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

(iii) annual lifecycle needs of migratory birds; and

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

(B) a description of how the work and implementation plan will address the scientific and informational needs described in subparagraph (A), including monitoring activities, data infrastructure needs, and development of tools necessary to implement the Program;

(C) recommendations and a cost assessment for the work and implementation plan; and
(D) other matters, as determined necessary by the Secretary.

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

(d) IMPLEMENTATION.—The Secretary shall implement the Program based on the information, findings, and recommendations contained in the work and implementation plan.

(e) COOPERATIVE AGREEMENTS AND GRANTS.—The Secretary may use funds made available pursuant to subsection (g) to enter into cooperative funding agreements with, or provide grants to, coordinating entities for the purposes of—

(1) participating in developing, or providing information to inform the development of, the work and implementation plan;

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

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

(f) EFFECT.—The work and implementation plan shall not affect—
(1) any interstate water compacts in existence on the date of the enactment of this Act, including full development of any apportionment made in accordance with those compacts;

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

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

(4) the management and operation of Bear Lake or Stewart Dam, including the storage, management, and release of water.

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

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

(1) Lake Abert in Oregon.

(2) Great Salt Lake in Utah.

(3) Lahontan Valley Wetlands, including Carson Sink, Carson Lake, and Stillwater Marsh in Nevada.

(4) Ruby Lake in Nevada.

(5) Walker Lake in Nevada.
(6) Mono Lake in California.
(7) Owens Lake in California.
(8) Summer Lake in Oregon.

SEC. 111. EXTENSION OF AUTHORIZATIONS RELATED TO FISH RECOVERY PROGRAMS.

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

(1) by striking “2023” each place it appears and inserting “2024”;
(2) in subsection (b)(1), by striking “$179,000,000” and inserting “$184,000,000”;
(3) in subsection (b)(2), by striking “$30,000,000” and inserting “$25,000,000”;
(4) in subsection (h), by striking “, at least 1 year prior to such expiration,”; and
(5) in subsection (j), by striking “2021” each place it appears and inserting “2022”.

SEC. 112. RECLAMATION CLIMATE CHANGE AND WATER PROGRAM.

Section 9503(f) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10363(f)) is amended by striking “2023” and inserting “2033”.
SEC. 113. AUTHORIZATION OF APPROPRIATIONS FOR THE LAS VEGAS WASH PROGRAM.

Section 529(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2658; 119 Stat. 2255; 125 Stat. 865) is amended by striking “$30,000,000” and inserting “$55,000,000”.

SEC. 114. TERMINAL LAKES ASSISTANCE.

Section 2507(f) of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3839bb–6(f)) is amended by striking “2023” and inserting “2025”.

SEC. 115. EXPEDITED MEASURES FOR DROUGHT RESPONSE.

(a) EXPEDITED PROGRAM IMPLEMENTATION.—Section 40905(h) of the Infrastructure Investment and Jobs Act (43 U.S.C. 3205(h); 135 Stat. 1124) is amended by striking “Not later than 1 year after the date of enactment of this Act” and inserting “Not later than August 31, 2022”.

(b) ESTABLISHMENT OF PROGRAM.—Section 40907(b) of the Infrastructure Investment and Jobs Act (43 U.S.C. 3207(b); 135 Stat. 1125) is amended by striking “Not later than 1 year after the date of enactment of this Act” and inserting “Not later than August 31, 2022”.
SEC. 116. WATER EFFICIENCY, CONSERVATION, AND SUSTAINABILITY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means any of the following:

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

(B) A public water system.

(C) A nonprofit organization.


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

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

(B) the Low-Income Household Drinking Water and Wastewater Emergency Assistance Program authorized by section 533 of division
H of the Consolidated Appropriations Act, 2021


(5) **Public water system.**—The term “public water system” has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(6) **Water efficiency incentive program.**—The term “water efficiency incentive program” means a program for providing incentives, including direct installation services, to residential, commercial, or industrial customers of a public water system for the purchase, lease, installation, use, or implementation, as applicable, of water-efficient upgrades.

(7) **Water-efficient upgrade.**—

   (A) **In general.**—The term “water-efficient upgrade” means a product, landscape, label, process, or service for a residential, commercial, or industrial building, or the landscape of such a building, that is—

   (i) rated for water efficiency and performance under the WaterSense program or the Energy Star program; or

   (ii) otherwise determined by the Administrator to improve water-use efficiency.
(B) INCLUSIONS.—The term “water-efficient upgrade” includes—

(i) a faucet;

(ii) a showerhead;

(iii) a dishwasher;

(iv) a toilet;

(v) a clothes washer;

(vi) an irrigation product or service;

(vii) advanced metering infrastructure;

(viii) a flow monitoring device;

(ix) a landscaping or gardening product, including moisture control or water-enhancing technology;

(x) xeriscaping, turf removal, or another landscape conversion that reduces water use (except for the installation of artificial turf); and

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

(I) certified pursuant to the WaterSense program; or

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

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

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

(b) WATER EFFICIENCY AND CONSERVATION GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program to award grants to eligible entities that have established water efficiency incentive programs to carry out those water efficiency incentive programs (referred to in this subsection as the “grant program”).

(2) DISTRIBUTION.—In carrying out the grant program, the Administrator shall award not less than 50 percent of the amounts made available to carry out this subsection in each fiscal year to eligible entities that service an area that—
(A) has been designated as D2 (severe
drought) or greater according to the United States Drought Monitor for a minimum of 4 weeks during any of the 3 years preceding the date of the grant award; or

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

(3) GRANT AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), a grant awarded under the grant program shall be in an amount that is not less than $250,000.

(B) SMALL PUBLIC WATER SYSTEMS.—The Administrator may award a grant in an amount that is less than $250,000 if the grant is awarded to, or for the benefit of, a public water system that serves fewer than 10,000 customers.

(4) USE OF FUNDS.—An eligible entity receiving a grant under the grant program shall—

(A) use grant funds to carry out a water efficiency incentive program for customers of a public water system; or
(B) provide grant funds to another eligible
entity to carry out a water efficiency incentive
program described in subparagraph (A).

(5) MINIMUM REQUIREMENT.—An eligible enti-

ty receiving a grant under the grant program shall
use not less than 40 percent of the amount of the
grant to provide water-efficient upgrades to low-in-
come households.

(6) COST SHARE.—

(A) IN GENERAL.—Subject to subpara-

graph (B), the Federal share of the cost of car-
rying out a water efficiency incentive program
using a grant awarded under the grant program
shall not exceed 80 percent.

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

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

(A) In General.—There is authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2023 through 2028.

(B) Administrative Costs.—Of the amounts made available under subparagraph (A) each fiscal year, the Administrator may use not more than 4 percent to pay the administrative costs of the Administrator.

c) Sustainable Water Loss Control Program.—

(1) Technical Assistance and Grant Program.—The Administrator shall establish and carry out a program (referred to in this subsection as the “program”)—

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

(i) conducted in accordance with the procedures contained in the manual published by the American Water Works Association entitled “M36 Water Audits and Loss Control Programs, Fourth Edition”
(or any successor manual determined appropriate by the Administrator); and

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

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

(i) to implement controls to address real water losses, apparent water losses, or a combination of real and apparent water losses that are identified in an audit conducted and validated in accordance with the procedures and criteria described in subparagraph (A); and

(ii) to help public water systems that have conducted and validated such an audit establish water loss control programs.

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

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

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

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

(ii) to demonstrate that the water loss control program will reduce real water losses, apparent water losses, or a combination of real and apparent water losses from the public water system.

(3) Annual Water Savings.—The Administrator shall—

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

(B) publish on the website of the Administrator the information compiled under subparagraph (A).

(4) Authorization of Appropriations.—
(A) In general.—There is authorized to be appropriated to carry out this subsection $40,000,000 for each of fiscal years 2023 through 2028, of which—

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

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

(B) Administrative costs.—Of the amounts made available under subparagraph (A) for grants under the program each fiscal year, the Administrator may use not more than 4 percent to pay the administrative costs of making such grants.

TITLE II—FUTURE WESTERN WATER AND DROUGHT RESILIENCE

SEC. 201. SHORT TITLE.

This title may be cited as the “Furthering Underutilized Technologies and Unleashing Responsible Expenditures for Western Water and Drought Resiliency Act” or the “FUTURE Western Water and Drought Resiliency Act”.

SEC. 202. DEFINITIONS.

In this title:
(1) RELEVANT COMMITTEES OF CONGRESS.—The term “relevant committees of Congress” means—
(A) the Committee on Natural Resources of the House of Representatives; and
(B) the Committee on Energy and Natural Resources of the Senate.

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

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, unless otherwise defined in a particular provision.

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

Subtitle A—Assistance for Projects With Fastest Construction Timelines

SEC. 211. WATER RECYCLING AND REUSE PROJECTS.
(a) SHORT TITLE.—This section may be cited as the “Water Recycling Investment and Improvement Act”.
(b) **Funding Priority.**—Section 1602(f) of the Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) **Priority.**—When funding projects under paragraph (1), the Secretary shall give funding priority to projects that meet one or more of the following criteria:

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

“(B) Projects that are likely to increase the water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

“(C) Projects that are regional in nature.

“(D) Projects with multiple stakeholders.

“(E) Projects that provide multiple benefits, including water supply reliability, eco-system benefits, groundwater management and enhancements, and water quality improvements.”.

(c) **Limitation on Funding.**—Section 1631(d) of the Reclamation Wastewater and Groundwater Study and
Facilities Act (43 U.S.C. 390h–13(d)) is amended by striking “$20,000,000 (October 1996 prices)” and inserting “$50,000,000 (July 2022 prices)”.

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

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

(2) selected for funding under the competitive grant program authorized under section 1602(f) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(f)), with funding under this section to be provided in accordance with that section, notwithstanding section 4013 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322), except that section 1602(g)(2) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(g)(2)) shall not apply to amounts made available under this section.
SEC. 212. DESALINATION PROJECT DEVELOPMENT.

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

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

“(2) PROJECTS.—

“(A) DEFINITION OF ELIGIBLE DESALINATION PROJECT.—In this paragraph, the term ‘eligible desalination project’ means any project located in a Reclamation State that—

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

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

“(II) sponsored or funded by any State, department of a State, subdivision of a State, or public agency organized pursuant to State law, including—

“(aa) direct sponsorship or funding; or
“(bb) indirect sponsorship or funding, such as by paying for the water provided by the facility; 
“(ii) provides a Federal benefit in accordance with the reclamation laws; and 
“(iii) is consistent with all applicable State and Federal resource protection laws, including the protection of marine protected areas.

“(B) DEFINITION OF DESIGNATED DESALINATION PROJECT.—The term ‘designated desalination project’ means an eligible desalination project that—
“(i) is an ocean desalination project that uses a subsurface intake;
“(ii) has a total estimated cost of $80,000,000 or less; and 
“(iii) is designed to serve a community or group of communities that collectively import more than 75 percent of their water supplies.

“(C) COST-SHARING REQUIREMENT.—
“(i) IN GENERAL.—Subject to the requirements of this paragraph, the Federal share of an eligible desalination project
carried out under this subsection shall be—

“(I) not more than 25 percent of the total cost of the eligible desalination project; or

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

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

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

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

“(D) STATE ROLE.—The Secretary shall not participate in an eligible desalination project under this paragraph unless—
“(i)(I) the eligible desalination project is included in a State-approved plan; or

“(II) the participation has been requested by the Governor of the State in which the eligible desalination project is located; and

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

“(I) the eligible desalination project—

“(aa) is technically and financially feasible;

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

“(cc) is consistent with applicable State laws, State regulations, State coastal zone management plans, and other State plans such as California’s Water Quality Control Plan for the Ocean Waters in California;
“(II) sufficient non-Federal funding is available to complete the eligible desalination project; and

“(III) the eligible desalination project sponsors are financially solvent; and

“(iii) the Secretary submits to Congress a written notification of the determinations under clause (ii) by not later than 30 days after the date of the determinations.

“(E) ENVIRONMENTAL LAWS.—In participating in an eligible desalination project under this paragraph, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and State laws implementing the Coastal Zone Management Act.

“(F) INFORMATION.—In participating in an eligible desalination project under this subsection, the Secretary—

“(i) may rely on reports prepared by the sponsor of the eligible desalination project, including feasibility or equivalent
studies, environmental analyses, and other
pertinent reports and analyses; but
 ``(ii) shall retain responsibility for
making the independent determinations de-
dscribed in subparagraph (D).
``(G) FUNDING.—
 ``(i) AUTHORIZATION OF APPROPRIA-
TIONS.—There is authorized to be appro-
priated to carry out this paragraph
$260,000,000 for the period of fiscal years
2023 through 2027.
 ``(ii) CONGRESSIONAL APPROVAL INI-
Tially REQUIRED.—
 ``(I) IN GENERAL.—Each initial
award under this paragraph for de-
sign and study or for construction of
an eligible desalination project shall
be approved by an Act of Congress.
 ``(II) RECLAMATION RECO-
MMENDATIONS.—The Commissioner
of Reclamation shall submit re-
ommendations regarding the initial
award of preconstruction and con-
struction funding for consideration
under subclause (I) to—
“(aa) the Committee on Appropriations of the Senate;

“(bb) the Committee on Energy and Natural Resources of the Senate;

“(cc) the Committee on Appropriations of the House of Representatives; and

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

“(iii) Subsequent Funding Awards.—After approval by Congress of an initial award of preconstruction or construction funding for an eligible desalination project under clause (ii), the Commissioner of Reclamation may award additional preconstruction or construction funding, respectively, for the eligible desalination project without further congressional approval.”.

(c) Prioritization for Projects.—Section 4 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by striking subsection (c) and inserting the following:
“(c) PRIORITIZATION.—In carrying out demonstration and development activities under this section, the Secretary and the Commissioner of Reclamation shall each prioritize projects—

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

“(2) for the benefit of States that have authorized funding for research and development of desalination technologies and projects;

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

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

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

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

“(7) that maximize energy efficiency so that the lifecycle energy demands of desalination are minimized;
“(8) located in regions that have employed strategies to increase water conservation and the capture and recycling of wastewater and stormwater; and

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

“(A) use a subsurface intake or, if a subsurface intake is not technologically feasible, an intake that uses the best available site, design, technology, and mitigation measures to minimize the mortality of all forms of marine life and impacts to coastal dependent resources;

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

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

“(ii) achieve ambient salinity levels within a reasonable distance from the discharge point;

“(C) are sited, designed, and operated in a manner that maintains indigenous marine life and a healthy and diverse marine community;
“(D) do not cause significant unmitigated harm to aquatic life; and
“(E) include a construction and operation plan designed to minimize loss of coastal habitat and aesthetic, noise, and air quality impacts.”.

(d) RECOMMENDATIONS TO CONGRESS.—In determining project recommendations to Congress under section 4(a)(2)(G)(ii)(II) of the Water Desalination Act of 1996, the Commissioner of Reclamation shall establish a priority scoring system that assigns priority scores to each project evaluated based on the prioritization criteria of section 4(e) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298).

SEC. 213. ASSISTANCE FOR DISADVANTAGED COMMUNITIES WITHOUT ADEQUATE DRINKING WATER.

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

(b) ELIGIBLE APPLICANTS.—To be eligible to receive a grant under this section, an applicant shall submit an application to the Secretary that includes a proposal of
the project or activity in subsection (c) to be planned, designed, constructed, or implemented, the service area of which—

(1) is not located in a city or town with a population of more than 60,000 residents; and

(2) has a median household income of less than 100 percent of the nonmetropolitan median household income of the State.

(e) Eligible Projects.—Projects eligible for grants under this program may be used for—

(1) emergency water supplies;

(2) distributed treatment facilities;

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

(4) water distribution facilities;

(5) connection fees to existing systems;

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

(7) local resource sharing, including voluntary agreements between water systems to jointly contract for services or equipment, or to study or implement the physical consolidation of two or more water systems;
(8) technical assistance, planning, and design for any of the activities described in paragraphs (1) through (7); or

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

(d) Prioritization.—In determining priorities for funding projects, the Secretary shall take into consideration—

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

(2) the degree to which the project provides a long-term solution to the water needs of the community; and

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

(e) Maximum Amount.—The amount of a grant provided under this section may be up to 100 percent of costs, including—

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

(2) costs of components to ensure such facilities and components are properly operational; and
(3) costs of operation or maintenance incurred subsequent to placing the facilities or components into service.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $100,000,000, to remain available until expended.

(g) Coordination Required.—In carrying out this section, the Secretary shall consult with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency to identify opportunities to improve the efficiency, effectiveness, and impact of activities carried out under this section to help disadvantaged communities address a significant decline in the quantity or quality of drinking water.

Subtitle B—Improved Water Technology and Data

SEC. 221. X-PRIZE FOR WATER TECHNOLOGY BREAKTHROUGHS.

(a) Definitions.—In this section:

(1) Board.—The term “board” means the board established under subsection (e).

(2) Eligible Person.—The term “eligible person” means—

(A) an individual who is—
(i) a citizen or legal resident of the United States; or

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

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

(C) a public water agency.

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

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

**b) WATER TECHNOLOGY AWARD PROGRAM ESTABLISHED.**—The Secretary, working through the Bureau of Reclamation, and in coordination with the Secretary of Energy, shall establish a program to award prizes to eligible persons for achievement in one or more of the following applications of water technology:

(1) Demonstration of wastewater and industrial process water purification for reuse or desalination of brackish water or seawater with significantly less energy than current municipally and commercially adopted technologies.
(2) Demonstration of portable or modular desalination units that can process 1 to 5,000,000 gallons per day that could be deployed for temporary emergency uses in coastal communities or communities with brackish groundwater supplies.

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

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

(5) Reducing open water evaporation.

(c) ESTABLISHMENT OF BOARD.—

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

(2) MEMBERSHIP.—The board shall be composed of not less than 15 and not more than 21 members appointed by the Secretary, of whom not less than 2 shall—

(A) be a representative of the interests of public water districts or other public organizations with water delivery authority;

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

(C) be representative of a non-profit conservation organization;

(D) have expertise in administering award competitions; and

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

(d) AWARDS.—Subject to the availability of appropriations, the board may make the following awards:

(1) FINANCIAL PRIZE.—A financial award given through a competition in an amount determined before the commencement of the competition to the first competitor to meet such criteria as the board shall establish.

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

(e) ADMINISTRATION.—
(1) **Contracting.**—The board may contract with a private organization to administer a financial award competition described in subsection (d)(1).

(2) **Solicitation of Funds.**—A member of the board or any administering organization with which the board has a contract under paragraph (1) may solicit gifts from private and public entities to be used for a financial award competition.

(3) **Limitation on Participation of Donors.**—The board may allow a donor who is a private person described in paragraph (2) to participate in the determination of criteria for an award under subsection (d), but such donor may not solely determine the criteria for such award.

(4) **No Advantage for Donation.**—A donor who is a private person described in paragraph (3) shall not be entitled to any special consideration or advantage with respect to participation in a financial award competition.

(f) **Intellectual Property.**—The Federal Government may not acquire an intellectual property right in any product or idea by virtue of the submission of such product or idea in the financial award competition.

(g) **Liability.**—The board may require a competitor in a financial award competition to waive liability against
the Federal Government for injuries and damages that result from participation in such competition.

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

(i) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated sums for the program as follows:

(A) For administration of the awards under subsection (d), $750,000 for each fiscal year through fiscal year 2027.

(B) For the financial prize award under subsection (d)(1), in addition to any amounts received under subsection (e)(2), $5,000,000 for each fiscal year through fiscal year 2027.

(2) **AVAILABILITY.**—Amounts appropriated under paragraph (1) shall remain available until expended.

**SEC. 222. WATER TECHNOLOGY INVESTMENT PROGRAM ESTABLISHED.**

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

(1) deployment of desalination technology; and

(2) use of recycled water.

(b) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for each fiscal year through fiscal year 2027 for the Secretary to carry out the purposes and provisions of this section.

SEC. 223. FEDERAL PRIORITY STREAMGAGES.

(a) Federal Priority Streamgages.—The Secretary shall make every reasonable effort to make operational all streamgages identified as Federal Priority Streamgages by the United States Geological Survey not later than 10 years after the date of the enactment of this Act.

(b) Collaboration With States.—The Secretary shall, to the maximum extent practicable, seek to leverage Federal investments in Federal Priority Streamgages through collaborative partnerships with States and local agencies that invest non-Federal funds to maintain and enhance streamgage networks to improve both environmental quality and water supply reliability.
(c) Authorization of Appropriations.—In addition to amounts otherwise available, there is authorized to be appropriated $150,000,000 to the Secretary to carry out this section, to remain available until expended.

Subtitle C—Drought Response and Preparedness for Ecosystems

SEC. 231. AQUATIC ECOSYSTEM RESTORATION PROGRAM.

In addition to amounts otherwise available, there is authorized to be appropriated $400,000,000 to remain available until expended for design, study, and construction of aquatic ecosystem restoration and protection projects in accordance with section 1109 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

SEC. 232. WATERSHED HEALTH PROGRAM.

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

SEC. 233. WATERBIRD HABITAT CREATION PROGRAM.

(a) Authorization of Habitat Creation Program.—The Secretary shall establish a program to incentivize farmers to keep fields flooded during appropriate time periods for the purposes of waterbird habitat creation and maintenance, including waterfowl and
shorebird habitat creation and maintenance, provided that—

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

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

(3) the Secretary determines that habitat creation activities receiving financial support under this section will create new habitat that is not likely to be created without the financial incentives provided under this section.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary $3,500,000 for each fiscal year through fiscal year 2027 to carry out this section, to remain available until expended.

(c) Report.—Not later than October 1, 2023, and every 2 years thereafter, the Secretary shall submit to Congress a report summarizing the environmental performance of activities that are receiving, or have received, assistance under the program authorized by this section.
SEC. 234. SUPPORT FOR REFUGE WATER DELIVERIES.

(a) Report on Historic Refuge Water Deliveries.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the relevant committees of Congress and make publicly available a report that describes the following:

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

(2) The difference between the mandated quantity of water to be delivered to each wetland habitat area described in section 3406(d)(2) and the actual quantity of water delivered since October 30, 1992, including a listing of every year in which the full delivery of water to wetland habitat areas was achieved in accordance with Level 4 of the “Dependable Water Supply Needs” table, described in section 3406(d)(2) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575).

(3) Which of the authorities granted to the Secretary under Public Law 102–575 to achieve the full Level 4 deliveries of water to wetland habitat areas
was employed in achieving the increment of water delivery above the Level 2 amount for each wetland habitat area, including whether water conservation, conjunctive use, water purchases, water leases, donations, water banking, or other authorized activities have been used and the extent to which such authorities have been used.

(4) An assessment of the degree to which the elimination of water transaction fees for the donation of water rights to wildlife refuges would help advance the goals of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575).

(b) PRIORITY CONSTRUCTION LIST.—The Secretary shall establish, through a public process and in consultation with the Interagency Refuge Water Management Team, a priority list for the completion of the conveyance construction projects at the wildlife habitat areas described in section 3406(d)(2) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575), including the Mendota Wildlife Area, Pixley National Wildlife Refuge and Sutter National Wildlife Refuge.

c) ECOLOGICAL MONITORING AND EVALUATION PROGRAM.—Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the
Director of the United States Fish and Wildlife Service, shall design and implement an ecological monitoring and evaluation program, for all Central Valley wildlife refuges, that produces an annual report based on existing and newly collected information, including—

(1) the United States Fish and Wildlife Service Animal Health Lab disease reports;

(2) mid-winter waterfowl inventories;

(3) nesting and brood surveys;

(4) additional data collected regularly by the refuges, such as herptile distribution and abundance;

(5) a new coordinated systemwide monitoring effort for at least one key migrant species and two resident species listed as threatened and endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including one warm-blooded and one cold-blooded), that identifies population numbers and survival rates for the 3 previous years; and

(6) an estimate of the bioenergetic food production benefits to migrant waterfowl, consistent with the methodology used by the Central Valley Joint Venture, to compliment and inform the Central Valley Joint Venture implementation plan.
(d) Adequate Staffing for Refuge Water Delivery Objectives.—The Secretary shall ensure that adequate staffing is provided to advance the refuge water supply delivery objectives under the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575).

(e) Funding.—There is authorized to be appropriated $25,000,000 to carry out subsections (a) through (d), which shall remain available until expended.

(f) Effect on Other Funds.—Amounts authorized under this section shall be in addition to amounts collected or appropriated under the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575).

SEC. 235. Drought Planning and Preparedness for Critically Important Fisheries.

(a) Definitions.—In this section:

(1) Critically Important Fisheries.—The term “critically important fisheries” means—

(A) commercially and recreationally important fisheries located within the Reclamation States;

(B) fisheries containing fish species that are listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) within the Reclamation States; or
(C) fisheries used by Indian Tribes within
the Reclamation States for ceremonial, subsis-
tence, or commercial purposes.

(2) QUALIFIED TRIBAL GOVERNMENT.—The
term “qualified Tribal Government” means any gov-
ernment of an Indian Tribe that the Secretary deter-
mines—

(A) is involved in fishery management and
recovery activities including under the Endan-
gered Species Act of 1973 (16 U.S.C. 1531 et
seq.); or

(B) has the management and organiza-
tional capability to maximize the benefits of as-
sistance provided under this section.

(b) DROUGHT PLAN FOR CRITICALLY IMPORTANT
FISHERIES.—Not later than January 1, 2024, and every
three years thereafter, the Secretary, acting through the
Director of the United States Fish and Wildlife Service
shall, in consultation with the National Marine Fisheries
Service, the Bureau of Reclamation, the Army Corps of
Engineers, State fish and wildlife agencies, and affected
Indian Tribes, prepare a plan to sustain the survival of
critically important fisheries within the Reclamation
States during periods of extended drought. The plan shall
focus on actions that can aid the survival of critically im-
important fisheries during the driest years. In preparing such plan, the Director shall consider—

(1) habitat restoration efforts designed to provide drought refugia and increased fisheries resilience during droughts;

(2) relocating the release location and timing of hatchery fish to avoid predation and temperature impacts;

(3) barging of hatchery release fish to improve survival and reduce straying;

(4) coordination with water users, the Bureau of Reclamation, State fish and wildlife agencies, and interested public water agencies regarding voluntary water transfers, including through groundwater substitution activities, to determine if water releases can be collaboratively managed in a way that provides additional benefits for critically important fisheries without negatively impacting wildlife habitat;

(5) hatchery management modifications, such as expanding hatchery production of fish during the driest years, if appropriate for a particular river basin;

(6) hatchery retrofit projects, such as the installation and operation of filtration equipment and chillers, to reduce disease outbreaks, egg mortality
and other impacts of droughts and high water temperatures;

(7) increasing rescue operations of upstream migrating fish;

(8) improving temperature modeling and related forecasted information to predict water management impacts to the habitat of critically important fisheries with a higher degree of accuracy than current models;

(9) testing the potential for parentage-based tagging and other genetic testing technologies to improve the management of hatcheries;

(10) programs to reduce predation losses at artificially created predation hot spots; and

(11) retrofitting existing water facilities to provide improved temperature conditions for fish.

(e) PUBLIC COMMENT.—The Director of the United States Fish and Wildlife Service shall provide for a public comment period of not less than 90 days before finalizing a plan under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS FOR FISH RECOVERY EFFORTS.—There is authorized to be appropriated $25,000,000 for the United States Fish and Wildlife Service for fiscal year 2023 for fish, stream, and hatchery activities related to fish recovery efforts, includ-
ing work with the National Marine Fisheries Service, the
Bureau of Reclamation, the Army Corps of Engineers,
State fish and wildlife agencies, or a qualified Tribal Gov-
ernment.

(e) Effect.—Nothing in this section is intended to
expand, diminish, or affect any obligation under Federal
or State environmental law.

SEC. 236. REAUTHORIZATION OF THE FISHERIES RESTORA-
TION AND IRRIGATION MITIGATION ACT OF
2000.

Section 10(a) of the Fisheries Restoration and Irriga-
tion Mitigation Act of 2000 (16 U.S.C. 777 note; Public
Law 106–502) is amended by striking “$15 million
through 2021” and inserting “$25,000,000 through
2028”.

SEC. 237. SUSTAINING BIODIVERSITY DURING DROUGHTS.

Section 9503(b) of the Omnibus Public Land Man-
agement Act of 2009 (42 U.S.C. 10363(b)) is amended—
(1) in paragraph (3)(D), by inserting “and na-
tive biodiversity” after “wildlife habitat”; and
(2) in paragraph (4)(B), by inserting “and
drought biodiversity plans to address sustaining na-
tive biodiversity during periods of drought” after
“restoration plans”.
SEC. 238. WATER RESOURCE EDUCATION.

(a) GENERAL AUTHORITY.—In accordance with this section, the Secretary may enter into a cooperative agreement or contract or provide financial assistance in the form of a grant, to support activities related to education on water resources.

(b) ELIGIBLE ACTIVITIES.—The Secretary may enter into a cooperative agreement or contract or provide financial assistance for activities that improve water resources education, including through tours, publications or other activities that—

(1) disseminate information on water resources via educational tools, materials or programs;

(2) publish relevant information on water resource issues, including environmental and ecological conditions;

(3) advance projects that improve public understanding of water resource issues or management challenges, including education on drought, drought awareness, and drought resiliency;

(4) provide training or related education for teachers, faculty, or related personnel, including in a specific geographic area or region; or

(5) enable tours, conferences, or other activities to foster cooperation in addressing water resources or management challenges, including cooperation re-
lating to water resources shared by the United
States and Canada or Mexico.

(c) GRANT PRIORITY.—In making grants under this
section, the Secretary shall give priority to activities
that—

(1) provide training for the professional devel-
opment of legal and technical experts in the field of
water resources management; or

(2) help educate the public, teachers or key
stakeholders on—

(A) a new or significantly improved water
resource management practice, method, or tech-
nique;

(B) the existence of a water resource man-
agement practice, method, or technique that
may have wide application;

(C) a water resource management practice,
method, or technique related to a scientific field
or skill identified as a priority by the Secretary;

or

(D) general water resource issues or man-
agement challenges, including as part of a
science curricula in elementary or secondary
education setting.
TITLE III—OPEN ACCESS EVAPOTRANSPIRATION DATA

SEC. 301. SHORT TITLE.

This title may be cited as the “Open Access Evapotranspiration Data Act”.

SEC. 302. DEFINITIONS.

In this title:

(1) EVAPOTRANSPIRATION.—The term “evapotranspiration” or “ET” means the process by which water is transferred from the land to the atmosphere by—

(A) evaporation from soil and other surfaces; and

(B) transpiration from plants.

(2) PROGRAM.—The term “Program” means the Open Access Evapotranspiration (OpenET) Data Program established under section 304(a).

(3) PROGRAM PARTNER.—The term “Program partner” means—

(A) an institution of higher education;

(B) a State (including a State agency);

(C) an Indian Tribe as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304);

(D) a private sector entity;
(E) a nongovernmental organization; or
(F) any other entity determined to be appropriate by the Secretary.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

SEC. 303. FINDINGS.

Congress finds that—

(1) evapotranspiration is the second largest component of the water budget, which is an accounting of the allocation of water resources to various water uses;

(2) evapotranspiration is a measure of the water that is consumed and lost from a water system, removed from available supplies, and unavailable for other uses within a watershed;

(3) accurate information on evapotranspiration is required to balance water supply and water demand in a watershed and ensure that adequate water supplies for beneficial uses are available over time;

(4) water users and managers are impeded in more efficient decision making by—

(A) the lack of consistent and comprehensive water use data; and
(B) the fact that access to existing data is often limited and cost-prohibitive; and

(5) evapotranspiration data may be applied for the purposes of—

(A) assisting users and decisionmakers to better manage resources and protect financial viability of farm operations during drought;

(B) developing more accurate water budgets and innovative management programs to better promote conservation and sustainability efforts; and

(C) employing greater groundwater management practices and understanding impacts of consumptive water use.

SEC. 304. OPEN ACCESS EVAPOTRANSPIRATION (OPENET) DATA PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program to be known as the “Open Access Evapotranspiration (OpenET) Data Program” under which the Secretary shall provide for the delivery of satellite-based evapotranspiration data, as available, supported by other ET methods—

(1) to advance the quantification of evaporation and consumptive water use; and
(2) to provide data users with estimates of evapotranspiration data across large landscapes over certain periods of time, with a priority for Landsat scale (30–100m) when available.

(b) PURPOSE.—The purpose of the Program is to support the operational distribution of satellite-based evapotranspiration data generated under the Program to sustain and enhance water resources in the United States.

(c) DUTIES.—In carrying out the Program, the Secretary shall—

(1) evaluate, use, and modify sources of satellite-based evapotranspiration data, supported by other ET methods, based on best available science and technologies; and

(2) coordinate and consult with—

(A) the heads of other relevant Federal agencies, including—

(i) the Commissioner of Reclamation;

(ii) the Administrator of the National Aeronautics and Space Administration;

(iii) the Administrator of the National Oceanic and Atmospheric Administration;

(iv) the Administrator of the Agricultural Research Service; and
the Chief of the Natural Resources Conservation Service; and

(B) Program partners.

(d) COMPONENTS.—In carrying out the Program, the Secretary shall, in coordination with other relevant agencies, carry out activities to develop, maintain, establish, expand, or advance delivery of satellite-based evapotranspiration data, supported by other ET methods, to advance the quantification of evaporation and consumptive water use, with an emphasis on carrying out activities that—

(1) support the development and maintenance of evapotranspiration data and software systems and associated research and development in a manner that ensures that Program data are reflective of the best available science, including by providing support to Program partners, or coordinating activities with other programs within the Department of the Interior, that have developed and are maintaining evapotranspiration software systems and datasets;

(2) demonstrate or test new and existing evapotranspiration measurement technology;

(3) improve evapotranspiration measurement science and technology; and
(4) develop or refine the application of satellite-based evapotranspiration data available to Federal agencies, States, and Indian Tribes, including programs within both the Water Resources and Core Science Systems divisions of the United States Geological Survey. These may include—

(A) the Water Availability and Use Science Program, the National Water Census, and Integrated Water Availability Assessments; and

(B) the National Land Imaging Program, the Land Change Science Program, and the Science Analytics and Synthesis Program.

(e) WATER USE AND AVAILABILITY OF PROGRAM DATA.—The Secretary—

(1) shall incorporate, to the maximum extent practicable, program information and data for purposes of determining consumptive water use on irrigated or other vegetated landscapes for use by water resource management agencies;

(2) may continue to coordinate data analyses, use, and collection efforts with other Federal agencies, States, and Tribal governments through existing coordinating organizations, such as—

(A) the Western States Water Council; and
(B) the Western States Federal Agency
Support Team; and

(3) may provide information collected and analyzed under the Program to Program partners through appropriate mechanisms, including through agreements with Federal agencies, States (including State agencies), or Indian Tribes, leases, contracts, cooperative agreements, grants, loans, and memoranda of understanding.

(f) COOPERATIVE AGREEMENTS.—The Secretary shall—

(1) enter into cooperative agreements with Program partners to provide for the efficient and cost-effective administration of the Program, including through cost sharing or by providing additional in-kind resources necessary to carry out the Program; and

(2) provide nonreimbursable matching funding, as permissible, for programmatic and operational activities under this section, in consultation with Program partners.

(g) ENVIRONMENTAL LAWS.—Nothing in this title modifies any obligation of the Secretary to comply with applicable Federal and State environmental laws in carrying out this title.
SEC. 305. REPORT.

Not later than 5 years after the date of the enactment of this title, the Secretary shall submit to the Committees on Energy and Natural Resources, Agriculture, Nutrition, and Forestry, and Appropriations of the Senate and the Committees on Natural Resources, Agriculture, and Appropriations of the House of Representatives a report that includes—

(1) a status update on the operational incorporation of Program data into modeling, water planning, and reporting efforts of relevant Federal agencies; and

(2) a list of Federal agencies and Program partners that are applying Program data to beneficial use, including a description of examples of beneficial uses.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title $23,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.
TITLE IV—COLORADO RIVER INDIAN TRIBES WATER RESILIENCY

SEC. 401. SHORT TITLE.

This title may be cited as the “Colorado River Indian Tribes Water Resiliency Act of 2022”.

SEC. 402. FINDINGS.

The purposes of this title are to authorize—

(1) the CRIT to enter into lease or exchange agreements, storage agreements, and agreements for conserved water for the economic well-being of the CRIT; and

(2) the Secretary to approve any lease or exchange agreements, storage agreements, or agreements for conserved water entered into by the CRIT.

SEC. 403. DEFINITIONS.

In this title:

(1) AGREEMENT FOR CONSERVED WATER.—

The term “agreement for conserved water” means an agreement for the creation of system conservation, storage of conserved water in Lake Mead, or other mechanisms for voluntarily leaving a portion of the CRIT reduced consumptive use in Lake Mead.
(2) ALLOTTEE.—The term “allottee” means an individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the exterior boundaries of the Reservation; and

(B) held in trust by the United States.

(3) CONSOLIDATED DECREE.—The term “Consolidated Decree” means the decree entered by the Supreme Court of the United States in Arizona v. California (547 U.S. 150 (2006)).

(4) CONSUMPTIVE USE.—The term “consumptive use” means a portion of the decreed allocation that has a recent history of use by the CRIT within the exterior boundary of the Reservation. Any verified reduction in consumptive use pursuant to a lease or exchange agreement, storage agreement, or agreement for conserved water, shall be deemed to be a consumptive use in the year in which the reduction occurred, if the reduction is reflected in the Water Accounting Report.

(5) CRIT.—The term “CRIT” means the Colorado River Indian Tribes, a federally recognized Indian Tribe.

(6) DECREED ALLOCATION.—The term “decreed allocation” means the volume of water of the
mainstream of the Colorado River allocated to the
CRIT that is accounted for as part of the apportion-
ment for the State in part I–A of the Appendix of
the Consolidated Decree.

(7) LOWER BASIN.—The term “Lower Basin”
has the meaning given the term in article II(g) of
the Colorado River Compact of 1922, as approved by
Federal law in section 13 of the Boulder Canyon
Project Act (43 U.S.C. 617l) and by the Presidential

(8) PERSON.—The term “person” means an in-
dividual, a public or private corporation, a company,
a partnership, a joint venture, a firm, an associa-
tion, a society, an estate or trust, a private organiza-
tion or enterprise, the United States, an Indian
Tribe, a governmental entity, or a political subdivi-
sion or municipal corporation organized under, or
subject to, the constitution and laws of the State.

(9) RESERVATION.—The term “Reservation”
means the portion of the reservation established for
the CRIT that is located in the State.

(10) SECRETARY.—The term “Secretary”
means the Secretary of the Interior.

(11) STATE.—Except for purposes of section
416, the term “State” means the State of Arizona.
(12) STORAGE.—The term “storage” means the underground storage, in accordance with State law, of a portion of the consumptive use off the Reservation within the Lower Basin in the State.

(13) WATER ACCOUNTING REPORT.—The term “Water Accounting Report” means the annual report of the Bureau of Reclamation entitled the “Colorado River Accounting and Water Use Report: Arizona, California, and Nevada” which includes the compilation of records in accordance with article V of the Consolidated Decree.

SEC. 404. LEASE OR EXCHANGE AGREEMENTS.

(a) AUTHORIZATION.—Notwithstanding section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”; 25 U.S.C. 177) or any other provision of law, the CRIT is authorized, subject to the approval of the Secretary under section 407(a), and has the sole authority, to enter into, with any person, an agreement to lease or exchange, or an option to lease or exchange, a portion of the consumptive use for a use off the Reservation (referred to in this title as a “lease or exchange agreement”), on the condition that the use off the Reservation is located in the Lower Basin in the State and is not in Navajo, Apache, or Cochise counties.
(b) Term of Lease or Exchange Agreement.—

The term of any lease or exchange agreement entered into under subsection (a) shall be mutually agreed, except that the term shall not exceed 100 years.

(c) Modifications.—Any lease or exchange agreement entered into under subsection (a) may be renegotiated or modified at any time during the term of the lease or exchange agreement, subject to the approval of the Secretary under section 407(a), on the condition that the term of the renegotiated lease or exchange agreement does not exceed 100 years.

(d) Applicable Law.—Any person entering into a lease or exchange agreement with the CRIT under this section shall use the water received under the lease or exchange agreement in accordance with applicable Federal and State law.

SEC. 405. STORAGE AGREEMENTS.

(a) Authorization.—Notwithstanding section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”; 25 U.S.C. 177) or any other provision of law, the CRIT is authorized, subject to the approval of the Secretary under section 407(a), and has the sole authority, to enter into an agreement, including with the Arizona Water Banking Authority (or successor agency or entity), for the storage of a portion of the con-
sumptive use, or the water received under an exchange
pursuant to an exchange agreement under section 404, at
1 or more underground storage facilities or groundwater
 savings facilities off the Reservation (referred to in this
title as a “storage agreement”), on the condition that the
facility is located in the Lower Basin in the State and
is not in Navajo, Apache, or Cochise counties.

(b) APPLICABLE LAW.—Any storage agreement en-
tered into under this section shall be in accordance with
applicable Federal and State law.

(c) DELEGATION OF RIGHTS.—The CRIT may assign
or sell any long-term storage credits accrued as a result
of a storage agreement, on the condition that the assign-
ment or sale is in accordance with applicable State law.

SEC. 406. AGREEMENTS FOR CREATION OF WATER FOR
THE COLORADO RIVER SYSTEM OR FOR
STORING WATER IN LAKE MEAD.

(a) AUTHORIZATION.—Notwithstanding section 2116
of the Revised Statutes (commonly known as the “Indian
Trade and Intercourse Act”; 25 U.S.C. 177) or any other
provision of law, the CRIT is authorized, subject to the
approval of the Secretary under section 407(a), and has
the sole authority, to enter into, with any person, an
agreement for conserved water on the condition that if the
conserved water is delivered, the delivery is to a location
in the Lower Basin of the State and not in Navajo,
Apache, or Cochise counties.

(b) TERM OF AN AGREEMENT FOR CONSERVED
WATER.—The term of any agreement for conserved water
entered into under subsection (a) shall be mutually agreed,
except that the term shall not exceed 100 years.

(c) APPLICABLE LAW.—Any person entering into an
agreement for conserved water with the CRIT under this
section shall use the water received in accordance with ap-
plicable Federal and State law.

SEC. 407. SECRETARIAL APPROVAL; DISAPPROVAL; AGRE-
MENTS.

(a) AUTHORIZATION.—The Secretary shall approve
or disapprove any—

(1) lease or exchange agreement;

(2) modification to a lease or exchange agree-
ment;

(3) storage agreement;

(4) modification to a storage agreement; or

(5) agreement for conserved water.

(b) SECRETARIAL AGREEMENTS.—The Secretary is
authorized to enter lease or exchange agreements, storage
agreements, or agreements for conserved water with the
CRIT, provided the Secretary pays the fair market value
for the CRIT reduced consumptive use.
(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall not approve any lease or exchange agreement, or any modification to a lease or exchange agreement, any storage agreement, or any modification to a storage agreement that is not in compliance with—

(A) this title; and

(B) the agreement entered into between the CRIT, the State, and the Secretary under section 410(a).

(2) CONSERVED WATER.—The Secretary shall not approve any agreement for conserved water that is not in compliance with—

(A) this title; and

(B) other applicable Federal law.

(3) PERMANENT ALIENATION.—The Secretary shall not approve any lease or exchange agreement, or any modification to a lease or exchange agreement, or any storage agreement, or modification to a storage agreement, or agreement for conserved water that permanently alienates any portion of the CRIT decreed allocation.

(d) OTHER REQUIREMENTS.—The requirement for Secretarial approval under subsection (a) shall satisfy the requirements of section 2116 of the Revised Statutes
(commonly known as the “Indian Trade and Intercourse Act”; 25 U.S.C. 177).

(c) AUTHORITY OF THE SECRETARY.—Nothing in this title, or any agreement entered into or approved by the Secretary under this title, including any lease or exchange agreement, storage agreement, or agreement for conserved water, shall diminish or abrogate the authority of the Secretary to act under applicable Federal law or regulation, including the Consolidated Decree.

SEC. 408. RESPONSIBILITIES OF THE SECRETARY.

(a) COMPLIANCE.—When approving a lease or exchange agreement, a storage agreement, or an agreement for conserved water, the Secretary shall promptly comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental Acts and regulations.

(b) DOCUMENTATION.—The Secretary shall document any lease or exchange agreement, storage agreement, or agreement for conserved water in the Water Accounting Report.

SEC. 409. AGREEMENT BETWEEN THE CRIT AND THE STATE.

(a) IN GENERAL.—Before entering into the first lease or exchange agreement or storage agreement, the
CRIT shall enter into an agreement with the State that outlines all notice, information sharing, and collaboration requirements that shall apply to any potential lease or exchange agreement or storage agreement the CRIT may enter into.

(b) REQUIREMENT.—The agreement required under subsection (a) shall include a provision that requires the CRIT to submit to the State all documents regarding a potential lease or exchange agreement or storage agreement.

SEC. 410. AGREEMENT BETWEEN THE CRIT, THE STATE, AND THE SECRETARY.

(a) IN GENERAL.—Before approving the first lease or exchange agreement or storage agreement under section 407, the Secretary shall enter into an agreement with the State and the CRIT that describes the procedural, technical, and accounting methodologies for any lease or exchange agreement or storage agreement the CRIT may enter into, including quantification of the reduction in consumptive use and water accounting.

(b) NEPA.—The execution of the agreement required under subsection (a) shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
(c) EFFECT.—Nothing in this title shall prohibit the Secretary from agreeing with the CRIT and the State to a modification to an agreement entered into under subsection (a) (including an appendix or exhibit to the agreement) if that the modification—

(1) is in compliance with this title; and

(2) does not otherwise require congressional approval under section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Inter-course Act”; 25 U.S.C. 177) or any other provision of law.

SEC. 411. NO EFFECT ON THE CRIT DECREED ALLOCATION.

(a) TEMPORARY USE.—A lease or exchange agreement, storage agreement, or agreement for conserved water—

(1) shall provide for the temporary use, storage or conservation of a portion of the consumptive use off the Reservation; and

(2) shall not permanently alienate the decreed allocation.

(b) PRIORITY STATUS.—

(1) IN GENERAL.—The lease or exchange of a portion of the consumptive use shall not cause that portion to lose or change its priority under the Consolidated Decree.
(2) NONUSE.—Any nonuse by a person who is a party to any lease or exchange agreement or storage agreement with the CRIT shall not result in forfeiture, abandonment, relinquishment, or other loss by the CRIT of all or any portion of the decreed allocation.

(c) RESERVATION OF RIGHTS.—The lease, exchange, storage, or conservation of a portion of the consumptive use shall not reduce or limit the right of the CRIT to use the remaining portion of the decreed allocation on the Reservation.

(d) STORAGE AGREEMENTS.—A storage agreement entered into under this title shall account for the quantity of water in storage off the Reservation in accordance with applicable State law.

SEC. 412. ALLOTTEE USE OF WATER.

(a) INTERFERENCE.—The lease, exchange, storage, or conservation of a portion of the consumptive use shall not directly or indirectly interfere with, or diminish, any entitlement to water for an allottee under Federal or Tribal law.

(b) WATER RIGHTS OF ALLOTTEES.—The Secretary shall protect the rights of the allottees to a just and equitable distribution of water for irrigation purposes, pursuant to section 7 of the Act of February 8, 1887 (commonly

(e) Relief Under Tribal Law.—Prior to asserting any claim against the United States pursuant to the Act, or any other applicable law, an allottee shall exhaust all remedies available under applicable Tribal law.

(d) Relief Under the Indian General Allotment Act.—Following an exhaustion of remedies available under applicable Tribal law, an allottee may seek relief under the Act, or any other applicable law.

(e) Relief From the Secretary.—Following exhaustion of remedies available under the Act, or any other applicable law, an allottee may petition the Secretary for relief.

SECTION 413. CONSIDERATION PAID TO THE CRIT.

The CRIT, and not the United States in any capacity, shall be entitled to all consideration due to the CRIT under any lease or exchange agreement, storage agreement, or agreement for conserved water.

SECTION 414. LIABILITY OF THE UNITED STATES.

(a) Limitation of Liability.—The United States shall not be liable to the CRIT or to any party to a lease or exchange agreement, storage agreement, or agreement for conserved water in any claim relating to the negotia-
tion, execution, or approval of any lease or exchange agreement, storage agreement, or an agreement for conserved water, including any claim relating to the terms included in such an agreement, except for claims related to section 408(a).

(b) OBLIGATIONS.—The United States shall have no trust obligation or other obligation to monitor, administer, or account for—

(1) any funds received by the CRIT as consideration under any lease or exchange agreement, storage agreement, or agreement for conserved water; or

(2) the expenditure of such funds.

SEC. 415. APPLICATION.

(a) IN GENERAL.—This title shall apply only to the portion of the decreed allocation that is available for use in the State.

(b) REQUIREMENT.—The portion of the decreed allocation that is available for use in the State shall not be used, directly or indirectly, outside the Lower Basin in the State or in Navajo, Apache, or Cochise counties.

SEC. 416. RULE OF CONSTRUCTION.

Nothing in this title establishes, or shall be considered to establish, a precedent in any litigation involving, or alters, affects, or quantifies, any water right with respect to—
(1) the United States;

(2) any other Indian Tribe, band, or community;

(3) any State or political subdivision or district of a State; or

(4) any person.

TITLE V—HUALAPAI TRIBE
WATER RIGHTS SETTLEMENT

SEC. 501. SHORT TITLE.

This title may be cited as the “Hualapai Tribe Water Rights Settlement Act of 2022”.

SEC. 502. PURPOSES.

The purposes of this title are—

(1) to resolve, fully and finally, all claims to rights to water in the State, including the Verde River, the Bill Williams River, and the Colorado River, of—

(A) the Hualapai Tribe, on behalf of the Hualapai Tribe and the members of the Hualapai Tribe; and

(B) the United States, acting as trustee for the Hualapai Tribe, the members of the Hualapai Tribe, and the allottees;

(2) to authorize, ratify, and confirm the Hualapai Tribe water rights settlement agreement,
to the extent that agreement is consistent with this
title;

(3) to authorize and direct the Secretary to exe-
cute and perform the duties and obligations of the
Secretary under the Hualapai Tribe water rights
settlement agreement and this title; and

(4) to authorize the appropriation of funds nec-
essary to carry out the Hualapai Tribe water rights
settlement agreement and this title.

SEC. 503. DEFINITIONS.

In this title:

(1) 1947 JUDGMENT.—The term “1947 Judg-
ment” means the Judgment and the Stipulation and
Agreement, including exhibits to the Judgment and
the Stipulation and Agreement, entered on March
13, 1947, in United States v. Santa Fe Pac. R.R.
Co., No. E–190 (D. Ariz.) and attached to the
Hualapai Tribe water rights settlement agreement
as Exhibit 3.1.1.

(2) AFY.—The term “AFY” means acre-feet
per year.

(3) ALLOTMENT.—The term “allotment” means
any of the 4 off-reservation parcels that are—

(A) held in trust by the United States for
individual Indians in the Big Sandy River basin
in Mohave County, Arizona, under the patents numbered 1039995, 1039996, 1039997, and 1019494; and

(B) identified as Parcels 1A, 1B, 1C, and 2 on the map attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.6.

(4) ALLOTTEE.—The term “allottee” means any Indian owner of an allotment.

(5) AVAILABLE CAP SUPPLY.—The term “available CAP supply” means, for any year—

(A) all fourth priority water available for delivery through the Central Arizona Project;

(B) water available from Central Arizona Project dams and reservoirs other than the Modified Roosevelt Dam; and

(C) return flows captured by the Secretary for Central Arizona Project use.


(7) BILL WILLIAMS AGREEMENTS.—The term “Bill Williams agreements” means the Amended and Restated Big Sandy River-Planet Ranch Water
Rights Settlement Agreement and the Amended and Restated Hualapai Tribe Bill Williams River Water Rights Settlement Agreement, including all exhibits to each agreement, copies of which (excluding exhibits) are attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.11.

(8) Bill Williams River Phase 2 Enforceability Date.—The term “Bill Williams River Phase 2 Enforceability Date” means the date described in section 514(d).

(9) Bill Williams River Phase 2 Water Rights Settlement Agreement.—The term “Bill Williams River phase 2 water rights settlement agreement” means the agreement of that name that is attached to, and incorporated in, the Hualapai Tribe water rights settlement agreement as Exhibit 4.3.3.

(10) CAP contract.—The term “CAP contract” means a long-term contract (as defined in the CAP repayment stipulation) with the United States for delivery of CAP water through the CAP system.

(11) CAP contractor.—The term “CAP contractor”—

(A) means a person that has entered into a CAP contract; and
(B) includes the Hualapai Tribe.

(12) CAP FIXED OM&R CHARGE.—The term “CAP fixed OM&R charge” has the meaning given the term “Fixed OM&R Charge” in the CAP repayment stipulation.

(13) CAP M&I PRIORITY WATER.—The term “CAP M&I priority water” means water within the available CAP supply having a municipal and industrial delivery priority.

(14) CAP NIA PRIORITY WATER.—The term “CAP NIA priority water” means water within the available CAP supply having a non-Indian agricultural delivery priority.

(15) CAP OPERATING AGENCY.—The term “CAP operating agency” means—

(A) the 1 or more entities authorized to assume responsibility for the care, operation, maintenance, and replacement of the CAP system; and

(B) as of the date of the enactment of this title, the Central Arizona Water Conservation District.

(16) CAP PUMPING ENERGY CHARGE.—The term “CAP pumping energy charge” has the mean-
ing given the term “Pumping Energy Charge” in the
CAP repayment stipulation.

(17) CAP REPAYMENT CONTRACT.—The term
“CAP repayment contract” means—

(A) the contract dated December 1, 1988
1), between the United States and the Central
Arizona Water Conservation District for the
Delivery of Water and Repayment of Costs of
the Central Arizona Project; and

(B) any amendment to, or revision of, that
contract.

(18) CAP REPAYMENT STIPULATION.—The
term “CAP repayment stipulation” means the Stipu-
lated Judgment and the Stipulation for Judgment,
including any exhibits to those documents, entered
on November 21, 2007, in the United States District
Court for the District of Arizona in the consolidated
civil action Central Arizona Water Conservation Dis-
trict v. United States, numbered CIV 95–625–TUC–
WDB (EHC) and CIV 95–1720–PHX–EHC.

(19) CAP SUBCONTRACT.—The term “CAP sub-
contract” means a long-term subcontract (as defined
in the CAP repayment stipulation) with the United
States and the Central Arizona Water Conservation
District for the delivery of CAP water through the CAP system.

(20) CAP subcontractor.—The term “CAP subcontractor” means a person that has entered into a CAP subcontract.

(21) CAP system.—The term “CAP system” means—

(A) the Mark Wilmer Pumping Plant;
(B) the Hayden-Rhodes Aqueduct;
(C) the Fannin-McFarland Aqueduct;
(D) the Tucson Aqueduct;
(E) any pumping plant or appurtenant work of a feature described in subparagraph (A), (B), (C), or (D); and
(F) any extension of, addition to, or replacement for a feature described in subparagraph (A), (B), (C), (D), or (E).

(22) CAP water.—The term “CAP water” has the meaning given the term “Project Water” in the CAP repayment stipulation.

(23) Central Arizona Project.—The term “Central Arizona Project” means the reclamation project authorized and constructed by the United States in accordance with title III of the Colorado River Basin Project Act (43 U.S.C. 1521 et seq.).
(24) Central Arizona Water Conservation District.—The term “Central Arizona Water Conservation District” means the political subdivision of the State that is the contractor under the CAP repayment contract.

(25) Colorado River Compact.—The term “Colorado River Compact” means the Colorado River Compact of 1922, as ratified and reprinted in article 2 of chapter 7 of title 45, Arizona Revised Statutes.

(26) Colorado River Water Entitlement.—The term “Colorado River water entitlement” means the right or authorization to use Colorado River water in the State through a mainstem contract with the Secretary pursuant to section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d).

(27) Diversion.—The term “diversion” means an act to divert.

(28) Divert.—The term “divert” means to receive, withdraw, develop, produce, or capture water using—

(A) a ditch, canal, flume, bypass, pipeline, pit, collection or infiltration gallery, conduit, well, pump, turnout, dam, or any other mechanical device; or
(B) any other act of man.

(29) DOMESTIC PURPOSE.—

(A) IN GENERAL.—The term “domestic purpose” means any use relating to the supply, service, or activity of a household or private residence.

(B) INCLUSIONS.—The term “domestic purpose” includes the application of water to not more than 2 acres of land to produce a plant or parts of a plant for—

(i) sale or human consumption; or

(ii) use as feed for livestock, range livestock, or poultry.

(30) EFFLUENT.—The term “effluent” means water that—

(A) has been used in the State for domestic, municipal, or industrial purposes, other than solely for hydropower generation; and

(B) is available for reuse for any purpose, regardless or whether the water has been treated to improve the quality of the water.

(31) ENFORCEABILITY DATE.—The term “Enforceability Date” means the date described in section 514(a).
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(32) **EXCHANGE.**—The term “exchange” means a trade between 1 or more persons of any water for any other water, if each person has a right or claim to use the water the person provides in the trade, regardless of whether the water is traded in equal quantities or other consideration is included in the trade.

(33) **FOURTH PRIORITY WATER.**—The term “fourth priority water” means Colorado River water that is available for delivery in the State for the satisfaction of entitlements—

(A) in accordance with contracts, Secretarial reservations, perfected rights, and other arrangements between the United States and water users in the State entered into or established after September 30, 1968, for use on Federal, State, or privately owned land in the State, in a total quantity of not greater than 164,652 AFY of diversions; and

(B) after first providing for the delivery of Colorado River water for the CAP system, including for use on Indian land, under section 304(e) of the Colorado River Basin Project Act (43 U.S.C. 1524(e)), in accordance with the CAP repayment contract.
(34) **FREEPORT.**—The term “Freeport”—

(A) means the Delaware corporation named “Freeport Minerals Corporation”; and

(B) includes all subsidiaries, affiliates, successors, and assigns of Freeport Minerals Corporation, including Byner Cattle Company, a Nevada corporation.

(35) **GILA RIVER ADJUDICATION.**—The term “Gila River adjudication” means the action pending in the Superior Court of the State, in and for the County of Maricopa, In Re the General Adjudication of All Rights To Use Water In The Gila River System and Source, W–1 (Salt), W–2 (Verde), W–3 (Upper Gila), W–4 (San Pedro) (Consolidated).

(36) **GILA RIVER ADJUDICATION COURT.**—The term “Gila River adjudication court” means the Superior Court of the State, in and for the County of Maricopa, exercising jurisdiction over the Gila River adjudication.

(37) **GILA RIVER ADJUDICATION DECREE.**—The term “Gila River adjudication decree” means the judgment or decree entered by the Gila River adjudication court in substantially the same form as the form of judgment attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.43.
(38) **GROUNDWATER.**—The term “groundwater” means all water beneath the surface of the Earth within the State that is not—
   (A) surface water;
   (B) effluent; or
   (C) Colorado River water.

(39) **HUALAPAI FEE LAND.**—The term “Hualapai fee land” means land, other than Hualapai trust land, that—
   (A) is located in the State;
   (B) is located outside the exterior boundaries of the Hualapai Reservation or Hualapai trust land; and
   (C) as of the Enforceability Date, is owned by the Hualapai Tribe, including by a tribally owned corporation.

(40) **HUALAPAI LAND.**—The term “Hualapai land” means—
   (A) the Hualapai Reservation;
   (B) Hualapai trust land; and
   (C) Hualapai fee land.

(41) **HUALAPAI RESERVATION.**—The term “Hualapai Reservation” means the land within the exterior boundaries of the Hualapai Reservation, in-
(A) all land withdrawn by the Executive order dated January 4, 1883, as modified by the May 28, 1942, order of the Secretary pursuant to the Act of February 20, 1925 (43 Stat. 954, chapter 273);

(B) the land identified by the Executive orders dated December 22, 1898, May 14, 1900, and June 2, 1911; and

(C) the land added to the Hualapai Reservation by sections 511 and 512.

(42) HUALAPAI TRIBE.—The term “Hualapai Tribe” means the Hualapai Tribe, a federally recognized Indian Tribe of Hualapai Indians organized under section 16 of the Act of June 18, 1934 (25 U.S.C. 5123; commonly known as the “Indian Reorganization Act”).

(43) HUALAPAI TRIBE CAP WATER.—The term “Hualapai Tribe CAP water” means the 4,000 AFY of the CAP NIA priority water that—

(A) was previously allocated to non-Indian agricultural entities;

(B) was retained by the Secretary for reallocation to Indian Tribes in the State pursuant to section 104(a)(1)(A)(iii) of the Central
Arizona Project Settlement Act of 2004 (Public Law 108–451; 118 Stat. 3487); and

(C) is reallocated to the Hualapai Tribe pursuant to section 513.

(44) HUALAPAI TRIBE WATER DELIVERY CONTRACT.—The term “Hualapai Tribe water delivery contract” means the contract entered into in accordance with the Hualapai Tribe water rights settlement agreement and section 513(c) for the delivery of Hualapai Tribe CAP water.

(45) HUALAPAI TRIBE WATER RIGHTS SETTLEMENT AGREEMENT.—

(A) IN GENERAL.—The term “Hualapai Tribe water rights settlement agreement” means the agreement, including exhibits, entitled “Hualapai Tribe Water Rights Settlement Agreement” and dated February 11, 2019.

(B) INCLUSIONS.—The term “Hualapai Tribe water rights settlement agreement” includes—

(i) any amendments necessary to make the Hualapai Tribe water rights settlement agreement consistent with this title; and
(ii) any other amendments approved
by the parties to the Hualapai Tribe water
rights settlement agreement and the Sec-
retary.

(46) HUALAPAI TRUST LAND.—The term
“Hualapai trust land” means land, other than
Hualapai fee land, that is—

(A) located—

(i) in the State; and

(ii) outside the exterior boundaries of
the Hualapai Reservation; and

(B) as of the Enforceability Date, held in
trust by the United States for the benefit of the
Hualapai Tribe.

(47) HUALAPAI WATER PROJECT.—The term
“Hualapai Water Project” means the project con-
structed in accordance with section 506(a)(7)(A).

(48) HUALAPAI WATER TRUST FUND AC-
COUNT.—The term “Hualapai Water Trust Fund
Account” means the account established under sec-
tion 506(a)(1).

(49) INDIAN TRIBE.—The term “Indian Tribe”
has the meaning given the term in section 4 of the
Indian Self-Determination and Education Assistance
(50) INJURY TO WATER RIGHTS.—

(A) IN GENERAL.—The term “injury to water rights” means any interference with, diminution of, or deprivation of, a water right under Federal, State, or other law.

(B) EXCLUSION.—The term “injury to water rights” does not include any injury to water quality.

(51) LOWER BASIN.—The term “lower basin” has the meaning given the term in article II(g) of the Colorado River Compact.

(52) LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—The term “Lower Colorado River Basin Development Fund” means the fund established by section 403(a) of the Colorado River Basin Project Act (43 U.S.C. 1543(a)).

(53) MEMBER.—The term “member” means any person duly enrolled as a member of the Hualapai Tribe.

(54) OM&R.—The term “OM&R” means—

(A) any recurring or ongoing activity relating to the day-to-day operation of a project;

(B) any activity relating to scheduled or unscheduled maintenance of a project; and
(C) any activity relating to replacing a feature of a project.

(55) PARCEL 1.—The term “Parcel 1” means the parcel of land that is—

(A) depicted as 3 contiguous allotments identified as 1A, 1B, and 1C on the map attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.6; and

(B) held in trust for certain allottees.

(56) PARCEL 2.—The term “Parcel 2” means the parcel of land that is—

(A) depicted as “Parcel 2” on the map attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.6; and

(B) held in trust for certain allottees.

(57) PARCEL 3.—The term “Parcel 3” means the parcel of land that is—

(A) depicted as “Parcel 3” on the map attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.6;

(B) held in trust for the Hualapai Tribe; and

(C) part of the Hualapai Reservation pursuant to Executive Order 1368, dated June 2, 1911.
(58) PARTY.—The term “party” means a person that is a signatory to the Hualapai Tribe water rights settlement agreement.

(59) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(60) STATE.—The term “State” means the State of Arizona.

(61) STOCK WATERING.—The term “stock watering” means the watering of livestock, range livestock, or poultry.

(62) SURFACE WATER.—The term “surface water” means all water in the State that is appropriation under State law.


(64) WATER.—The term “water”, when used without a modifying adjective, means—

(A) groundwater;

(B) surface water;

(C) effluent; and

(D) Colorado River water.
(65) Water Right.—The term “water right” means any right in or to groundwater, surface water, effluent, or Colorado River water under Federal, State, or other law.

SEC. 504. RATIFICATION AND EXECUTION OF HUALAPAI TRIBE WATER RIGHTS SETTLEMENT AGREEMENT.

(a) Ratification.—

(1) In General.—Except as modified by this title and to the extent the Hualapai Tribe water rights settlement agreement does not conflict with this title, the Hualapai Tribe water rights settlement agreement is authorized, ratified, and confirmed.

(2) Amendments.—If an amendment to the Hualapai Tribe water rights settlement agreement, or to any exhibit attached to the Hualapai Tribe water rights settlement agreement requiring the signature of the Secretary, is executed in accordance with this title to make the Hualapai Tribe water rights settlement agreement consistent with this title, the amendment is authorized, ratified, and confirmed, to the extent the amendment is consistent with this title.

(b) Execution.—
(1) IN GENERAL.—To the extent the Hualapai Tribe water rights settlement agreement does not conflict with this title, the Secretary shall execute the Hualapai Tribe water rights settlement agreement, including all exhibits to, or parts of, the Hualapai Tribe water rights settlement agreement requiring the signature of the Secretary.

(2) MODIFICATIONS.—Nothing in this title prohibits the Secretary from approving any modification to an appendix or exhibit to the Hualapai Tribe water rights settlement agreement that is consistent with this title, to the extent the modification does not otherwise require congressional approval under section 2116 of the Revised Statutes (25 U.S.C. 177) or any other applicable provision of Federal law.

c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Hualapai Tribe water rights settlement agreement (including all exhibits to the Hualapai Tribe water rights settlement agreement requiring the signature of the Secretary) and this title, the Secretary shall comply with all applicable provisions of—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the implementing regulations of that Act; and

(C) all other applicable Federal environmental laws and regulations.

(2) COMPLIANCE.—

(A) IN GENERAL.—In implementing the Hualapai Tribe water rights settlement agreement and this title, the Hualapai Tribe shall prepare any necessary environmental documents, consistent with all applicable provisions of—

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

(ii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the implementing regulations of that Act; and

(iii) all other applicable Federal environmental laws and regulations.

(B) AUTHORIZATIONS.—The Secretary shall—

(i) independently evaluate the documentation submitted under subparagraph (A); and
(ii) be responsible for the accuracy, scope, and contents of that documentation.

(3) Effect of Execution.—The execution of the Hualapai Tribe water rights settlement agreement by the Secretary under this section shall not constitute a major action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 505. WATER RIGHTS.

(a) Water Rights to be Held in Trust.—

(1) Hualapai Tribe.—The United States shall hold the following water rights in trust for the benefit of the Hualapai Tribe:

(A) The water rights for the Hualapai Reservation described in subparagraph 4.2 of the Hualapai Tribe water rights settlement agreement.

(B) The water rights for Hualapai trust land described in subparagraph 4.4 of the Hualapai Tribe water rights settlement agreement.

(C) The water rights described in section 512(e)(2) for any land taken into trust by the United States for the benefit of the Hualapai Tribe—
(i) after the Enforceability Date; and

(ii) in accordance with section 512(e)(1).

(D) All Hualapai Tribe CAP water.

(2) Allottees.—The United States shall hold in trust for the benefit of the allottees all water rights for the allotments described in subparagraph 4.3.2 of the Hualapai Tribe water rights settlement agreement.

(b) Forfeiture and Abandonment.—The following water rights shall not be subject to loss through non-use, forfeiture, abandonment, or other operation of law:

(1) The water rights for the Hualapai Reservation described in subparagraph 4.2 of the Hualapai Tribe water rights settlement agreement.

(2) The water rights for Hualapai trust land described in subparagraph 4.4 of the Hualapai Tribe water rights settlement agreement.

(3) Any Colorado River water entitlement purchased by the Hualapai Tribe wholly or substantially with amounts in the Economic Development Fund described in section 8.1 of the Amended and Restated Hualapai Tribe Bill Williams River Water Rights Settlement Agreement.
(c) ALIENATION.—Any Colorado River water entitlement purchased by the Hualapai Tribe wholly or substantially with amounts in the Economic Development Fund described in section 8.1 of the Amended and Restated Hualapai Tribe Bill Williams River Water Rights Settlement Agreement shall be restricted against permanent alienation by the Hualapai Tribe.

(d) HUALAPAI TRIBE CAP WATER.—The Hualapai Tribe shall have the right to divert, use, and store the Hualapai Tribe CAP water in accordance with section 513.

(e) COLORADO RIVER WATER ENTITLEMENTS.—

(1) USES.—The Hualapai Tribe shall have the right to use any Colorado River water entitlement purchased by or donated to the Hualapai Tribe at the location to which the entitlement is appurtenant on the date on which the entitlement is purchased or donated.

(2) STORAGE.—

(A) IN GENERAL.—Subject to paragraphs (3) and (5), the Hualapai Tribe may store Colorado River water available under any Colorado River water entitlement purchased by or donated to the Hualapai Tribe at underground storage facilities or groundwater savings facili-
ties located within the State and in accordance
with State law.

(B) ASSIGNMENTS.—The Hualapai Tribe
may assign any long-term storage credits ac-
crued as a result of storage under subpara-
graph (A) in accordance with State law.

(3) TRANSFERS.—The Hualapai Tribe may
transfer the entitlement for use or storage under
paragraph (1) or (2), respectively, to another loca-
tion within the State, including the Hualapai Res-
ervation, in accordance with the Hualapai Tribe
water rights settlement agreement and all applicable
Federal and State laws governing the transfer of
Colorado River water entitlements within the State.

(4) LEASES.—The Hualapai Tribe may lease
any Colorado River water entitlement for use or
storage under paragraph (1) or (2), respectively, to
a water user within the State, in accordance with
the Hualapai Tribe water rights settlement agree-
ment and all applicable Federal and State laws gov-
erning the transfer of Colorado River water entitle-
ments within the State.

(5) TRANSPORTS.—The Hualapai Tribe, or any
person who leases a Colorado River water entitle-
ment from the Hualapai Tribe under paragraph (4),
may transport Colorado River water available under the Colorado River water entitlement through the Central Arizona Project in accordance with all laws of the United States and the agreements between the United States and the Central Arizona Water Conservation District governing the use of the Central Arizona Project to transport water other than CAP water.

(f) Use Off-Reservation.—No water rights to groundwater under the Hualapai Reservation or Hualapai trust land, or to surface water on the Hualapai Reservation or Hualapai trust land, may be sold, leased, transferred, or used outside the boundaries of the Hualapai Reservation or Hualapai trust land, other than under an exchange.

(g) Groundwater Transportation.—

(1) Fee Land.—Groundwater may be transported in accordance with State law away from Hualapai fee land and away from land acquired in fee by the Hualapai Tribe, including by a tribally owned corporation, after the Enforceability Date.

(2) Land Added to Hualapai Reservation.—Groundwater may be transported in accordance with State law away from land added to the
Hualapai Reservation by sections 511 and 512 to
other land within the Hualapai Reservation.

SEC. 506. HUALAPAI WATER TRUST FUND ACCOUNT; CON-
STRUCTION OF HUALAPAI WATER PROJECT;
FUNDING.

(a) HUALAPAI Water Trust Fund Account.—

(1) Establishment.—The Secretary shall es-
establish a trust fund account, to be known as the
“Hualapai Water Trust Fund Account”, to be man-
aged, invested, and distributed by the Secretary and
to remain available until expended, withdrawn, or re-
verted to the general fund of the Treasury, con-
sisting of the amounts deposited in the Hualapai
Water Trust Fund Account under paragraph (2), to-
gether with any interest earned on those amounts,
for the purposes of carrying out this title.

(2) Deposits.—The Secretary shall deposit in
the Hualapai Water Trust Fund Account the
amounts made available pursuant to section
507(a)(1).

(3) Management and Interest.—

(A) Management.—On receipt and de-
posit of funds into the Hualapai Water Trust
Fund Account, the Secretary shall manage, in-
vest, and distribute all amounts in the Hualapai
Water Trust Fund Account in a manner that is consistent with the investment authority of the Secretary under—

(i) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(ii) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(iii) this subsection.

(B) INVESTMENT EARNINGS.—In addition to the deposits made to the Hualapai Water Trust Fund Account under paragraph (2), any investment earnings, including interest, credited to amounts held in the Hualapai Water Trust Fund Account are authorized to be used in accordance with paragraph (7).

(4) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—Amounts appropriated to, and deposited in, the Hualapai Water Trust Fund Account, including any investment earnings, shall be made available to the Hualapai Tribe by the Secretary beginning on the Enforceability Date, subject to the requirements of this section.
(B) USE.—Notwithstanding subparagraph (A), amounts deposited in the Hualapai Water Trust Fund Account shall be available to the Hualapai Tribe on the date on which the amounts are deposited for environmental compliance, as provided in section 508.

(5) WITHDRAWALS.—

(A) WITHDRAWALS UNDER THE AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.—

(i) IN GENERAL.—The Hualapai Tribe may withdraw any portion of the amounts in the Hualapai Water Trust Fund Account on approval by the Secretary of a Tribal management plan submitted by the Tribe in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(ii) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Tribal management plan under this subparagraph shall require that the Hualapai
Tribe spend all amounts withdrawn from the Hualapai Water Trust Fund Account and any investment earnings accrued through the investments under the Tribal management plan in accordance with this title.

(iii) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the Tribal management plan under this subparagraph to ensure that amounts withdrawn by the Hualapai Tribe from the Hualapai Water Trust Fund Account under clause (i) are used in accordance with this title.

(B) WITHDRAWALS UNDER EXPENDITURE PLAN.—

(i) IN GENERAL.—The Hualapai Tribe may submit to the Secretary a request to withdraw funds from the Hualapai Water Trust Fund Account pursuant to an approved expenditure plan.

(ii) REQUIREMENTS.—To be eligible to withdraw amounts under an expenditure plan under this subparagraph, the
Hualapai Tribe shall submit to the Secretary an expenditure plan for any portion of the Hualapai Water Trust Fund Account that the Hualapai Tribe elects to withdraw pursuant to this subparagraph, subject to the condition that the amounts shall be used for the purposes described in this title.

(iii) INCLUSIONS.—An expenditure plan under this subparagraph shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Hualapai Water Trust Fund Account will be used by the Hualapai Tribe, in accordance with paragraph (7).

(iv) APPROVAL.—The Secretary shall approve an expenditure plan submitted under clause (ii) if the Secretary determines that the plan—

(I) is reasonable; and

(II) is consistent with, and will be used for, the purposes of this title.

(v) ENFORCEMENT.—The Secretary may carry out such judicial and adminis-
trative actions as the Secretary determines
to be necessary to enforce an expenditure
plan to ensure that amounts disbursed
under this subparagraph are used in ac-
cordance with this title.

(6) Effect of Title.—Nothing in this section
gives the Hualapai Tribe the right to judicial review
of a determination of the Secretary relating to
whether to approve a Tribal management plan under
paragraph (5)(A) or an expenditure plan under
paragraph (5)(B) except under subchapter II of
chapter 5, and chapter 7, of title 5, United States
Code (commonly known as the “Administrative Pro-
cedure Act”).

(7) Uses.—Amounts from the Hualapai Water
Trust Fund Account shall be used by the Hualapai
Tribe—

(A) to plan, design, construct, and conduct
related activities, including compliance with
Federal environmental laws under section 508,
the Hualapai Water Project, which shall be de-
signed to divert, treat, and convey up to 3,414
AFY of water from the Colorado River in the
lower basin in the State, including locations on
or directly adjacent to the Hualapai Reserva-
tion, for municipal, commercial, and industrial
uses on the Hualapai Reservation;

(B) to perform OM&R on the Hualapai
Water Project;

(C) to construct facilities to transport elec-
trical power to pump water for the Hualapai
Water Project;

(D) to construct, repair, and replace such
infrastructure as may be necessary for ground-
water wells on the Hualapai Reservation and to
construct infrastructure for delivery and use of
such groundwater on the Hualapai Reservation;

(E) to acquire land, interests in land, and
water rights outside the exterior boundaries of
the Hualapai Reservation that are located in
the Truxton Basin;

(F) to reimburse the Hualapai Tribe for
any—

(i) planning, design, and engineering
costs associated with the Hualapai Water
Project that the Hualapai Tribe incurs
using Tribal funds during the period—

(I) beginning on the date of the
enactment of this title; and
(II) ending on the Enforceability Date; and

(ii) construction costs associated with the Hualapai Water Project that the Hualapai Tribe incurs using Tribal funds during the period—

(I) beginning on the date on which the Secretary issues a record of decision; and

(II) ending on the Enforceability Date; and

(G) to make contributions to the Economic Development Fund described in section 8.1 of the Amended and Restated Hualapai Tribe Bill Williams River Water Rights Settlement Agreement for the purpose of purchasing additional Colorado River water entitlements and appurtenant land.

(8) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from the Hualapai Water Trust Fund Account by the Hualapai Tribe under paragraph (5).

(9) TITLE TO INFRASTRUCTURE.—Title to, control over, and operation of any project constructed
using funds from the Hualapai Water Trust Fund Account shall remain in the Hualapai Tribe.

(10) OM&R.—All OM&R costs of any project constructed using funds from the Hualapai Water Trust Fund Account shall be the responsibility of the Hualapai Tribe.

(11) No per capita distributions.—No portion of the Hualapai Water Trust Fund Account shall be distributed on a per capita basis to any member of the Hualapai Tribe.

(12) Expenditure reports.—The Hualapai Tribe shall annually submit to the Secretary an expenditure report describing accomplishments and amounts spent from use of withdrawals under a Tribal management plan or an expenditure plan under this title.

(b) Hualapai Water Settlement Implementation Fund Account.—

(1) Establishment.—There is established in the Treasury of the United States a nontrust, interest-bearing account, to be known as the “Hualapai Water Settlement Implementation Fund Account” (referred to in this subsection as the “Implementation Fund Account”) to be managed and distributed
by the Secretary, for use by the Secretary for carrying out this title.

(2) DEPOSITS.—The Secretary shall deposit in the Implementation Fund Account the amounts made available pursuant to section 507(a)(2).

(3) USES.—The Implementation Fund Account shall be used by the Secretary to carry out section 515(c), including for groundwater monitoring in the Truxton Basin.

(4) INTEREST.—In addition to the deposits under paragraph (2), any investment earnings, including interest, credited to amounts unexpended in the Implementation Fund Account are authorized to be appropriated to be used in accordance with paragraph (3).

SEC. 507. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—

(1) HUALAPAI WATER TRUST FUND ACCOUNT.—There is authorized to be appropriated to the Secretary for deposit in the Hualapai Water Trust Fund Account $180,000,000, to be available until expended, withdrawn, or reverted to the general fund of the Treasury.

(2) HUALAPAI WATER SETTLEMENT IMPLEMENTATION FUND ACCOUNT.—There is authorized to be
appropriated to the Secretary for deposit in the
Hualapai Water Settlement Implementation Fund
account established by section 506(b)(1) $5,000,000.

(b) FLUCTUATION IN COSTS.—

(1) IN GENERAL.—The amount authorized to
be appropriated under subsection (a)(1) shall be in-
creased or decreased, as appropriate, by such
amounts as may be justified by reason of ordinary
fluctuations in costs occurring after the date of the
enactment of this title, as indicated by the Bureau
of Reclamation Construction Cost Index—Composite
Trend.

(2) CONSTRUCTION COSTS ADJUSTMENT.—The
amount authorized to be appropriated under sub-
section (a)(1) shall be adjusted to address construc-
tion cost changes necessary to account for unfore-
seen market volatility that may not otherwise be
captured by engineering cost indices as determined
by the Secretary, including repricing applicable to
the types of construction and current industry
standards involved.

(3) REPEITION.—The adjustment process
under this subsection shall be repeated for each sub-
sequent amount appropriated until the amount au-
thorized, as adjusted, has been appropriated.
(4) PERIOD OF INDEXING.—The period of indexing adjustment for any increment of funding shall end on the date on which the funds are deposited in the Hualapai Water Trust Fund Account.

SEC. 508. ENVIRONMENTAL COMPLIANCE.

(a) IN GENERAL.—Effective beginning on the date of deposit of funds in the Hualapai Water Trust Fund Account, the Hualapai Tribe may commence any environmental, cultural, and historical compliance activities necessary to implement the Hualapai Tribe water rights settlement agreement and this title, including activities necessary to comply with all applicable provisions of—

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

   (2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the implementing regulations of that Act; and

   (3) all other applicable Federal environmental or historical and cultural protection laws and regulations.

(b) NO EFFECT ON OUTCOME.—Nothing in this title affects or directs the outcome of any analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other applicable Federal environmental or historical and cultural protection law.
(c) Compliance Costs.—Any costs associated with the performance of the compliance activities under subsection (a) shall be paid from funds deposited in the Hualapai Water Trust Fund Account, subject to the condition that any costs associated with the performance of Federal approval or other review of such compliance work or costs associated with inherently Federal functions shall remain the responsibility of the Secretary.

(d) Record of Decision.—Construction of the Hualapai Water Project shall not commence until the Secretary issues a record of decision after completion of an environmental impact statement for the Hualapai Water Project.

(e) Construction Costs.—Any costs of construction incurred by the Hualapai Tribe during the period beginning on the date on which the Secretary issues a record of decision and ending on the Enforceability Date shall be paid by the Hualapai Tribe and not from funds deposited in the Hualapai Water Trust Fund Account, subject to the condition that, pursuant to section 506(a)(7)(F), the Hualapai Tribe may be reimbursed after the Enforceability Date from the Hualapai Water Trust Fund Account for any such costs of construction incurred by the Hualapai Tribe prior to the Enforceability Date.
SEC. 509. WAIVERS, RELEASES, AND RETENTIONS OF CLAIMS.

(a) WAIVERS AND RELEASES OF CLAIMS BY THE HUALAPAI TRIBE.—

(1) CLAIMS AGAINST THE STATE AND OTHERS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Hualapai Tribe, on behalf of the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees) and the United States, acting as trustee for the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees), as part of the performance of the respective obligations of the Hualapai Tribe and the United States under the Hualapai Tribe water rights settlement agreement and this title, are authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State) and any other individual, entity, corporation, or municipal corporation under Federal, State, or other law for all—

(i) past, present, and future claims for water rights, including rights to Colorado
River water, for Hualapai land, arising from time immemorial and, thereafter, forever;

(ii) past, present, and future claims for water rights, including rights to Colorado River water, arising from time immemorial and, thereafter, forever, that are based on the aboriginal occupancy of land by the Hualapai Tribe, the predecessors of the Hualapai Tribe, the members of the Hualapai Tribe, or predecessors of the members of the Hualapai Tribe;

(iii) past and present claims for injury to water rights, including injury to rights to Colorado River water, for Hualapai land, arising from time immemorial through the Enforceability Date;

(iv) past, present, and future claims for injury to water rights, including injury to rights to Colorado River water, arising from time immemorial and, thereafter, forever, that are based on the aboriginal occupancy of land by the Hualapai Tribe, the predecessors of the Hualapai Tribe, the members of the Hualapai Tribe, or prede-
cessors of the members of the Hualapai Tribe;

(v) claims for injury to water rights, including injury to rights to Colorado River water, arising after the Enforceability Date, for Hualapai land, resulting from the off-reservation diversion or use of surface water, Colorado River water, or effluent in a manner not in violation of the Hualapai Tribe water rights settlement agreement or State law;

(vi) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the Hualapai Tribe water rights settlement agreement, any judgment or decree approving or incorporating the Hualapai Tribe water rights settlement agreement, or this title;

(vii) claims for water rights of the Hualapai Tribe or the United States, acting as trustee for the Hualapai Tribe and members of the Hualapai Tribe, with respect to Parcel 3, in excess of 300 AFY;
(viii) claims for injury to water rights arising after the Enforceability Date for Hualapai land resulting from the off-reservation diversion or use of groundwater from—

(I) any well constructed outside of the Truxton Basin on or before the date of the enactment of this title;

(II) any well constructed outside of the Truxton Basin, and not more than 2 miles from the exterior boundaries of the Hualapai Reservation, after the date of the enactment of this title if—

(aa) the well was constructed to replace a well in existence on the date of the enactment of this title;

(bb) the replacement well was constructed within 660 feet of the well being replaced; and

(cc) the pumping capacity and case diameter of the replacement well do not exceed the pumping capacity and case di-
ameter of the well being replaced;
or
(III) any well constructed outside
the Truxton Basin, and not less than
2 miles from the exterior boundaries
of the Hualapai Reservation, after the
date of the enactment of this title,
subject to the condition that the au-
thorizations and restrictions regarding
the location, size, and operation of
wells in the Bill Williams River water-
shed set forth in the Bill Williams
agreements and the Bill Williams Act,
and the waivers of claims in the Bill
Williams agreements and the Bill Wil-
liams Act, shall continue to apply to
the parties to the Bill Williams agree-
ments, notwithstanding the provisions
of this subsection; and
(ix) claims for injury to water rights
arising after the Enforceability Date, for
Hualapai land, resulting from the off-res-
ervation diversion or use of groundwater in
the Truxton Basin from—
(I) any well constructed within the Truxton Basin for domestic purposes or stock watering—

(aa) on or before the date on which the Secretary provides written notice to the State pursuant to section 515(e)(2); or

(bb) after the date on which the Secretary provides written notice to the State pursuant to that section if—

(AA) the well was constructed to replace a well in existence on the date on which the notice was provided;

(BB) the replacement well was constructed within 660 feet of the well being replaced; and

(CC) the pumping capacity and case diameter of the replacement well do not exceed the pumping capacity
and case diameter of the well being replaced; and

(II) any well constructed within the Truxton Basin for purposes other than domestic purposes or stock watering—

(aa) on or before the date of the enactment of this title;

(bb) after the date of the enactment of this title if the Secretary has not provided written notice to the State pursuant to section 515(c)(2); or

(ce) after the date of the enactment of this title if the Secretary has provided written notice to the State pursuant to section 515(c)(2) and if—

(AA) the well was constructed to replace a well in existence on the on which date the notice was provided;

(BB) the replacement well was constructed within
660 feet of the well being replaced; and

(C) the pumping capacity and case diameter of the replacement well do not exceed the pumping capacity and case diameter of the well being replaced.

(B) Effective Date.—The waiver and release of claims described in subparagraph (A) shall take effect on the Enforceability Date.

(C) Reservation of rights and retention of claims.—Notwithstanding the waiver and release of claims described in subparagraph (A), the Hualapai Tribe, acting on behalf of the Hualapai Tribe and the members of the Hualapai Tribe, the United States, acting as trustee for the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees), shall retain any right—

(i) subject to subparagraph 12.7 of the Hualapai Tribe water rights settlement agreement, to assert claims for injuries to, and seek enforcement of, the rights of the
Hualapai Tribe under the Hualapai Tribe water rights settlement agreement or this title in any Federal or State court of competent jurisdiction;

(ii) to assert claims for injuries to, and seek enforcement of, the rights of the Hualapai Tribe under any judgment or decree approving or incorporating the Hualapai Tribe water rights settlement agreement;

(iii) to assert claims for water rights based on State law for land owned or acquired by the Hualapai Tribe in fee, under subparagraph 4.8 of the Hualapai Tribe water rights settlement agreement;

(iv) to object to any claims for water rights or injury to water rights by or for any Indian Tribe or the United States, acting on behalf of any Indian Tribe;

(v) to assert past, present, or future claims for injury to water rights against any Indian Tribe or the United States, acting on behalf of any Indian Tribe;

(vi) to assert claims for injuries to, and seek enforcement of, the rights of the
Hualapai Tribe under the Bill Williams agreements or the Bill Williams Act in any Federal or State court of competent jurisdiction;

(vii) subject to paragraphs (1), (3), (4), and (5) of section 505(e), to assert the rights of the Hualapai Tribe under any Colorado River water entitlement purchased by or donated to the Hualapai Tribe; and

(viii) to assert claims for injury to water rights arising after the Enforceability Date for Hualapai land resulting from any off-reservation diversion or use of groundwater, without regard to quantity, from—

(I) any well constructed after the date of the enactment of this Act outside of the Truxton Basin and not more than 2 miles from the exterior boundaries of the Hualapai Reservation, except a replacement well described in subparagraph (A)(viii)(II), subject to the authorizations and restrictions regarding the location, size,
and operation of wells in the Bill Williams River watershed, and the waivers of claims, set forth in the Bill Williams agreements and the Bill Williams Act;

(II) any well constructed within the Truxton Basin for domestic purposes or stock watering after the date on which the Secretary has provided written notice to the State pursuant to section 515(e)(2), except for a replacement well described in subparagraph (A)(ix)(I)(bb); and

(III) any well constructed within the Truxton Basin for purposes other than domestic purposes or stock watering after the date of the enactment of this Act, if the Secretary has provided notice to the State pursuant to section 515(e)(2), except for a replacement well as described in subparagraph (A)(ix)(II)(cc).

(2) CLAIMS AGAINST UNITED STATES.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Hualapai Tribe, acting
on behalf of the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees) as part of the performance of the obligations of the Hualapai Tribe under the Hualapai Tribe water rights settlement agreement and this title, is authorized to execute a waiver and release of all claims against the United States, including agencies, officials, and employees of the United States, under Federal, State, or other law for all—

(i) past, present, and future claims for water rights, including rights to Colorado River water, for Hualapai land, arising from time immemorial and, thereafter, forever;

(ii) past, present, and future claims for water rights, including rights to Colorado River water, arising from time immemorial and, thereafter, forever, that are based on the aboriginal occupancy of land by the Hualapai Tribe, the predecessors of the Hualapai Tribe, the members of the Hualapai Tribe, or predecessors of the members of the Hualapai Tribe;
(iii) past and present claims relating in any manner to damages, losses, or injury to water rights (including injury to rights to Colorado River water), land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to the failure to protect, acquire, or develop water, water rights, or water infrastructure) within the State that first accrued at any time prior to the Enforceability Date;

(iv) past and present claims for injury to water rights, including injury to rights to Colorado River water, for Hualapai land, arising from time immemorial through the Enforceability Date;

(v) past, present, and future claims for injury to water rights, including injury to rights to Colorado River water, arising from time immemorial and, thereafter, forever, that are based on the aboriginal occu-
pancy of land by the Hualapai Tribe, the
predecessors of the Hualapai Tribe, the
members of the Hualapai Tribe, or prede-
cessors of the members of the Hualapai
Tribe;

(vi) claims for injury to water rights,
including injury to rights to Colorado
River water, arising after the Enforce-
ability Date for Hualapai land, resulting
from the off-reservation diversion or use of
surface water, Colorado River water, or ef-
fluent in a manner not in violation of the
Hualapai Tribe water rights settlement
agreement or State law;

(vii) past, present, and future claims
arising out of, or relating in any manner
to, the negotiation, execution, or adoption
of the Hualapai Tribe water rights settle-
ment agreement, any judgment or decree
approving or incorporating the Hualapai
Tribe water rights settlement agreement,
or this title;

(viii) claims for injury to water rights
arising after the Enforceability Date for
Hualapai land resulting from the off-Res-
ervation diversion or use of groundwater
from—

(I) any well constructed on public
domain land outside of the Truxton
Basin on or before the date of the en-
actment of this title;

(II) any well constructed on pub-
lic domain land outside of the Truxton
Basin, and not more than 2 miles
from the exterior boundaries of the
Hualapai Reservation, after the date
of the enactment of this title if—

(aa) the well was con-
structed to replace a well in ex-
istence on the date of the enact-
ment of this title;

(bb) the replacement well
was constructed within 660 feet
of the well being replaced; and

(cc) the pumping capacity
and case diameter of the replace-
ment well do not exceed the
pumping capacity and case di-
ameter of the well being replaced;
or
any well constructed on public domain land outside of the Truxton Basin, and not less than 2 miles from the exterior boundaries of the Hualapai Reservation, after the date of the enactment of this Act, subject to the condition that the authorizations and restrictions regarding the location, size, and operation of wells in the Bill Williams River watershed set forth in the Bill Williams agreements and the Bill Williams Act, and the waivers of claims in the Bill Williams agreements and the Bill Williams Act, shall continue to apply to the parties to the Bill Williams agreements, notwithstanding the provisions of this subsection; and

(ix) claims for injury to water rights arising after the Enforceability Date for Hualapai land resulting from the off-reservation diversion or use of groundwater in the Truxton Basin from—

(I) any well constructed on public domain land within the Truxton Basin
for domestic purposes or stock watering—

(aa) on or before the date on which the Secretary provides written notice to the State pursuant to section 515(c)(2); or

(bb) after the date on which the Secretary provides written notice to the State pursuant to that section if—

(AA) the well was constructed to replace a well in existence on the date on which the notice was provided;

(BB) the replacement well was constructed within 660 feet of the well being replaced; and

(CC) the pumping capacity and case diameter of the replacement well do not exceed the pumping capacity and case diameter of the well being replaced; and
(II) any well constructed on public domain land within the Truxton Basin for purposes other than domestic purposes or stock watering—

(aa) on or before the date of the enactment of this title; 

(bb) after the date of the enactment of this title if the Secretary has not provided written notice to the State pursuant to section 515(c)(2); or

(cc) after the date of the enactment of this title if the Secretary has provided written notice to the State pursuant to section 515(c)(2) and if—

(AA) the well was constructed to replace a well in existence on the date on which the notice was provided; 

(BB) the replacement well was constructed within 660 feet of the well being replaced; and
(CC) the pumping capacity and case diameter of
the replacement well do not
exceed the pumping capacity
and case diameter of the
well being replaced.

(B) EFFECTIVE DATE.—The waiver and
release of claims described in subparagraph (A)
shall take effect on the Enforceability Date.

(C) RETENTION OF CLAIMS.—Notwith-
standing the waiver and release of claims de-
scribed in subparagraph (A), the Hualapai
Tribe and the members of the Hualapai Tribe
(but not members in the capacity of the mem-
bers as allottees) shall retain any right—

(i) subject to subparagraph 12.7 of
the Hualapai Tribe water rights settlement
agreement, to assert claims for injuries to,
and seek enforcement of, the rights of the
Hualapai Tribe under the Hualapai Tribe
water rights settlement agreement or this
title in any Federal or State court of com-
petent jurisdiction;

(ii) to assert claims for injuries to,
and seek enforcement of, the rights of the
Hualapai Tribe under any judgment or decree approving or incorporating the Hualapai Tribe water rights settlement agreement;

(iii) to assert claims for water rights based on State law for land owned or acquired by the Hualapai Tribe in fee under subparagraph 4.8 of the Hualapai Tribe water rights settlement agreement;

(iv) to object to any claims for water rights or injury to water rights by or for any Indian Tribe or the United States, acting on behalf of any Indian Tribe;

(v) to assert past, present, or future claims for injury to water rights against any Indian Tribe or the United States, acting on behalf of any Indian Tribe;

(vi) to assert claims for injuries to, and seek enforcement of, the rights of the Hualapai Tribe under the Bill Williams agreements or the Bill Williams Act in any Federal or State court of competent jurisdiction;

(vii) subject to paragraphs (1), (3), (4), and (5) of section 505(e), to assert the
rights of the Hualapai Tribe under any Colorado River water entitlement purchased by or donated to the Hualapai Tribe; and

(viii) to assert any claims for injury to water rights arising after the Enforceability Date for Hualapai land resulting from any off-reservation diversion or use of groundwater, without regard to quantity, from—

(I) any well constructed after the date of the enactment of this title on public domain land outside of the Truxton Basin and not more than 2 miles from the exterior boundaries of the Hualapai Reservation, except for a replacement well described in subparagraph (A)(viii)(II), subject to the authorizations and restrictions regarding the location, size, and operation of wells in the Bill Williams River watershed, and the waivers of claims, set forth in the Bill Williams agreements and the Bill Williams Act;
(II) any well constructed on public domain land within the Truxton Basin for domestic purposes or stock watering after the date on which the Secretary has provided written notice to the State pursuant to section 515(c)(2), except for a replacement well described in subparagraph (A)(ix)(I)(bb); and

(III) any well constructed on public domain land within the Truxton Basin for purposes other than domestic purposes or stock watering after the date of the enactment of this title, if the Secretary has provided notice to the State pursuant to section 515(c)(2), except for a replacement well as described in subparagraph (A)(ix)(II)(cc).

(b) Waivers and Releases of Claims by United States, Acting as Trustee for Allottees.—

(1) In General.—Except as provided in paragraph (3), the United States, acting as trustee for the allottees of the Hualapai Tribe, as part of the performance of the obligations of the United States
under the Hualapai Tribe water rights settlement agreement and this title, is authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), the Hualapai Tribe, and any other individual, entity, corporation, or municipal corporation under Federal, State, or other law, for all—

(A) past, present, and future claims for water rights, including rights to Colorado River water, for the allotments, arising thereafter, forever, that are based on the aboriginal occupancy of land by the allottees or predecessors of the allottees from time immemorial and, thereafter, forever;

(B) past, present, and future claims for water rights, including rights to Colorado River water, arising from time immemorial and,

(C) past and present claims for injury to water rights, including injury to rights to Colorado River water, for the allotments, arising from time immemorial through the Enforceability Date;

(D) past, present, and future claims for injury to water rights, if any, including injury to rights to Colorado River water, arising from
time immemorial and, thereafter, forever, that
are based on the aboriginal occupaney of land
by the allottees or predecessors of the allottees;

(E) claims for injury to water rights, in-
cluding injury to rights to Colorado River
water, arising after the Enforceability Date, for
the allotments, resulting from the off-reserva-
tion diversion or use of water in a manner not
in violation of the Hualapai Tribe water rights
settlement agreement or State law;

(F) past, present, and future claims aris-
ing out of, or relating in any manner to, the ne-
gotiation, execution, or adoption of the
Hualapai Tribe water rights settlement agree-
ment, any judgment or decree approving or in-
corporating the Hualapai Tribe water rights
settlement agreement, or this title; and

(G) claims for any water rights of the
allottees or the United States acting as trustee
for the allottees with respect to—

(i) Parcel 1, in excess of 82 AFY; or

(ii) Parcel 2, in excess of 312 AFY.

(2) EFFECTIVE DATE.—The waiver and release
of claims under paragraph (1) shall take effect on
the Enforceability Date.
(3) RETENTION OF CLAIMS.—Notwithstanding the waiver and release of claims described in paragraph (1), the United States, acting as trustee for the allottees of the Hualapai Tribe, shall retain any right—

(A) subject to subparagraph 12.7 of the Hualapai Tribe water rights settlement agreement, to assert claims for injuries to, and seek enforcement of, the rights of the allottees, if any, under the Hualapai Tribe water rights settlement agreement or this title in any Federal or State court of competent jurisdiction;

(B) to assert claims for injuries to, and seek enforcement of, the rights of the allottees under any judgment or decree approving or incorporating the Hualapai Tribe water rights settlement agreement;

(C) to object to any claims for water rights or injury to water rights by or for—

(i) any Indian Tribe other than the Hualapai Tribe; or

(ii) the United States, acting on behalf of any Indian Tribe other than the Hualapai Tribe;
(D) to assert past, present, or future claims for injury to water rights against—

(i) any Indian Tribe other than the Hualapai Tribe; or

(ii) the United States, acting on behalf of any Indian Tribe other than the Hualapai Tribe; and

(E) to assert claims for injuries to, and seek enforcement of, the rights of the allottees under the Bill Williams agreements or the Bill Williams Act in any Federal or State court of competent jurisdiction.

(c) WAIVER AND RELEASE OF CLAIMS BY UNITED STATES AGAINST HUALAPAI TRIBE.—

(1) IN GENERAL.—Except as provided in paragraph (3), the United States, in all capacities (except as trustee for an Indian Tribe other than the Hualapai Tribe), as part of the performance of the obligations of the United States under the Hualapai Tribe water rights settlement agreement and this title, is authorized to execute a waiver and release of all claims against the Hualapai Tribe, the members of the Hualapai Tribe, or any agency, official, or employee of the Hualapai Tribe, under Federal, State or any other law for all—
(A) past and present claims for injury to water rights, including injury to rights to Colorado River water, resulting from the diversion or use of water on Hualapai land arising from time immemorial through the Enforceability Date;

(B) claims for injury to water rights, including injury to rights to Colorado River water, arising after the Enforceability Date, resulting from the diversion or use of water on Hualapai land in a manner that is not in violation of the Hualapai Tribe water rights settlement agreement or State law; and

(C) past, present, and future claims arising out of, or related in any manner to, the negotiation, execution, or adoption of the Hualapai Tribe water rights settlement agreement, any judgment or decree approving or incorporating the Hualapai Tribe water rights settlement agreement, or this title.

(2) EFFECTIVE DATE.—The waiver and release of claims under paragraph (1) shall take effect on the Enforceability Date.

(3) RETENTION OF CLAIMS.—Notwithstanding the waiver and release of claims described in para-
graph (1), the United States shall retain any right to assert any claim not expressly waived in accordance with that paragraph, including any right to assert a claim for injury to, and seek enforcement of, any right of the United States under the Bill Williams agreements or the Bill Williams Act, in any Federal or State court of competent jurisdiction.

(d) BILL WILLIAMS RIVER PHASE 2 WATER RIGHTS SETTLEMENT AGREEMENT WAIVER, RELEASE, AND RETENTION OF CLAIMS.—

(1) CLAIMS AGAINST FREEPORT.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the United States, acting solely on behalf of the Department of the Interior (including the Bureau of Land Management and the United States Fish and Wildlife Service), as part of the performance of the obligations of the United States under the Bill Williams River phase 2 water rights settlement agreement, is authorized to execute a waiver and release of all claims of the United States against Freeport under Federal, State, or any other law for—

(i) any past or present claim for injury to water rights resulting from—
(I) the diversion or use of water by Freeport pursuant to the water rights described in Exhibit 4.1(ii) to the Bill Williams River phase 2 water rights settlement agreement; and

(II) any other diversion or use of water for mining purposes authorized by the Bill Williams River phase 2 water rights settlement agreement;

(ii) any claim for injury to water rights arising after the Bill Williams River Phase 2 Enforceability Date resulting from—

(I) the diversion or use of water by Freeport pursuant to the water rights described in Exhibit 4.1(ii) to the Bill Williams River phase 2 water rights settlement agreement in a manner not in violation of the Bill Williams River phase 2 water rights settlement agreement;

(II) the diversion of up to 2,500 AFY of water by Freeport from Sycamore Creek as permitted by section 4.3(iv) of the Bill Williams River
phase 2 water rights settlement agreement; and

(III) any other diversion or use of water by Freeport authorized by the Bill Williams River phase 2 water rights settlement agreement, subject to the condition that such a diversion and use of water is conducted in a manner not in violation of the Bill Williams River phase 2 water rights settlement agreement; and

(iii) any past, present, or future claim arising out of, or relating in any manner to, the negotiation or execution of the Bill Williams River phase 2 water rights settlement agreement, the Hualapai Tribe water rights settlement agreement, or this title.

(B) EFFECTIVE DATE.—The waiver and release of claims under subparagraph (A) shall take effect on the Bill Williams River Phase 2 Enforceability Date.

(C) RETENTION OF CLAIMS.—The United States shall retain all rights not expressly waived in the waiver and release of claims under subparagraph (A), including, subject to
section 6.4 of the Bill Williams River phase 2 water rights settlement agreement, the right to assert a claim for injury to, and seek enforcement of, the Bill Williams River phase 2 water rights settlement agreement or this title, in any Federal or State court of competent jurisdiction (but not a Tribal court).

(2) NO PRECEDENTIAL EFFECT.—

(A) PENDING AND FUTURE PROCEEDINGS.—The Bill Williams River phase 2 water rights settlement agreement shall have no precedential effect in any other administrative or judicial proceeding, including—

(i) any pending or future general stream adjudication, or any other litigation involving Freeport or the United States, including any proceeding to establish or quantify a Federal reserved water right;

(ii) any pending or future administrative or judicial proceeding relating to an application—

(I) to appropriate water (for instream flow or other purposes);

(II) to sever and transfer a water right;
(III) to change a point of diversion; or

(IV) to change a place of use for any water right; and

(iii) any proceeding regarding water rights or a claim relating to any Federal land.

(B) NO METHODOLOGY OR STANDARD.—Nothing in the Bill Williams River phase 2 water rights settlement agreement establishes any standard or methodology to be used for the quantification of any claim to water rights (whether based on Federal or State law) in any judicial or administrative proceeding, other than a proceeding to enforce the terms of the Bill Williams River phase 2 water rights settlement agreement.

SEC. 510. SATISFACTION OF WATER RIGHTS AND OTHER BENEFITS.

(a) HUALAPAI TRIBE AND MEMBERS.—

(1) IN GENERAL.—The benefits realized by the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees) under the Hualapai Tribe water rights settlement agreement, this title, the Bill Wil-
liams agreements, and the Bill Williams Act shall be
in full satisfaction of all claims of the Hualapai
Tribe, the members of the Hualapai Tribe, and the
United States, acting in the capacity of the United
States as trustee for the Hualapai Tribe and the
members of the Hualapai Tribe, for water rights and
injury to water rights under Federal, State, or other
law with respect to Hualapai land.

(2) SATISFACTION.—Any entitlement to water
of the Hualapai Tribe and the members of the
Hualapai Tribe (but not members in the capacity of
the members as allottees) or the United States, act-
ing in the capacity of the United States as trustee
for the Hualapai Tribe and the members of the
Hualapai Tribe (but not members in the capacity of
the members as allottees), for Hualapai land shall be
satisfied out of the water resources and other bene-
fits granted, confirmed, quantified, or recognized by
the Hualapai Tribe water rights settlement agree-
ment, this title, the Bill Williams agreements, and
the Bill Williams Act to or for the Hualapai Tribe,
the members of the Hualapai Tribe (but not mem-
bers in the capacity of the members as allottees),
and the United States, acting in the capacity of the
United States as trustee for the Hualapai Tribe and
the members of the Hualapai Tribe (but not mem-
ers in the capacity of the members as allottees).

(b) ALLOTTEE WATER CLAIMS.—

(1) IN GENERAL.—The benefits realized by the
allottees of the Hualapai Tribe under the Hualapai
Tribe water rights settlement agreement, this title,
the Bill Williams agreements, and the Bill Williams
Act shall be in complete replacement of and substi-
tution for, and full satisfaction of, all claims with re-
spect to allotments of the allottees and the United
States, acting in the capacity of the United States
as trustee for the allottees, for water rights and in-
jury to water rights under Federal, State, or other
law.

(2) SATISFACTION.—Any entitlement to water
of the allottees or the United States, acting in the
capacity of the United States as trustee for the
allottees, for allotments shall be satisfied out of the
water resources and other benefits granted, con-
firmed, or recognized by the Hualapai Tribe water
rights settlement agreement, this title, the Bill Wil-
liams agreements, and the Bill Williams Act to or
for the allottees and the United States, acting as
trustee for the allottees.
(c) EFFECT.—Notwithstanding subsections (a) and (b), nothing in this title or the Hualapai Tribe water rights settlement agreement—

(1) recognizes or establishes any right of a member of the Hualapai Tribe or an allottee to water on Hualapai land; or

(2) prohibits the Hualapai Tribe or an allottee from acquiring additional water rights by purchase of land, credits, or water rights.

SEC. 511. LAND ADDED TO HUALAPAI RESERVATION.

The following land in the State is added to the Hualapai Reservation:

(1) PUBLIC LAW 93–560.—The land held in trust by the United States for the Hualapai Tribe pursuant to the first section of Public Law 93–560 (88 Stat. 1820).

(2) 1947 JUDGMENT.—The land deeded to the United States in the capacity of the United States as trustee for the Hualapai Tribe pursuant to the 1947 judgment.

(3) TRUXTON TRIANGLE.—That portion of the S1/2 sec. 3, lying south of the south boundary of the Hualapai Reservation and north of the north right-of-way boundary of Arizona Highway 66, and bounded by the west section line of that sec. 3 and
the south section line of that sec. 3, T. 24 N., R. 12 W., Gila and Salt River Base and Meridian, Mohave County, Arizona.

(4) HUNT PARCEL 4.—SW1/4NE1/4 sec. 7, T. 25 N., R. 13 W., Gila and Salt River Base and Meridian, Mohave County, Arizona.

(5) HUNT PARCELS 1 AND 2.—In T. 26 N., R. 14 W., Gila and Salt River Base and Meridian, Mohave County, Arizona—

(A) NE1/4SW1/4 sec. 9; and

(B) NW1/4SE1/4 sec. 27.

(6) HUNT PARCEL 3.—SW1/4NE1/4 sec. 25, T. 27 N., R. 15 W., Gila and Salt River Base and Meridian, Mohave County, Arizona.

(7) HUNT PARCEL 5.—In sec. 1, T. 25 N., R. 14 W., Gila and Salt River Base and Meridian, Mohave County, Arizona—

(A) SE1/4;

(B) E1/2 SW1/4; and

(C) SW1/4 SW1/4.

(8) VALENTINE CEMETERY PARCEL.—W1/2 NW1/4 SW1/4 sec. 22, T. 23 N., R. 13 W., Gila and Salt River Base and Meridian, Mohave County, Arizona, excepting and reserving to the United States a right-of-way for ditches or canals constructed by
the authority of the United States, pursuant to the 
Act of August 30, 1890 (43 U.S.C. 945).

SEC. 512. TRUST LAND.

(a) LAND TO BE TAKEN INTO TRUST.—

(1) IN GENERAL.—On the date of the enact-
ment of this Act, the Secretary is authorized and di-
rected to take legal title to the land described in
paragraph (2) and hold such land in trust for the
benefit of the Hualapai Tribe.

(2) CHOLLA CANYON RANCH PARCELS.—The
land referred to in paragraph (1) is, in T. 16 N., R.
13 W., Gila and Salt River Base and Meridian, Mo-
have County, Arizona—

(A) SW1/4 see. 25; and

(B) NE1/4 and NE1/4 SE1/4 see. 35.

(b) RESERVATION STATUS.—The land taken into
trust under subsection (a) shall be part of the Hualapai
Reservation and administered in accordance with the laws
and regulations generally applicable to land held in trust
by the United States for an Indian Tribe.

(c) VALID EXISTING RIGHTS.—The land taken into
trust under subsection (a) shall be subject to valid existing
rights, including easements, rights-of-way, contracts, and
management agreements.
(d) **Limitations.**—Nothing in subsection (a) affects—

(1) any water right of the Hualapai Tribe in existence under State law before the date of the enactment of this Act; or

(2) any right or claim of the Hualapai Tribe to any land or interest in land in existence before the date of the enactment of this title.

(e) **Future Trust Land.**—

(1) **New Statutory Requirement.**—Effective beginning on the date of the enactment of this title, and except as provided in subsection (a), any land located in the State outside the exterior boundaries of the Hualapai Reservation may only be taken into trust by the United States for the benefit of the Hualapai Tribe by an Act of Congress—

(A) that specifically authorizes the transfer of the land for the benefit of the Hualapai Tribe; and

(B) the date of the enactment of which is after the date of the enactment of this title.

(2) **Water Rights.**—Any land taken into trust for the benefit of the Hualapai Tribe under paragraph (1)—
(A) shall include water rights only under State law; and

(B) shall not include any federally reserved water rights.

SEC. 513. REALLOCATION OF CAP NIA PRIORITY WATER; FIRMING; WATER DELIVERY CONTRACT; COLORADO RIVER ACCOUNTING.

(a) REALLOCATION TO THE HUALAPAI TRIBE.—On the Enforceability Date, the Secretary shall reallocate to the Hualapai Tribe the Hualapai Tribe CAP water.

(b) FIRMING.—

(1) HUALAPAI TRIBE CAP WATER.—Except as provided in subsection (c)(2)(H), the Hualapai Tribe CAP water shall be firmed as follows:

(A) In accordance with section 105(b)(1)(B) of the Central Arizona Project Settlement Act of 2004 (Public Law 108–451; 118 Stat. 3492), for the 100-year period beginning on January 1, 2008, the Secretary shall firm 557.50 AFY of the Hualapai Tribe CAP water to the equivalent of CAP M&I priority water.

(B) In accordance with section 105(b)(2)(B) of the Central Arizona Project Settlement Act of 2004 (Public Law 108–451;
118 Stat. 3492), for the 100-year period beginning on January 1, 2008, the State shall firm 557.50 AFY of the Hualapai Tribe CAP water to the equivalent of CAP M&I priority water.

(2) ADDITIONAL FIRMING.—The Hualapai Tribe may, at the expense of the Hualapai Tribe, take additional actions to firm or supplement the Hualapai Tribe CAP water, including by entering into agreements for that purpose with the Central Arizona Water Conservation District, the Arizona Water Banking Authority, or any other lawful authority, in accordance with State law.

(e) HUALAPAI TRIBE WATER DELIVERY CONTRACT.—

(1) IN GENERAL.—In accordance with the Hualapai Tribe water rights settlement agreement and the requirements described in paragraph (2), the Secretary shall enter into the Hualapai Tribe water delivery contract.

(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are the following:

(A) IN GENERAL.—The Hualapai Tribe water delivery contract shall—
(i) be for permanent service (as that term is used in section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d));

(ii) take effect on the Enforceability Date; and

(iii) be without limit as to term.

(B) HUALAPAI TRIBE CAP WATER.—

(i) IN GENERAL.—The Hualapai Tribe CAP water may be delivered for use in the lower basin in the State through—

(I) the Hualapai Water Project;

or

(II) the CAP system.

(ii) METHOD OF DELIVERY.—The Secretary shall authorize the delivery of Hualapai Tribe CAP water under this sub-paragraph to be effected by the diversion and use of water directly from the Colorado River in the State.

(C) CONTRACTUAL DELIVERY.—The Secretary shall deliver the Hualapai Tribe CAP water to the Hualapai Tribe in accordance with the terms and conditions of the Hualapai Tribe water delivery contract.
(D) DISTRIBUTION OF CAP NIA PRIORITY WATER.—

(i) IN GENERAL.—Except as provided in clause (ii), if, for any year, the available CAP supply is insufficient to meet all demands under CAP contracts and CAP subcontracts for the delivery of CAP NIA priority water, the Secretary and the CAP operating agency shall prorate the available CAP NIA priority water among the CAP contractors and CAP subcontractors holding contractual entitlements to CAP NIA priority water on the basis of the quantity of CAP NIA priority water used by each such CAP contractor and CAP subcontractor in the last year in which the available CAP supply was sufficient to fill all orders for CAP NIA priority water.

(ii) EXCEPTION.—

(I) IN GENERAL.—Notwithstanding clause (i), if the available CAP supply is insufficient to meet all demands under CAP contracts and CAP subcontracts for the delivery of CAP NIA priority water in the year
following the year in which the En-
forceability Date occurs, the Secretary
shall assume that the Hualapai Tribe
used the full volume of Hualapai
Tribe CAP water in the last year in
which the available CAP supply was
sufficient to fill all orders for CAP
NIA priority water.

(II) CONTINUATION.—The as-
sumption described in subclause (I)
shall continue until the available CAP
supply is sufficient to meet all de-
mands under CAP contracts and CAP
subcontracts for the delivery of CAP
NIA priority water.

(III) DETERMINATION.—The
Secretary shall determine the quantity
of CAP NIA priority water used by
the Gila River Indian Community and
the Tohono O’odham Nation in the
last year in which the available CAP
supply was sufficient to fill all orders
for CAP NIA priority water in a man-
ner consistent with the settlement
agreements with those Tribes.
(E) LEASES AND EXCHANGES OF HUALAPAI TRIBE CAP WATER.—On and after the date on which the Hualapai Tribe water delivery contract becomes effective, the Hualapai Tribe may, with the approval of the Secretary, enter into contracts or options to lease, or contracts or options to exchange, the Hualapai Tribe CAP water within the lower basin in the State, and not in Navajo, Apache, or Cochise counties, providing for the temporary delivery to other persons of any portion of Hualapai Tribe CAP water.

(F) TERM OF LEASES AND EXCHANGES.—

(i) LEASING.—Contracts or options to lease under subparagraph (E) shall be for a term of not more than 100 years.

(ii) EXCHANGING.—Contracts or options to exchange under subparagraph (E) shall be for the term provided for in the contract or option, as applicable.

(iii) RENEGOTIATION.—The Hualapai Tribe may, with the approval of the Secretary, renegotiate any lease described in subparagraph (E), at any time during the
term of the lease, if the term of the re-
negotiated lease does not exceed 100 years.

(G) Prohibition on permanent alien-
ation.—No Hualapai Tribe CAP water may be
permanently alienated.

(H) No firming of leased water.—
The firming obligations described in subsection
(b)(1) shall not apply to any Hualapai Tribe
CAP water leased by the Hualapai Tribe to an-
other person.

(I) Entitlement to lease and ex-
change funds; obligations of United
States.—

(i) Entitlement.—

(I) In general.—The Hualapai
Tribe shall be entitled to all consider-
ation due to the Hualapai Tribe under
any contract to lease, option to lease,
contract to exchange, or option to ex-
change the Hualapai Tribe CAP water
entered into by the Hualapai Tribe.

(II) Exclusion.—The United
States shall not, in any capacity, be
entitled to the consideration described
in subclause (I).
(i) Obligations of United States.—The United States shall not, in any capacity, have any trust or other obligation to monitor, administer, or account for, in any manner, any funds received by the Hualapai Tribe as consideration under any contract to lease, option to lease, contract to exchange, or option to exchange the Hualapai Tribe CAP water entered into by the Hualapai Tribe, except in a case in which the Hualapai Tribe deposits the proceeds of any lease, option to lease, contract to exchange, or option to exchange into an account held in trust for the Hualapai Tribe by the United States.

(J) Water Use and Storage.—

(i) In general.—The Hualapai Tribe may use the Hualapai Tribe CAP water on or off the Hualapai Reservation within the lower basin in the State for any purpose.

(ii) Storage.—The Hualapai Tribe, in accordance with State law, may store the Hualapai Tribe CAP water at 1 or more underground storage facilities or
groundwater savings facilities, subject to
the condition that, if the Hualapai Tribe
stores Hualapai Tribe CAP water that has
been firmed pursuant to subsection (b)(1),
the stored water may only be—

(I) used by the Hualapai Tribe;

or

(II) exchanged by the Hualapai
Tribe for water that will be used by
the Hualapai Tribe.

(iii) ASSIGNMENT.—The Hualapai
Tribe, in accordance with State law, may
assign any long-term storage credit ac-
crued as a result of storage described in
clause (ii), subject to the condition that the
Hualapai Tribe shall not assign any long-
term storage credit accrued as a result of
the storage of Hualapai Tribe CAP water
that has been firmed pursuant to sub-
section (b)(1).

(K) USE LIMITATION.—The Hualapai
Tribe may not use, lease, exchange, forbear, or
otherwise transfer any Hualapai Tribe CAP
water for use directly or indirectly outside of
the lower basin in the State or in Navajo, Apache, or Cochise counties.

(L) CAP FIXED OM&R CHARGES.—

(i) In general.—The CAP operating agency shall be paid the CAP fixed OM&R charges associated with the delivery of all Hualapai Tribe CAP water.

(ii) Payment of charges.—Except as provided in subparagraph (O), all CAP fixed OM&R charges associated with the delivery of the Hualapai Tribe CAP water to the Hualapai Tribe shall be paid by—

(I) the Secretary, pursuant to section 403(f)(2)(A) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(2)(A)), subject to the condition that funds for that payment are available in the Lower Colorado River Basin Development Fund; and

(II) if the funds described in subclause (I) become unavailable, the Hualapai Tribe.

(M) CAP PUMPING ENERGY CHARGES.—

(i) In general.—The CAP operating agency shall be paid the CAP pumping en-
ergy charges associated with the delivery of Hualapai Tribe CAP water only in cases in which the CAP system is used for the delivery of that water.

(ii) Payment of Charges.—Except for CAP water not delivered through the CAP system, which does not incur a CAP pumping energy charge, or water delivered to other persons as described in subparagraph (O), any applicable CAP pumping energy charges associated with the delivery of the Hualapai Tribe CAP water shall be paid by the Hualapai Tribe.

(N) Waiver of Property Tax Equivalency Payments.—No property tax or in-lieu property tax equivalency shall be due or payable by the Hualapai Tribe for the delivery of CAP water or for the storage of CAP water in an underground storage facility or groundwater savings facility.

(O) Lessee Responsibility for Charges.—

(i) In General.—Any lease or option to lease providing for the temporary delivery to other persons of any Hualapai Tribe
CAP water shall require the lessee to pay the CAP operating agency all CAP fixed OM&R charges and all CAP pumping energy charges associated with the delivery of the leased water.

(ii) No responsibility for payment.—Neither the Hualapai Tribe nor the United States in any capacity shall be responsible for the payment of any charges associated with the delivery of the Hualapai Tribe CAP water leased to other persons.

(P) Advance payment.—No Hualapai Tribe CAP water shall be delivered unless the CAP fixed OM&R charges and any applicable CAP pumping energy charges associated with the delivery of that water have been paid in advance.

(Q) Calculation.—The charges for delivery of the Hualapai Tribe CAP water pursuant to the Hualapai Tribe water delivery contract shall be calculated in accordance with the CAP repayment stipulation.

(R) Cap repayment.—For purposes of determining the allocation and repayment of
costs of any stages of the CAP system constructed after November 21, 2007, the costs associated with the delivery of the Hualapai Tribe CAP water, regardless of whether the Hualapai Tribe CAP water is delivered for use by the Hualapai Tribe or in accordance with any lease, option to lease, exchange, or option to exchange providing for the delivery to other persons of the Hualapai Tribe CAP water, shall be—

(i) nonreimbursable; and

(ii) excluded from the repayment obligation of the Central Arizona Water Conservation District.

(S) NONREIMBURSABLE CAP CONSTRUCTION COSTS.—

(i) IN GENERAL.—With respect to the costs associated with the construction of the CAP system allocable to the Hualapai Tribe—

(I) the costs shall be nonreimbursable; and

(II) the Hualapai Tribe shall have no repayment obligation for the costs.
(ii) CAPITAL CHARGES.—No CAP water service capital charges shall be due or payable for the Hualapai Tribe CAP water, regardless of whether the Hualapai Tribe CAP water is delivered—

(I) for use by the Hualapai Tribe; or

(II) under any lease, option to lease, exchange, or option to exchange entered into by the Hualapai Tribe.

(d) COLORADO RIVER ACCOUNTING.—All Hualapai Tribe CAP water diverted directly from the Colorado River shall be accounted for as deliveries of CAP water within the State.

SEC. 514. ENFORCEABILITY DATE.

(a) IN GENERAL.—Except as provided in subsection (d), the Hualapai Tribe water rights settlement agreement, including the waivers and releases of claims described in section 509, shall take effect and be fully enforceable on the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1) to the extent the Hualapai Tribe water rights settlement agreement conflicts with this title—
(A) the Hualapai Tribe water rights settlement agreement has been revised through an amendment to eliminate the conflict; and

(B) the revised Hualapai Tribe water rights settlement agreement, including any exhibits requiring execution by any party to the Hualapai Tribe water rights settlement agreement, has been executed by the required party;

(2) the waivers and releases of claims described in section 509 have been executed by the Hualapai Tribe and the United States;

(3) the abstracts referred to in subparagraphs 4.8.1.2, 4.8.2.1, and 4.8.2.2 of the Hualapai Tribe water rights settlement agreement have been completed by the Hualapai Tribe;

(4) the full amount described in section 507(a)(1), as adjusted by section 507(b), has been deposited in the Hualapai Water Trust Fund Account;

(5) the Gila River adjudication decree has been approved by the Gila River adjudication court substantially in the form of the judgment and decree attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.43, as amended to ensure consistency with this title;
(6) the Secretary has executed the Hualapai Tribe water delivery contract described in section 513(c); and

(7) the Secretary has issued the record of decision required by section 508(d).

(b) REPEAL ON FAILURE TO MEET ENFORCEABILITY DATE.—

(1) In general.—Except as provided in paragraph (2), if the Secretary fails to publish in the Federal Register a statement of findings under subsection (a) by April 15, 2029, or such alternative later date as may be agreed to by the Hualapai Tribe, the Secretary, and the State—

(A) this title is repealed;

(B) any action taken by the Secretary and any contract or agreement entered into pursuant to this title shall be void; and

(C) any amounts appropriated under section 507, together with any investment earnings on those amounts, less any amounts expended under section 506(a)(4)(B), shall revert immediately to the general fund of the Treasury.

(2) Severability.—Notwithstanding paragraph (1), if the Secretary fails to publish in the Federal Register a statement of findings under sub-
section (a) by April 15, 2029, or such alternative later date as may be agreed to by the Hualapai Tribe, the Secretary, and the State, section 511 and subsections (a), (b), (c), and (d) of section 512 shall remain in effect.

(c) Right to Offset.—If the Secretary has not published in the Federal Register the statement of findings under subsection (a) by April 15, 2029, or such alternative later date as may be agreed to by the Hualapai Tribe, the Secretary, and the State, the United States shall be entitled to offset any Federal amounts made available under section 506(a)(4)(B) that were used or authorized for any use under that section against any claim asserted by the Hualapai Tribe against the United States described in section 509(a)(2)(A).

(d) Bill Williams River Phase 2 Enforceability Date.—Notwithstanding any other provision of this title, the Bill Williams River phase 2 water rights settlement agreement (including the waivers and releases described in section 509(d) of this title and section 5 of the Bill Williams River phase 2 water rights settlement agreement) shall take effect and become enforceable among the parties to the Bill Williams River phase 2 water rights settlement agreement on the date on which all of the following conditions have occurred:
(1) The Hualapai Tribe water rights settlement agreement has become enforceable pursuant to subsection (a).

(2) Freeport has submitted to the Arizona Department of Water Resources a conditional withdrawal of any objection to the Bill Williams River watershed instream flow applications pursuant to section 4.4(i) of the Bill Williams River phase 2 water rights settlement agreement, which withdrawal shall take effect on the Bill Williams River Phase 2 Enforceability Date described in this subsection.

(3) Not later than the Enforceability Date, the Arizona Department of Water Resources has issued an appealable, conditional decision and order for the Bill Williams River watershed instream flow applications pursuant to section 4.4(iii) of the Bill Williams River phase 2 water rights settlement agreement, which order shall become noneconditional and effective on the Bill Williams River Phase 2 Enforceability Date described in this subsection.

(4) The conditional decision and order described in paragraph (3)—

(A) becomes final; and

(B) is not subject to any further appeal.
SEC. 515. ADMINISTRATION.

(a) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—

(1) WAIVER.—

(A) IN GENERAL.—In any circumstance described in paragraph (2)—

(i) the United States or the Hualapai Tribe may be joined in the action described in the applicable subparagraph of that paragraph; and

(ii) subject to subparagraph (B), any claim by the United States or the Hualapai Tribe to sovereign immunity from the action is waived.

(B) LIMITATION.—A waiver under subparagraph (A)(ii)—

(i) shall only be for the limited and sole purpose of the interpretation or enforcement of—

(I) this title;

(II) the Hualapai Tribe water rights settlement agreement, as ratified by this title; or

(III) the Bill Williams River phase 2 water right settlement agreement, as ratified by this title; and
(ii) shall not include any award against the United States or the Hualapai Tribe for money damages, court costs, or attorney fees.

(2) Circumstances described.—A circumstance referred to in paragraph (1)(A) is any of the following:

(A) Any party to the Hualapai Tribe water rights settlement agreement—

(i) brings an action in any court of competent jurisdiction relating only and directly to the interpretation or enforcement of—

(I) this title; or

(II) the Hualapai Tribe water rights settlement agreement; and

(ii) names the United States or the Hualapai Tribe as a party in that action.

(B) Any landowner or water user in the Verde River Watershed—

(i) brings an action in any court of competent jurisdiction relating only and directly to the interpretation or enforcement of—
(I) paragraph 10.0 of the Hualapai Tribe water rights settlement agreement;

(II) Exhibit 3.1.43 to the Hualapai Tribe water rights settlement agreement; or

(III) section 509; and

(ii) names the United States or the Hualapai Tribe as a party in that action.

(C) Any party to the Bill Williams River phase 2 settlement agreement—

(i) brings an action in any court of competent jurisdiction relating only and directly to the interpretation or enforcement of—

(I) this title; or

(II) the Bill Williams River phase 2 settlement agreement; and

(ii) names the United States or the Hualapai Tribe as a party in that action.

(b) Effect on Current Law.—Nothing in this section alters the law with respect to pre-enforcement review of Federal environmental or safety-related enforcement actions.
(c) Basin Groundwater Withdrawal Estimates.—

(1) Groundwater withdrawal estimates.—

(A) In general.—Not later than 1 year of the date of the enactment of this title, the Secretary, acting through the United States Geological Survey Water Use Program, shall issue an estimate for groundwater withdrawals in the Truxton Basin outside the boundaries of the Hualapai Reservation.

(B) Annual estimates.—Each year after publication of the initial estimate required by subparagraph (A), the Secretary, acting through the United States Geological Survey Water Use Program, shall issue an estimate for groundwater withdrawals in the Truxton Basin outside the boundaries of the Hualapai Reservation until such time as the Secretary, after consultation with the Hualapai Tribe, determines that annual estimates are not warranted.

(2) Notice to the state.—Based on the estimates under paragraph (1), the Secretary shall notify the State, in writing, if the total withdrawal of groundwater from the Truxton Basin outside the
boundaries of the Hualapai Reservation exceeds the estimate prepared pursuant to that paragraph by 3,000 or more AFY, exclusive of any diversion or use of groundwater on Hualapai fee land and any land acquired by the Hualapai Tribe, including by a tribally owned corporation, in fee after the Enforceability Date.

(d) ANTIDEFICIENCY.—Notwithstanding any authorization of appropriations to carry out this title, the United States shall not be liable for any failure of the United States to carry out any obligation or activity authorized by this title (including all agreements or exhibits ratified or confirmed by this title) if—

(1) adequate appropriations are not provided expressly by Congress to carry out the purposes of this title; or

(2) there are not enough monies available to carry out this title in the Lower Colorado River Basin Development Fund.

(e) APPLICATION OF RECLAMATION REFORM ACT OF 1982.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) and any other acreage limitation or full-cost pricing provision of Federal law shall not apply to any person, entity, or tract of land solely on the basis of—

(1) receipt of any benefit under this title;
(2) execution or performance of this title; or

(3) the use, storage, delivery, lease, or exchange

of CAP water.

(f) Effect.—

(1) No modification or preemption of

other law.—Unless expressly provided in this title,

nothing in this title modifies, conflicts with, pre-

empts, or otherwise affects—

(A) the Boulder Canyon Project Act (43

U.S.C. 617 et seq.);

(B) the Boulder Canyon Project Adjust-

ment Act (43 U.S.C. 618 et seq.);

(C) the Act of April 11, 1956 (commonly

known as the “Colorado River Storage Project

Act”) (43 U.S.C. 620 et seq.);

(D) the Colorado River Basin Project Act

(Public Law 90–537; 82 Stat. 885);

(E) the Treaty between the United States

of America and Mexico respecting utilization of

waters of the Colorado and Tijuana Rivers and

of the Rio Grande, signed at Washington Feb-

uary 3, 1944 (59 Stat. 1219);

(F) the Colorado River Compact;

(G) the Upper Colorado River Basin Com-
pact;
(H) the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991); or

(I) case law concerning water rights in the Colorado River system other than any case to enforce the Hualapai Tribe water rights settlement agreement or this title.

(2) EFFECT ON AGREEMENTS.—Nothing in this title or the Hualapai Tribe water rights settlement agreement limits the right of the Hualapai Tribe to enter into any agreement for the storage or banking of water in accordance with State law with—

(A) the Arizona Water Banking Authority (or a successor agency or entity); or

(B) any other lawful authority.

(3) EFFECT OF TITLE.—Nothing in this title—

(A) quantifies or otherwise affects the water rights, claims, or entitlements to water of any Indian Tribe other than the Hualapai Tribe;

(B) affects the ability of the United States to take action on behalf of any Indian Tribe other than the Hualapai Tribe, the members of the Hualapai Tribe, and the allottees; or
(C) limits the right of the Hualapai Tribe
to use any water of the Hualapai Tribe in any
location on the Hualapai Reservation.

TITLE VI—WATER DATA

SEC. 601. DEFINITIONS.

In this title:

(1) ADVISORY COMMITTEE.—The term “Advi-
sory Committee” means the Advisory Committee on
Water Information established by section 604(a).

(2) COUNCIL.—The term “Council” means the
Water Data Council established under section
603(a).

(3) DATA STANDARDS.—The term “data stand-
ards” means standards relating to the manner in
which data and metadata are to be structured, popu-
lated, and encoded in machine-readable formats, and
made interoperable for data exchange.

(4) DEPARTMENTS.—The term “Departments”
means each of the following:

(A) The Department of Agriculture.

(B) The Department of Commerce.

(C) The Department of Defense.

(D) The Department of Energy.

(E) The Department of Health and

Human Services.
(F) The Department of Homeland Security.

(G) The Department of the Interior.

(H) The Environmental Protection Agency.

(I) The National Aeronautics and Space Administration.

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

(6) National Water Data Framework.—The term “National Water Data Framework” means the national water data framework developed under section 602.

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

(8) Water Data.—The term “water data” means measurements and observations of basic properties relating to the planning and management of water resources, including streamflow, precipitation, groundwater, soil moisture, snow, evaporation, water quality, and water use in agriculture, industry, natural systems, and municipal uses.
(9) **Water Data Grant Program.**—The term “Water Data Grant Program” means the water data grant program established under section 605(a).

(10) **Water Data Infrastructure.**—The term “water data infrastructure” means an integrated system of information technologies that includes common data standards and metadata, data formats, geospatial referencing, and tools to make water data available, easy to find, access, and share online.

**SEC. 602. NATIONAL WATER DATA FRAMEWORK.**

(a) **In General.**—For the purpose of improving water resources management and access across the United States, including addressing drought, floods, and other water management challenges, the heads of the Departments shall jointly develop and implement a national water data framework for observing, integrating, sharing, and using water data.

(b) **Requirements.**—In developing and implementing the National Water Data Framework, the Departments shall—

(1) identify and prioritize key water data needed to support water resources management and planning, including—
(A) water data sets, types, observations, and associated metadata; and

(B) water data infrastructure, technologies, and tools;

(2) develop and adopt common national water data standards for collecting, sharing, and integrating water data, infrastructure, technologies, and tools in consultation with States, Indian Tribes, local governments, and relevant bodies;

(3) ensure that Federal water data are made findable, accessible, interoperable, and reusable in accordance with the standards developed and adopted pursuant to this title;

(4) integrate water data and tools through common approaches to data and observing infrastructure, platforms, models, and tool development;

(5) establish a common, national geospatial index for publishing and linking water data from Federal, State, Tribal, and other non-Federal sources for online discovery;

(6) harmonize and align policies, programs, protocols, budgets, and funding programs relating to water data to achieve the purposes of this title, as appropriate;
(7) participate in and coordinate water data activities with the Council; and

(8) support the adoption of new technologies and the development of tools for water data collection, observing, sharing, and standardization by Federal, State, Tribal, local, and other entities.

SEC. 603. WATER DATA COUNCIL.

(a) IN GENERAL.—The heads of the Departments shall establish an interagency Council, to be known as the “Water Data Council”, to support the development and implementation of the National Water Data Framework.

(b) MEMBERSHIP.—

(1) DUTIES OF SECRETARY.—The Secretary, acting through the Director of the United States Geological Survey, shall—

(A) serve as the Chair of the Council;

(B) in collaboration with the Administrators of the National Oceanic and Atmospheric Administration and Environmental Protection Agency, and the Director of the Office of Science and Technology Policy, convene the Council not less frequently than 4 times each year; and

(C) provide staff support for the Council through the United States Geological Survey.
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(2) MEMBERS.—Council Members shall include

the heads of the following entities:

(A) The Departments.

(B) Bureaus and offices of the Depart-

ments that have a significant role or interest in

water data, including—

(i) the Corps of Engineers;

(ii) the Bureau of Indian Affairs;

(iii) the Bureau of Reclamation;

(iv) the Federal Emergency Manage-

ment Agency;

(v) the Federal Energy Regulatory

Commission;

(vi) the United States Fish and Wild-

life Service;

(vii) the Indian Health Service;

(viii) the Forest Service;

(ix) the National Laboratories;

(x) the Natural Resources Conserva-

tion Service;

(xi) the National Oceanic and Atmos-

pheric Administration; and

(xii) the Rural Development program

of the Department of Agriculture.
(C) Offices of the Executive Office of the President, including—

(i) the Council on Environmental Quality;

(ii) the Office of Management and Budget; and

(iii) the Office of Science and Technology Policy.

(D) Other Federal entities that the Chair and a majority of the members of the Council described in subparagraphs (A) through (C) determine to be appropriate.

(e) Duties.—The Council shall—

(1) support the development and implementation of the National Water Data Framework; and

(2) facilitate communication and collaboration among members of the Council—

(A) to establish, adopt, and implement common national water data standards;

(B) to promote water data sharing and integration across Federal departments and agencies, including—

(i) water data collection, observation, documentation, maintenance, distribution, and preservation strategies; and
(ii) development and use of water data infrastructure, tools, and technologies to support water management and planning;

(C) to align the policies, programs, protocols, budgets, and funding programs relating to water data of the members of the Council, as appropriate; and

(D) to promote partnerships across Federal entities and non-Federal entities—

(i) to advance innovation and solutions in water data, technology, tools, planning, and management; and

(ii) to develop guidelines for data sharing and protecting data privacy and security.

(d) WATER DATA COUNCIL REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, in conjunction with the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, the Secretary, acting on behalf of the Council, shall submit to members of the Council and the appropriate committees of Congress and make available publicly online a report that describes—

(1) the National Water Data Framework;
(2) the actions undertaken by the Departments
to implement this title pursuant to section 602;

(3) key water data sets, types, and infrastruc-
ture needed to support water management and plan-
ning;

(4) goals, targets, and actions to carry out the
National Water Data Framework in the subsequent
fiscal year;

(5) a summary and evaluation of the progress
of the Departments in achieving any prior goals, tar-
ggets, and actions to carry out the National Water
Data Framework;

(6) recommendations to align policies, pro-
grams, and budgetary resources to carry out the Na-
tional Water Data Framework, where appropriate,
in the subsequent fiscal year;

(7) grants and assistance provided to State,
Tribal, and local entities toward the development
and adoption of new technologies and tools;

(8) opportunities to develop and incentivize the
deployment of promising next-generation tech-
ologies, including new water data technologies and
tools, in partnership with the private sector and oth-
ers to accomplish the purposes of this title; and
(9) metrics for achieving the National Water Data Framework.

SEC. 604. ADVISORY COMMITTEE ON WATER INFORMATION.

(a) Establishment.—There is established within the Department of the Interior an advisory committee, to be known as the “Advisory Committee on Water Information”, to advise the Secretary, Departments, and Council on the development and implementation of the National Water Data Framework.

(b) Membership.—

(1) Composition.—The Advisory Committee shall be composed of members, to be appointed by the Secretary, in consultation with the Administrators of the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, in a manner that provides for—

(A) balanced representation among various entities involved in water-related activities; and

(B) consideration for a geographic balance of individuals representing localities across the United States.

(2) Selection.—Members of the Advisory Committee shall be selected by the Secretary from among entities involved in water-related activities, including—
(A) States;
(B) Indian Tribes;
(C) local governments;
(D) Federal entities;
(E) water agencies, utilities, conservation districts, irrigation districts, acequias, and other water user associations;
(F) organizations that facilitate collaboration across States and multi-state instrumentalities;
(G) educational institutions;
(H) professional organizations;
(I) water data and technology-related experts, professionals, and industries;
(J) private sector entities; and
(K) nonprofit organizations.

(3) TERM.—Members of the Advisory Committee shall be appointed by the Secretary for a term not to exceed 4 years.

(c) CHAIR.—The Secretary shall serve as the Chair of the Advisory Committee.

(d) STAFF SUPPORT.—The United States Geological Survey shall provide support services for the Advisory Committee.
(c) MEETINGS.—The Advisory Committee shall meet at the call of the Chair, but not less frequently than 4 times each year.

(f) DUTIES.—The duties of the Advisory Committee are to advise the Secretary, Departments, and Council on—

   (1) the development and implementation of the National Water Data Framework;

   (2) efforts to operate a cost-effective national network of water data collection and analysis that meets the priority water information needs of the Federal Government and, to the extent practicable using available resources, the needs of the non-Federal community that are tied to national interests;

   (3) efforts to develop uniform standards, guidelines, and procedures for the collection, analysis, management, and dissemination of water information to improve quality, consistency, and accessibility nationwide; and

   (4) the effectiveness of existing water information programs and recommended modifications needed to respond to changes in legislation, technology, and other conditions.

(g) COORDINATION.—To the extent practicable, the Advisory Committee shall coordinate with the National
Water Quality Monitoring Council and other water data related entities convened by the Federal Government.

(h) REPORT.—Not later than two years after the date of enactment of this Act, and every two years thereafter, the Advisory Committee shall submit a report of activities carried out by the Advisory Committee and a recommendation to continue, modify the duties of, or terminate the Advisory Committee.

(i) APPLICABILITY OF FACA.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

(2) NO TERMINATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 605. WATER DATA GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a water data grant program under which the Secretary shall award grants—

(1) to support non-Federal entities in making water data sets findable, accessible, interoperable, and reusable in accordance with the water data standards established under this title;
(2) to advance the development of water data infrastructure, observations, tools, and technologies to facilitate the sharing and use of water data;

(3) to support programs and projects that facilitate water data sharing and use in water resources management and the implementation of the National Water Data Framework; and

(4) to provide a prize for accelerating innovation and developing next-generation water data tools and technologies.

(b) COORDINATION WITH THE COUNCIL.—The Secretary shall consult and coordinate with the Council in creating and implementing the Water Data Grant Program to ensure that—

(1) the Water Data Grant Program is aligned with and carries out the purposes of this title; and

(2) grants and programs are harmonized across the Departments and members of the Council to achieve the purposes of this title, as appropriate.

(c) ELIGIBLE ENTITIES.—An entity eligible for a grant under the Water Data Grant Program—

(1) shall demonstrate significant needs or capabilities for advancing water data sharing and tools with a significant public benefit; and

(2) may include—
(A) a State, multistate instrumentality, Indian Tribe, or other unit of local government;

(B) a water agency, utility, conservation district, irrigation district, acequia, mutual domestic association, or other entity organized pursuant to Federal, Tribal, or local laws for the purpose of water-related activities;

(C) an educational institution or nonprofit organization; and

(D) in the case of carrying out activities described in subsection (a)(4)—

   (i) an individual who is a citizen or legal resident of the United States; or

   (ii) an entity that is incorporated and maintains the primary place of business of the entity in the United States.

(d) REQUIREMENTS.—

(1) DATA SHARING AND STANDARDS.—Any project funded through the Water Data Grant Program shall be implemented in accordance with the water data standards established under section 602.

(2) USE OF EXISTING WATER DATA INFRASTRUCTURE.—The recipient of a grant shall, to the extent practicable, leverage existing water data and water data infrastructure.
(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, in conjunction with the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report that describes the implementation of the Water Data Grant Program, including—

(1) a description of the use and deployment of amounts made available under the Water Data Grant Program;

(2) an accounting of all grants awarded under the Water Data Grant Program, including a description of—

(A) each grant recipient; and

(B) each project funded under the Water Data Grant Program;

(3) an assessment of the success of the Water Data Grant Program in advancing the purposes of this title; and

(4) a plan for the subsequent fiscal year to achieve the purposes of this title.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Water Data Grant Program $25,000,000 for each
of fiscal years 2023 through 2027, to remain available until expended.

(g) ADMINISTRATIVE COSTS.—Of the funds authorized to be appropriated under subsection (f), not more than 3 percent may be used by the Secretary for administrative costs.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out sections 602 through 604 $15,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

(b) TRANSFER OF FUNDS.—The Secretary may transfer to the Departments, including the Environmental Protection Agency, funds made available under subsection (a) to carry out sections 602 through 604.

TITLE VII—NOGALES WASTEWATER IMPROVEMENT

SEC. 701. SHORT TITLE.

This title may be cited as the “Nogales Wastewater Improvement Act of 2022”.

SEC. 702. AMENDMENTS TO THE ACT OF JULY 27, 1953.

The first section of the Act of July 27, 1953 (67 Stat. 195, chapter 242; 22 U.S.C. 277d–10), is amended by striking the period at the end and inserting “: Provided further, That the equitable portion of the Nogales sanita-
tion project for the city of Nogales, Arizona, shall be lim-
ited to the costs directly associated with the treatment and
conveyance of the wastewater of the city and, to the extent
practicable, shall not include any costs directly associated
with the quality or quantity of wastewater originating in
Mexico.”

SEC. 703. NOGALES SANITATION PROJECT.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means the City of
Nogales, Arizona.

(2) COMMISSION.—The term “Commission”
means the United States Section of the Inter-

(3) INTERNATIONAL OUTFALL INTERCEPTOR.—
The term “International Outfall Interceptor” means
the pipeline that conveys wastewater from the
United States-Mexico border to the Nogales Inter-

(4) NOGALES INTERNATIONAL WASTEWATER
TREATMENT PLANT.—The term “Nogales Inter-

(A) is operated by the Commission;

(B) is located in Rio Rico, Santa Cruz

County, Arizona, after manhole 99; and
(C) treats sewage and wastewater originating from—

(i) Nogales, Sonora, Mexico; and

(ii) Nogales, Arizona.

(b) OWNERSHIP AND CONTROL.—

(1) IN GENERAL.—Subject to paragraph (2) and in accordance with authority under the Act of July 27, 1953 (67 Stat. 195, chapter 242; 22 U.S.C. 277d–10 et seq.), on transfer by donation from the City of the current stake of the City in the International Outfall Interceptor to the Commission, the Commission shall enter into such agreements as are necessary to assume full ownership and control over the International Outfall Interceptor.

(2) AGREEMENTS REQUIRED.—The Commission shall assume full ownership and control over the International Outfall Interceptor under paragraph (1) after all applicable governing bodies in the State of Arizona, including the City, have—

(A) signed memoranda of understanding granting to the Commission access to existing easements for a right of entry to the International Outfall Interceptor for the life of the International Outfall Interceptor;
(B) entered into an agreement with respect to the flows entering the International Outfall Interceptor that are controlled by the City; and

(C) agreed to work in good faith to expeditiously enter into such other agreements as are necessary for the Commission to operate and maintain the International Outfall Interceptor.

(c) OPERATIONS AND MAINTENANCE.—

(1) IN GENERAL.—Beginning on the date on which the Commission assumes full ownership and control of the International Outfall Interceptor under subsection (b)(1), but subject to subsection (e), the Commission shall be responsible for the operations and maintenance of the International Outfall Interceptor.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission to carry out this subsection, to remain available until expended—

(A) $4,400,000 for fiscal year 2023; and

(B) not less than $2,500,000 for fiscal year 2024 and each fiscal year thereafter.

(d) DEBRIS SCREEN.—

(1) DEBRIS SCREEN REQUIRED.—
(A) IN GENERAL.—The Commission shall construct, operate, and maintain a debris screen at Manhole One of the International Outfall Interceptor for intercepting debris and drug bundles coming to the United States from Nogales, Sonora, Mexico.

(B) REQUIREMENT.—In constructing and operating the debris screen under subparagraph (A), the Commission and the Commissioner of U.S. Customs and Border Protection shall coordinate—

(i) the removal of drug bundles and other illicit goods caught in the debris screen; and

(ii) other operations at the International Outfall Interceptor that require coordination.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission, to remain available until expended—

(A) $11,900,000 for fiscal year 2023 for construction of the debris screen described in paragraph (1)(A); and

(B) $2,200,000 for fiscal year 2024 and each fiscal year thereafter for the operations
and maintenance of the debris screen described
in paragraph (1)(A).

(c) LIMITATION OF CLAIMS.—Chapter 171 and sec-
tion 1346(b) of title 28, United States Code (commonly
known as the “Federal Tort Claims Act”), shall not apply
to any claim arising from the activities of the Commission
in carrying out this section, including any claim arising
from damages that result from overflow of the Inter-
national Outfall Interceptor due to excess inflow to the
International Outfall Interceptor originating from
Nogales, Sonora, Mexico.

TITLE VIII—RIO GRANDE WATER
SECURITY

SEC. 801. SHORT TITLE.

This title may be cited as the “Rio Grande Water
Security Act”.

Subtitle A—Rio Grande Water
Security

SEC. 811. DEFINITIONS.

In this subtitle:

(1) BASIN PLAN.—The term “Basin Plan”
means the integrated water resources management
plan for the Rio Grande Basin developed under sec-
tion 812(a).
(2) **Basin State.**—The term “Basin State” means each of the following States:

(A) Colorado.

(B) New Mexico.

(C) Texas, which shall participate upon consent and agreement by the State of Texas, acting through the Texas Commission on Environmental Quality.

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

(4) **Nature-Based Feature.**—The term “nature-based feature” has the meaning given the term in section 9502 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10362).


(6) **Secretary.**—The term “Secretary” means the Secretary of the Interior.

SEC. 812. INTEGRATED WATER RESOURCES MANAGEMENT PLAN FOR THE RIO GRANDE BASIN.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall convene a Federal Working Group, to be known as the “Rio Grande Basin Working Group”, to consult and collaborate with the Basin States, Indian Tribes, units of local government, irrigation districts, conservation districts, acequias, land grant-mercedes, and other local partners in the Rio Grande Basin to develop and implement an integrated water resources management plan for the Rio Grande Basin using the best available science, data, and local knowledge.

(b) PURPOSE.—The purpose of the Basin Plan is to improve—

(1) water security and quality for communities throughout the Rio Grande Basin;

(2) river and watershed health for ecosystems, fish, and wildlife in the Rio Grande Basin;

(3) the resilience of communities and ecosystems in the Rio Grande Basin to drought and hydrologic change; and
(4) consultation, collaboration, and partnerships among Federal agencies, Basin States, Indian Tribes, and local partners within the Rio Grande Basin.

(c) REQUIREMENTS.—The Basin Plan shall include—

(1) a list of recommended projects and activities to achieve the purpose described in subsection (b), using the best available science for current and future conditions in the Rio Grande Basin, including recommendations for—

(A) improving infrastructure design, maintenance, repair, planning, management, and operations throughout the Rio Grande Basin;

(B) improving science, data, monitoring, and collaboration to improve understanding of the Rio Grande Basin, including—

(i) the hydrology and other processes of the Rio Grande Basin; and

(ii) the long-term availability of water across the Rio Grande Basin;

(C) increasing water conservation in the Rio Grande Basin through partnerships with communities and water users;
(D) investments in nature-based features, infrastructure, and habitat improvements to improve river health, resilience, water security, and hazard mitigation in the Rio Grande Basin;

(E) updating reservoir operations authorities and water control manuals; and

(F) improving consultation, collaboration, and partnerships throughout the Rio Grande Basin to achieve the objectives described in subparagraphs (A) through (E);

(2) a list of potential changes to existing Federal authorities that may be needed to implement the Basin Plan; and

(3) a timeline for implementing the Basin Plan over a 30-year period.

(d) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(1) submit the Basin Plan to—

(A) the appropriate committees of Congress; and

(B) the Basin States, Indian Tribes located within the Rio Grande Basin, and local partners; and
(2) make the Basin Plan publicly available online.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—On submission of the Basin Plan to Congress under subsection (d)(1)(A), the relevant agencies of the Working Group may implement recommended projects and activities from the Basin Plan to achieve the purposes of this subtitle, including—

(A) water conservation and restoration projects;

(B) streamflow and groundwater recharge improvements;

(C) optimization of Federal project management, including—

(i) improvements and flexibility in reservoir, irrigation, and flood control project operations; and

(ii) updates and amendments to particular reservoir operations authorities, contracts, and water control manuals within the Rio Grande Basin, consistent with the recommendations provided in subsection (c)(1)(E);
(D) studies of relevant projects and activities requiring further authorization;

(E) the establishment of a collaborative science, data, and monitoring program for the Rio Grande Basin; and

(F) the establishment of a coordinated technical assistance program to support Rio Grande Basin stakeholders in accessing resources and programs to achieve the purposes of this subtitle.

(2) WAIVER.—In implementing this subsection, the relevant agencies of the Working Group may waive or reduce Federal cost-share requirements for projects and activities that demonstrate significant public benefits in accordance with the purpose described in subsection (b).

(f) REQUIREMENTS.—The projects and activities implemented pursuant to subsection (e) shall be—

(1) subject to required authorization and appropriation by Congress;

(2) contingent on the completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for the proposed projects and activities; and

(3) implemented—
(A) in accordance with applicable law, including—

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

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

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) in consultation with and in accordance with State, Tribal, and local authorities in the Basin States;

(C) within the State of Colorado—

(i) only upon the consent of the State of Colorado, acting through the Colorado Division of Water Resources; and

(ii) rely on and not duplicate existing studies and models developed and maintained by the State of Colorado to the greatest extent practicable;

(D) in accordance with interstate and international agreements applicable to the Rio Grande Basin; and

(E) in accordance with the water rights of any Indian Tribe or agreements between any Indian Tribe and the United States.
(g) Authorization of Appropriations.—There are authorized to be appropriated to the heads of the agencies represented on the Working Group such sums as are necessary to carry out this subtitle for each of fiscal years 2023 through 2052.

SEC. 813. RIO GRANDE BASIN WORKING GROUP.

(a) Composition.—The Working Group shall be composed of the following members:

(1) The Administrator of the Environmental Protection Agency.

(2) The Assistant Secretary of the Army for Civil Works.

(3) The Chief of the Forest Service.

(4) The Chief of the Natural Resources Conservation Service.


(6) The Commissioner of Reclamation.

(7) The Director of any National Laboratory located in a Basin State.

(8) The Director of the Bureau of Indian Affairs.

(9) The Director of the Bureau of Land Management.

(10) The Director of the National Park Service.
(11) The Director of the United States Fish and Wildlife Service.

(12) The Director of the United States Geological Survey.

(13) The Secretary of Energy.

(14) The Under Secretary for Rural Development.

(15) The heads of any other relevant Federal agencies, as determined to be appropriate by a majority of the members of the Working Group described in paragraphs (1) through (14).

(b) DUTIES.—The Working Group shall consult, collaborate, and work with Basin States, Indian Tribes located within the Rio Grande Basin, and local partners—

(1) to develop and implement a Basin Plan; and

(2) on submission of the Basin Plan to Congress under section 812(d)(1)(A), to support ongoing collaboration across the Rio Grande Basin among Federal stakeholders and non-Federal stakeholders within the Rio Grande Basin.

SEC. 814. EFFECT OF SUBTITLE.

Nothing in this subtitle—

(1) affects, waives, abrogates, diminishes, defines, or interprets any water right of any Indian
Tribe or agreement between any Indian Tribe and the United States;

(2) affects a contract or benefit in existence on the date of enactment of this Act that was executed pursuant to the reclamation laws, unless otherwise agreed to by the parties to the contract or benefit;

(3) amends, modifies, or is in conflict with any interstate or international agreement regarding the Rio Grande and the waters of the Rio Grande, or any other interstate compact or agreement regarding water, including the Rio Grande Compact consented to by Congress in the Act of May 31, 1939 (53 Stat. 785. Ch.155), or the Colorado River Compact consented to by Congress in the Act of August 19, 1921 (42 Stat. 171, Ch. 72), the 1906 Convention, the 1944 Treaty with Mexico, and Upper Colorado River Basin Compact consented to by Congress in the Act of April 6, 1949 (63 Stat. 31);

(4) affects any ongoing treaty obligations;

(5) changes the commitments and requirements contained in Public Law 92–514 concerning the Closed Basin Project; or

(6) limits or affects any Basin State or Indian Tribe in the management of water quantity or qual-
ity in accordance with State or Tribal laws, as applicable.

Subtitle B—Pueblo Irrigation

SEC. 821. REAUTHORIZATION OF PUEBLO IRRIGATION INFRASTRUCTURE GRANTS.

Section 9106(g)(2) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1309) is amended—

(1) by striking “is authorized” and inserting “are authorized”; and

(2) by striking “$6,000,000” and all that follows through the period at the end and inserting “such sums as are necessary for each of fiscal years 2022 through 2032.”.

DIVISION C—OTHER FIRE, DROUGHT, AND EXTREME WEATHER PROGRAMS

TITLE I—INFRASTRUCTURE, ENERGY, AND ASSISTANCE

SEC. 101. NATURAL DISASTER GRID MITIGATION MAP.

(a) ESTABLISHMENT.—The Secretary shall establish and maintain a Natural Disaster Grid Mitigation Map that identifies critical electric grid infrastructure in each State that is vulnerable to natural disasters.

(b) REPORT.—
(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall develop a report that—

(A) analyzes how vulnerable critical electric grid infrastructure in each State is to natural disasters; and

(B) identifies parts of such critical electric grid infrastructure that are high risk for energy disruptions caused by natural disasters.

(2) AVAILABILITY.—The Secretary shall make the report developed under paragraph (1) available to other relevant Federal agencies to consider when funding disaster mitigation and resiliency efforts.

(c) DEFINITIONS.—In this section:

(1) CRITICAL ELECTRIC GRID INFRASTRUCTURE.—The term “critical electric grid infrastructure” includes transmission lines of 66 kilovolt-amperes and above and other infrastructure, as determined by the Secretary.

(2) NATURAL DISASTER.—The term “natural disaster” means a wildfire, hurricane, tornado, extreme temperature, storm, flood, earthquake, volcanic eruption, or other natural occurrence of such
magnitude or severity so as to be considered disastrous, as determined by the Secretary.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(4) STATE.—The term “State” means each of the several States, the District of Columbia, any territory or possession of the United States, and any federally recognized Indian Tribe.

SEC. 102. INTERREGIONAL MINIMUM TRANSFER CAPABILITY REQUIREMENTS.

(a) FINDING.—Congress finds that extreme weather is increasing in frequency and poses a significant risk to the reliability of the electric grid.

(b) RULEMAKING.—Not later than 18 months after the date of enactment of this Act, the Federal Energy Regulatory Commission shall, pursuant to section 206 of the Federal Power Act (16 U.S.C. 824e), promulgate a final rule that establishes minimum transfer capability requirements between transmission planning regions.

(c) ELECTRIC RELIABILITY.—Section 215 of the Federal Power Act (16 U.S.C. 824o) is amended—

(1) in subsection (a)(3)—

(A) by striking “to enlarge such facilities or”; and
(B) by striking “new transmission capacity or”; and
(2) in subsection (i)(2), by striking “or transmission”.

SEC. 103. CRITICAL DOCUMENT FEE WAIVER.
Section 1238(a) of the Disaster Recovery Reform Act of 2018 (42 U.S.C. 5174b) is amended—
(1) in paragraph (2), by striking “applies regardless” and inserting “and the requirement of the President to waive fees under paragraph (4) apply regardless”;
(2) by redesignating paragraph (4) as paragraph (5); and
(3) by inserting after paragraph (3) the following:
“(4) MANDATORY AUTOMATIC WAIVER.—The President, in consultation with the Governor of a State, shall automatically provide a fee waiver described in paragraph (1) to an individual or household that has been adversely affected by a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170)—
“(A) for which the President provides assistance to individuals and households under section 408 of that Act (42 U.S.C. 5174); and

“(B) that destroyed a critical document described in paragraph (1) of the individual or household.”.

**SEC. 104. HERMIT'S PEAK/CALF CANYON FIRE ASSISTANCE.**

(a) **FINDINGS AND PURPOSES.—**

(1) **FINDINGS.—**Congress finds that—

(A) on April 6, 2022, the Forest Service initiated the Las Dispensas-Gallinas prescribed burn on Federal land in the Santa Fe National Forest in San Miguel County, New Mexico, when erratic winds were prevalent in the area that was also suffering from severe drought after many years of insufficient precipitation;

(B) on April 6, 2022, the prescribed burn, which became known as the “Hermit’s Peak Fire”, exceeded the containment capabilities of the Forest Service, was declared a wildfire, and spread to other Federal and non-Federal land;

(C) on April 19, 2022, the Calf Canyon Fire, also in San Miguel County, New Mexico, began burning on Federal land and was later identified as the result of a pile burn in Janu-
ary 2022 that remained dormant under the surface before reemerging;

(D) on April 27, 2022, the Hermit’s Peak Fire and the Calf Canyon Fire merged, and both fires were reported as the Hermit’s Peak Fire or the Hermit’s Peak/Calf Canyon Fire, (referred hereafter in this subsection as the “Hermit’s Peak/Calf Canyon Fire”);

(E) by May 2, 2022, the fire had grown in size and caused evacuations in multiple villages and communities in San Miguel County and Mora County, including in the San Miguel county jail, the State’s psychiatric hospital, the United World College, and New Mexico Highlands University;

(F) on May 4, 2022, the President issued a major disaster declaration for the counties of Colfax, Mora, and San Miguel, New Mexico;

(G) on May 20, 2022, U.S. Forest Service Chief Randy Moore ordered a 90-day review of prescribed burn policies to reduce the risk of wildfires and ensure the safety of the communities involved;
(H) the U.S. Forest Service has assumed responsibility for the Hermit’s Peak/Calf Canyon Fire;

(I) the fire resulted in the loss of Federal, State, local, Tribal, and private property; and

(J) the United States should compensate the victims of the Hermit’s Peak/Calf Canyon Fire.

(2) PURPOSES.—The purposes of this section are—

(A) to compensate victims of the Hermit’s Peak/Calf Canyon Fire, for injuries resulting from the fire; and

(B) to provide for the expeditious consideration and settlement of claims for those injuries.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means—

(A) the Administrator of the Federal Emergency Management Agency; or

(B) if a Manager is appointed under subsection (c)(1)(C), the Manager.

(2) HERMIT’S PEAK/CALF CANYON FIRE.—The term “Hermit’s Peak/Calf Canyon Fire” means—
(A) the fire resulting from the initiation by
the Forest Service of a prescribed burn in the
Santa Fe National Forest in San Miguel Coun-
ty, New Mexico, on April 6, 2022;

(B) the pile burn holdover resulting from
the prescribed burn by the Forest Service,
which reemerged on April 19, 2022; and

(C) the merger of the two fires described
in subparagraphs (A) and (B), reported as the
Hermit’s Peak Fire or the Hermit’s Peak Fire/
Calf Canyon Fire.

(3) INDIAN TRIBE.—The term “Indian Tribe”
means the recognized governing body of any Indian
or Alaska Native Tribe, band, nation, pueblo, village,
community, component band, or component reserva-
tion individually identified (including parenthetically)
in the list published most recently as of the date of
enactment of this Act pursuant to section 104 of the
Federally Recognized Indian Tribe List Act of 1994

(4) INJURED PERSON.—The term “injured per-
son” means—

(A) an individual, regardless of the citizen-
ship or alien status of the individual; or
(B) an Indian Tribe, corporation, Tribal corporation, partnership, company, association, county, township, city, State, school district, or other non-Federal entity (including a legal representative) that suffered injury resulting from the Hermit’s Peak/Calf Canyon Fire.

(5) INJURY.—The term “injury” has the same meaning as the term “injury or loss of property, or personal injury or death” as used in section 1346(b)(1) of title 28, United States Code.

(6) MANAGER.—The term “Manager” means an Independent Claims Manager appointed under subsection (c)(1)(C).

(7) OFFICE.—The term “Office” means the Office of Hermit’s Peak/Calf Canyon Fire Claims established by subsection (c)(1)(B).

(8) TRIBAL ENTITY.—The term “Tribal entity” includes any Indian Tribe, tribal organization, Indian-controlled organization serving Indians, Native Hawaiian organization, or Alaska Native entity, as such terms are defined or used in section 166 of the Workforce Innovation and Opportunity Act (25 U.S.C. 5304).

(c) COMPENSATION FOR VICTIMS OF HERMIT’S PEAK/CALF CANYON FIRE.—
(1) IN GENERAL.—

(A) COMPENSATION.—Each injured person shall be entitled to receive from the United States compensation for injury suffered by the injured person as a result of the Hermit’s Peak/Calf Canyon Fire.

(B) OFFICE OF HERMIT’S PEAK/CALF CANYON FIRE CLAIMS.—

(i) IN GENERAL.—There is established within the Federal Emergency Management Agency an Office of Hermit’s Peak/Calf Canyon Fire Claims.

(ii) PURPOSE.—The Office shall receive, process, and pay claims in accordance with this section.

(iii) FUNDING.—The Office—

(I) shall be funded from funds made available to the Administrator under this section;

(II) may appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service; and
(III) may reimburse other Federal agencies for claims processing support and assistance.

(C) OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.—The Administrator may appoint an Independent Claims Manager to—

(i) head the Office; and

(ii) assume the duties of the Administrator under this section.

(2) SUBMISSION OF CLAIMS.—Not later than 2 years after the date on which regulations are first promulgated under paragraph (6), an injured person may submit to the Administrator a written claim for 1 or more injuries suffered by the injured person in accordance with such requirements as the Administrator determines to be appropriate.

(3) INVESTIGATION OF CLAIMS.—

(A) IN GENERAL.—The Administrator shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under paragraph (2).

(B) APPLICABILITY OF STATE LAW.—Except as otherwise provided in this section, the laws of the State of New Mexico shall apply to
the calculation of damages under paragraph
(4)(D).

(C) EXTENT OF DAMAGES.—Any payment
under this section—

(i) shall be limited to actual compensatory damages measured by injuries suffered; and

(ii) shall not include—

(I) interest before settlement or payment of a claim; or

(II) punitive damages.

(4) PAYMENT OF CLAIMS.—

(A) DETERMINATION AND PAYMENT OF AMOUNT.—

(i) IN GENERAL.—

(I) PAYMENT.—Not later than 180 days after the date on which a claim is submitted under this section, the Administrator shall determine and fix the amount, if any, to be paid for the claim.

(II) PRIORITY.—The Administrator, to the maximum extent practicable, shall pay subrogation claims submitted under this section only
after paying claims submitted by in-
jured parties that are not insurance
companies seeking payment as
subrogees.

(ii) PARAMETERS OF DETERMINA-
TION.—In determining and settling a claim
under this section, the Administrator shall
determine only—

(I) whether the claimant is an in-
jured person;

(II) whether the injury that is
the subject of the claim resulted from
the fire;

(III) the amount, if any, to be al-
lowed and paid under this section; and

(IV) the person or persons enti-
tled to receive the amount.

(iii) INSURANCE AND OTHER BENE-
FITS.—

(I) IN GENERAL.—In deter-
mining the amount of, and paying, a
claim under this section, to prevent
recovery by a claimant in excess of ac-
tual compensatory damages, the Ad-
ministrator shall reduce the amount
to be paid for the claim by an amount
that is equal to the total of insurance
benefits (excluding life insurance ben-
efits) or other payments or settle-
ments of any nature that were paid,
or will be paid, with respect to the
claim.

(II) Government loans.—This
subparagraph shall not apply to the
receipt by a claimant of any govern-
ment loan that is required to be re-
paid by the claimant.

(B) Partial payment.—

(i) In general.—At the request of a
claimant, the Administrator may make 1
or more advance or partial payments be-
fore the final settlement of a claim, includ-
ing final settlement on any portion or as-
pect of a claim that is determined to be
severable.

(ii) Judicial decision.—If a claim-
ant receives a partial payment on a claim
under this section, but further payment on
the claim is subsequently denied by the
Administrator, the claimant may—
(I) seek judicial review under paragraph (9); and

(II) keep any partial payment that the claimant received, unless the Administrator determines that the claimant—

(aa) was not eligible to receive the compensation; or

(bb) fraudulently procured the compensation.

(C) RIGHTS OF INSURER OR OTHER THIRD PARTY.—If an insurer or other third party pays any amount to a claimant to compensate for an injury described in paragraph (1), the insurer or other third party shall be subrogated to any right that the claimant has to receive any payment under this section or any other law.

(D) ALLOWABLE DAMAGES.—

(i) LOSS OF PROPERTY.—A claim that is paid for loss of property under this section may include otherwise uncompensated damages resulting from the Hermit’s Peak/Calf Canyon Fire for—

(I) an uninsured or underinsured property loss;
(II) a decrease in the value of real property;

(III) damage to physical infrastructure, including irrigation infrastructure such as acequia systems;

(IV) a cost resulting from lost subsistence from hunting, fishing, firewood gathering, timbering, grazing, or agricultural activities conducted on land damaged by the Hermit’s Peak/Calf Canyon Fire;

(V) a cost of reforestation or revegetation on Tribal or non-Federal land, to the extent that the cost of reforestation or revegetation is not covered by any other Federal program; and

(VI) any other loss that the Administrator determines to be appropriate for inclusion as loss of property.

(ii) Business loss.—A claim that is paid for injury under this section may include damages resulting from the Hermit’s Peak/Calf Canyon Fire for the following
types of otherwise uncompensated business loss:

(I) Damage to tangible assets or inventory.

(II) Business interruption losses.

(III) Overhead costs.

(IV) Employee wages for work not performed.

(V) Any other loss that the Administrator determines to be appropriate for inclusion as business loss.

(iii) FINANCIAL LOSS.—A claim that is paid for injury under this section may include damages resulting from the Hermits Peak/Calf Canyon Fire for the following types of otherwise uncompensated financial loss:

(I) Increased mortgage interest costs.

(II) An insurance deductible.

(III) A temporary living or relocation expense.

(IV) Lost wages or personal income.

(V) Emergency staffing expenses.
(VI) Debris removal and other cleanup costs.

(VII) Costs of reasonable efforts, as determined by the Administrator, to reduce the risk of wildfire, flood, or other natural disaster in the counties impacted by the Hermit’s Peak/Calf Canyon Fire to risk levels prevailing in those counties before the Hermit’s Peak/Calf Canyon Fire, that are incurred not later than the date that is 3 years after the date on which the regulations under paragraph (6) are first promulgated.

(VIII) A premium for flood insurance that is required to be paid on or before May 31, 2024, if, as a result of the Hermit’s Peak/Calf Canyon Fire, a person that was not required to purchase flood insurance before the Hermit’s Peak/Calf Canyon Fire is required to purchase flood insurance.

(IX) A disaster assistance loan received from the Small Business Administration.
(X) Any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(5) ACCEPTANCE OF AWARD.—The acceptance by a claimant of any payment under this section, except an advance or partial payment made under paragraph (4)(B), shall—

(A) be final and conclusive on the claimant, with respect to all claims arising out of or relating to the same subject matter; and

(B) constitute a complete release of all claims against the United States (including any agency or employee of the United States) under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), or any other Federal or State law, arising out of or relating to the same subject matter.

(6) REGULATIONS AND PUBLIC INFORMATION.—

(A) REGULATIONS.—Notwithstanding any other provision of law, not later than 45 days after the date of enactment of this section, the Administrator shall promulgate and publish in the Federal Register interim final regulations
for the processing and payment of claims under this section.

(B) Public information.—

(i) In general.—At the time at which the Administrator promulgates regulations under subparagraph (A), the Administrator shall publish, online and in print, in newspapers of general circulation in the State of New Mexico, a clear, concise, and easily understandable explanation, in English and Spanish, of—

(I) the rights conferred under this section; and

(II) the procedural and other requirements of the regulations promulgated under subparagraph (A).

(ii) Dissemination through other media.—The Administrator shall disseminate the explanation published under clause (i) through websites, blogs, social media, brochures, pamphlets, radio, television, and other media that the Administrator determines are likely to reach prospective claimants.
(7) CONSULTATION.—In administering this section, the Administrator shall consult with the Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, the Administrator of the Small Business Administration, other Federal agencies, and State, local, and Tribal authorities, as determined to be necessary by the Administrator, to—

(A) ensure the efficient administration of the claims process; and

(B) provide for local concerns.

(8) ELECTION OF REMEDY.—

(A) IN GENERAL.—An injured person may elect to seek compensation from the United States for 1 or more injuries resulting from the Hermit’s Peak/Calf Canyon Fire by—

(i) submitting a claim under this section;

(ii) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”); or

(iii) bringing an authorized civil action under any other provision of law.

(B) EFFECT OF ELECTION.—An election by an injured person to seek compensation in
any manner described in subparagraph (A) shall be final and conclusive on the claimant with respect to all injuries resulting from the Hermit’s Peak/Calf Canyon Fire that are suffered by the claimant.

(C) ARBITRATION.—

(i) In general.—Not later than 45 days after the date of enactment of this Act, the Administrator shall establish by regulation procedures under which a dispute regarding a claim submitted under this section may be settled by arbitration.

(ii) Arbitration as remedy.—On establishment of arbitration procedures under clause (i), an injured person that submits a disputed claim under this section may elect to settle the claim through arbitration.

(iii) Binding effect.—An election by an injured person to settle a claim through arbitration under this subparagraph shall—

(I) be binding; and

(II) preclude any exercise by the injured person of the right to judicial
review of a claim described in paragraph (9).

(D) NO EFFECT ON ENTITLEMENTS.—Nothing in this section affects any right of a claimant to file a claim for benefits under any Federal entitlement program.

(9) JUDICIAL REVIEW.—

(A) IN GENERAL.—Any claimant aggrieved by a final decision of the Administrator under this section may, not later than 60 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of New Mexico, to modify or set aside the decision, in whole or in part.

(B) RECORD.—The court shall hear a civil action under subparagraph (A) on the record made before the Administrator.

(C) STANDARD.—The decision of the Administrator incorporating the findings of the Administrator shall be upheld if the decision is supported by substantial evidence on the record considered as a whole.

(10) ATTORNEY’S AND AGENT’S FEES.—

(A) IN GENERAL.—No attorney or agent, acting alone or in combination with any other
attorney or agent, shall charge, demand, receive, or collect, for services rendered in connection with a claim submitted under this section, fees in excess of the limitations established under section 2678 of title 28, United States Code.

(B) VIOLATION.—An attorney or agent who violates subparagraph (A) shall be fined not more than $10,000.

(11) WAIVER OF REQUIREMENT FOR MATCHING FUNDS.—

(A) STATE AND LOCAL PROJECT.—

(i) IN GENERAL.—Notwithstanding any other provision of law, a State or local project that is determined by the Administrator to be carried out in response to the Hermit’s Peak/Calf Canyon Fire under any Federal program that applies to an area affected by the Hermit’s Peak/Calf Canyon Fire shall not be subject to any requirement for State or local matching funds to pay the cost of the project under the Federal program.
(ii) Federal share.—The Federal share of the costs of a project described in clause (i) shall be 100 percent.

(B) Other needs program assistance.—Notwithstanding section 408(g)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(g)(2)), for any emergency or major disaster declared by the President under that Act for the Hermit’s Peak/Calf Canyon Fire, the Federal share of assistance provided under that section shall be 100 percent.

(12) Applicability of debt collection requirements.—Section 3711(a) of title 31, United States Code, shall not apply to any payment under this section, unless—

(A) there is evidence of civil or criminal fraud, misrepresentation, presentation of a false claim; or

(B) a claimant was not eligible under paragraph (4)(B) of this section to any partial payment.

(13) Indian compensation.—Notwithstanding any other provision of law, in the case of an Indian
Tribe, a Tribal entity, or a member of an Indian Tribe that submits a claim under this section—

(A) the Bureau of Indian Affairs shall have no authority over, or any trust obligation regarding, any aspect of the submission of, or any payment received for, the claim;

(B) the Indian Tribe, Tribal entity, or member of an Indian Tribe shall be entitled to proceed under this section in the same manner and to the same extent as any other injured person; and

(C) except with respect to land damaged by the Hermit’s Peak/Calf Canyon Fire that is the subject of the claim, the Bureau of Indian Affairs shall have no responsibility to restore land damaged by the Hermit’s Peak/Calf Canyon Fire.

(14) REPORT.—Not later than 1 year after the date of promulgation of regulations under paragraph (6)(A), and annually thereafter, the Administrator shall submit to Congress a report that describes the claims submitted under this section during the year preceding the date of submission of the report, including, for each claim—

(A) the amount claimed;
(B) a brief description of the nature of the claim; and

(C) the status or disposition of the claim, including the amount of any payment under this section.

(15) Authorization of Appropriations.—

There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 105. FIRE MANAGEMENT ASSISTANCE COST SHARE.

(a) In General.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) Federal Share.—The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.”.

(b) Applicability.—The amendment made by subsection (a) shall only apply to amounts appropriated on or after the date of enactment of this Act.

SEC. 106. TRANSITIONAL SHELTERING ASSISTANCE.

(a) Definitions.—In this section:
(1) **Individual at Risk of Wildfire Smoke Related Illness.**—The term “individual at risk of wildfire smoke related illness” means an individual, living in an area where the air quality index is determined to be unhealthy for not less than 3 consecutive days as a result of a wildfire, who is—

(A) a low-income individual;

(B) a parent or guardian with a child who has not attained 19 years of age;

(C) a pregnant woman;

(D) an individual who is 65 years of age or older;

(E) an individual with chronic respiratory or cardiovascular illness; or

(F) an individual with a chronic disease that is exacerbated by smoke inhalation.

(2) **Low-Income Individual.**—The term “low-income individual” means an individual from a family whose taxable income (as defined in section 63 of the Internal Revenue Code of 1986) for the preceding year did not exceed 200 percent of an amount equal to the poverty level, as determined by using criteria of poverty established by the Bureau of the Census.
(3) QUALIFIED ENTITY.—The term “qualified entity” means—

(A) a State or unit of local government;

(B) a local public health authority; and

(C) a coordinated care organization.

(b) TRANSITIONAL SHELTERING ASSISTANCE PROGRAM.—In carrying out the Transitional Sheltering Assistance Program of the Federal Emergency Management Agency under section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b), the President shall—

(1) provide assistance to a qualified entity to purchase and provide, to an individual at risk of wildfire smoke related illness, smoke-inhalation prevention equipment, including—

(A) a portable air filtration unit;

(B) an air filter;

(C) a face mask or respirator, such as—

(i) an N95 respirator;

(ii) a P100 respirator; or

(iii) other equipment certified by the National Institute for Occupational Safety and Health to protect from airborne particle exposure;
(D) low-cost equipment to keep smoke out of a house, such as:

(i) a weather strip;

(ii) not more than 1 portable air-conditioning unit per household;

(iii) ventilation equipment;

(iv) a screening and shading device; or

(v) a window covering; or

(E) other similarly effective devices; and

(2) in any case in which smoke-inhalation prevention equipment is not sufficient to mitigate the risk of illness, provide cost-efficient transitional shelter assistance to an individual at risk of wildfire smoke related illness.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any amounts appropriated after the date of enactment of this Act.

SEC. 107. GRID RESILIENCE STUDY.

(a) In General.—Not later than 1 year after the date of enactment of this section, the Federal Energy Regulatory Commission, the Department of Energy, and the Electric Reliability Organization shall jointly—

(1) conduct a study on the need for, and feasibility of, establishing or modifying a reliability
standard to ensure the reliable operation of thermo-

electric power plants during droughts; and

(2) submit to the appropriate committees of

Congress the results of such study.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CON-

GRESS.—The term “appropriate committees of Con-

gress” means—

(A) the Committee on Energy and Com-

merce of the House of Representatives; and

(B) the Committee on Energy and Natural

Resources of the Senate.

(2) ELECTRIC RELIABILITY ORGANIZATION; RE-

LIABILITY STANDARD.—The terms “Electric Reli-

ability Organization” and “reliability standard” have

the meanings given such terms in section 215(a) of

the Federal Power Act (16 U.S.C. 824o(a)).
(i) at least 1 flood control district;

and

(ii) at least 1 city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State or Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); and

(B) may include any other entity (such as a nonprofit organization or institution of higher education), as determined by the Secretary.

(2) NONNATIVE PLANT SPECIES.—The term “nonnative plant species” means a plant species that—

(A) is nonnative or alien to an ecosystem;

and

(B) if introduced to that ecosystem, will cause, or is likely to cause, economic harm, environmental harm, or harm to human health.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) ESTABLISHMENT.—The Secretary shall establish a grant program to award grants, on a competitive basis, to eligible entities—
(1) to remove nonnative plant species in riparian areas that contribute to drought conditions;

(2) to replace those nonnative plant species with native plant species; and

(3) to maintain and monitor riparian areas in which nonnative plant species have been removed and replaced.

(c) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(A) a plan for how the eligible entity will use grant funds to carry out the activities described in paragraphs (1) through (3) of subsection (b);

(B) a description of the manner in which the eligible entity has carried out the consultation required under paragraph (2); and

(C) information demonstrating that each native plant species described in subsection (b)(2) will—

(i)(I) reduce flood risk;
(II) improve hydrology and water storage capacities; or

(III) reduce fire hazard; and

(ii) protect and restore rivers and streams and associated riparian habitats, including fish and wildlife resources that are dependent on those habitats.

(2) CONSULTATION.—An eligible entity seeking a grant under this section shall consult with local stakeholders, including conservation groups, to create the plan described in paragraph (1)(A).

(d) REPORT.—An eligible entity that receives a grant under this section shall submit to the Secretary a report at such time, in such manner, and containing such information as the Secretary may require, including information on methodology and outcomes of nonnative plant species removal and replacement efforts.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2023 and each fiscal year thereafter.

SEC. 109. CENTERS OF EXCELLENCE FOR RESEARCH ON WILDFIRE SMOKE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the
Environmental Protection Agency (referred to in this section as the “Administrator”) shall establish at institutions of higher education 4 centers, each of which shall be known as a “Center of Excellence for Wildfire Smoke”, to carry out research relating to—

(1) the effects on public health of smoke emissions from wildland fires; and

(2) the means by which communities can better respond to the impacts of emissions from wildland fires.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $10,000,000 for fiscal year 2023 and each fiscal year thereafter.

SEC. 110. COMMUNITY SMOKE PLANNING.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall establish a competitive grant program to assist eligible entities described in subsection (b) in developing and implementing collaborative community plans for mitigating the impacts of smoke emissions from wildland fires.
(b) ELIGIBLE ENTITIES.—An entity that is eligible to submit an application for a grant under subsection (a) is—

(1) a State, as defined in section 302 of the Clean Air Act (42 U.S.C. 7602);

(2) an air pollution control agency, as defined in section 302 of the Clean Air Act (42 U.S.C. 7602);

(3) a municipality, as defined in section 302 of the Clean Air Act (42 U.S.C. 7602); or

(4) an Indian tribe, as defined in section 302 of the Clean Air Act (42 U.S.C. 7602).

(c) APPLICATIONS.—To be eligible to receive a grant under subsection (a), an eligible entity described in subsection (b) shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(d) TECHNICAL ASSISTANCE.—The Administrator may use amounts made available to carry out this section to provide to eligible entities described in subsection (b) technical assistance in—

(1) submitting grant applications under subsection (e); or

(2) carrying out projects using a grant under this section.
(c) Authorization of Appropriations.—There is authorized to be appropriated to the Administrator to carry out this section $50,000,000 for fiscal year 2023 and each fiscal year thereafter.

SEC. 111. DISASTER EQUITY AND FAIRNESS.

(a) Definitions.—In this section—

(1) the term “Administrator” means the Administrator of the Agency;

(2) the term “Agency” means the Federal Emergency Management Agency;

(3) the term “emergency” means an emergency declared or determined to exist by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

(4) the terms “Indian tribal government” and “local government” have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(5) the term “major disaster” means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).
(b) INCREASE COST-SHARE FOR CONSECUTIVE IMPACTS.—

(1) IN GENERAL.—Notwithstanding the provisions of law described in paragraph (2), for assistance provided under sections 403, 404, 406, 408, 420, and 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5170c, 5172, 5174, 5187, 5189f) to a local government or Indian tribal government in connection with the second, or subsequent, major disaster during any 3-year period, the Federal share shall be not less than 90 percent of the eligible cost of such assistance.

(2) PROVISIONS.—The provisions of law described in this paragraph are sections 403(b), 403(e)(4), 404(a), 406(b), 408(d), 408(g)(2), 420(a), and 428(e)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(b), 5170b(c)(4), 5170c(a), 5172(b), 5174(d), 5174(g)(2), 5187(a), 5189f(e)(2)).

(c) STATE AND LOCAL PLANS FOR MEAL DELIVERY.—

(1) IN GENERAL.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance
Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

“SEC. 431. STATE AND LOCAL PLANS FOR MEAL DELIVERY.

“(a) IN GENERAL.—The Administrator may provide assistance to a State, local government, or Indian tribal government to reimburse the cost of coordinating food delivery, production, and distribution in the event of a major disaster, including—

“(1) establishing a network to coordinate food delivery, production, and distribution with businesses and private nonprofit organizations;

“(2) establishing contracts with small and mid-sized restaurants, food vendors, and private nonprofit organizations, including faith-based organizations, food banks, and soup kitchens, to prepare healthy meals for people in need; and

“(3) partnering with private nonprofit organizations, including faith-based organizations, food banks, and soup kitchens to purchase directly from food producers and farmers.

“(b) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using assistance under this section shall be—

“(1) not less than 90 percent of the eligible cost of food delivery, production, and distribution during
the 30-day period beginning on the date of the decl-
laration of the major disaster; and

“(2) not less than 90 percent of such eligible
cost after the end of the 30-day period described in
paragraph (1).”.

(2) EMERGENCIES.—Section 502(a) of the Robert
T. Stafford Disaster Relief and Emergency As-
sistance Act (42 U.S.C. 5192(a)) is amended—

(A) in paragraph (7), by striking “and” at
the end;

(B) by redesignating paragraph (8) as
paragraph (9); and

(C) by inserting after paragraph (7) the
following:

“(8) provide assistance for food delivery, pro-
duction, and distribution in accordance with section
431; and”.

(3) GUIDANCE.—Not later than 1 year after
the date of enactment of this Act, the Administrator
shall issue comprehensive guidance to States, local
governments, and Indian tribal governments regard-
ing receiving reimbursement for the cost of food de-
delivery, production, and distribution in the event of
an emergency or major disaster under section 431 of
the Robert T. Stafford Disaster Relief and Emer-
gency Assistance Act, as added by paragraph (1), including—

(A) establishing a coordination network;

(B) enabling streamlined arrangements for food production and distribution; and

(C) streamlined contracting and partnering with private nonprofit organizations such that private nonprofit organizations may apply directly for reimbursement under such section as an agent of a State, local government, or Indian tribal government.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to any amounts appropriated after the date of enactment of this Act.

SEC. 112. FEMA IMPROVEMENT, REFORM, AND EFFICIENCY.

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Agency;

(2) the term “Agency” means the Federal Emergency Management Agency;

(3) the term “appropriate committees of Congress” means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and
(B) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives;

(4) the term “emergency” means an emergency declared or determined to exist by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

(5) the terms “Indian tribal government”, “local government”, and “State” have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(6) the term “major disaster” means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) REPORT ON RELOCATION ASSISTANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a report regarding the use of relocation assistance under sections 203, 404, and 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170c, 5172)
for wildfire risk to the appropriate committees of Congress.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) Any information on relocation projects that have been carried out due to fire risks or denied by the Agency, including the number and value of projects either carried out or denied.

(B) A discussion of the possible benefits or disadvantages of providing relocation assistance that may reduce, but not eliminate, the risk of loss due to wildfires.

(C) A discussion of how the Agency may optimize relocation assistance when entire States or geographic areas are considered subject to a fire risk.

(D) An analysis of whether other mitigation measures are more cost-effective than relocation assistance when the applicant is applying to move from a high-risk to a medium-risk or low-risk area with respect to wildfires.

(E) An analysis of the need for the Federal Government to produce wildfire maps that
identify high-risk, moderate-risk, and low-risk wildfire zones.

(F) An analysis of whether other mitigation measures promote greater resilience to wildfires when compared to relocation or, if additional data is required in order to carry out such an analysis, a discussion of the additional data required.

(G) A discussion of the ability of States, local governments, and Indian tribal governments to demonstrate fire risk, and whether the level of this ability impacts the ability of States, local governments, or Indian tribal governments to access relocation assistance, including an assessment of existing fire mapping products and capabilities and recommendations on redressing any gaps in the ability of the Agency to assist States, local governments, and Indian tribal governments in demonstrating fire risk.

(H) An evaluation of—

(i) the scope of the data available to the Agency regarding historical wildfire losses;
(ii) how such data is utilized in benefit-cost analysis determinations by the Agency;
(iii) what additional data, if any, may be pertinent to such determinations; and
(iv) what, if any, alternative methods may be relevant to the determination of cost effectiveness.

(I) A discussion of the extent to which the decision process for relocation assistance appropriately considers the change in future risks for wildfires due to a changing climate.

(J) An analysis of whether statutes and regulations regarding relocation assistance by the Agency present barriers for States, local governments, or Indian tribal governments trying to access funding to reduce wildfire risk.

(K) An analysis of—
(i) how, if at all, the Agency has modified policies and procedures to determine the eligibility of proposed relocation or mitigation projects with respect to wildfires;
(ii) the cost effectiveness of such projects, in light of the increasing losses
and obligations for wildfires in recent years; and

(iii) the effectiveness of any modifications described in clause (i).

(L) An analysis of how, if at all, recent changes in the availability of fire insurance has resulted in modifications of policy or procedure with respect to determining the cost efficacy of relocation assistance for wildfires.

(M) An analysis of how to define repetitive loss and repetitively damaged properties in the context of wildfires.

(N) A discussion of whether any legislative, regulatory, or policy changes are necessary for the Agency to better implement relocation assistance to reduce risk from wildfires.

(O) Other related issues that the Administrator determines appropriate.

(c) **Red Flag Warnings and Predisaster Actions.**—Not later than 1 year after the date of enactment of this Act, the Administrator, in coordination with the National Weather Service of the National Oceanic and Atmospheric Administration, shall—

(1) conduct a study of, develop recommendations for, and initiate a process for the use of Red
Flag Warnings and similar weather alert and notification methods, including the use of emerging technologies, to establish—

(A) plans and actions, consistent with law, that can be implemented prior to a wildfire event, including pre-impact disaster declarations and surge operations, that can limit the impact, duration, or severity of the fire; and

(B) mechanisms to increase interagency collaboration to expedite the delivery of disaster assistance; and

(2) submit to the appropriate committees of Congress a comprehensive report regarding the study described in paragraph (1), including any recommendations of the Administrator, and the activities of the Administrator to carry out paragraph (1).

(d) ASSISTANCE FOR WILDFIRE DAMAGE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress regarding—

(1) the application for assistance and consistency of assistance provided by the Agency in response to wildfires; and

(2) the kinds of damage that result from wildfires.
(e) GAO REPORT ON GAPS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that examines—

(1) gaps in the policies of the Agency related to wildfires, when compared to other hazards;

(2) disparities in regulations and guidance issued by the Administrator, including any oversight of the programs of the Agency, when addressing impacts of wildfires and other hazards;

(3) ways to shorten the period of time between the initiating of and the distribution of assistance, reimbursements, and grants;

(4) the effectiveness of the programs of the Agency in addressing wildfire hazards;

(5) ways to improve the ability of the Agency to assist States, local governments, and Indian tribal governments to prepare for, respond to, recover from, and mitigate against wildfire hazards;

(6) revising the application process for assistance relating to wildfires to more effectively assess uninsured and underinsured losses and serious needs; and

(7) ways to improve the disaster assistance programs of agencies other than the Agency.
(f) Crisis Counseling Cultural Competency.—

Section 416 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5183) is amended—

(1) by striking “The President” and inserting the following:

“(a) IN GENERAL.—The President”; and

(2) by adding at the end the following:

“(b) CULTURAL COMPETENCY.—The President shall, in consultation with affected States, local governments, and Indian tribal governments and cultural experts, ensure that any individual providing professional counseling services to victims of a major disaster as authorized under subsection (a), including those working for nonprofit partners and recovery organizations, is appropriately trained to address—

“(1) cultural competency and respectful care practices; and

“(2) impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.”.

(g) Case Management Cultural Competency.—

Section 426 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189d) is amended—
(1) by striking “The President” and inserting the following:

“(a) IN GENERAL.—The President”; and

(2) by adding at the end the following:

“(b) CULTURAL COMPETENCY.—The President shall, in consultation with affected States, local governments, and Indian tribal governments and cultural experts, ensure that any individual providing case management services to victims of a major disaster as authorized under subsection (a), including those working for nonprofit partners and recovery organizations, is appropriately trained to address—

“(1) cultural competency and respectful care practices; and

“(2) impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.”.

(h) STUDY AND PLAN FOR DISASTER HOUSING ASSISTANCE.—

(1) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(A) conduct a study and develop a plan, consistent with law, under which the Agency will address providing housing assistance to
survivors of major disasters or emergencies when presented with challenges such as—

(i) the lack of proof of ownership or ownership documentation;

(ii) the presence of multiple families within a single household; and

(iii) the near loss of a community, with the majority of homes destroyed in that community, including as a result of a wildfire, earthquake, or other event causing a major disaster; and

(B) make recommendations for legislative changes needed to address—

(i) the unmet needs of survivors of major disasters or emergencies who are unable to document or prove ownership of the household;

(ii) the presence of multiple families within a single household; and

(iii) the near loss of a community, with the majority of homes destroyed in that community, including as a result of a wildfire, earthquake, or other event causing a major disaster.
(2) **Comprehensive Report.**—The Administrator shall submit to the appropriate committees of Congress a report that provides a detailed discussion of the plans developed under paragraph (1)(A) and the recommendations of the Administrator under paragraph (1)(B).

(3) **Briefing.**—Not later than 30 days after submission of the report and recommendations under paragraph (2), the Administrator shall brief the appropriate committees of Congress on the findings and any recommendations made pursuant to this subsection.

(i) **Reimbursement.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress regarding the extent to which the Agency is using housing solutions proposed by a State or local government to reduce the time or cost required to implement housing solutions after a major disaster.

(j) **Wildfire Insurance Study by the National Academies.**—

(1) **Study.**—

(A) **In General.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall seek to enter into an
agreement with the National Academy of Sciences to conduct a study of—

(i) potential solutions to address the availability and affordability of insurance for wildfire perils in all regions of the United States, including consideration of a national all natural hazards insurance program;

(ii) the ability of States, communities, and individuals to mitigate wildfire risks, including the affordability and feasibility of such mitigation activities;

(iii) the current and potential future effects of land use policies and building codes on the potential solutions;

(iv) the reasons why many properties at risk of wildfire lack insurance coverage;

(v) the role of insurers in providing incentives for wildfire risk mitigation efforts;

(vi) the state of catastrophic insurance and reinsurance markets and the approaches in providing insurance protection to different sectors of the population of the United States;
(vii) the role of the Federal Government and State and local governments in providing incentives for feasible wildfire risk mitigation efforts and the cost of providing assistance in the absence of insurance;

(viii) the state of modeling and mapping wildfire risk and solutions for accurately and adequately identifying future wildfire risk;

(ix) approaches to insuring wildfire risk in the United States; and

(x) such other issues that may be necessary or appropriate for the report.

(B) Consultation.—The agreement to conduct the study described in subparagraph (A) shall require that, in conducting the study, the National Academy of Sciences shall consult with State insurance regulators, consumer organizations, representatives of the insurance and reinsurance industry, policyholders, and other organizations and experts, as appropriate.

(2) Submission.—Not later than 2 years after the date of enactment of this Act, the Administrator
shall submit to Congress the results of the study
commissioned under paragraph (1).

(k) Increased cap for emergency declarations based on regional cost of living.—Not later
than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees
of Congress regarding the benefits and drawbacks of establishing a maximum amount for assistance provided for
an emergency that is based on the cost of living in the region in which the emergency occurs.

(l) Facilitating disposal of temporary transportable housing units to survivors.—Section
408(d)(2)(B)(i) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.
5174(d)(2)(B)(i)) is amended by inserting “, with priority given to a survivor of a major disaster who suffered a
property loss as a result of the major disaster” after “any person”.

(m) Deadline on code enforcement and management cost eligibility.—Section 406(a)(2)(D) of
the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(2)(D)) is amended by
striking “180 days” and inserting “1 year”.

(n) Permit applications for tribal upgrades to emergency operations centers.—Section 614(a)
of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196e(a)) is amended by inserting “and Indian tribal governments” after “grants to States”.

(o) APPLICABILITY.—The amendments made by this section shall apply with respect to any amounts appropriated after the date of enactment of this Act.

SEC. 113. FIRE INVESTIGATIONS.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

“SEC. 38. INVESTIGATION AUTHORITIES.

“(a) IN GENERAL.—In the case of any major fire, the Administrator may send incident investigators, which may include safety specialists, fire protection engineers, codes and standards experts, researchers, and fire training specialists, to the site of the fire to conduct an investigation as described in subsection (b).

“(b) INVESTIGATION REQUIRED.—A fire investigation conducted under this section—

“(1) shall be conducted in coordination and cooperation with appropriate Federal, State, and local authorities, including Federal agencies that are authorized to investigate a major fire or an incident of which the major fire is a part; and
“(2) shall examine the determined cause and origin of the fire and assess broader systematic matters to include use of codes and standards, demographics, structural characteristics, smoke and fire dynamics (movement) during the event, and costs of associated injuries and deaths.

“(c) REPORT.—Upon concluding any fire investigation under this section, the Administrator shall issue a public report to local, State, and Federal authorities on the findings of such investigation, or collaborate with another investigating Federal agency on that agency’s report, including recommendations on—

“(1) any other buildings with similar characteristics that may bear similar fire risks;

“(2) improving tactical response to similar fires;

“(3) improving civilian safety practices;

“(4) assessing the costs and benefits to the community of adding fire safety features; and

“(5) how to mitigate the causes of such fire.

“(d) DISCRETIONARY AUTHORITY.—In addition to investigations conducted pursuant to subsection (a), the Administrator may send fire investigators to conduct investigations at the site of any fire with unusual or remarkable context that results in losses less severe than those occurring as a result of a major fire, in coordination with
appropriate Federal, State, and local authorities, including Federal agencies that are authorized to investigate a major fire or an incident of which the major fire is a part.

“(e) MAJOR FIRE DEFINED.—For purposes of this section, the term ‘major fire’ shall have the meaning given such term under regulations to be issued by the Administrator.”

SEC. 114. CRITICAL INFRASTRUCTURE AND MICROGRID PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CRITICAL FACILITY.—

(A) IN GENERAL.—The term “critical facility” means a facility that provides services or may be used—

(i) to save lives;

(ii) to protect property, public health, and public safety; or

(iii) to lessen or avert the threat of a catastrophe.

(B) INCLUSIONS.—The term “critical facility” includes—

(i) a hospital;

(ii) an outpatient clinic;

(iii) a nursing home;

(iv) a police station;
(v) an emergency operation center;
(vi) a jail or prison;
(vii) a fire station;
(viii) a facility in the communications sector, as determined by the Secretary;
(ix) a facility in the chemical sector, as determined by the Secretary;
(x) a school or other large building that may serve as a temporary gathering space;
(xi) a utility station, such as a water and wastewater station;
(xii) a facility described in subparagraph (A) that is owned or operated by, or provides services to, an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));
(xiii) a Federal facility, including a military base or installation; and
(xiv) any other facility described in subparagraph (A), as determined by the Secretary.

(2) SECRETARY.—The term “Secretary” means the Secretary of Energy.
(b) CRITICAL INFRASTRUCTURE AND MICROGRID

Program.—

(1) IN GENERAL.—The Secretary shall establish a program—

(A) to improve the energy resilience and power needs of critical facilities through the use of microgrids, renewable energy, energy efficiency, reduced electricity demand, and on-site storage;

(B) to improve the energy efficiency of critical facilities by decreasing the size and cost of generators;

(C) to provide technical assistance and facilitate the distribution and sharing of information to develop more resilient electricity systems (including bulk systems and localized systems); and

(D) to promulgate consumer-facing information and resources to inform the public on best practices and resources related to increasing resilience of electricity systems and reducing the impacts of extreme weather events on electricity systems.
(2) REQUIREMENTS.—In carrying out the pro-
gram established under paragraph (1), the Secretary
shall ensure, with respect to critical facilities—

(A) provision of on-site back-up power with
renewable resources, low-carbon liquid fuels,
and on-site energy storage technologies; and

(B) installation, at the transmission and
distribution level, of interoperable technologies,
advanced power flow control, dynamic line rat-
ing, topology optimization, and communications
systems.

(3) INTERESTED PARTY INPUT.—In estab-
lishing the program under paragraph (1), the Sec-
retary shall seek the input of State energy regu-
lators, electric utilities (as defined in section 3 of the
Federal Power Act (16 U.S.C. 796)), regional trans-
mission organizations and independent system oper-
ators, electric utility customers and ratepayer organ-
izations, local governments, community choice
aggregators or regional energy collaboratives, and
other interested parties.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be
appropriated to the Secretary $100,000,000 to carry
out this section, to remain available until expended.
(2) ADMINISTRATIVE COSTS.—Of the amount used to carry out this section, not more than 10 percent shall be used for salaries and expenses, administrative management, and oversight of the program established under subsection (b)(1).

TITLE II—NATIONAL DISASTER SAFETY BOARD ACT

SEC. 201. ESTABLISHMENT AND PURPOSE.

(a) ORGANIZATION.—There is established in the executive branch a National Disaster Safety Board, which shall be an independent establishment, as defined in section 104 of title 5, United States Code.

(b) PURPOSE.—The purposes of the Board are—

(1) to reduce loss of life, injury, and economic injury caused by future incidents by learning from natural hazards, including the impacts and underlying factors of such incidents, in a standardized way;

(2) to maintain a focus that is future-looking and national in scope, by applying what the Board learns through the trends that emerge from the incidents the Board reviews nationally to prevent loss of life, or human or economic injury, not only in the affected jurisdiction, but nationally, as the Board determines relevant;
(3) in carrying out reviews, analyses, and recommendations, not to be accusatory in nature and the Board shall not seek to find blame in any individual or organization, or second-guess any relevant authorities;

(4) to address systemic causes behind the loss of life and human or economic injury in incidents, including by recommending the augmentation of resources available to entities responsible for managing incident consequences; and

(5) while preventing economic injury as part of the mission of the Board, when relevant, to prioritize efforts that focus on lifesaving and injury prevention, especially in disproportionately impacted communities, as its work determines them to be.

SEC. 202. GENERAL AUTHORITY.

(a) Authority To Review.—

(1) In general.—Subject to subsection (b), the Board shall review and establish the facts, circumstances, and cause or probable cause of the loss of life, human injury, and economic injury due to a natural hazard with 10 or more fatalities or that meets the requirements described in paragraph (5) or (6) of subsection (b) that occurs after the date of enactment of this Act.
(2) Due to a natural hazard incident defined.—For purposes of paragraph (1), the term “due to a natural hazard” means a fatality that, if not for the natural hazard incident, as the case may be, would not have occurred within the time frame of the incident, as defined by standards developed by the Board.

(b) Determination of whether incident warrants Board review.—In carrying out subsection (a), the Board—

(1) may begin the review of an incident, including by monitoring the natural hazard and collecting facts, before the total number of fatalities is known if the Board determines that the natural hazard incident has the potential to cause 10 or more fatalities at its onset, in accordance with the policies and procedures established by the Board;

(2) may, by a two-thirds vote, decide that an incident that caused 10 or more fatalities does not require a review and shall issue a public statement explaining the determination;

(3) may, by a majority vote, decide to review any natural hazard incident that occurs after the date of enactment of this Act upon request from a representative of an affected State, Tribal govern-
ment, or unit of local government, regardless of the
number of fatalities;

(4) may, by a majority vote, decide to review
any natural hazard incident that occurs after the
date of enactment of this Act upon recommendation
by the Office for the Protection of Disproportionately
Impacted Communities of the Board, which the
Office may make because of the incident’s impacts
on populations that are socially, medically, or eco-
nomically vulnerable, as decided by the Office; and

(5) may, by a majority vote, decide to review a
natural hazard incident that occurs after the date of
enactment of this Act if—

(A) the Board determines that information
may be gained by the review that will be useful
in reducing systemic causes behind the loss of
life and human or economic injury; and

(B) the incident—

(i) did not result in 10 or more fatali-
ties; and

(ii)(I) could have resulted in a large
number of fatalities if not for swift inter-
vention or a shift in the course of events;
or
(II) resulted in, as determined by the Board—

(aa) a significant amount of economic or infrastructure damage;

(bb) significant human displacement; or

(cc) a significant number of severe non-fatal injuries or cases of severe illness; and

(6) shall, by majority vote, determine whether each incident for which the President issues a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) meets the criteria for review under paragraph (5).

(e) NATURE OF REVIEW.—

(1) IN GENERAL.—In carrying out a review under this title, the Board shall—

(A) conduct the review to determine the facts, conditions, and circumstances relating to the loss of life, human injury, and economic injury due to an incident;

(B) following an initial assessment of an incident by the Board, notify any individual or organization that the Board anticipates will be
affected by the review as to the extent of the expected review response of the Board;

(C) use the results of the review under subparagraph (A) to—

(i) determine how and why people die and are injured during an incident; and

(ii) issue recommendations to prevent or mitigate the loss of life, human injury, or economic injury due to similar incidents; and

(D) report on the facts and circumstances of the incident review, including the pre-incident resilience or vulnerabilities of the incident area or population.

(2) Generalized nature of reviews.—A review of loss of life and injury conducted by the Board shall—

(A) be generalized;

(B) focus on trends across an incident; and

(C) not aim to determine the exact individual cause of death or injury of any affected people.

(3) Fact-finding proceeding.—Any review of an incident by the Board under this title shall be a fact-finding proceeding with no adverse parties.
(4) LIMITATION OF APPLICABILITY OF OTHER

ACTS.—

(A) ADMINISTRATIVE PROCEDURE ACT.—
Any review proceedings of the Board under this
title shall not be—

(i) subject to the Administrative Pro-

cedure Act (5 U.S.C. 551 et seq.); or

(ii) conducted for the purpose of de-

termining the rights, liabilities, or blame of

any person, as the review is not an adju-
dicatory proceeding.

(B) PAPERWORK REDUCTION ACT.—Chap-
ter 35 of title 44, United States Code (com-
monly known as the “Paperwork Reduction
Act”), shall not apply to the review proceedings
of the Board under this title.

(C) FEDERAL ADVISORY COMMITTEE

ACT.—The Federal Advisory Committee Act (5
U.S.C. App.) shall not apply to the Board.

(5) INITIATING REVIEWS.—The Board shall ini-
tiate a review of an incident by monitoring the situ-

ation and assessing available facts to determine the

appropriate review response, without interfering in

any ongoing lifesaving and life sustaining efforts un-
derway by other entities.
(6) ALIGNMENT AND COORDINATION.—In carrying out this title, the Board shall coordinate with Federal, State, local, and Tribal entities to—

(A) establish or adopt standard methods of measuring the impacts of natural hazards and accessing response capacity and capabilities to maintain consistency and allow for the analysis of trends over time;

(B) ensure that the standard data sets and formats necessary for reviews developed under subparagraph (A) are propagated among Federal, State, local, and tribal entities that may be involved in response operations;

(C) leverage, to the extent practicable, data collected using standard data sets and formats established under subparagraph (B) by Federal entities involved in response operations to avoid any duplication of data collection; and

(D) during incident response operations, coordinate with partners active in the operation to collect data remotely or take other actions that the Board finds necessary to align and coordinate the requirements of the review with ongoing operations, including through the requirements of paragraph (7).
(7) INCIDENT COMMAND.—The Board shall—

(A) recognize the role of incident command systems to address incidents;

(B) observe the incident command system to identify and coordinate review needs related to the preservation and collection of information and evidence; and

(C) shall collect information and evidence from the incident command in a timely and reasonable manner so as not to interfere with the operations of the incident command.

(8) PARTIES TO THE REVIEW.—

(A) PARTICIPANTS.—Subject to subparagraph (B), the Board may invite one or more entities to serve as a party in a review on a voluntary basis, and any party participant shall be required to follow all directions and instructions from the Board.

(B) ELIGIBLE ENTITY.—In designating an entity to serve as a party under subparagraph (A), the Board may designate only a Federal, State, or local government agency or private organization whose employees, functions, activities, or products were involved in the incident, including responsible parties, and that can pro-
vide suitable qualified technical personnel to ac-
tively assist in the review.

(C) REPRESENTATIVES OF ELIGIBLE ENTI-
ties.—To the extent practicable, a representa-
tive proposed by an entity designated as a party
under subparagraph (A) to participate in the
review may not be an individual who had direct
involvement in the incident under review.

(D) REVOCATION OF PARTY STATUS.—A
designation as a party under subparagraph (A)
may be revoked or suspended by the Board if
the party fails to comply with assigned duties
and instructions, withholds information, or oth-
\[ ...]
(i) inform the Board of the nature of
the review; and
(ii) provide to the Board findings
from the review.

(9) REVIEW PROCEDURES.—In addition to any
procedures required under this title, the Board shall
determine and publish detailed review procedures as
the Board determines necessary.

(10) PRODUCTS.—The Board may use any me-
dium that will effectively convey the findings and
recommendations of the Board to the targeted audi-
ence of such findings or recommendations.

(d) REVIEW BY AFFECTED AUTHORITIES.—

(1) IN GENERAL.—When the Board has com-
pleted the findings and recommendations or other
products as a result of a review under this title, the
Board shall provide all affected States, Tribal gov-
ernments, and units of local government, or their
designees, an opportunity to review and comment
not later than 30 days before the publication of the
findings or recommendations.

(2) REQUIREMENT.—The Board shall make
every reasonable effort, within its discretion, to re-
respond to requests for additional information and
context that an affected jurisdiction may make and
to edit their findings and recommendations with any
useful additional information or context provided by
any affected jurisdiction in its comments without af-
flecting the integrity or independence of the review
and its findings and recommendations, as the Board
shall determine.

(e) Disproportionately Impacted Communities.—

(1) In General.—In carrying out a review of
an incident under this section, including in deter-
mining whether to launch a review, the Board shall
ensure the potential development of findings that
would benefit the prevention of loss of life and
human or economic injury to populations that are
socially, medically, or economically vulnerable, as de-
cided by the Board.

(2) Data Requirement.—To forward the
analysis and identification of trends of fatalities and
injuries as a result of incidents, the Board shall pub-
lish information regarding the number of fatalities
and injuries, and the facts and circumstances sur-
rounding them, disaggregated by race, color or eth-
nicity, religion, nationality, sex, age, disability,
English proficiency, occupation, or economic status,
and other demographic characteristics that the
Board may determine appropriate.

(f) COORDINATION WITH OTHER REVIEWS AND IN-
VESTIGATIONS.—

(1) IN GENERAL.—Subject to the requirements
of this section, a review of a natural hazard incident
by the Board under subsection (a)(1) shall have pri-
ority over any investigation by another department,
agency, or instrumentality of the Federal Govern-
ment or a State, Tribal, or local government.

(2) PARTICIPATION BY OTHER AGENCIES.—The
Board shall provide for appropriate participation by
other departments, agencies, or instrumentalities in
a review conducted by the Board, except that an-
other department, agency, or instrumentality may
not influence the final findings of the Board.

(3) COORDINATION.—The Board shall coordi-
nate with all other Federal, State, Tribal, or local le-
gally mandated investigations or reviews and may
share information with those entities, according to
policies and procedures that the Board will provide,
to ensure that appropriate findings and recommen-
dations to reduce loss of life, injury, and economic
injury caused by future incidents are produced as ef-
ficiently as possible.
(4) MEMORANDA OF UNDERSTANDING.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Chairman of the Board shall enter into memoranda of understanding with the Director of the National Institute of Standards and Technology, the Administrator of the Federal Emergency Management Agency, the Chairman of the Chemical Safety Board, and the Chairman of the National Transportation Safety Board, respectively, and may enter into additional memoranda of understanding with any other Federal entity that requests such due to the relationship that the requirements of the Federal entity may have with the requirements with the Board, in order to—

(A) determine the appropriate roles and responsibilities of the Board with respect to the other agency or board;

(B) avoid any duplication of effort; and

(C) ensure that appropriate findings and recommendations to reduce loss of life, injury, and economic injury caused by future incidents are provided.

(g) PARTICIPATION IN SUPPORT OF ANOTHER AGENCY.—

(1) IN GENERAL.—
(A) INVESTIGATION OF ACTS OF VIOLENCE.—The Board may participate in an investigation of an act of violence in support of another Federal department or agency, or other Federal investigative body with statutory authority to lead such an investigation, if the head of the lead investigative agency determines that the participation of the Board would be beneficial to reduce the likelihood of the loss of life and human or economic injury, for future similar incidents.

(B) INVESTIGATION OF TECHNOLOGICAL INCIDENTS.—

(i) IN GENERAL.—The Board may participate in an investigation of a technological incident—

(I) in support of another Federal department or agency, or other Federal investigative body with statutory authority to lead such an investigation, if the head of the lead investigative agency determines that the participation of the Board would be beneficial to reduce the likelihood of the
loss of life and human or economic injury, for future similar incidents; or

(II) in the case of no statutory authority for another Federal department or agency, or other Federal investigative body, to lead such an investigation, as the lead investigative entity.

(ii) Memoranda of understanding.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Chairman of the Board shall enter into memoranda of understanding with the heads of appropriate Federal agencies in order to—

(I) determine the appropriate roles and responsibilities of the Board in investigating technological incidents with respect to the other agency;

(II) avoid any duplication of effort; and

(III) ensure that appropriate findings and recommendations to reduce loss of life, injury, and economic
injury caused by future incidents are provided.

(2) FINDINGS.—If the Board participates in an act of violence or technological incident investigation under subparagraph (A), the Board may issue independent findings and recommendations notwithstanding the outcome of any investigation conducted by another Federal agency or other Federal investigative body.

(3) CRIMINAL CIRCUMSTANCES.—If the Attorney General, in consultation with the Chairperson, determines and notifies the Board that circumstances reasonably indicate that the act of violence or technological incident described in subparagraph (A) may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the responsible Federal law enforcement entity.

(4) RULE OF CONSTRUCTION.—This section shall not be construed to affect the authority of another department, agency, or instrumentality of the Federal Government to investigate an incident under applicable law or to obtain information directly from the parties involved in, and witnesses to, the incident. The Board and other departments, agencies, and instrumentalities shall ensure that appropriate
information developed about the incident is exchanged in a timely manner.

(h) TECHNICAL ASSISTANCE.—The Board may make the following types of technical assistance available to Federal, State, Tribal, and local government agencies and to private entities as designated by a Federal, State, Tribal, or local government agency:

(1) INDEPENDENT REVIEW.—The Board shall disseminate best practices to develop disaster investigation and review capacity within State, Tribal, and local governments.

(2) IMPLEMENTATION OF RECOMMENDATIONS.—The Board—

(A) may provide technical assistance to any entity identified as responsible for implementing a recommendation under section 203(a)(1) to assist the entity in implementing the recommendation; and

(B) to the extent possible, shall provide the technical assistance described in subparagraph (A) in coordination with technical assistance offered by another Federal department or agency.

(3) PRIORITIZATION.—In offering technical assistance under this subsection, the Board shall use
a risk-based method of prioritization, as the Board
determines appropriate.

(i) FINDINGS.—

(1) IN GENERAL.—Except as provided in para-
graph (2), not later than 1 year after the date on
which the Board initiates a review conducted under
this section, the Board shall make the findings and
relevant underlying data of the review available to
the public.

(2) EXTENSION OF DEADLINE.—The Chair-
person of the Board may extend the 1-year period
described in paragraph (1) if the Chairperson, before
the end of such 1-year period—

(A) provides an explanation for the exten-

sion; and

(B) makes available to the public all avail-
able interim findings and underlying data.

SEC. 203. RECOMMENDATIONS AND RESPONSES.

(a) IN GENERAL.—If the Board issues a recommen-
dation about an incident, the Board shall—

(1) explain the relationship between any rec-
ommendation and the results of a fact-finding re-
view;

(2) identify each relevant entity responsible for
making the change called for in the recommenda-
tion, including State, local, or private entities, as ap-
propriate;

(3) publish any responses to the recommenda-
tion publicly; and

(4) assess whether the responses adequately
lower the likelihood that a future similar incident
will result in loss of life, or human or economic in-
jury in the view of the Board.

(b) Federal Responses to Recommendations.—

(1) In General.—All Federal departments and
agencies identified in a recommendation made by the
Board shall reply to the recommendations not later
than 90 days after the date on which the rec-
ommendation is published by the Board.

(2) Response Described.—A response under
paragraph (1) made by a Federal department or
agency shall include—

(A) whether the department or agency in-
tends to adopt the recommendation in whole, in
part, or not at all;

(B) an explanation of the reasons for only
adopting the recommendation in part or not at
all; and
(C) a proposed timetable for completing
the action the Federal department or agency
has agreed to.

(3) Progress Updates.—A Federal depart-
ment or agency that agrees to adopt a recommenda-
tion of the Board shall—

(A) track the progress of the department
or agency toward completion; and

(B) provide an update to the Board, to be
published publicly, periodically, and not less fre-
quently than annually.

(c) Public Availability.—

(1) In general.—Not later than 1 year after
the date on which a final determination is made on
a recommendation under this section, the Board
shall make a copy of the recommendation and re-
response to the recommendation available to the pub-
lie.

(2) Extension of Deadline.—The Chair-
person of the Board may extend the 1-year period
described in paragraph (1) if the Chairperson, before
the end of such 1-year period—

(A) provides an explanation for the exten-
sion; and
(B) makes available to the public any available interim response to the recommenda-
tion and underlying data.

(d) DISSEMINATION.—The Board shall propagate each recommendation issued under this section, including by—

(1) incorporating the recommendation, and any related findings, into training material used by Fed-
eral, State, Tribal, and private training facilities specializing in building resilience to and responding to and recovering from natural hazards, as the Board deems appropriate;

(2) coordinating with professional associations related to building resilience to and responding to and recovering from natural hazards;

(3) collaborating with relevant Federal, State, and Tribal authorities and private organizations; and

(4) coordinating with private and public institutions of higher education and research institutions.

SEC. 204. REPORTS AND STUDIES.

(a) STUDIES AND OTHER REPORTS.—

(1) IN GENERAL.—The Board shall annually submit a report containing the information described in paragraph (2) to—
(A) Congress;

(B) any department, agency, or instrumentality of the Federal Government concerned with natural hazards;

(C) all State and Tribal governments; and

(D) the general public.

(2) INFORMATION DESCRIBED.—The information described in this paragraph is—

(A) the results of special studies on how to reduce morbidity and mortality from incidents;

(B) an examination of techniques and methods of evaluating measures to protect the public from incidents and periodically publish recommended procedures for reviews;

(C) evaluation and examination of the effectiveness of the findings of the Board about the natural hazard resilience of other departments, agencies, and instrumentalities of the Federal Government and their effectiveness in preventing loss of life, or human or economic injury; and

(D) recommend meaningful responses to reduce the likelihood of loss of life, or human or economic injury, according to the findings of
the above-mentioned research, including na-
tional and regional policies and programs.

(b) Biennial Report.—Not later than June 1, 2023, and once every 2 years thereafter, the Board shall submit a report to Congress, which shall include—

(1) a statistical and analytical summary of the reviews conducted and reviewed by the Board during the prior 2 calendar years;

(2) a survey and summary of the recommendations made by the Board and the observed response to each recommendation, including the classification, containing a written justification and explanation of each recommendation as—

(A) open, if, in the determination of the Board, sufficient action to fulfill the intent of the recommendation has not been taken and still should be;

(B) closed, if, in the determination of the Board, sufficient action to fulfill the intent of the recommendation has been taken and no further action is necessary; and

(C) outdated, if, in the determination of the Board, the recommendation is no longer relevant because of any change in circumstances
or actions by parties other than the intended recipient of the recommendation;

(3) an assessment of efforts of Federal, State, Tribal, and local governments to respond to recommendations made by the Board, if such entities have voluntarily provided information to the Board on the progress of the entity;

(4) a description of the training undertaken by the Board and its staff and persons sponsored by the Board;

(5) a list of natural hazards that caused 10 or more fatalities that the Board did not review and a recommendation with justification by the Board of whether similar incidents should be reviewed in the future;

(6) a recommendation on how, if at all, the thresholds and triggers for a review by the Board should change;

(7) an assessment of the sufficiency of Federal resources provided to State, Tribal, and local governments in aggregate relative to any vulnerabilities that the Board determines the governments have;

(8) a list of all requests for review from Governors of States and territories and chief executives of Tribal governments or recommended by the office
established under section 205(f)(2) that the Board
rejected, including comments and recommendations
from the Board regarding whether similar incidents
should be reviewed in the future; and

(9) a list of ongoing reviews that have exceeded
the expected time allotted for completion by Board
order and an explanation for the additional time re-
quired to complete each such review.

(e) DISSEMINATION.—The Board shall propagate the
information described in subsection (a)(2), including by—

(1) incorporating the information into training
material used by Federal, State, Tribal, and private
training facilities specializing in building resilience
to and responding to and recovering from natural
hazards, as the Board deems appropriate;

(2) coordinating with professional associations
related to building resilience to and responding to
and recovering from natural hazards;

(3) collaborating with relevant Federal, State,
and Tribal authorities and private organizations;

and

(4) coordinating with private and public institu-
tions of higher education and research institutions.

SEC. 205. APPOINTMENT AND ORGANIZATION.

(a) APPOINTMENT OF MEMBERS.—
(1) IN GENERAL.—The Board shall be composed of 7 members, who shall, in accordance with paragraph (2) and subject to paragraph (3), be appointed by the President, by and with the advice and consent of the Senate.

(2) PROCEDURE.—

(A) INITIAL APPOINTMENTS.—The President shall, in consultation with the National Academies of Sciences, Engineering, and Medicine and relevant professional associations and leaders in the private sector, appoint the 7 members of the Board from among a list of 14 individuals provided by both houses of Congress, of which—

(i) the majority leader of the Senate shall provide the names of 4 individuals;

(ii) the minority leader of the Senate shall provide the names of 3 individuals;

(iii) the Speaker of the House of Representatives shall provide the names of 4 individuals; and

(iv) the minority leader of the House of Representatives shall provide the names of 3 individuals.
(B) SUBSEQUENT APPOINTMENTS.—Any vacancy of the Board shall be filled in the same manner as the original appointment.

(3) REQUIREMENTS.—Of the 7 members appointed under paragraph (1)—

(A) not more than 4 members may be appointed from the same political party;

(B) all members shall be appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in emergency management, fire management, emergency medical services, public-health, physical sciences, social science, behavioral science, or architectural and engineering with post-disaster evaluation or building forensics expertise in their respective field;

(C) a minimum of 2 members shall have experience working at the State or municipal level in 1 of the fields described in subparagraph (B); and

(D) a minimum of 2 members shall have demonstrated professional experience working with populations that have historically been more vulnerable to incidents because of their
race, color, nationality, sex, age, disability,
English proficiency, or economic status.

(b) TERMS OF OFFICE AND REMOVAL.—

(1) TERM OF OFFICE.—Except as provided in
paragraph (2), the term of office of each member
shall be 5 years.

(2) FILLING OF VACANCY.—An individual ap-
pointed to fill a vacancy occurring before the expira-
tion of the term for which the predecessor of that
individual was appointed is appointed for the re-
mainder of that term.

(3) CONTINUATION UNTIL SUCCESSOR IS AP-
POINTED.—When the term of office of a member
ends, the member may continue to serve until a suc-
cessor is appointed and confirmed.

(4) REMOVAL.—The President may remove a
member only for inefficiency, neglect of duty, or
malfeasance in office. Immediately upon removing a
member of the Board, the President shall issue a
public statement that details how the actions of the
removed member met the criteria of this paragraph.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) CHAIRPERSON.—The President shall des-
ignate, by and with the advice and consent of the
Senate, a member appointed under subsection (b) to serve as the Chairperson of the Board.

(2) Vice Chairperson.—The President shall designate a member appointed under subsection (b) to serve as the Vice Chairperson of the Board and if the Chairperson is absent or unable to serve, or if the position of Chairperson is vacant, the Vice Chairperson shall act as the Chairperson.

(3) Term of Office.—The Chairperson and Vice Chairperson shall each serve in such position for a term of 3 years.

(d) Duties and Powers of Chairperson.—

(1) In General.—The Chairperson shall be the chief executive and administrative officer of the Board.

(2) Powers.—Subject to the general policies and decisions of the Board, the Chairperson shall—

(A) appoint and supervise officers and employees, other than regular and full-time employees in the immediate offices of another member, necessary to carry out this title;

(B) fix the pay of officers and employees necessary to carry out this title;
(C) distribute business among the officers, employees, and administrative units of the Board; and

(D) supervise the expenditures of the Board.

(e) QUORUM.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), 4 members of the Board shall constitute a quorum for purposes of carrying out the duties and powers of the Board, subject to the limitations in the remainder of this subsection.

(2) PARTY LIMITATION.—Not less than 1 representative from each party shall be present for a quorum to be established.

(3) CHAIRPERSON.—Either the Chairperson or Vice Chairperson shall be present for a quorum to be established.

(f) OFFICES.—

(1) IN GENERAL.—The Board shall establish such offices as are necessary to carry out this title, which may include offices responsible for—

(A) operations;

(B) science and methodology;

(C) review and evaluation;

(D) communications;
(E) external coordination; or

(F) technical assistance.

(2) Office for the Protection of Disproportionately Impacted Communities.—

(A) In General.—The Board shall establish an office to review and make recommendations to mitigate and prevent the loss of life, or human or economic injury for vulnerable populations, including populations that may be more vulnerable because of their race, color, religion, nationality, sex, age, disability, English proficiency, or economic status, or other demographic characteristics that the Board may determine appropriate.

(B) Responsibilities.—The office established under paragraph (1) shall—

(i) provide recommendations to the Board for incidents to review in accordance with section 202(b)(4) that do not otherwise meet the requirements of section 202(b);

(ii) determine and maintain a list specific demographic, economic, social, and health characteristics of populations that
historically have shown to be disproportionately impacted by incidents;

(iii) during a review conducted by the Board, provide research and analysis on how the incident impacts populations that the Office determines to be disproportionately impacted;

(iv) provide recommendations for each review conducted by the Board and for each report developed under section 204 on actions that can be taken to reduce the impact to populations that are found to be disproportionately impacted under clause (ii); and

(v) provide training, and establish training requirements, for Board members and staff in the fields of diversity, inclusion, and equity in consultation with organizations specializing in those fields.

(3) REGIONAL OFFICES.—In establishing offices under this subsection, the Board may establish regional offices across the United States to facilitate collaboration, coordination, and the dissemination of findings, recommendations, and best practices to State, Tribal, and local governments and the private
sector in such regions as the Board determines ap-
propriate.

(4) PURPOSE.—Each office established under
this subsection shall enable the Board to review, re-
port on, and issue recommendations to prevent the
loss of life, human injury, and economic injury and
deliver technical assistance to disseminate best prac-
tices in accordance with this title.

(g) CHIEF FINANCIAL OFFICER.—The Chairperson
shall designate an officer or employee of the Board to
serve as the Chief Financial Officer, who shall—

(1) report directly to the Chairperson on finan-
cial management and budget execution;

(2) direct, manage, and provide policy guidance
and oversight on financial management and property
and inventory control; and

(3) review the fees, rents, and other charges im-
posed by the Board for services and things of value
it provides and suggest appropriate revisions to
those charges to reflect costs incurred by the Board
in providing those services and things of value.

(h) BOARD MEMBER STAFF.—

(1) IN GENERAL.—Each member of the Board
shall appoint and supervise regular and full-time em-
ployees in the immediate office of the member as
long as any such employee has been approved for employment by the designated agency ethics official under the same guidelines that apply to all employees of the Board.

(2) DESIGNATION.—With respect to an individual appointed under paragraph (1)—

(A) the member of the Board making the appointment shall determine which grade of the General Schedule most closely corresponds with respect to the duties and functions of the position to which the individual is appointed; and

(B) during the period of the appointment—

(i) the individual shall be compensated at the appropriate rate of pay for the grade of the General Schedule with respect to which the determination is made under subparagraph (A); and

(ii) for the purposes of title 5, United States Code, and the rules issued under that title, the individual shall be considered to be an employee, as that term is defined in section 5331(a) of title 5, United States Code.
(3) LIMITATION.—Except for the Chairperson, the appointment authority in paragraph (1) shall be limited to the number of full-time equivalent positions, in addition to 1 senior professional staff position at a level not to exceed the GS–15 level of the General Schedule and 1 administrative staff position, allocated to each member of the Board through the annual budget and allocation process of the Board.

(i) DETAILED STAFF.—

(1) FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Upon request of the Board, the head of an agency described in subparagraph (B), or any other Federal department or agency that the Board may request, may detail, on a reimbursable basis, any of the personnel of that department or agency to the Board to assist the Board in carrying out the duties of the Board under this title.

(B) RELEVANT AGENCIES.—For purposes of subparagraph (A), the following are agencies described in this subparagraph:


(iii) The National Oceanic and Atmospheric Administration, including the National Weather Service.

(iv) The Department of Defense, including the Army Corps of Engineers.

(v) The Department of Health and Human Services.

(vi) The National Institutes of Health.

(vii) The Centers for Disease Control and Prevention.

(viii) The Coast Guard.

(ix) The National Transportation Safety Board.

(x) The National Institute of Standards and Technology.


(xii) The Department of the Interior, including the United States Geological Survey.

(xiv) The Small Business Administration.

(xv) The Chemical Safety and Hazard Investigation Board.

(xvi) The Department of Housing and Urban Development.

(xvii) The Department of Agriculture.

(2) State, local, tribal, and research staff.—

(A) In general.—The Board may enter into agreements with State, local, and Tribal governments and relevant nonprofit institutions of higher education and research institutions to request staff, with specialized experience that the Board determines relevant, to be detailed to the Board, on a reimbursable basis, and shall consult with relevant associations and organizations of those entities in developing an efficient process for requesting and receiving detailed staff.

(B) Compensation.—The Board shall ensure that any staff members detailed to the Board under this paragraph are compensated
equitably and shall pay differences in salaries based on the experience of said staff and in consultation with the Office of Personnel Management.

(3) Term of Detail.—Any staff member detailed to the Board under this section shall be detailed for a term of 1 year and such detail may be extended for not more than two 1-year terms.

(4) Limitations.—Under this subsection—

(A) not more than 25 percent of the total number of staff members working for the Board at any time may be detailees or otherwise nonpermanent staff;

(B) a detailee shall serve as an adviser or supplemental professional staff in any office established by the Board under subsection (g); and

(C) a detailee may not—

(i) determine any final findings or recommendations; and

(ii) be the sole decisionmaker in review or evaluation methodologies.

(j) Seal.—The Board shall have a seal that shall be judicially recognized.

(k) Open Meetings.—
(1) IN GENERAL.—Except as provided in paragraph (2), the Board shall be considered an agency for purposes of section 552b of title 5, United States Code.

(2) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

(A) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, a majority of the members may hold a meeting that is not open to public observation to discuss official agency business, if—

(i) no formal or informal vote or other official agency action is taken at the meeting;

(ii) each individual present at the meeting is a member or an employee of the Board;

(iii) at least 1 member of the Board from each political party is present at the meeting, if applicable;

(iv) the General Counsel of the Board is present at the meeting; and

(v) the records of the meeting, including the names of the individuals in attendance, time, place, and summary to be as
thorough as the Board determines to be prudent, are posted publicly and online.

(B) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.— Except as provided under subparagraphs (C) and (D), not later than 2 business days after the conclusion of a meeting under subparagraph (A), the Board shall make available to the public, in a place easily accessible to the public—

(i) a list of the individuals present at the meeting; and

(ii) a summary of the matters, including key issues, discussed at the meeting, except for any matter the Board properly determines may be withheld from the public under section 552b(c) of title 5, United States Code.

(C) SUMMARY.— If the Board properly determines a matter may be withheld from the public under section 552b(c) of title 5, United States Code, the Board shall provide a summary with as much general information as possible on each matter withheld from the public.

(D) ACTIVE REVIEWS.— If a discussion under subparagraph (A) directly relates to an
active review, the Board shall make the disclosure under subparagraph (B) on the date the Board adopts the final report.

(E) **Preservation of open meetings requirements for agency action.**—Nothing in this paragraph may be construed to limit the applicability of section 552b of title 5, United States Code, with respect to a meeting of the members other than that described in this paragraph.

(F) **Statutory construction.**—Nothing in this paragraph may be construed—

- (i) to limit the applicability of section 552b of title 5, United States Code, with respect to any information which is proposed to be withheld from the public under subparagraph (B)(ii); or

- (ii) to authorize the Board to withhold from any individual any record that is accessible to that individual under section 552a of title 5, United States Code.

**SEC. 206. METHODOLOGY.**

(a) **In General.**—The Board shall conduct each review, issue each recommendation, develop each report, and deliver all technical assistance authorized under this title
using the methods that are in accordance with relevant professional best practices, including those by analogous review organizations, academia, and government and private organizations.

(b) REQUIRED REVIEW.—The Board shall—

(1) review, on a regular basis, the methodologies of the Board; and

(2) update the methodologies of the Board in accordance with the findings of each review conducted under paragraph (1).

c) REQUIREMENT.—In establishing the methodologies of the Board under this section, the Board shall incorporate all relevant information from relevant Federal, State, and local entities, including past experience with similar incidents, exercises, risk assessments, and all other past research and analysis.

d) TRANSPARENCY.—The Chairperson shall include with each review report in which a recommendation is issued by the Board a methodology section detailing the process and information underlying the selection of each recommendation.

e) ELEMENTS.—Except as provided in subsection (f), the methodology section under subsection (a) shall include, for each recommendation—
(1) a brief summary of the Board’s collection and analysis of the specific information most relevant to the recommendation;

(2) a description of the Board’s use of external information, including studies, reports, and experts, other than the findings of a specific review, if any were used to inform or support the recommendation, including a brief summary of the specific resilience benefits and other effects identified by each study, report, or expert; and

(3) a brief summary of actions, including important examples, taken by regulated entities before the publication of the recommendation, to the extent such actions are known to the Board, that were consistent with the recommendation.

(f) SAVINGS CLAUSE.—

(1) IN GENERAL.—Nothing in this section may be construed—

(A) to delay publication of the findings, cause, or probable cause of a Board review;

(B) to delay the issuance of an urgent recommendation that the Board has determined must be issued to avoid immediate death, or human or economic injury; or
(C) to limit the number of examples the Board may consider before issuing a recommendation.

(2) LIMITATION.—Notwithstanding paragraph (1), the Board shall publish the methodology required under this section not later than 30 days after the date on which the review is initially published.

SEC. 207. ADMINISTRATIVE.

(a) AUTHORITY.—

(1) IN GENERAL.—The Board, and when authorized by the Board, a member of the Board, an administrative law judge employed by or assigned to the Board, or an officer or employee designated by the Chairperson, may conduct hearings to carry out this title, administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence.

(2) SUBPOENA AUTHORITY.—A witness or evidence in a hearing under paragraph (1) of this subsection may be summoned or required to be produced from any place in the United States to the designated place of the hearing. A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.
(3) **REQUIREMENT.**—A subpoena shall be issued under the signature of the Chairperson or the Chairperson’s designee, but may be served by any person designated by the Chairperson.

(4) **ENFORCEMENT.**—If a person disobeys a subpoena, order, or inspection notice of the Board, the Board may bring a civil action in a district court of the United States to enforce the subpoena, order, or notice. An action under this paragraph may be brought in the judicial district in which the person against whom the action is brought resides, is found, or does business. The court may punish a failure to obey an order of the court to comply with the subpoena, order, or notice as a contempt of court.

(b) **ADDITIONAL POWERS.**—The Board may—

(1) procure the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Code;

(2) make agreements and other transactions necessary to carry out this title without regard to subsections (b), (c), and (d) of section 6101 of title 41, United States Code;

(3) use, when appropriate, available services, equipment, personnel, and facilities of a department,
agency, or instrumentality of the United States Government on a reimbursable or other basis;

(4) confer with employees and use services, records, and facilities of State and local governmental authorities;

(5) appoint advisory committees composed of qualified private citizens and officials of the Government and State and local governments as appropriate;

(6) accept voluntary and uncompensated services notwithstanding another law;

(7) make contracts with private entities to carry out studies related to duties and powers of the Board; and

(8) negotiate and enter into agreements with individuals and private entities and departments, agencies, and instrumentalities of the Federal Government, State, Tribal, and local governments, and governments of foreign countries for the provision of facilities, technical services, or training in research theory and techniques, and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board.
(c) COLLECTION OF FUNDS.—The Board shall deposit in the Treasury of the United States amounts received under subsection (b)(8) of this subsection to be credited as offsetting collections to the appropriation of the Board. The Board shall maintain an annual record of collections received under subsection (b)(8).

(d) SUBMISSION OF CERTAIN COPIES TO CONGRESS.—

(1) IN GENERAL.—When the Board submits to the President or the Director of the Office of Management and Budget a budget estimate, budget request, supplemental budget estimate, other budget information, a legislative recommendation, prepared testimony for congressional hearings, or comments on legislation, the Board must submit a copy to Congress at the same time.

(2) LIMITATION.—An officer, department, agency, or instrumentality of the Government may not require the Board to submit the estimate, request, information, recommendation, testimony, or comments to another officer, department, agency, or instrumentality of the Government for approval, comment, or review before being submitted to Congress.
(3) Budget Process.—The Board shall develop and approve a process for the Board’s review and comment or approval of documents submitted to the President, Director of the Office of Management and Budget, or Congress under this subsection.

(c) Liaison Committees.—The Chairperson may determine the number of committees that are appropriate to maintain effective liaison with other departments, agencies, and instrumentalities of the Federal Government, State and local governmental authorities, and independent standard-setting authorities that carry out programs and activities related to its work. The Board may designate representatives to serve on or assist those committees.

(f) Inquiries.—The Board, or an officer or employee of the Board designated by the Chairperson, may conduct an inquiry to obtain information related to natural hazard safety after publishing notice of the inquiry in the Federal Register. The Board or designated officer or employee may require by order a department, agency, or instrumentality of the Federal Government, a State, Tribal, or local governmental authority, or a person transporting individuals or property in commerce to submit to the Board a written report and answers to requests and questions related to a duty or power of the Board. The Board may prescribe the time within which the report and answers
must be given to the Board or to the designated officer
or employee. Copies of the report and answers shall be
made available for public inspection.

(g) REGULATIONS.—The Board may prescribe regu-
lations to carry out this title.

(h) OVERTIME PAY.—

(1) IN GENERAL.—Subject to the requirements
of this section and notwithstanding paragraphs (1)
and (2) of section 5542(a) of title 5, United States
Code, for an employee of the Board whose basic pay
is at a rate which equals or exceeds the minimum
rate of basic pay for GS–10 of the General Schedule,
the Board may establish an overtime hourly rate of
pay for the employee with respect to work performed
in the field (including travel to or from) and other
work that is critical to a review in an amount equal
to one and one-half times the hourly rate of basic
pay of the employee. All of such amount shall be
considered to be premium pay.

(2) LIMITATION ON OVERTIME PAY TO AN EM-
PLOYEE.—An employee of the Board may not re-
ceive overtime pay under paragraph (1), for work
performed in a calendar year, in an amount that ex-
ceeds 25 percent of the annual rate of basic pay of
the employee for such calendar year.
(3) Basic pay defined.—In this subsection, the term “basic pay” includes any applicable locality-based comparability payment under section 5304 of title 5, United States Code (or similar provision of law) and any special rate of pay under section 5305 of such title 5 (or similar provision of law).

(4) Annual report.—Not later than January 31, 2022, and annually thereafter, the Board shall transmit to Congress a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year, and the number of employees whose overtime pay under this subsection was limited in that fiscal year as a result of the 25 percent limit established by paragraph (2).

(i) Entry and inspection.—

(1) In general.—An officer or employee of the Board—

(A) on display of appropriate credentials and written notice of authority, may—

(i) enter an area where an incident has occurred;

(ii) take such actions as are necessary to conduct a review under this section, so long as the actions do not interfere with
ongoing lifesaving and life-sustaining operations; and

(iii) during reasonable hours, inspect any record, including an electronic record, process, control, or facility related to an incident under this title.

(2) REQUIREMENT.—The Board shall use utmost discretion to prevent interference with ongoing response efforts, including by developing review procedures with input from relevant authorities nationwide.

SEC. 208. DISCLOSURE, AVAILABILITY, AND USE OF INFORMATION.

(a) DISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—Except as provided in subsections (b), (c), (d), and (f) of this section, a copy of a record, information, or review submitted or received by the National Disaster Safety Board, or a member or employee of the Board, shall be posted publicly.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require the release of information described in section 552(b) of title 5, United States Code, or protected from disclosure by another law of the United States.
(b) Trade Secrets.—

(1) In general.—The Board may disclose information related to a trade secret referred to in section 1905 of title 18, United States Code, only—

(A) to another department, agency, or instrumentality of the United States Government when requested for official use;

(B) to a committee of Congress having jurisdiction over the subject matter to which the information is related, when requested by that committee;

(C) in a judicial proceeding under a court order that preserves the confidentiality of the information without impairing the proceeding; and

(D) to the public to protect health and safety after giving notice to any interested person to whom the information is related and an opportunity for that person to comment in writing, or orally in closed session, on the proposed disclosure, if the delay resulting from notice and opportunity for comment would not be detrimental to health and safety.

(2) Requirement.—Information disclosed under paragraph (1) of this subsection may be dis-
closed only in a way designed to preserve its con-

(3) Protection of Voluntary Submission
of Information.—Notwithstanding any other pro-
vision of law, neither the Board, nor any agency re-
ceiving information from the Board, shall disclose
voluntarily provided safety-related information if
that information is not related to the exercise of the
Board’s review authority under this title and if the
Board finds that the disclosure of the information
would inhibit the voluntary provision of that type of
information.

(e) Recordings and Transcripts.—

(1) Confidentiality of Recordings.—Ex-
cept as provided in paragraph (2), the Board may
not disclose publicly any part of an original record-
ing or transcript of oral communications or original
and contemporary written communications between
Federal, State, Tribal, or local officials responding
to an incident under review by the Board.

(2) Exception.—Subject to subsections (b)
and (g), the Board shall make public any part of a
transcript, any written depiction of visual informa-
tion obtained from an audio or video recording, or
any still image obtained from a recording the Board decides is relevant to the incident—

(A) if the Board holds a public hearing on the incident at the time of the hearing; or

(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the incident are placed in the public docket.

(3) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to recorded or written information in making safety recommendations.

(d) FOREIGN REVIEWS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign incident review, except that—

(A) the Board shall release records pertaining to such a review when the country conducting the review issues its final report or 2 years following the date of the incident, whichever occurs first; and
(B) the Board may disclose records and information when authorized to do so by the country conducting the review.

(2) SAFETY RECOMMENDATIONS.—Nothing in this subsection shall restrict the Board at any time from referring to foreign review information in making safety recommendations.

(c) PRIVACY PROTECTIONS.—Before making public any still image obtained from a video recorder under subsection (c)(2) or subsection (d)(2), the Board shall take such action as appropriate to protect from public disclosure any information that readily identifies an individual, including a decedent.

SEC. 209. TRAINING.

(a) USE OF TRAINING FACILITIES.—The Board may use, on a reimbursable basis, the services of any training facility in the Federal Government, including those operated by the Department of Homeland Security, Department of Health and Human Services, and Department of Commerce. The responsible department or agency shall make such training facility and any relevant training course available to—

(1) the Board for safety training of employees of the Board in carrying out their duties and powers; and
(2) other relevant personnel of the United States Government, State and local governments, governments of foreign countries, interstate authorities, and private organizations the Board designates in consultation with the relevant departments and agencies.

(b) FEES.—Training shall be provided at a reasonable fee established periodically by the Board in consultation with the relevant departments and agencies. The fee shall be paid directly to the relevant departments and agencies, and shall be deposited in the Treasury.

(c) TRAINING OF BOARD EMPLOYEES AND OTHERS.—The Board may conduct training of its employees in those subjects necessary for proper performance. The Board may also authorize attendance at courses given under this subsection by other government personnel, personnel of foreign governments, and personnel from industry or otherwise who have a requirement for training. The Board may require non-Board personnel to reimburse some or all of the training costs, and amounts so reimbursed shall be credited to the appropriation of the Board as offsetting collections.

SEC. 210. FUNDING.

(a) IN GENERAL.—The Secretary of Transportation shall transfer grant funds identified pursuant to the
GONE Act (Public Law 114–117) that have not been expended to the Board to carry out this title in the following amounts:

(1) $25,000,000 for fiscal year 2022.
(2) $40,000,000 for fiscal year 2023.
(3) $50,000,000 for fiscal year 2024.
(4) $60,000,000 for fiscal year 2025.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report containing—

(1) the amount of funds transferred pursuant to subsection (a); and
(2) the grant or account for which each transferred amount was initially made available.

(c) EMERGENCY FUND.—

(1) IN GENERAL.—There shall be established in the Treasury of the United States an Emergency Fund for the Board, which shall be available to the Board for necessary expenses of the Board, not otherwise provided for, for reviews.

(2) APPROPRIATIONS.—There shall be appropriated, out of amounts in the Treasury not otherwise appropriated, to the Emergency Fund—

(A) $2,000,000 for fiscal year 2022;
(B) such sums as are necessary to maintain the Emergency Fund at a level not to exceed $4,000,000 for each fiscal year thereafter; and

(C) such other sums as Congress determines necessary.

(d) FEES, REFUNDS, AND REIMBURSEMENTS.—

(1) IN GENERAL.—The Board may impose and collect such fees, refunds, and reimbursements as it determines to be appropriate for services provided by or through the Board.

(2) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee, refund, or reimbursement collected under this subsection—

(A) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed or with which the refund or reimbursement is associated;

(B) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed or with which the refund or reimbursement is associated; and

(C) shall remain available until expended.
(3) REFUNDS.—The Board may refund any fee paid by mistake or any amount paid in excess of that required.

SEC. 211. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—The Inspector General of the Department of Homeland Security, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management, property management, and business operations of the Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

(b) DUTIES.—In carrying out this section, the Inspector General shall—

(1) keep the Chairperson of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

(2) issue findings and recommendations for actions to address such problems; and

(3) report periodically to Congress on any progress made in implementing actions to address such problems.
(c) **Access to Information.**—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) **Authorization of Appropriations.**—

(1) **Funding.**—There are authorized to be appropriated to the Secretary of Homeland Security for use by the Inspector General of the Department of Homeland Security such sums as may be necessary to cover expenses associated with activities pursuant to the authority exercised under this section.

(2) **Reimbursable Agreement.**—In the absence of an appropriation under this subsection for an expense referred to in paragraph (1), the Inspector General and the Board shall have a reimbursable agreement to cover such expense.

**SEC. 212. Evaluation and Audit of National Disaster Safety Board.**

(a) **In General.**—As determined necessary by the Comptroller General of the United States or the appropriate congressional committees, but not less frequently than once every 2 years, the Comptroller General of the United States shall evaluate and audit the programs and
expenditures of the Board in order to promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the Board.

(b) **Responsibility of Comptroller General.**—

In carrying out subsection (a), the Comptroller General of the United States shall evaluate and audit the programs, operations, and activities of the Board, including—

(1) information management and security, including privacy protection of personally identifiable information;

(2) the resource levels of the Board and management of such resources relative to the mission of the Board;

(3) workforce development;

(4) procurement and contracting planning, practices, and policies;

(5) the process and procedures to select an incident to review;

(6) the extent to which the Board follows leading practices in selected management areas;

(7) the extent to which the Board addresses management challenges in completing reviews;

(8) the extent to which the evaluation, review, and recommendation-issuing methodologies of the
Board are consistent with established best practice, as determined by the Comptroller General; and

(9) an impact evaluation of the work of the Board, using the purposes and intent described in this title and by the Board, against the realized results of the Board, according to a methodology determined by the Comptroller General, conducted in a manner that is not overly disruptive to the work of the Board.

SEC. 213. DEFINITIONS.

In this title:

(1) Act of violence.—The term “act of violence” means an offense described in section 16(a) of title 18, United States Code.

(2) Board.—The term “Board” means the National Disaster Safety Board established under section 202.

(3) Chairperson.—The term “Chairperson” means the Chairperson of the Board designated under section 205.

(4) Economic injury.—The term “economic injury” has the meaning given the term “substantial economic injury” in section 7(b) of the Small Business Act (15 U.S.C. 636(b)).
(5) INCIDENT.—The term “incident” means a natural hazard or other circumstance that the Board decides to review.

(6) INSTITUTION OF HIGHER EDUCATION AND RESEARCH INSTITUTION.—The term “institution of higher education and research institution” means—

(A) an institution of higher education (as defined in section 101 of the Higher Education Act (20 U.S.C. 1001));

(B) a National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801));

(C) a laboratory described in section 308(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 188(c)(2));

(D) the National Domestic Preparedness Consortium established under section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) and the members of such Consortium; and

(E) a research institution associated with an institution of higher education.

(7) NATURAL HAZARD.—The term “natural hazard”—
(A) means a major disaster, as defined in paragraph (2) of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), that is naturally occurring, regardless of—

(i) whether the President makes a determination with respect to severity and magnitude of the disaster under such paragraph; or

(ii) the result of such a determination;

(B) includes any naturally occurring heat wave, wind storm, wildfire, wildland urban interface fire, urban conflagration fire, or dust storm;

(C) includes any combination of events covered by subparagraphs (A) and (B) that causes or threatens to cause loss of human life, or human or economic injury, as determined by the Board; and

(D) does not include a technological disaster.

(8) STATE.—The term “State” has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).
(9) TECHNOLOGICAL DISASTER.—The term “technological disaster” means an incident that—

(A) is caused by human error or malfunction in technology, including a dam or structural failure, a fire (other than a naturally occurring wildfire, wildland urban interface fire, urban conflagration fire, or arson), a hazardous material incident, a nuclear accident, and a power and telecommunications failure; and

(B) causes loss of human life, or human or economic injury, as determined by the Board.


(11) TRIBAL GOVERNMENT.—The term “Tribal government” means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130 et seq.).
TITLE III—NATIONAL WILDLAND FIRE RISK REDUCTION PROGRAM

SEC. 301. ESTABLISHMENT OF NATIONAL WILDLAND FIRE RISK REDUCTION PROGRAM.

The President shall establish a National Wildland Fire Risk Reduction Program with the purpose of achieving major measurable reductions in the losses of life and property from wildland fires through a coordinated Federal effort to—

(1) improve the assessment of fire environments and the understanding and prediction of wildland fires, associated smoke, and their impacts, including—

(A) at the wildland-urban interface;

(B) on communities, buildings and other infrastructure;

(C) on ecosystem services; and

(D) social and economic impacts;

(2) develop and encourage the adoption of science-based and cost-effective measures to enhance resilience to wildland fires and prevent and mitigate negative impacts of wildland fires and associated smoke; and
(3) improve the understanding and mitigation of the impacts of climate change and variability on wildland fire risk, frequency, and severity, and to inform paragraphs (1) and (2).

SEC. 302. PROGRAM ACTIVITIES.

The Program shall consist of the activities described in section 306, which shall be designed—

(1) to support research and development, including interdisciplinary research, related to fire environments, wildland fires, associated smoke, and their impacts, in furtherance of a coordinated inter-agency effort to address wildland fire risk reduction;

(2) to support data management and stewardship, the development and coordination of data systems and computational tools, and the creation of a centralized, integrated data collaboration environment for Program agency data, to accelerate the understanding of fire environments, wildland fires, associated smoke, and their impacts, and the benefits of wildland fire risk mitigation measures;

(3) to support the development of tools and technologies, including decision support tools and risk and hazard maps, to improve understanding, monitoring, prediction, and mitigation of wildland fires, associated smoke, and their impacts;
(4) to support research and development activities to improve data, tools, and technologies that directly inform, support, and complement active land management, forest and habitat restoration, and healthy ecosystem practices executed by the Forest Service, State, local, and Tribal entities;

(5) to support education and training to expand the number of students and researchers in areas of study and research related to wildland fires;

(6) to accelerate the translation of research related to wildland fires and associated smoke into operations to reduce risk to communities, buildings, other infrastructure, and ecosystem services;

(7) to conduct communication and outreach regarding wildland fire science and wildland fire risk mitigation, to communities, energy utilities and operators of other critical infrastructure, and other relevant stakeholders;

(8) to support research and development projects funded under joint solicitations or through memoranda of understanding between no fewer than two agencies participating in the Program; and

(9) to disseminate, to the extent practicable, scientific data and related products and services in formats meeting shared standards to enhance the
interoperability, usability, and accessibility of Program Agency data, including data as part of paragraph (2) in order to better meet the needs of Program agencies, other Federal agencies, and relevant stakeholders.

SEC. 303. INTERAGENCY COORDINATING COMMITTEE ON WILDLAND FIRE RISK REDUCTION.

(a) Establishment.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall establish an Interagency Coordinating Committee on Wildland Fire Risk Reduction (in this Act referred to as the “Committee”), to be co-chaired by the Director and the Director of the National Institute of Standards and Technology.

(b) Membership.—In addition to the co-chairs, the Committee shall be composed of—

(1) the Director of the National Science Foundation;

(2) the Administrator of the National Oceanic and Atmospheric Administration;

(3) the Administrator of the Federal Emergency Management Agency;

(4) the United States Fire Administrator;

(5) the Chief of the Forest Service;
(6) the Administrator of the National Aeronautics and Space Administration;

(7) the Administrator of the Environmental Protection Agency;

(8) the Secretary of Energy;

(9) the Director of the Office of Management and Budget;

(10) the Secretary of the Interior;

(11) the Director of United States Geological Survey;

(12) the Secretary of Health and Human Services;

(13) the Secretary of Defense;

(14) the Secretary of Housing and Urban Development; and

(15) the head of any other Federal agency that the Director considers appropriate.

(c) MEETINGS.—The Committee shall meet not less than twice a year for the first 2 years and then not less than once a year at the call of the Director.

(d) GENERAL PURPOSE AND DUTIES.—The Committee shall oversee the planning, management, and coordination of the Program, and solicit stakeholder input on Program goals.
(e) STRATEGIC PLAN.—The Committee shall develop and submit to Congress, not later than one year after the date of the enactment of this Act, and update every 4 years thereafter, a Strategic Plan for the Program that includes—

(1) prioritized goals for the Program, consistent with the purposes of the Program as described in section 301;

(2) short-term, mid-term, and long-term research and development objectives to achieve those goals;

(3) a description of the role of each Program agency in achieving the prioritized goals;

(4) a description of how the Committee will foster collaboration between and among the Program agencies and other Federal agencies to help meet the goals of the Program;

(5) the methods by which progress toward the goals will be assessed;

(6) an explanation of how the Program will foster the translation of research into measurable reductions in the losses of life, property, and ecosystem services from wildland fires, including recommended outcomes and metrics for each program goal and how operational Program agencies will
transition demonstrated technologies and research
findings into decision support tools and operations;

(7) a description of the research infrastructure,
including databases and computational tools, needed
to accomplish the research and development objec-
tives outlined in paragraph (2), a description of how
research infrastructure in existence at the time of
the development of the plan will be used to meet the
objectives, an explanation of how new research infra-
structure will be developed to meet the objectives,
and a description of how the program will implement
the integrated data collaboration environment per
section 302(2);

(8) a description of how Program agencies will
collaborate with stakeholders and take into account
stakeholder needs and recommendations in devel-
oping research and development objectives;

(9) recommendations on the most effective
means to integrate the research results into wildland
fire preparedness and response actions across Fed-
eral, State, local, Tribal, and territorial levels;

(10) guidance on how the Committee’s rec-
ommendations are best used in climate adaptation
planning for Federal, State, local, Tribal, and terri-
torial entities;
(11) a nationally recognized, consensus-based definition of wildland-urban interface and other key terms and definitions relating to wildland fire, developed in consideration of the meaning given such term in section 4(11) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203(11)); and

(12) a description of opportunities to support new areas of research and development and new types of collaborations that seek to optimize building and landscape design across multiple resilience goals, including resilience to wildland fires and other natural hazards, energy efficiency, and environmental sustainability.

(f) COORDINATION WITH OTHER FEDERAL EFFORTS.—The Director shall ensure that the activities of the Program are coordinated with other relevant Federal initiatives as appropriate.

(g) NATIONAL ACADEMIES STUDY.—The Committee shall assess the need for a study, or a series of studies, to be conducted by the National Academies of Sciences, Engineering, and Medicine, and how such a study, or series of studies, could help identify research areas for further study and inform research objectives, including further research into the interactions between climate change and wildland fires. The Committee shall brief the Com-
mittee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its assessment under this subsection not later than 1 year after the date of enactment of this Act.

(h) Progress Report.—Not later than 18 months after the date of the transmission of the first Strategic Plan under subsection (e) to Congress and not less frequently than once every 2 years thereafter, the Committee shall submit to the Congress a report on the progress of the Program that includes—

(1) a description of the activities funded under the Program, a description of how those activities align with the prioritized goals and research objectives established in the Strategic Plan, and the budgets, per agency, for these activities; and

(2) the outcomes achieved by the Program for each of the goals identified in the Strategic Plan.

SEC. 304. NATIONAL ADVISORY COMMITTEE ON WILDLAND FIRE RISK REDUCTION.

(a) IN GENERAL.—The Director shall establish a National Advisory Committee on Wildland Fire Risk Reduction, consisting of not fewer than 7 and not more than 15 members who are qualified to provide advice on wildland fire risk reduction and represent related sci-
entific, architectural, and engineering disciplines, none of whom may be employees of the Federal Government, including—

(1) representatives of research and academic institutions;

(2) standards development organizations;

(3) emergency management agencies;

(4) State, local, and Tribal governments;

(5) business communities, including the insurance industry; and

(6) other representatives as designated by the Director.

(b) ASSESSMENT.—The Advisory Committee shall offer assessments and recommendations on—

(1) trends and developments in the natural, engineering, and social sciences and practices of wildland fire risk mitigation;

(2) the priorities of the Program’s Strategic Plan;

(3) the management, coordination, implementation, and activities of the Program;

(4) the effectiveness of the Program in meeting its purposes; and

(5) the need to revise the Program.
(c) COMPENSATION.—The members of the Advisory Committee established under this section shall serve without compensation.

(d) REPORTS.—At least every 2 years, the Advisory Committee shall report to the Director on the assessments carried out under subsection (b) and its recommendations for ways to improve the Program.

(e) CHARTER.—Notwithstanding section 14(b)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall not be required to file a charter subsequent to its initial charter, filed under section 9(c) of such Act, before the termination date specified in subsection (f) of this section.

(f) TERMINATION.—The Advisory Committee shall terminate on September 30, 2026.

(g) CONFLICT OF INTEREST.—An Advisory Committee member shall recuse himself from any Advisory Committee activity in which he has an actual pecuniary interest.

SEC. 305. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) evaluates the progress and performance of the Program in establishing and making progress to-
ward the goals of the Program as set forth in this Act; and

(2) includes such recommendations as the Comptroller General determines are appropriate to improve the Program.

SEC. 306. RESPONSIBILITIES OF PROGRAM AGENCIES.

(a) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The responsibilities of the Director of the National Institute of Standards and Technology with respect to the Program are as follows:

(1) RESEARCH AND DEVELOPMENT ACTIVITIES.—The Director of the National Institute of Standards and Technology shall—

(A) carry out research on the impact of wildland fires on communities, buildings, and other infrastructure, including structure-to-structure transmission of fire and spread within communities;

(B) carry out research on the generation of firebrands from wildland fires and on methods and materials to prevent or reduce firebrand ignition of communities, buildings, and other infrastructure;

(C) carry out research on novel materials, systems, structures, and construction designs to
harden structures, parcels, and communities to
the impact of wildland fires;

(D) carry out research on the impact of
environmental factors on wildland fire behavior,
including wind, terrain, and moisture;

(E) support the development of perform-
ance-based tools to mitigate the impact of
wildland fires, and work with appropriate
groups to promote and assist in the use of such
tools, including through model building codes
and fire codes, standard test methods, vol-
untary consensus standards, and construction
and retrofit best practices;

(F) in collaboration with the United States
Fire Administration, carry out research and de-
velopment of decontamination methods and
technologies for firefighting gear on and off the
field.

(G) develop and execute a research plan on
public safety communication coordination
standards among Federal, State, local, and
Tribal wildland firefighters, fire management
response officials and the National Interagency
Fire Center;
(H) carry out research to improve and integrate existing communications systems to transmit secure real-time data, alters, and accurate advisories to wildland firefighters;

(I) carry out both live and virtual field testing and measurement of equipment, software, and other technologies to determine current effectiveness and times of information dissemination and develop standards and best practices for the delivery of useful and secure real-time data to wildland firefighters; and

(J) develop and publish recommendations to improve public safety communication coordination standards among wildland firefighters and member agencies of the National Interagency Fire Center, including providing such recommendations to the Office of Management and Budget and the Office of Science and Technology Policy.

(2) WILDLAND-URBAN INTERFACE FIRE POST-INVESTIGATIONS.—The Director of the National Institute of Standards and Technology shall—

(A) coordinate Federal post-wildland fire investigations of fires at the wildland-urban interface; and
(B) develop methodologies, in collaboration with the Administrator of FEMA and in consultation with relevant stakeholders, to characterize the impact of wildland fires on communities and the impact of changes in building and fire codes, including methodologies—

(i) for collecting, inventorying, and analyzing information on the performance of communities, buildings, and other infrastructure in wildland fires; and

(ii) for improved collection of pertinent information from different sources, including first responders, the design and construction industry, insurance companies, and building officials.

(b) NATIONAL SCIENCE FOUNDATION.—As a part of the Program, the Director of the National Science Foundation shall support—

(1) research, including large-scale convergent research, to improve the understanding and prediction of wildland fire risks, including the conditions that increase the likelihood of a wildland fire, the behavior of wildland fires, and their impacts on buildings, communities, infrastructure, ecosystems and living systems;
(2) development and improvement of tools and
technologies, including databases and computational
models, to enable and accelerate the understanding
and prediction of wildland fires and their impacts;

(3) development of research infrastructure, as
appropriate, to enable and accelerate the under-
standing and prediction of wildland fires and their
impacts, including upgrades or additions to the Na-
tional Hazards Engineering Research Infrastructure;

(4) research to improve the understanding of—

(A) the response to wildland fire risk and
response messages by individuals, communities,
and policymakers;

(B) social and economic factors influencing
the implementation and adoption of wildland
fire risk reduction and response measures by in-
dividuals, communities, and policymakers; and

(C) decision-making and emergency re-
response to wildland fires;

(5) undergraduate and graduate research op-
portunities and graduate and postdoctoral fellow-
ships and traineeships in fields of study relevant to
wildland fires and their impacts; and

(6) research to improve the understanding of
the impacts of climate change and climate variability
on wildland fires, including wildland fire risk, frequency, and severity, and wildland fire prediction, mitigation, and resilience strategies.

(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—

(1) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration (in this subsection referred to as the “Administrator”) shall conduct research, observations, modeling, forecasting, prediction, and historical analysis of wildland fires to improve understanding of wildland fires, and associated fire weather and smoke, for the protection of life and property and for the enhancement of the national economy.

(2) WEATHER FORECASTING AND DECISION SUPPORT FOR WILDLAND FIRES.—The Administrator shall—

(A) develop and provide in consultation with the relevant Federal Agencies, as the Administrator determines appropriate, accurate, timely, and effective warnings and forecasts of wildland fires and fire weather events that endanger life and property, which may include red flag warnings, operational fire weather alerts,
and any other warnings or alerts the Administrator deems appropriate;

(B) provide stakeholders and the public with impact-based decision support services, seasonal climate predictions, air quality products, and smoke forecasts; and

(C) provide on-site weather forecasts, seasonal climate predictions, and other decision support to wildland fire incident command posts, including by deploying incident meteorologists for the duration of an extreme event.

(3) WILDLAND FIRE DATA.—The Administrator shall contribute to and support the centralized, integrated data collaboration environment in accordance with section 302(2) and any other relevant Federal data systems by ensuring—

(A) interoperability, usability, and accessibility of National Oceanic and Atmospheric Administration data and tools related to wildland fires, associated smoke, and their impacts;

(B) inclusion of historical wildland fire incident and fire weather data, and identifying potential gaps in such data; and
(C) the acquisition or collection of additional data that is needed to advance wildland fire science.

(4) WILDLAND FIRE AND FIRE WEATHER SURVEILLANCE AND OBSERVATIONS.—The Administrator, in coordination with Administrator of the National Aeronautics and Space Administration and in consultation with relevant stakeholders—

(A) shall leverage existing observations, technologies and assets and develop or acquire new technologies and data to sustain and enhance environmental observations used for wildland fire prediction and detection, fire weather and smoke forecasting and monitoring, and post-wildland fire recovery, with a focus on—

(i) collecting data for pre-ignition analysis, such as drought, fuel and vegetation conditions, and soil moisture, that will help predict severe wildland fire conditions on subseasonal to decadal timescales;

(ii) supporting identification and classification of fire environments at the smallest practical scale to determine vulner-
ability to wildland fires and rapid wildland fire growth;

(iii) detecting, observing, and monitoring wildland fires and smoke;

(iv) supporting research on the interaction of weather and wildland fire behavior; and

(v) supporting post-fire assessments conducted by Program agencies and relevant stakeholders;

(B) shall prioritize the ability to detect, observe, and monitor wildland fire and smoke in its requirements for its current and future observing systems and commercial data purchases; and

(C) not later than 12 months after the date of the enactment of this Act—

(i) may offer to enter into contracts with one or more entities to obtain additional airborne and space-based data and observations that may enhance or supplement the understanding, monitoring, prediction, and mitigation of wildland fire risks, and the relevant Program activities under section 302; and
(ii) in carrying out clause (i), shall consult with private sector entities through the advisory committee established pursuant to section 304 to identify needed tools and data that can be best provided by the National Oceanic and Atmospheric Administration satellites and are most beneficial to wildfire and smoke detection and monitoring.

(5) FIRE WEATHER TESTBED.—In collaboration with Program agencies and other relevant stakeholders, the Administrator shall establish a Fire Weather Testbed to evaluate physical and social science, technology, and other research to develop fire weather products and services for implementation by relevant stakeholders.

(6) WILDLAND FIRE AND FIRE WEATHER RESEARCH AND DEVELOPMENT.—The Administrator shall support a wildland fire and smoke research and development program that includes both physical and social science with the goals of—

(A) improving the understanding, prediction, detection, forecasting, monitoring, and assessments of wildland fires and associated fire weather and smoke;
(B) developing products and services to meet stakeholder needs;

(C) transitioning physical and social science research into operations;

(D) improving modeling and technology, including coupled fire-atmosphere fire behavior modeling, in consultation with relevant Federal agencies;

(E) better understanding of links between fire weather events and subseasonal-to-climate impacts;

(F) improving the forecasting and understanding of the impacts of prescribed fires and how those impacts differ from impacts of wildland fires; and

(G) pursuing high-priority fire science research needs applicable to the National Oceanic and Atmospheric Administration as identified by any other relevant Federal program.

(7) EXTRAMURAL RESEARCH.—The Administrator shall collaborate with and support the non-Federal wildland fire research community, which includes institutions of higher education, private entities, nongovernmental organizations, and other relevant stakeholders, by making funds available
through competitive grants, contracts, and cooperative agreements. In carrying out the program under this paragraph, the Administrator, in collaboration with other relevant Federal agencies, may establish one or more national centers for prescribed fire and wildfire sciences that leverage Federal research and development with university and nongovernmental partnerships.

(8) HIGH PERFORMANCE COMPUTING.—The Administrator, in consultation with the Secretary of Energy, shall acquire high performance computing technologies and supercomputing technologies, leveraging existing resources, as practicable, to conduct research and development activities, support research to operations under this section, and host operational fire and smoke forecast models.

(9) INCIDENT METEOROLOGIST WORKFORCE ASSESSMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of an assessment of National Weather Service workforce and training challenges for Incident Meteorologists and a road-
map for overcoming the challenges identified. Such assessment shall take into consideration information technology support, logistical and administrative operations, anticipated weather and climate conditions, and feedback from relevant stakeholders, and shall include, to the maximum extent practicable, an identification by the National Weather Service of—

(A) the expected number of Incident Meteorologists needed over the next 5 years;

(B) potential hiring authorities necessary to overcome the identified workforce and training challenges; and

(C) alternative services or assistance options the National Weather Service could provide to meet operational needs.

(d) FEDERAL EMERGENCY MANAGEMENT AGENCY.—The Administrator of the Federal Emergency Management Agency, acting through the United States Fire Administration, shall—

(1) support—

(A) the development of community risk assessment tools and effective mitigation techniques for preventing and responding to wildland fires, including at the wildland-urban interface;
(B) wildland and wildland-urban interface fire and operational response-related data collection and analysis;

(C) public outreach, education, and information dissemination related to wildland fires and wildland fire risk; and

(D) promotion of wildland and wildland-urban interface fire preparedness and community risk reduction, to include hardening the wildland-urban interface through proper construction materials, land use practices, sprinklers, assessment of State and local emergency response capacity and capabilities, and other tools and approaches as appropriate;

(2) in collaboration with the National Institute of Standards and Technology, and other program agencies, as appropriate, promote and assist in the implementation of research results and promote fire-resistant buildings, retrofit, and land use practices within the design and construction industry, including architects, engineers, contractors, builders, planners, code officials, and inspectors;

(3) establish and operate a wildland fire preparedness and mitigation technical assistance program to assist State, local, Tribal and territorial
governments in using wildland fire mitigation strategies, including through the adoption and implementation of wildland and wildland-urban interface fire resistant codes, standards, and land use;

(4) incorporate wildland and wildland-urban interface fire risk mitigation and loss avoidance data into the Agency’s existing risk, mitigation, and loss avoidance analyses;

(5) incorporate data on the adoption and implementation of wildland and wildland-urban interface fire resistant codes and standards into the Agency’s hazard resistant code tracking resources;

(6) translate new information and research findings into best practices to improve firefighter, fire service, and allied professions training and education in wildland fire response, crew deployment, prevention, mitigation, resilience, and firefighting;

(7) conduct outreach and information dissemination to fire departments regarding best practices for wildland and wildland-urban interface firefighting, training, and fireground deployment;

(8) in collaboration with other relevant Program agencies and stakeholders, develop a national level, interactive and publicly accessible wildland fire hazard severity map that includes community and
parcel level data and that can readily integrate with risk gradations within wildland and wildland-urban interface fire resistant codes and standards;

(9) in coordination with the National Institute of Standards and Technology and other Federal initiatives as appropriate, carry out a study to—

(A) examine PFAS and other potentially harmful contaminants in firefighting gear, fire retardants, and wetting agents;

(B) determine the lifecycle of firefighting garments; and

(C) evaluate exposure risks based on different phases of the fire; and

(10) develop resources regarding best practices for establishing or enhancing peer-support programs within wildland fire firefighting units.

(e) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—The responsibilities of the Administrator of the National Aeronautics and Space Administration (in this subsection referred to as the “Administrator”) with respect to the Program are as follows:

(1) IN GENERAL.—The Administrator shall, with respect to the Program—

(A) support relevant basic and applied scientific research and modeling;
(B) ensure the use in the Program of all relevant National Aeronautics and Space Administration Earth observations data for maximum utility;

(C) explore and apply novel tools and technologies in the activities of the Program;

(D) support the translation of research to operations, including to Program agencies and relevant stakeholders;

(E) facilitate the communication of wildland fire research, knowledge, and tools to relevant stakeholders; and

(F) use commercial data where such data is available and accessible through existing Federal government commercial contracts, agreements, or other means, and purchase data that is deemed necessary based on consultation with other Program agencies.

(2) WILDLAND FIRE RESEARCH AND APPLICATIONS.—The Administrator shall support basic and applied wildland fire research and modeling activities, including competitively-selected research, to—

(A) improve the understanding and prediction of fire environments, wildland fires, associated smoke, and their impacts;
(B) improve the understanding of the impacts of climate change and variability on wildland fire risk, frequency, and severity;

(C) characterize the pre-fire phase and fire-inducing conditions, such as soil moisture and vegetative fuel availability;

(D) characterize the active fire phase, such as fire and smoke plume mapping, fire behavior and spread modeling, and domestic and global fire activity;

(E) characterize the post-fire phase, such as landscape changes, air quality, erosion, landslides, and impacts on carbon distributions in forest biomass;

(F) contribute to advancing predictive wildland fire models;

(G) address other relevant investigations and measurements prioritized by the National Academies of Sciences, Engineering, and Medicine Decadal Survey on Earth Science and Applications from Space;

(H) improve the translation of research knowledge into actionable information;

(I) develop research and data products, including maps, decision-support information, and
tools, and support related training as appropriate and practicable;

(J) collaborate with other Program agencies and relevant stakeholders, as appropriate, on joint research and development projects, including research grant solicitations and field campaigns; and

(K) transition research advances to operations, including to Program agencies and relevant stakeholders, as practicable.

(3) WILDLAND FIRE DATA SYSTEMS AND COMPUTATIONAL TOOLS.—The Administrator shall—

(A) identify, from the National Aeronautics and Space Administration’s Earth science data systems, data, including combined data products and relevant commercial data sets, that can contribute to improving the understanding, monitoring, prediction, and mitigation of wildland fires and their impacts, including data related to fire weather, plume dynamics, smoke and fire behavior, impacts of climate change and variability, land and property burned, wildlife and ecosystem destruction, among other areas;
(B) prioritize the dissemination of data identified or obtained under this subparagraph to the widest extent practicable to support relevant research and operational stakeholders;

(C) consider opportunities to support the Program under section 301 and the Program activities under section 302 when planning and developing Earth observation satellites, instruments, and airborne measurement platforms;

(D) identify opportunities, in collaboration with Program agencies and relevant stakeholders, to obtain additional airborne and space-based data and observations that may enhance or supplement the understanding, monitoring, prediction, and mitigation of wildland fire risks, and the relevant Program activities under section 302, and consider such options as commercial solutions, including commercial data purchases, prize authority, academic partnerships, and ground-based or space-based instruments, as practicable and appropriate; and

(E) contribute to and support, to the maximum extent practicable, the centralized, integrated data collaboration environment in accordance with section 302(2) and any other rel-
relevant interagency data systems, by collecting, organizing, and integrating the National Aeronautics and Space Administration’s scientific data, data systems, and computational tools related to wildland fires, associated smoke, and their impacts, and by enhancing the interoperability, useability, and accessibility of National Aeronautics and Space Administration’s scientific data, data systems, and computational tools, including—

(i) observations and available real-time and near-real-time measurements;

(ii) derived science and data products, such as fuel conditions, risk and spread maps, and data products to represent the wildland-urban interface;

(iii) relevant historical and archival observations, measurements, and derived science and data products; and

(iv) other relevant decision support and information tools.

(4) NOVEL TOOLS FOR ACTIVE WILDLAND FIRE MONITORING AND RISK MITIGATION.—The Administrator, in collaboration with other Program agencies and relevant stakeholders shall apply novel tools and
technologies to support active wildland fire research, monitoring, mitigation, and risk reduction, as practicable and appropriate. In particular, the Administrator shall:

(A) Establish a program to develop and demonstrate a unified concept of operations for the safe and effective deployment of diverse air capabilities in active wildland fire monitoring, mitigation, and risk reduction. The objectives of the Program shall be to—

(i) develop and demonstrate a wildland fire airspace operations system accounting for piloted aircraft, uncrewed aerial systems, and other new and emerging capabilities such as autonomous and high-altitude assets;

(ii) develop an interoperable communications strategy;

(iii) develop a roadmap for the on-ramping of new technologies, capabilities, or entities;

(iv) identify additional development, testing, and demonstration that would be required to expand the scale of operations;
(v) identify actions that would be re-
quired to transition the unified concept of
operations in subparagraph (A) into ongo-
ing, operational use; and

(vi) other objectives, as deemed appro-
priate by the Administrator.

(B) Develop and demonstrate affordable
and deployable sensing technologies, in con-
sultation with other Program agencies and rel-
evant stakeholders, to improve the monitoring
of fire fuel and active wildland fires, wildland
fire behavior models and forecast, mapping ef-
forts, and the prediction and mitigation of
wildland fires and their impacts. The Adminis-
trator shall—

(i) test and demonstrate technologies
such as infrared, microwave, and active
sensors suitable for deployment on space-
craft, aircraft, uncrewed aerial systems,
and ground-based and in situ platforms, as
appropriate and practicable;

(ii) develop and demonstrate afford-
able and deployable sensing technologies
that can be transitioned to operations for
collection of near-real-time localized measurements;

(iii) develop and demonstrate near-real-time data processing, availability, interoperability, and visualization, as practicable;

(iv) identify opportunities and actions required, in collaboration with Program agencies and relevant stakeholders, to transition relevant technologies, techniques, and data to science operations, upon successful demonstration of the feasibility and scientific utility of the sensors and data;

(v) transition demonstrated technologies, techniques, and data into ongoing, operational use, including to Program agencies and relevant stakeholders;

(vi) prioritize and facilitate, to the greatest extent practicable, the dissemination of these science data to operations, including to Program agencies and relevant stakeholders; and

(vii) consider opportunities for potential partnerships, including commercial
data purchases, among industry, government, academic institutions, and non-profit organizations and other relevant stakeholders in carrying out clauses (i) through (vi), as appropriate and practicable.

(f) ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency shall support environmental research and development activities to—

(1) improve the understanding of—

(A) wildland fire and smoke impacts on communities, including impacts on drinking water and outdoor and indoor air quality, and on freshwater ecosystems;

(B) wildland fire smoke plume characteristics, chemical transformation, chemical composition, and transport;

(C) wildland fire and smoke impacts to contaminant containment and remediation;

(D) the contribution of wildland fire emissions to climate forcing emissions;

(E) differences between the impacts of prescribed fires compared to other wildland fires on communities and air and water quality; and
(F) climate change and variability on wildland fires and smoke plumes, including on smoke exposure;

(2) develop and improve tools, sensors, and technologies including databases and computational models, to accelerate the understanding, monitoring, and prediction of wildland fires and smoke exposure;

(3) better integrate observational data into wildland fire and smoke characterization models to improve modeling at finer temporal and spatial resolution; and

(4) improve communication of wildland fire and smoke risk reduction strategies to the public in coordination with relevant stakeholders and other Federal agencies.

(g) DEPARTMENT OF ENERGY.—The Secretary of Energy shall carry out research and development activities to—

(1) create tools, techniques, and technologies for—

(A) withstanding and addressing the current and projected impact of wildland fires on energy sector infrastructure;

(B) providing real-time or near-time awareness of the risks posed by wildland fires
to the operation of energy infrastructure in affected and potentially affected areas, including by leveraging the Department’s high-performance computing capabilities and climate and ecosystem models;

(C) enabling early detection of, and assessment of competing technologies and strategies for addressing, malfunctioning electrical equipment on the transmission and distribution grid, including spark ignition causing wildland fires;

(D) assisting with the planning, safe execution of, and safe and timely restoration of power after emergency power shut offs following wildland fires started by grid infrastructure;

(E) improving electric grid and energy sector safety and resilience in the event of multiple simultaneous or co-located weather or climate events leading to extreme conditions, such as extreme wind, wildland fires, extreme cold, and extreme heat;

(F) improving coordination between utilities and relevant Federal agencies to enable communication, information-sharing, and situa-
tional awareness in the event of wildland fires that impact the electric grid;

(G) utilizing biomass produced by wildland fire risk mitigation and post-fire recovery activities for bioenergy, including biofuels, in collaboration with relevant stakeholders; and

(H) predicting wildland fire occurrence, spread, and ecosystem impact;

(2) coordinate data and computational resources across relevant entities to improve our understanding of wildland fires and to promote resilience and wildland fire prevention in the planning, design, construction, operation, and maintenance of transmission infrastructure;

(3) consider optimal building energy efficiency and weatherization practices, as practicable, in wildland fire research;

(4) utilize the Department of Energy’s National Laboratory capabilities, including user facilities, earth and environmental systems modeling resources, and high-performance computing and data analytics capabilities, to improve the accuracy of efforts to understand and predict wildland fire behavior and occurrence and mitigate wildland fire impacts; and
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(5) foster engagement between the National Laboratories and practitioners, researchers, policy organizations, utilities, and other entities the Secretary determines to be appropriate to understand the economic and social implications of power disruptions caused by wildland fires, particularly within disadvantaged communities and regions vulnerable to wildland fires, including rural areas.

SEC. 307. BUDGET ACTIVITIES.

The Director of the National Institute of Standards and Technology, the Director of the National Science Foundation, the Administrator of the National Oceanic and Atmospheric Administration, the Director of the Federal Emergency Management Agency, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, and the Secretary of Energy shall each include in the annual budget request to Congress of each respective agency a description of the projected activities of such agency under the Program for the fiscal year covered by the budget request and an estimate of the amount such agency plans to spend on such activities for the relevant fiscal year.

SEC. 308. DEFINITIONS.

In this title:
(1) **DIRECTOR.**—The term “Director” means the Director of the Office of Science and Technology Policy.

(2) **PROGRAM.**—The term “Program” means the Program established under section 301.

(3) **PROGRAM AGENCIES.**—The term “Program agencies” means any Federal agency with responsibilities under the Program.

(4) **STAKEHOLDERS.**—The term “stakeholders” means any public or private organization engaged in addressing wildland fires, associated smoke, and their impacts, and shall include relevant Federal agencies, States, territories, Tribes, State and local governments, businesses, not-for-profit organizations, including national standards and building code organizations, firefighting departments and organizations, academia, and other users of wildland fire data products.

(5) **WILDLAND FIRE.**—The term “wildland fire” means any non-structure fire that occurs in vegetation or natural fuels and includes wildfires and prescribed fires.

(6) **FIRE ENVIRONMENT.**—The term “fire environment” means surrounding conditions, influences,
and modifying forces of topography, fuel, and weather that determine fire behavior.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

(a) National Institute of Standards and Technology.—There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this title—

(1) $35,800,000 for fiscal year 2024;

(2) $36,100,000 for fiscal year 2025;

(3) $36,400,000 for fiscal year 2026;

(4) $36,700,000 for fiscal year 2027; and

(5) $37,100,000 for fiscal year 2028.

(b) National Science Foundation.—There are authorized to be appropriated to the National Science Foundation for carrying out this title—

(1) $50,000,000 for fiscal year 2024;

(2) $53,000,000 for fiscal year 2025;

(3) $56,200,000 for fiscal year 2026;

(4) $59,600,000 for fiscal year 2027; and

(5) $63,100,000 for fiscal year 2028.

(c) National Oceanic and Atmospheric Administration.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for carrying out this title—

(1) $200,000,000 for fiscal year 2024;
(d) National Aeronautics and Space Administration.—There are authorized to be appropriated to the National Aeronautics and Space Administration for carrying out this title—

(1) $95,000,000 for fiscal year 2024;
(2) $100,000,000 for fiscal year 2025;
(3) $110,000,000 for fiscal year 2026;
(4) $110,000,000 for fiscal year 2027; and
(5) $110,000,000 for fiscal year 2028.

(e) Environmental Protection Agency.—There are authorized to be appropriated to the Environmental Protection Agency for carrying out this title—

(1) $11,000,000 for fiscal year 2024;
(2) $11,700,000 for fiscal year 2025;
(3) $12,400,000 for fiscal year 2026;
(4) $13,100,000 for fiscal year 2027; and
(5) $13,900,000 for fiscal year 2028.

(f) Federal Emergency Management Agency.—There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this title—
(1) $6,000,000 for fiscal year 2024;
(2) $6,400,000 for fiscal year 2025;
(3) $6,700,000 for fiscal year 2026;
(4) $7,100,000 for fiscal year 2027; and
(5) $7,600,000 for fiscal year 2028.

DIVISION D—ENVIRONMENTAL JUSTICE

SEC. 101. DEFINITIONS.

In this division:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) ADVISORY COUNCIL.—The term “Advisory Council” means the National Environmental Justice Advisory Council described in section 109.

(3) AGGRIEVED PERSON.—The term “aggrieved person” means a person aggrieved by discrimination on the basis of race, color, or national origin.

(4) CLEARINGHOUSE.—The term “Clearinghouse” means the Environmental Justice Clearinghouse established by the Administrator under section 107.

(5) COMMUNITY OF COLOR.—The term “community of color” means any geographically distinct area the population of color of which is higher than
the average population of color of the State in which
the community is located.

(6) **COMMUNITY-BASED SCIENCE.**—The term
“community-based science” means voluntary public
participation in the scientific process and the incor-
poration of data and information generated outside
of traditional institutional boundaries to address
real-world problems in ways that may include formu-
laying research questions, conducting scientific ex-
periments, collecting and analyzing data, inter-
preting results, making new discoveries, developing
technologies and applications, and solving complex
problems, with an emphasis on the democratization
of science and the engagement of diverse people and
communities.

(7) **DEMONSTRATES.**—The term “demo-
strates” means meets the burdens of going for-
ward with the evidence and of persuasion.

(8) **DIRECTOR.**—The term “Director” means
the Director of the National Institute of Environ-
mental Health Sciences.

(9) **DISPARATE IMPACT.**—The term “disparate
impact” means an action or practice that, even if
appearing neutral, actually has the effect of sub-
jecting persons to discrimination on the basis of race, color, or national origin.

(10) Disproportionate burden of adverse human health or environmental effects.— The term “disproportionate burden of adverse human health or environmental effects” means a situation where there exists higher or more adverse human health or environmental effects on communities of color, low-income communities, and Tribal and Indigenous communities.

(11) Environmental justice.—The term “environmental justice” means the fair treatment and meaningful involvement of all individuals, regardless of race, color, culture, national origin, educational level, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies to ensure that—

(A) populations of color, communities of color, Tribal and Indigenous communities, and low-income communities have access to public information and opportunities for meaningful public participation relating to human health and environmental planning, regulations, and enforcement;
(B) Each population of color or community of color, Tribal and Indigenous community, or low-income community enjoy the same degree of protection from pollution or other environmental and health hazards; and

(C) the 17 Principles of Environmental Justice written and adopted at the First National People of Color Environmental Leadership Summit held on October through 27, 1991, in Washington, DC, are upheld.

(12) ENVIRONMENTAL JUSTICE COMMUNITY.—The term "environmental justice community" means a community with significant representation of communities of color, low-income communities, or Tribal and Indigenous communities, that experiences, or is at risk of experiencing higher or more adverse human health or environmental effects.

(13) FAIR TREATMENT.—The term "fair treatment" means the conduct of a program, policy, practice or activity by a Federal agency in a manner that ensures that no group of individuals (including racial, ethnic, or socioeconomic groups) experience a disproportionate burden of adverse human health or environmental effects resulting from such program, policy, practice, or activity, as determined through
consultation with, and with the meaningful participation of, individuals from the communities affected by a program, policy, practice or activity of a Federal agency.

(14) FEDERAL AGENCY.—The term “Federal agency” means—

(A) each Federal agency represented on the Working Group; and

(B) any other Federal agency that carries out a Federal program or activity that substantially affects human health or the environment, as determined by the President.

(15) TRIBAL AND INDIGENOUS COMMUNITY.—
The term “Tribal and Indigenous community” refers to a population of people who are members of—

(A) a federally recognized Indian Tribe;

(B) a State-recognized Indian Tribe;

(C) an Alaska Native or Native Hawaiian community or organization; and

(D) any other community of Indigenous people located in a State.

(16) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (U.S.C. 5304).
(17) INFRASTRUCTURE.—The term “infrastructure” means any system for safe drinking water, sewer collection, solid waste disposal, electricity generation, communication, or transportation access (including highways, airports, marine terminals, rail systems, and residential roads) that is used to effectively and safely support—

(A) housing;

(B) an educational facility;

(C) a medical provider;

(D) a park or recreational facility; or

(E) a local business.

(18) LOCAL GOVERNMENT.—The term “local government” means—

(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or inter-state governmental entity, or agency or instrumentality of a local government; or

(B) an Indian Tribe or authorized Tribal organization, or Alaska Native village or organization, that is not a Tribal Government.
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1 (19) LOW INCOME.—The term “low income”
2 means an annual household income equal to, or less
3 than, the greater of—
4
5 (A) an amount equal to 80 percent of the
6 median income of the area in which the house-
7 hold is located, as reported by the Department
8 of Housing and Urban Development; and
9
10 (B) 200 percent of the Federal poverty
11 line.

12 (20) LOW-INCOME COMMUNITY.—The term
13 “low income community” means any census block
14 group in which 30 percent or more of the population
15 are individuals with low income.

16 (21) MEANINGFUL.—The term “meaningful”,
17 with respect to involvement by the public in a deter-
18 mination by a Federal agency, means that—
19
20 (A) potentially affected residents of a com-
21 munity have an appropriate opportunity to par-
22 take in decisions regarding a proposed activ-
23 ity that will affect the environment or public
24 health of the community;
25
26 (B) the public contribution can influence
27 the determination by the Federal agency;
(C) the concerns of all participants involved are taken into consideration in the decision-making process; and

(D) the Federal agency—

(i) provides to potentially affected members of the public relevant and accurate information regarding the activity potentially affecting the environment or public health of affected members of the public; and

(ii) facilitates the involvement of potentially affected members of the public.

(22) Population.—The term “population” means a census block group or series of geographically contiguous blocks representing certain common characteristics, such as race, ethnicity, national origin, income-level, health disparities, or other public health and socioeconomic attributes.

(23) Population of Color.—The term “population of color” means a population of individuals who identify as—

(A) Black;

(B) African American;

(C) Asian;

(D) Pacific Islander;
(E) another non-White race;
(F) Hispanic;
(G) Latino; or
(H) linguistically isolated.

(24) Publish.—The term “publish” means to make publicly available in a form that is—
(A) generally accessible, including on the internet and in public libraries; and
(B) accessible for—
(i) individuals who are limited in English proficiency, in accordance with Executive Order No. 13166 (65 Fed. Reg. 50121 (August 16, 2000)); and
(ii) individuals with disabilities.

(25) State.—The term “State” means any State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(26) Tribal Government.—The term “Tribal Government” means the governing body of an Indian Tribe.

(27) White House Interagency Council.—
The term “White House Interagency Council”
means the White House Environmental Justice Interagency Council.

(28) CLIMATE JUSTICE.—The term “climate justice” means the fair treatment and meaningful involvement of all individuals, regardless of race, color, culture, national origin, educational level, or income, with respect to the development, implementation, and enforcement of policies and projects that address climate change, a recognition of the historical responsibilities for climate change, and a commitment that the people and communities least responsible for climate change, and most vulnerable to the impacts of climate change, do not suffer disproportionately as a result of historical injustice and disinvestment.

(29) NATURAL INFRASTRUCTURE.—The term “natural infrastructure” means infrastructure that uses, restores, or emulates natural ecological processes and—

(A) is created through the action of natural physical, geological, biological, and chemical processes over time;

(B) is created by human design, engineering, and construction to emulate or act in concert with natural processes; or
(C) involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of vegetated areas using materials appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surges, to prevent and mitigate and address wildfires and drought, and for other related purposes.

SEC. 102. ENVIRONMENTAL JUSTICE COMMUNITY TECHNICAL ASSISTANCE GRANTS.

(a) IN GENERAL.—The Administrator may award grants to eligible entities to enable such entities to participate in decisions impacting the health and safety of their communities in connection with an actual or potential release of a covered hazardous air pollutant or in connection with wildfires or drought.

(b) TIMING.—

(1) GUIDANCE.—Not later than 12 months after the date of enactment of this section, the Administrator shall publish guidance describing the process for eligible entities to apply for a grant under this section, including the required content and form of applications, the manner in which applications must be submitted, and any applicable deadlines.
(2) FIRST GRANT.—Not later than 180 days after the issuance of guidance under paragraph (1), the Administrator shall award the first grant under this section.

(c) ELIGIBLE ENTITY.—To be eligible for a grant under this section, an applicant shall be a group of individuals who reside in a community that—

(1) is a population of color, a community of color, a Tribal and Indigenous community, or a low-income community; and

(2) is in close proximity to the site of an actual or potential release of a covered hazardous air pollutant.

(d) USE OF FUNDS.—An eligible entity receiving a grant under this section shall use the grant to participate in decisions impacting the health and safety of the community involved in connection with an actual or potential release of a covered hazardous air pollutant, including—

(1) interpreting information with regard to the nature of the hazard, cumulative impacts studies, health impacts studies, remedial investigation and feasibility studies, agency decisions, remedial design, and operation and maintenance of necessary monitors; and
(2) performing additional air pollution monitoring.

c) LIMITATIONS ON AMOUNT; RENEWAL.—

(1) AMOUNT.—

(A) IN GENERAL.—The amount of a grant under this section (excluding any renewals of the grant) may not exceed $50,000 for any grant recipient.

(B) EXCEPTION.—The Administrator may waive the limitation in subparagraph (A) with respect to an applicant in any case where the Administrator determines that such waiver is necessary for the community involved to obtain the necessary technical assistance.

(2) RENEWAL.—Grants may be renewed for each step in the regulatory, removal, or remediation process in connection with a facility with the potential to release a covered hazardous air pollutant.

(f) DEFINITION OF COVERED HAZARDOUS AIR POLLUTANT.—In this section, the term “covered hazardous air pollutant” means a hazardous air pollutant (as defined in section 112 of the Clean Air Act) that—

(1) is listed on the toxics release inventory under section (c) of the Emergency Planning and Community Right-To-Know Act of 1986; or
(2) is identified as carcinogenic by an assessment under the Integrated Risk Information System (IRIS) of the Environmental Protection Agency.

**SEC. 103. WHITE HOUSE ENVIRONMENTAL JUSTICE INTERAGENCY COUNCIL.**

(a) In general.—The President shall maintain within the Executive Office of the President a White House Environmental Justice Interagency Council.

(b) Requirements.—

(1) Composition.—The White House Interagency Council shall be comprised of the following (or a designee):

(A) The Secretary of Agriculture.

(B) The Secretary of Commerce.

(C) The Secretary of Defense.

(D) The Secretary of Energy.

(E) The Secretary of Health and Human Services.

(F) The Secretary of Homeland Security.

(G) The Secretary of Housing and Urban Development.

(H) The Secretary of the Interior.

(I) The Secretary of Labor.

(J) The Secretary of Transportation.

(K) The Attorney General.
(L) The Administrator.

(M) The Director of the Office of Environmental Justice.


(O) The Chairperson of the Chemical Safety Board.

(P) The Director of the Office of Management and Budget.

(Q) The Director of the Office of Science and Technology Policy.

(R) The Chair of the Council on Environmental Quality.

(S) The Assistant to the President for Domestic Policy.

(T) The Director of the National Economic Council.

(U) The Chairman of the Council of Economic Advisers.

(V) The Secretary of Education.

(W) The Deputy Assistant to the President for Environmental Policy.

(X) The Director of the National Institutes of Health.
(Y) The Director of the National Park Service.

(Z) The Assistant Secretary of the Bureau of Indian Affairs.

(AA) The Chairperson of the National Environmental Justice Advisory Council.

(BB) Such other Federal officials as the President may designate.

(2) FUNCTIONS.—The White House Interagency Council shall—

(A) report to the President through the Chair of the Council on Environmental Quality;

(B) provide guidance to Federal agencies regarding criteria for identifying disproportionately high and adverse human health or environmental effects—

(i) on populations of color, communities of color, Tribal and Indigenous communities, and low-income communities; and

(ii) on the basis of race, color, national origin, or income;

(C) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency with respect to the implementation and
updating of an environmental justice strategy
required under this division, in order to ensure
that the administration, interpretation, and en-
forcement of programs, activities, and policies
are carried out in a consistent manner; (D) as-
ist in coordinating research by, and stimu-
lating cooperation among, the Environmental
Protection Agency, the Department of Health
and Human Services, the Department of Hous-
ing and Urban Development, and other Federal
agencies conducting research or other activities
in accordance with this division;
   (E) identify, based in part on public rec-
ommendations contained in Federal agency
progress reports, important areas for Federal
agencies to take into consideration and address,
as appropriate, in environmental justice strate-
gies and other efforts;
   (F) assist in coordinating data collection
and maintaining and updating appropriate
databases, as required by this division;
   (G) examine existing data and studies re-
lating to environmental justice;
(H) hold public meetings and otherwise solicit public participation under paragraph (3); and

(I) develop interagency model projects relating to environmental justice that demonstrate cooperation among Federal agencies.

(3) PUBLIC PARTICIPATION.—The White House Interagency Council shall—

(A) hold public meetings or otherwise solicit public participation and community-based science for the purpose of fact-finding with respect to the implementation of this division; and

(B) prepare for public review and publish a summary of any comments and recommendations provided.

(c) JUDICIAL REVIEW AND RIGHTS OF ACTION.—Any person may commence a civil action—

(1) to seek relief from, or to compel, an agency action under this section (including regulations promulgated pursuant to this section); or

(2) otherwise to ensure compliance with this section (including regulations promulgated pursuant to this section).
SEC. 104. FEDERAL AGENCY ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE.

(a) Federal Agency Responsibilities.—

(1) Environmental Justice Mission.—To the maximum extent practicable and permitted by applicable law, each Federal agency shall make achieving environmental justice part of the mission of the Federal agency by identifying, addressing, and mitigating disproportionately high and adverse human health or environmental effects of the programs, policies, and activities of the Federal agency on populations of color, communities of color, Tribal and Indigenous communities, and low-income communities in the United States (including the territories and possessions of the United States and the District of Columbia).

(2) Nondiscrimination.—Each Federal agency shall conduct any program, policy, or activity that substantially affects human health or the environment in a manner that ensures that the program, policy, or activity does not have the effect of excluding any individual or group from participation in, denying any individual or group the benefits of, or subjecting any individual or group to discrimination under, the program, policy, or activity on the basis of race, color, or national origin.
(3) STRATEGIES.—

(A) AGENCYWIDE STRATEGIES.—Each Federal agency shall implement and update, not less frequently than annually, an agencywide environmental justice strategy that identifies and includes strategies to address disproportionally high and adverse human health or environmental effects of the programs, policies, spending, and other activities of the Federal agency with respect to populations of color, communities of color, Tribal and Indigenous communities, and low-income communities, including, as appropriate for the mission of the Federal agency, with respect to the following areas:

(i) Implementation of the National Environmental Policy Act of 1969 (42 U.S.C. et seq.).

(ii) Implementation of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (including regulations promulgated pursuant to that title).

(iii) Implementation of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).
(iv) Impacts from the lack of infrastructure, or from deteriorated infrastructure.

(v) Impacts from land use.

(vi) Impacts from climate change, including wildfires and drought.

(vii) Impacts from commercial transportation.

(viii) Strategies for the implementation of agency programs, policies, and activities to provide for—

(I) equal protection from environmental and health hazards for populations of color, communities of color, Tribal and Indigenous communities, and low-income communities;

(II) equal opportunity for public involvement and due process to populations of color, communities of color, Tribal and Indigenous communities, and low-income communities in the development, implementation, and enforcement of agency programs, policies, and activities;
(III) improved technical assistance and access to information to populations of color, communities of color, Tribal and Indigenous communities, and low-income communities regarding the impacts of agency programs, policies, and activities on environmental justice communities;

(IV) improved agency cooperation with State governments, Tribal Governments, and local governments to address pollution and public health burdens for populations of color, communities of color, Tribal and Indigenous communities, and low-income communities.

(B) REVISIONS.—

(i) IN GENERAL.—Each strategy developed and updated pursuant to subparagraph (A) shall identify programs, policies, planning and public participation processes, rulemaking, agency spending, and enforcement activities relating to human health or the environment that may be revised, at a minimum—
(I) to promote enforcement of all health, environmental, and civil rights laws and regulations in areas containing populations of color, communities of color, Tribal and Indigenous communities, and low-income communities;

(II) to ensure greater public participation;

(III) to provide increased access to infrastructure;

(IV) to improve research and data collection relating to the health and environment of populations of color, communities of color, Tribal and Indigenous communities, and low-income communities, including through the increased use of community-based science; and

(V) to identify differential patterns of use of natural resources among populations of color, communities of color, Tribal and Indigenous communities, and low-income communities.
(ii) **Timetables.**—Each strategy implemented and updated pursuant to subparagraph (A) shall include a timetable for undertaking revisions identified pursuant to clause (i).

(C) **Progress Reports.**—Not later than 1 year after the date of enactment of this Act, and not less frequently than once every 5 years thereafter, each Federal agency shall submit to Congress and the Working Group, and shall publish, a progress report that includes, with respect to the period covered by the report—

(i) a description of the current environmental justice strategy of the Federal agency;

(ii) an evaluation of the progress made by the Federal agency at national and regional levels regarding implementation of the environmental justice strategy, including—

(I) metrics used by the Federal agency to measure performance; and

(II) the progress made by the Federal agency toward—
(aa) the achievement of the
metrics described in subclause
(I); and
(bb) mitigating identified in-
stances of environmental injust-
ice;
(iii) a description of the participation
by the Federal agency in interagency col-
laboration;
(iv) responses to recommendations
submitted by members of the public to the
Federal agency relating to the environ-
mental justice strategy of the Federal
agency and the implementation by the
Federal agency of this division; and
(v) any updates or revisions to the en-
vironmental justice strategy of the Federal
agency, including those resulting from pub-
llic comments.

(4) Public participation.—Each Federal
agency shall—
(A) ensure that meaningful opportunities
exist for the public to submit comments and
recommendations relating to the environmental
justice strategy, progress reports, and ongoing
efforts of the Federal agency to incorporate environmental justice principles into the programs, policies, and activities of the Federal agency;

(B) hold public meetings or otherwise solicit public participation and community-based science from populations of color, communities of color, Tribal and Indigenous communities, and low-income communities for fact-finding, receiving public comments, and conducting inquiries concerning environmental justice; and

(C) prepare for public review and publish a summary of the comments and recommendations provided.

(5) ACCESS TO INFORMATION.—Each Federal agency shall—

(A) publish public documents, notices, and hearings relating to the programs, policies, and activities of the Federal agency that affect human health or the environment; and

(B) translate and publish any public documents, notices, and hearings relating to an action of the Federal agency as appropriate for the affected population, specifically in any case in which a limited English-speaking population
may be disproportionately affected by that action.

(6) CODIFICATION OF GUIDANCE.—

(A) COUNCIL ON ENVIRONMENTAL QUALITY.—Notwithstanding any other provision of law, sections II and III of the guidance issued by the Council on Environmental Quality entitled “Environmental Justice Guidance Under the National Environmental Policy Act” and dated December 10, 1997, are enacted into law.

(B) ENVIRONMENTAL PROTECTION AGENCY.—Notwithstanding any other provision of law, the guidance issued by the Environmental Protection Agency entitled “EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights” and dated February 2016 is enacted into law.

(b) HUMAN HEALTH AND ENVIRONMENTAL RESEARCH, DATA COLLECTION, AND ANALYSIS.—

(1) RESEARCH.—Each Federal agency, to the maximum extent practicable and permitted by applicable law, shall—

(A) in conducting environmental or human health research, include diverse segments of the
population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as—

(i) populations of color, communities of color, Tribal and Indigenous communities, populations with low income, and low-income communities;

(ii) fenceline communities; and

(iii) workers who may be exposed to substantial environmental hazards;

(B) in conducting environmental or human health analyses, identify multiple and cumulative exposures; and

(C) actively encourage and solicit community-based science, and provide to populations of color, communities of color, Tribal and Indigenous communities, populations with low income, and low income communities the opportunity to comment regarding the development and design of research strategies carried out pursuant to this division.

(2) DISPROPORTIONATE IMPACT.—To the maximum extent practicable and permitted by applicable law (including section a of title 5, United States
Code (commonly known as the Privacy Act), each Federal agency shall—

(A) collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income; and

(B) use that information to determine whether the programs, policies, and activities of the Federal agency have disproportionately high and adverse human health or environmental effects on populations of color, communities of color, Tribal and Indigenous communities, and low-income communities.

(3) INFORMATION RELATING TO NON-FEDERAL FACILITIES.—In connection with the implementation of Federal agency strategies under subsection (a)(3), each Federal agency, to the maximum extent practicable and permitted by applicable law, shall collect, maintain, and analyze information relating to the race, national origin, and income level, and other readily accessible and appropriate information, for fenceline communities in proximity to any facility or site expected to have a substantial environmental, human health, or economic effect on the surrounding
populations, if the facility or site becomes the sub-
ject of a substantial Federal environmental adminis-
trative or judicial action.

(4) IMPACT FROM FEDERAL FACILITIES.—Each
Federal agency, to the maximum extent practicable
and permitted by applicable law, shall collect, main-
tain, and analyze information relating to the race,
national origin, and income level, and other readily
accessible and appropriate information, for fenceline
communities in proximity to any facility of the Fed-
eral agency that is—

(A) subject to the reporting requirements
under the Emergency Planning and Community
Right-To-Know Act of (42 U.S.C. 11001 et
seq.), as required by Executive Order No.
12898 (42 U.S.C. 4321 note; relating to Fed-
eral actions to address environmental justice in
minority populations and low-income popu-
lations); and

(B) expected to have a substantial environ-
mental, human health, or economic effect on
surrounding populations.

e) CONSUMPTION OF FISH AND WILDLIFE.—

(1) IN GENERAL.—Each Federal agency shall
develop, publish (unless prohibited by law), and re-
vise, as practicable and appropriate, guidance on ac-
tions of the Federal agency that will impact fish and
wildlife consumed by populations that principally
rely on fish or wildlife for subsistence.

(2) REQUIREMENT.—The guidance described in
paragraph (1) shall—

(A) reflect the latest scientific information
available concerning methods for evaluating the
human health risks associated with the con-
sumption of pollutant-bearing fish or wildlife;
and

(B) publish the risks of such consumption
patterns.

(d) MAPPING AND SCREENING TOOL.—The Adminis-
trator shall continue to make available to the public an
environmental justice mapping and screening tool (such
as EJScreen or an equivalent tool) that includes, at a min-
imum, the following features:

(1) Nationally consistent data.

(2) Environmental data.

(3) Demographic data, including data relating
to race, ethnicity, and income.

(4) Capacity to produce maps and reports by
geographical area.
(5) Data on national parks and other federally protected natural, historic, and cultural sites.

(e) JUDICIAL REVIEW AND RIGHTS OF ACTION.—Any person may commence a civil action—

(1) to seek relief from, or to compel, an agency action under this section (including regulations promulgated pursuant to this section); or

(2) otherwise to ensure compliance with this section (including regulations promulgated pursuant to this section).

(f) INFORMATION SHARING.—In carrying out this section, each Federal agency, to the maximum extent practicable and permitted by applicable law, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and Tribal Governments.

(g) CLIMATE AND ECONOMIC JUSTICE SCREENING TOOL.—The Chair of the Council on Environmental Quality shall—

(1) maintain a geospatial Climate and Economic Justice Screening Tool; and

(2) annually publish interactive maps highlighting disadvantaged communities.
SEC. 105. TRAINING OF EMPLOYEES OF FEDERAL AGENCIES.

(a) INITIAL TRAINING.—Not later than 1 year after the date of enactment of this Act, each employee of the Department of Energy, the Environmental Protection Agency, the Department of the Interior, and the National Oceanic and Atmospheric Administration shall complete an environmental justice training program to ensure that each such employee—

(1) has received training in environmental justice; and

(2) is capable of—

(A) appropriately incorporating environmental justice concepts into the daily activities of the employee; and

(B) increasing the meaningful participation of individuals from environmental justice communities in the activities of the applicable agency.

(b) MANDATORY PARTICIPATION.—Effective on the date that is 1 year after the date of enactment of this Act, each individual hired by the Department of Energy, the Environmental Protection Agency, the Department of the Interior, and the National Oceanic and Atmospheric Administration after that date shall be required to participate in environmental justice training.
(c) Requirement Relating to Certain Employees.—

(1) In General.—With respect to each Federal agency that participates in the White House Interagency Council, not later than 30 days after the date on which an individual is appointed to the position of environmental justice coordinator, or any other position the responsibility of which involves the conduct of environmental justice activities, the individual shall be required to possess documentation of the completion by the individual of environmental justice training.

(2) Evaluation.—Not later than 3 years after the date of enactment of this Act, the Inspector General of each Federal agency that participates in the White House Interagency Council shall evaluate the training programs of such Federal agency to determine if such Federal agency has improved the rate of training of the employees of such Federal agency to ensure that each employee has received environmental justice training.

SEC. 106. ENVIRONMENTAL JUSTICE BASIC TRAINING PROGRAM.

(a) Establishment.—The Administrator shall establish a basic training program, in coordination and co-
sultation with nongovernmental environmental justice or-
ganizations, to increase the capacity of residents of envi-
ronmental justice communities to identify and address dis-
proportionately adverse human health or environmental ef-
fects by providing culturally and linguistically appro-
priate—

(1) training and education relating to—

(A) basic and advanced techniques for the
detection, assessment, and evaluation of the ef-
fects of hazardous substances, wildfire, and
drought on human health;

(B) methods to assess the risks to human
health presented by hazardous substances, wild-
fire, and drought;

(C) methods and technologies to detect
hazardous substances in the environment;

(D) basic biological, chemical, and physical
methods to reduce the quantity and toxicity of
hazardous substances and to reduce the fre-
quency and extent of wildfires and drought;

(E) the rights and safeguards currently af-
forded to individuals through policies and laws
intended to help environmental justice commu-
nities address disparate impacts and discrimi-
nation, including—
(i) laws adopted to protect human health and the environment; and

(ii) section 602 of the Civil Rights Act of (42 U.S.C. 2000d-1);

(F) public engagement opportunities through the policies and laws described in sub-paragraph (E);

(G) materials available on the Clearing-house described in this division;

(H) methods to expand access to parks and other natural and recreational amenities; and

(I) finding and applying for Federal grants related to environmental justice; and

(2) short courses and continuation education programs for residents of communities who are located in close proximity to hazardous substances or in locations at risk of wildfires or drought to provide, as applicable—

(A) education relating to—

(i) the proper manner to handle hazardous substances;

(ii) the management of facilities at which hazardous substances are located (including facility compliance protocols);
(iii) the evaluation of the hazards that facilities described in clause (ii) pose to human health; and

(iv) preventing, mitigating, and managing wildfires and drought and the hazards that wildfires and drought pose to human health; and

(B) training on environmental and occupational health and safety with respect to the public health and engineering aspects of hazardous waste control.

(b) GRANT PROGRAM.—

(1) Establishment.—In carrying out the basic training program established under subsection (a), the Administrator may provide grants to, or enter into any contract or cooperative agreement with, an eligible entity to carry out any training or educational activity described in subsection (a).

(2) Eligible Entity.—To be eligible to receive assistance under paragraph (1), an eligible entity shall be an accredited institution of education in partnership with—

(A) a community-based organization that carries out activities relating to environmental justice;
(B) a generator of hazardous waste;

(C) any individual who is involved in the
detection, assessment, evaluation, or treatment
of hazardous waste;

(D) any owner or operator of a facility at
which hazardous substances are located; or

(E) any State government, Tribal Govern-
ment, or local government.

(e) PLAN.—

(1) IN GENERAL.—Not later than 2 years after
the date of enactment of this Act, the Administrator,
in consultation with the Director, shall develop and
publish in the Federal Register a plan to carry out
the basic training program established under sub-
section (a).

(2) CONTENTS.—The plan described in para-
graph (1) shall contain—

(A) a list that describes the relative pri-
ority of each activity described in subsection
(a); and

(B) a description of research and training
relevant to environmental justice issues of com-
unities adversely affected by pollution.

(3) COORDINATION WITH FEDERAL AGEN-
cies.—The Administrator shall, to the maximum ex-
tent practicable, take appropriate steps to coordinate the activities of the basic training program described in the plan with the activities of other Federal agencies to avoid any duplication of effort.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committees on Energy and Commerce and Natural Resources of the House of Representative and the Committees on Environment and Public Works and Energy and Natural Resources of the Senate a report describing—

(A) the implementation of the basic training program established under subsection (a); and

(B) the impact of the basic training program on improving training opportunities for residents of environmental justice communities.

(2) PUBLIC AVAILABILITY.—The Administrator shall make the report required under paragraph (1) available to the public (including by posting a copy of the report on the website of the Environmental Protection Agency).
(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2023 through 2027.

SEC. 107. ENVIRONMENTAL JUSTICE CLEARINGHOUSE.

(a) E STABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a public internet-based clearinghouse, to be known as the Environmental Justice Clearinghouse.

(b) C ONTENTS.—The Clearinghouse shall be composed of culturally and linguistically appropriate materials related to environmental justice, including—

(1) information describing the activities conducted by the Environmental Protection Agency to address issues relating to environmental justice;

(2) copies of training materials provided by the Administrator to help individuals and employees understand and carry out environmental justice activities;

(3) links to web pages that describe environmental justice activities of other Federal agencies;

(4) a directory of individuals who possess technical expertise in issues relating to environmental justice;

(5) a directory of nonprofit and community-based organizations, including grassroots organiza-
tions led by people of color, that address issues relating to environmental justice at the local, State, and Federal levels (with particular emphasis given to nonprofit and community-based organizations that possess the capability to provide advice or technical assistance to environmental justice communities); and

(6) any other appropriate information as determined by the Administrator, including information on any resources available to help address the disproportionate burden of adverse human health or environmental effects on environmental justice communities.

(c) CONSULTATION.—In developing the Clearinghouse, the Administrator shall consult with individuals representing academic and community-based organizations who have expertise in issues relating to environmental justice.

(d) ANNUAL REVIEW.—The Advisory Council shall—

(1) conduct a review of the Clearinghouse on an annual basis; and

(2) recommend to the Administrator any updates for the Clearinghouse that the Advisory Council determines to be necessary for the effective operation of the Clearinghouse.
SEC. 108. PUBLIC MEETINGS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Administrator shall hold public meetings on environmental justice issues in each region of the Environmental Protection Agency to gather public input with respect to the implementation and updating of environmental justice strategies and efforts of the Environmental Protection Agency.

(b) OUTREACH TO ENVIRONMENTAL JUSTICE COMMUNITIES.—The Administrator, in advance of the meetings described in subsection (a), shall to the extent practicable hold multiple meetings in environmental justice communities in each region to provide meaningful community involvement opportunities.

(c) NOTICE.—Notice for the meetings described in subsections (a) and (b) shall be provided—

(1) to applicable representative entities or organizations present in the environmental justice community, including—

(A) local religious organizations;

(B) civic associations and organizations;

(C) business associations of people of color;

(D) environmental and environmental justice organizations;
(E) homeowners, tenants, and neighborhood watch groups;
(F) local and Tribal Governments;
(G) rural cooperatives;
(H) business and trade organizations;
(I) community and social service organizations;
(J) universities, colleges, and vocational schools;
(K) labor organizations;
(L) civil rights organizations;
(M) senior citizens’ groups; and
(N) public health agencies and clinics;

(2) through communication methods that are accessible in the applicable environmental justice community, which may include electronic media, newspapers, radio, and other media particularly targeted at communities of color, low-income communities, and Tribal and Indigenous communities; and

(3) at least 30 days before any such meeting.

(d) COMMUNICATION METHODS AND REQUIREMENTS.—The Administrator shall—

(1) provide translations of any documents made available to the public pursuant to this section in any language spoken by more than 5 percent of the
population residing within the applicable environmental justice community, and make available translation services for meetings upon request; and

(2) not require members of the public to produce a form of identification or register their names, provide other information, complete a questionnaire, or otherwise fulfill any condition precedent to attending a meeting, but if an attendance list, register, questionnaire, or other similar document is utilized during meetings, it shall state clearly that the signing, registering, or completion of the document is voluntary.

(e) Required attendance of certain employees.—In holding a public meeting under subsection (a), the Administrator shall ensure that at least 1 employee of the Environmental Protection Agency at the level of Assistant Administrator is present at the meeting to serve as a representative of the Environmental Protection Agency.

SEC. 109. NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL.

(a) Establishment.—The President shall establish an advisory council, to be known as the National Environmental Justice Advisory Council.
(b) MEMBERSHIP.—The Advisory Council shall be composed of 26 members who have knowledge of, or experience relating to, the effect of environmental conditions on communities of color, low-income communities, and Tribal and Indigenous communities, including—

(1) representatives of—

(A) community-based organizations that carry out initiatives relating to environmental justice, including grassroots organizations led by people of color;

(B) State governments, Tribal Governments, and local governments;

(C) Indian Tribes and other Indigenous groups;

(D) nongovernmental and environmental organizations; and

(E) private sector organizations (including representatives of industries and businesses);

and

(2) experts in the field of—

(A) socioeconomic analysis;

(B) health and environmental effects;

(C) exposure evaluation;

(D) environmental law and civil rights law; or
(E) environmental health science research.

(e) Subcommittees; Workgroups.—

(1) Establishment.—The Advisory Council may establish any subcommittee or workgroup to assist the Advisory Council in carrying out any duty of the Advisory Council described in subsection (d).

(2) Report.—Upon the request of the Advisory Council, each subcommittee or workgroup established by the Advisory Council under paragraph (1) shall submit to the Advisory Council a report that contains—

(A) a description of each recommendation of the subcommittee or workgroup; and

(B) any advice requested by the Advisory Council with respect to any duty of the Advisory Council.

(d) Duties.—The Advisory Council shall provide independent advice and recommendations to the Environmental Protection Agency with respect to issues relating to environmental justice, including advice—

(1) to help develop, facilitate, and conduct reviews of the direction, criteria, scope, and adequacy of the scientific research and demonstration projects of the Environmental Protection Agency relating to environmental justice;
(2) to improve participation, cooperation, and communication with respect to such issues—

(A) within the Environmental Protection Agency;

(B) between, and among, the Environmental Protection Agency and Federal agencies, State and local governments, Indian Tribes, environmental justice leaders, interest groups, and the public;

(3) requested by the Administrator to help improve the response of the Environmental Protection Agency in securing environmental justice for communities of color, low-income communities, and Tribal and Indigenous communities; and

(4) on issues relating to—

(A) the developmental framework of the Environmental Protection Agency with respect to the integration by the Environmental Protection Agency of socioeconomic programs into the strategic planning, annual planning, and management accountability of the Environmental Protection Agency to achieve environmental justice results throughout the Environmental Protection Agency;
(B) the measurement and evaluation of the progress, quality, and adequacy of the Environmental Protection Agency in planning, developing, and implementing environmental justice strategies, project, and programs;

(C) any existing and future information management systems, technologies, and data collection activities of the Environmental Protection Agency (including recommendations to conduct analyses that support and strengthen environmental justice programs in administrative and scientific areas);

(D) the administration of grant programs relating to environmental justice assistance; and

(E) education, training, and other outreach activities conducted by the Environmental Protection Agency relating to environmental justice.

(e) DESIGNATED FEDERAL OFFICER.—The Director of the Office of Environmental Justice of the Environmental Protection Agency is designated as the Federal officer required under section 10(e) of the Federal Advisory Committee Act (5 U.S.C. App.) for the Advisory Council.

(f) MEETINGS.—
(1) IN GENERAL.—The Advisory Council shall meet not less frequently than 3 times each calendar year.

(2) OPEN TO PUBLIC.—Each meeting of the Advisory Council shall be held open to the public.

(3) DUTIES OF DESIGNATED FEDERAL OFFICER.—The designated Federal officer described in subsection (e) (or a designee) shall—

(A) be present at each meeting of the Advisory Council;

(B) ensure that each meeting is conducted in accordance with an agenda approved in advance by the designated Federal officer;

(C) provide an opportunity for interested persons—

(i) to file comments before or after each meeting of the Advisory Council; or

(ii) to make statements at such a meeting, to the extent that time permits;

(D) ensure that a representative of the Working Group and a high-level representative from each regional office of the Environmental Protection Agency are invited to, and encouraged to attend, each meeting of the Advisory Council; and
(E) provide technical assistance to States seeking to establish State-level environmental justice advisory councils or implement other environmental justice policies or programs.

(g) RESPONSES FROM ADMINISTRATOR.—

(1) Public comment inquiries.—The Administrator shall provide a written response to each inquiry submitted to the Administrator by a member of the public before or after each meeting of the Advisory Council by not later than 120 days after the date of submission.

(2) Recommendations from advisory council.—The Administrator shall provide a written response to each recommendation submitted to the Administrator by the Advisory Council by not later than 120 days after the date of submission.

(h) Travel expenses.—A member of the Advisory Council may be allowed travel expenses, including per diem in lieu of subsistence, at such rate as the Administrator determines to be appropriate while away from the home or regular place of business of the member in the performance of the duties of the Advisory Council.

(i) Duration.—The Advisory Council shall remain in existence unless otherwise provided by law.
SEC. 110. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.

(a) IN GENERAL.—The Administrator shall continue to carry out the Environmental Justice Small Grants Program and the Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program, as those programs are in existence on the date of enactment of this Act.

(b) CARE GRANTS.—The Administrator shall continue to carry out the Community Action for a Renewed Environment grant programs I and II, as in existence on January 1, 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the programs described in subsections (a) and (b) $50,000,000 for each of fiscal years 2023 through 2032.

SEC. 111. ENVIRONMENTAL JUSTICE COMMUNITY SOLID WASTE DISPOSAL TECHNICAL ASSISTANCE GRANTS.

(a) IN GENERAL.—The Administrator may award grants to eligible entities to enable such entities to participate in decisions impacting the health and safety of their communities relating to the permitting or permit renewal of a solid waste disposal facility or hazardous waste facility.

(b) TIMING.—
(1) GUIDANCE.—Not later than 12 months after the date of enactment of this section, the Administrator shall publish guidance describing the process for eligible entities to apply for a grant under this section, including the required content and form of applications, the manner in which applications must be submitted, and any applicable deadlines.

(2) FIRST GRANT.—Not later than 180 days after the issuance of guidance under paragraph (1), the Administrator shall award the first grant under this section.

(c) ELIGIBLE ENTITY.—To be eligible for a grant under this section, an applicant shall be a group of individuals who reside in a community that—

(1) is a population of color, a community of color, a Tribal and Indigenous community, or a low-income community; and

(2) is in close proximity to a facility described in subsection (a) for which a decision relating to a permit or permit renewal for such facility is required.

(d) USE OF FUNDS.—An eligible entity receiving a grant under this section shall use the grant to participate in decisions impacting the health and safety of the commu-
nity involved that are related to the permitting or permit renewal of a solid waste disposal facility or hazardous waste facility, including—

(1) interpreting information with regard to—

(A) cumulative impacts studies;

(B) health impacts studies;

(C) relevant agency decisions; and

(D) operation and maintenance of necessary monitors; and

(2) performing environmental monitoring.

(e) LIMITATIONS ON AMOUNT; RENEWAL.—

(1) AMOUNT.—

(A) IN GENERAL.—The amount of a grant under this section (excluding any renewals of the grant) may not exceed $50,000 for any grant recipient.

(B) EXCEPTION.—The Administrator may waive the limitation in subparagraph (A) with respect to an applicant in any case where the Administrator determines that such waiver is necessary for the community involved to obtain the necessary technical assistance.

(2) RENEWAL.—Grants may be renewed for each step in the process for the permitting or permit
renewal of a solid waste disposal facility or hazardous waste facility.

SEC. 112. ENVIRONMENTAL JUSTICE COMMUNITY, STATE, AND TRIBAL GRANT PROGRAMS.

(a) ENVIRONMENTAL JUSTICE COMMUNITY GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Administrator shall establish a program under which the Administrator shall provide grants to eligible entities to assist the eligible entities in—

(A) building capacity to address issues relating to environmental justice; and

(B) carrying out any activity described in paragraph (4).

(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an eligible entity shall be a nonprofit, community-based organization that conducts activities, including providing medical and preventive health services, to reduce the disproportionate health impacts of environmental pollution in the environmental justice community at which the eligible entity proposes to conduct an activity that is the subject of the application described in paragraph (3).
(3) APPLICATION.—To be eligible to receive a grant under paragraph (1), an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

(A) an outline describing the means by which the project proposed by the eligible entity will—

(i) with respect to environmental and public health issues at the local level, increase the understanding of the environmental justice community at which the eligible entity will conduct the project;

(ii) improve the ability of the environmental justice community to address each issue described in clause (i);

(iii) facilitate collaboration and cooperation among various stakeholders (including members of the environmental justice community); and

(iv) support the ability of the environmental justice community to proactively plan and implement just sustainable community development and revitalization ini-
tiatives, including countering displacement
and gentrification;

(B) a proposed budget for each activity of
the project that is the subject of the applica-
tion;

(C) a list of proposed outcomes with re-
spect to the proposed project;

(D) a description of the ways by which the
eligible entity may leverage the funds of the eli-
gible entity, or the funds made available
through a grant under this subsection, to de-
velop a project that is capable of being sus-
tained beyond the period of the grant; and

(E) a description of the ways by which the
eligible entity is linked to, and representative
of, the environmental justice community at
which the eligible entity will conduct the
project.

(4) USE OF FUNDS.—An eligible entity may
only use a grant under this subsection to carry out
culturally and linguistically appropriate projects and
activities that are driven by the needs, opportunities,
and priorities of the environmental justice commu-
nity at which the eligible entity proposes to conduct
the project or activity to address environmental jus-
tice concerns and improve the health or environment of the environmental justice community, including activities—

(A) to create or develop collaborative partnerships;

(B) to educate and provide outreach services to the environmental justice community;

(C) to identify and implement projects to address environmental or public health concerns; or

(D) to develop a comprehensive understanding of environmental or public health issues.

(5) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committees on Energy and Commerce and Natural Resources of the House of Representatives and the Committees on Environment and Public Works and Energy and Natural Resources of the Senate a report describing the ways by which the grant program under this subsection has helped community-
based nonprofit organizations address issues relating to environmental justice.

(B) PUBLIC AVAILABILITY.—The Administrator shall make each report required under subparagraph (A) available to the public (including by posting a copy of the report on the website of the Environmental Protection Agency).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2023 through 2027.

(b) STATE GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Administrator shall establish a program under which the Administrator shall provide grants to States to enable the States—

(A) to establish culturally and linguistically appropriate protocols, activities, and mechanisms for addressing issues relating to environmental justice; and

(B) to carry out culturally and linguistically appropriate activities to reduce or eliminate disproportionately adverse human health or environmental effects on environmental justice communities in the State, including reduc-
ing economic vulnerabilities that result in the
environmental justice communities being dis-
proportionately affected.

(2) ELIGIBILITY.—

(A) APPLICATION.—To be eligible to re-
ceive a grant under paragraph (1), a State shall
submit to the Administrator an application at
such time, in such manner, and containing such
information as the Administrator may require,
including—

(i) a plan that contains a description
of the means by which the funds provided
through a grant under paragraph (1) will
be used to address issues relating to envi-
ronmental justice at the State level; and

(ii) assurances that the funds pro-
vided through a grant under paragraph (1)
will be used only to supplement the
amount of funds that the State allocates
for initiatives relating to environmental
justice.

(B) ABILITY TO CONTINUE PROGRAM.—To
be eligible to receive a grant under paragraph
(1), a State shall demonstrate to the Adminis-
trator that the State has the ability to continue
each program that is the subject of funds provided through a grant under paragraph (1) after receipt of the funds.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committees on Energy and Commerce and Natural Resources of the House of Representatives and the Committees on Environment and Public Works and Energy and Natural Resources of the Senate a report describing—

(i) the implementation of the grant program established under paragraph (1);

(ii) the impact of the grant program on improving the ability of each participating State to address environmental justice issues; and

(iii) the activities carried out by each State to reduce or eliminate disproportionately adverse human health or environmental effects on environmental justice communities in the State.
(B) **Public Availability.**—The Administrator shall make each report required under subparagraph (A) available to the public (including by posting a copy of the report on the website of the Environmental Protection Agency).

(4) **Authorization of Appropriations.**—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2023 through 2027.

(c) **Tribal Grant Program.**—

(1) **Establishment.**—The Administrator shall establish a program under which the Administrator shall provide grants to Tribal Governments to enable the Indian Tribes—

(A) to establish culturally and linguistically appropriate protocols, activities, and mechanisms for addressing issues relating to environmental justice; and

(B) to carry out culturally and linguistically appropriate activities to reduce or eliminate disproportionately adverse human health or environmental effects on environmental justice communities in Tribal and Indigenous communities, including reducing economic
vulnerabilities that result in the Tribal and Indigenous communities being disproportionately affected.

(2) ELIGIBILITY.—

(A) APPLICATION.—To be eligible to receive a grant under paragraph (1), a Tribal Government shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

(i) a plan that contains a description of the means by which the funds provided through a grant under paragraph (1) will be used to address issues relating to environmental justice in Tribal and Indigenous communities; and

(ii) assurances that the funds provided through a grant under paragraph (1) will be used only to supplement the amount of funds that the Tribal Government allocates for initiatives relating to environmental justice.

(B) ABILITY TO CONTINUE PROGRAM.—To be eligible to receive a grant under paragraph (1), a Tribal Government shall demonstrate to
the Administrator that the Tribal Government
has the ability to continue each program that is
the subject of funds provided through a grant
under paragraph (1) after receipt of the funds.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year
after the date of enactment of this Act, and an-
ually thereafter, the Administrator shall sub-
mit to the Committees on Energy and Com-
merce and Natural Resources of the House of
Representatives and the Committees on Envi-
ronment and Public Works and Energy and
Natural Resources of the Senate a report de-
scribing—

(i) the implementation of the grant
program established under paragraph (1);

(ii) the impact of the grant program
on improving the ability of each partici-
pating Indian Tribe to address environ-
mental justice issues; and

(iii) the activities carried out by each
Tribal Government to reduce or eliminate
disproportionately adverse human health or
environmental effects on applicable envi-
ronmental justice communities in Tribal
and Indigenous communities.

(B) Public Availability.—The Adminis-
trator shall make each report required under
subparagraph (A) available to the public (in-
cluding by posting a copy of the report on the
website of the Environmental Protection Agen-
cy).

(4) Authorization of Appropriations.—
There is authorized to be appropriated to carry out
this subsection $25,000,000 for each of fiscal years
2023 through 2027.

(d) Community-Based Participatory Research
Grant Program.—

(1) Establishment.—The Administrator, in
consultation with the Director, shall establish a pro-
gram under which the Administrator shall provide
not more than 25 multiyear grants to eligible enti-
ties to carry out community-based participatory re-
search—

(A) to address issues relating to environ-
mental justice;

(B) to improve the environment of resi-
dents and workers in environmental justice
communities; and
(C) to improve the health outcomes of residents and workers in environmental justice communities.

(2) ELIGIBILITY.—To be eligible to receive a multiyear grant under paragraph (1), an eligible entity shall be a partnership composed of—

(A) an accredited institution of higher education; and

(B) a community-based organization.

(3) APPLICATION.—To be eligible to receive a multiyear grant under paragraph (1), an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

(A) a detailed description of the partnership of the eligible entity that, as determined by the Administrator, demonstrates the participation of members of the community at which the eligible entity proposes to conduct the research; and

(B) a description of—

(i) the project proposed by the eligible entity; and
(ii) the ways by which the project will—

(I) address issues relating to environmental justice;

(II) assist in the improvement of health outcomes of residents and workers in environmental justice communities; and

(III) assist in the improvement of the environment of residents and workers in environmental justice communities.

(4) Public Availability.—The Administrator shall make the results of the grants provided under this subsection available to the public, including by posting on the website of the Environmental Protection Agency a copy of the grant awards and an annual report at the beginning of each fiscal year describing the research findings associated with each grant provided under this subsection.

(5) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2023 through 2027.
SEC. 113. PROTECTIONS FOR ENVIRONMENTAL JUSTICE COMMUNITIES AGAINST HARMFUL FEDERAL ACTIONS.

(a) PURPOSE.—The purpose of this section is to establish additional protections relating to Federal actions affecting environmental justice communities in recognition of the disproportionate burden of adverse human health or environmental effects faced by such communities.

(b) DEFINITIONS.—In this section:

(1) ENVIRONMENTAL IMPACT STATEMENT.—The term “environmental impact statement” means the detailed statement of environmental impacts of a proposed action required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) FEDERAL ACTION.—The term “Federal action” means a proposed action that requires the preparation of an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) PREPARATION OF A COMMUNITY IMPACT REPORT.—A Federal agency proposing to take a Federal action that has the potential to cause negative environmental or public health impacts on an environmental justice com-
munity shall prepare a community impact report assessing the potential impacts of the proposed action.

(d) CONTENTS.—A community impact report described in subsection (c) shall—

(1) assess the degree to which a proposed Federal action affecting an environmental justice community will cause multiple or cumulative exposure to human health and environmental hazards that influence, exacerbate, or contribute to adverse health outcomes;

(2) assess relevant public health data and industry data concerning the potential for multiple or cumulative exposure to human health or environmental hazards in the area of the environmental justice community and historical patterns of exposure to environmental hazards and Federal agencies shall assess these multiple, or cumulative effects, even if certain effects are not within the control or subject to the discretion of the Federal agency proposing the Federal action;

(3) assess the impact of such proposed Federal action on such environmental justice community’s ability to access public parks, outdoor spaces, and public recreation opportunities;
(4) evaluate alternatives to or mitigation measures for the proposed Federal action that will—

(A) eliminate or reduce any identified exposure to human health and environmental hazards described in paragraph (1) to a level that is reasonably expected to avoid human health impacts in environmental justice communities; and

(B) not negatively impact an environmental justice community’s ability to access public parks, outdoor spaces, and public recreation opportunities; and

(5) analyze any alternative developed by members of an affected environmental justice community that meets the purpose and need of the proposed action.

(e) DELEGATION.—Federal agencies shall not delegate responsibility for the preparation of a community impact report described in subsection (c) to any other entity.

(f) NATIONAL ENVIRONMENTAL POLICY ACT REQUIREMENTS FOR ENVIRONMENTAL JUSTICE COMMUNITIES.—When carrying out the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed Federal action that may affect an
environmental justice community, a Federal agency shall—

(1) consider all potential direct, indirect, and cumulative impacts caused by the action, alternatives to such action, and mitigation measures on the environmental justice community required by that Act;

(2) require any public comment period carried out during the scoping phase of the environmental review process to be not less than 90 days;

(3) provide early and meaningful community involvement opportunities by—

(A) holding multiple hearings in such community regarding the proposed Federal action in each prominent language within the environmental justice community; and

(B) providing notice of any step or action in the process that Act involves public participation to any representative entities or organizations present in the environmental justice community including—

(i) local religious organizations;

(ii) civic associations and organizations;
(iii) business associations of people of color;

(iv) environmental and environmental justice organizations, including community-based grassroots organizations led by people of color;

(v) homeowners“, tenants”’, and neighborhood watch groups;

(vi) local governments and Tribal Governments;

(vii) rural cooperatives;

(viii) business and trade organizations;

(ix) community and social service organizations;

(x) universities, colleges, and vocational schools;

(xi) labor and other worker organizations;

(xii) civil rights organizations;

(xiii) senior citizens’ groups; and

(xiv) public health agencies and clinics; and

(4) provide translations of publicly available documents made available pursuant to that Act in
any language spoken by more than 5 percent of the population residing within the environmental justice community.

(g) COMMUNICATION METHODS AND REQUIREMENTS.—Any notice provided under subsection (f)(3)(B) shall be provided—

(1) through communication methods that are accessible in the environmental justice community, which may include electronic media, newspapers, radio, direct mailings, canvassing, and other outreach methods particularly targeted at communities of color, low-income communities, and Tribal and Indigenous communities; and

(2) at least 30 days before any hearing in such community or the start of any public comment period.

(h) REQUIREMENTS FOR ACTIONS REQUIRING AN ENVIRONMENTAL IMPACT STATEMENT.—For any proposed Federal action affecting an environmental justice community requiring the preparation of an environmental impact statement, the Federal agency shall provide the following information when giving notice of the proposed action:

(1) A description of the proposed action.
(2) An outline of the anticipated schedule for completing the process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), with a description of key milestones.

(3) An initial list of alternatives and potential impacts.

(4) An initial list of other existing or proposed sources of multiple or cumulative exposure to environmental hazards that contribute to higher rates of serious illnesses within the environmental justice community.

(5) An agency point of contact.

(6) Timely notice of locations where comments will be received or public meetings held.

(7) Any telephone number or locations where further information can be obtained.

(i) National Environmental Policy Act Requirements for Indian Tribes.—When carrying out the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed Federal action that may affect an Indian Tribe, a Federal agency shall—

(1) seek Tribal representation in the process in a manner that is consistent with the government-to-government relationship between the United States
and Tribal Governments, the Federal Government’s
trust responsibility to federally Recognized Indian
Tribes, and any treaty rights;

(2) ensure that an Indian Tribe is invited to
hold the status of a cooperating agency throughout
the process under that Act for any proposed action
that could impact an Indian Tribe, including actions
that could impact off reservation lands and sacred
sites; and

(3) invite an Indian Tribe to hold the status of
a cooperating agency in accordance with paragraph
(2) not later than the date on which the scoping
process for a proposed action requiring the prepara-
tion of an environmental impact statement com-
mences.

(j) AGENCY DETERMINATIONS.—Federal agency de-
terminations about the analysis of a community impact
report described in subsection (e) shall be subject to judi-
cial review to the same extent as any other analysis per-
formed under the National Environmental Policy Act of
1969 (42 U.S.C. 4321 et seq.).

(k) EFFECTIVE DATE.—This section shall take effect
1 year after the date of enactment of this Act.

(l) SAVINGS CLAUSE.—Nothing in this section dimin-
ishes—
(1) any right granted through the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to the public; or
(2) the requirements under that Act to consider direct, indirect, and cumulative impacts.

SEC. 114. PROHIBITED DISCRIMINATION.

Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended—

(1) by striking “No” and inserting “(a) No”;
and

(2) by adding at the end the following:

“(b)(1)(A) Discrimination (including exclusion from participation and denial of benefits) based on disparate impact is established under this title if—

“(i) an entity subject to this title (referred to in this title as a ‘covered entity’) has a program, policy, practice, or activity that causes a disparate impact on the basis of race, color, or national origin and the covered entity fails to demonstrate that the challenged program, policy, practice, or activity is related to and necessary to achieve the nondiscriminatory goal of the program, policy, practice, or activity alleged to have
been operated in a discriminatory manner;

or

“(ii) a less discriminatory alternative program, policy, practice, or activity exists, and the covered entity refuses to adopt such alternative program, policy, practice, or activity.

“(B) With respect to demonstrating that a particular program, policy, practice, or activity does not cause a disparate impact, the covered entity shall demonstrate that each particular challenged program, policy, practice, or activity does not cause a disparate impact, except that if the covered entity demonstrates to the courts that the elements of the covered entity’s decision-making process are not capable of separation for analysis, the decision-making process may be analyzed as 1 program, policy, practice, or activity.

“(2) A demonstration that a program, policy, practice, or activity is necessary to achieve the goals of a program, policy, practice, or activity may not be used as a defense against a claim of intentional discrimination under this title.

“(3) In this subsection—
“(A) the term ‘demonstrates’ means to meet the burdens of going forward with the evidence and of persuasion; and

“(B) the term ‘disparate impact’ means an action or practice that, even if appearing neutral, actually has the effect of subjecting persons to discrimination on the basis of their race, color, or national origin.

“(C) No person in the United States shall be subjected to discrimination, including retaliation or intimidation, because such person opposed any program, policy, practice, or activity prohibited by this title, or because such person made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.”.

SEC. 115. RIGHT OF ACTION.

(a) IN GENERAL.—Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1) is amended—

(1) by inserting “(a)” before “Each Federal department and agency which is empowered”; and

(2) by adding at the end the following:

“(b) Any person aggrieved by the failure to comply with this title, including any regulation promulgated pursuant to this title, may file suit in any district court of
the United States having jurisdiction of the parties, with-
out respect to the amount in controversy and without re-
gard to the citizenship of the parties.”.

(b) Effective Date.—

(1) In General.—This section, including the
amendments made by this section, takes effect on
the date of enactment of this Act.

(2) Application.—This section, including the
amendments made by this section, applies to all ac-
tions or proceedings pending on or after the date of
enactment of this Act.

SEC. 116. RIGHTS OF RECOVERY.

Title VI of the Civil Rights Act of 1964 (42 U.S.C.
2000d et seq.) is amended by inserting after section 602
the following:

“SEC. 602A. ACTIONS BROUGHT BY AGGRIEVED PERSONS.

“(a) Claims Based on Proof of Intentional
Discrimination.—In an action brought by an aggrieved
person under this title against an entity subject to this
title (referred to in this section as a ‘covered entity’) who
has engaged in unlawful intentional discrimination (not a
practice that is unlawful because of its disparate impact)
prohibited under this title (including its implementing reg-
ulations), the aggrieved person may recover equitable and
legal relief (including compensatory and punitive dam-
ages), attorney’s fees (including expert fees), and costs of the action, except that punitive damages are not available against a government, government agency, or political subdivision.

“(b) CLAIMS BASED ON THE DISPARATE IMPACT STANDARD OF PROOF.—In an action brought by an aggrieved person under this title against a covered entity who has engaged in unlawful discrimination based on disparate impact prohibited under this title (including implementing regulations), the aggrieved person may recover attorney’s fees (including expert fees), and costs of the action.

“(c) DEFINITIONS.—In this section:

“(1) AGGRIEVED PERSON.—The term ‘aggrieved person’ means a person aggrieved by discrimination on the basis of race, color, or national origin.

“(2) the term ‘disparate impact’ means an action or practice that, even if appearing neutral, actually has the effect of subjecting persons to discrimination on the basis of their race, color, or national origin.”.
SEC. 117. PUBLIC HEALTH RISKS ASSOCIATED WITH CUMULATIVE ENVIRONMENTAL STRESSORS.

(a) PROPOSED PROTOCOL.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with the Advisory Council, shall publish a proposal for a protocol for assessing and addressing the cumulative public health risks associated with multiple environmental stressors. The Administrator shall allow 90 days for public comment on such proposal. The environmental stressors addressed under such proposal shall include—

(1) impacts associated with global climate change, including extreme heat, extremes in temperature change, drought, wildfires, sea level rise, flooding, storms, water shortage, food shortage, ecosystem disruption, and the spread of infectious disease;

(2) exposure to pollutants, emissions, discharges, waste, chemicals, or other materials subject to regulation under the Clean Air Act, the Federal Water Pollution Control Act, the Safe Drinking Water Act, the Toxic Substances Control Act, the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Emergency Planning and Commu-
nity Right-to-Know Act of 1986, and other laws administered by the Administrator; and

(3) other environmental stressors determined by the Administrator to impact public health.

(b) Final Protocol.—Not later than 1 year after the enactment of this section, the Administrator shall publish the final protocol for assessing and addressing the cumulative public health risks associated with multiple environmental stressors.

(c) Implementation.—Not later than 3 years after the enactment of this section, the Administrator shall implement the protocol described under subsection (b).

SEC. 118. CLIMATE JUSTICE GRANT PROGRAM.

(a) Establishment.—The Administrator shall establish a program under which the Administrator shall provide grants to eligible entities to assist the eligible entities in—

(1) building capacity to address issues relating to climate justice; and

(2) carrying out any activity described in subsection (d).

(b) Eligibility.—To be eligible to receive a grant under subsection (a), an eligible entity shall be a tribal government, local government, or nonprofit, community-based organization.
(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

(1) an outline describing the means by which the project proposed by the eligible entity will—

(A) with respect to climate justice issues at the local level, increase the understanding of the environmental justice community at which the eligible entity will conduct the project;

(B) improve the ability of the environmental justice community to address each issue described in subparagraph (A);

(C) facilitate collaboration and cooperation among various stakeholders (including members of the environmental justice community); and

(D) support the ability of the environmental justice community to proactively plan and implement climate justice initiatives;

(2) a proposed budget for each activity of the project that is the subject of the application;

(3) a list of proposed outcomes with respect to the proposed project;
(4) a description of the ways by which the eligible entity may leverage the funds of the eligible entity, or the funds made available through a grant under this subsection, to develop a project that is capable of being sustained beyond the period of the grant; and

(5) a description of the ways by which the eligible entity is linked to, and representative of, the environmental justice community at which the eligible entity will conduct the project.

(d) USE OF FUNDS.—An eligible entity may only use a grant under this subsection to carry out culturally and linguistically appropriate projects and activities that are driven by the needs, opportunities, and priorities of the environmental justice community at which the eligible entity proposes to conduct the project or activity to address climate justice concerns of the environmental justice community, including activities—

(1) to create or develop collaborative partnerships;

(2) to educate and provide outreach services to the environmental justice community on climate justice;

(3) to identify and implement projects to address climate justice concerns, including community
solar and wind energy projects, energy efficiency, home and building electrification, home and building weatherization, energy storage, solar and wind energy supported microgrids, battery electric vehicles, electric vehicle charging infrastructure, natural infrastructure, addressing the risks and hazards of wildfires and droughts, and climate resilient infrastructure.

(e) Limitations on Amount.—The amount of a grant under this section may not exceed $2,000,000 for any grant recipient.

(f) Report.—

(1) In General.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committees on Energy and Commerce and Natural Resources of the House of Representatives and the Committees on Environment and Public Works and Energy and Natural Resources of the Senate a report describing the ways by which the grant program under this subsection has helped eligible entities address issues relating to energy and climate justice.

(2) Public Availability.—The Administrator shall make each report required under paragraph (1)
available to the public (including by posting a copy
of the report on the website of the Environmental
Protection Agency).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to carry out this subsection
$1,000,000,000 for each of fiscal years 2023 through
2027. The Administrator may not use more than percent
of the amount appropriated for each fiscal year for admin-
istrative expenses, including outreach and technical assist-
ance to eligible entities.

SEC. 119. ENVIRONMENTAL JUSTICE FOR COMMUNITIES
OVERBURDENED BY ENVIRONMENTAL VIOLATIONS.

(a) IDENTIFICATION OF COMMUNITIES.—Not later
than 180 days after the date of enactment of this section,
the Administrator shall, in consultation with the Advisory
Council and co-regulators in State and local agencies,
identify at least 100 communities—

(1) that are environmental justice communities;

and

(2) in which there have been over the previous
5 years a number of violations of environmental law
that the Administrator determines to be greater
than the national average of such violations.
(b) Analysis and Recommendations.—Not later than 1 year after the enactment of this section, with respect to each community identified under subsection (a), and in consultation with the Advisory Council, the Administrator shall—

(1) undertake an analysis of the conditions which have led to the number of violations identified under subsection (a)(1), including through community-based science implemented through engagement with the residents of each such community;

(2) identify the root cause of the number of violations described under subsection (a)(1); and

(3) recommend measures that the Administrator shall take, in coordination with co-regulators in State and local agencies, to reduce the number of violations of environmental law to a number that the Administrator determines to be significantly below the national average.

(c) Implementation.—Not later than 2 years after the date of enactment of this section, the Administrator shall complete the implementation of the measures identified under subsection (b)(3).