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| Cherfilus-McCormick (Neguse) | Jeffries (Velázquez) | Rice (SC) (Meijer) |
| Comer (Keller) | Johnson (TX) (Pallone) | Ruppersberger (Trone) |
| Crist (Wasserman Schultz) | Jones (Trone) | Ryan (Kuster) |
| DeGette (Perlmutter) | Joyce (PA) (Keller) | Sires (Pallone) |
| DeSaulnier (Perlmutter) | Kahele (Correa) | Speier (Garcia) (TX) |
| Deutch (Wasserman Schultz) | Katko (Meijer) | Stefanik (Keller) |
| Donalds (Norman) | Kirkpatrick (Pallone) | Stevens (Kuster) |
| Evans (Neguse) | LaHood (Wenstrup) | Stewart (Crawford) |
| Gonzalez (OH) (Meijer) | Levin (MI) (Correa) | Strickland (Neguse) |
| Gosar (Gaetz) | McBath (Bishop) (GA) | Swalwell (Correa) |
| Green (TN) (Fleischmann) | McEachin (Trone) | Taylor (Armstrong) |
| Guthrie (Barr) | McHenry (Wagner) | Thompson (CA) (Correa) |
| Herrera Beutler (Moore (UT)) | McNerney (Pallone) | Tlaib (Dingell) |
| Higgins (NY) (Pallone) | Moore (WI) (Neguse) | Torres (NY) (Correa) |
| Huffman (Neguse) | Nehls (Weber) (TX) | Trahan (Trone) |
| Jacobs (NY) (Fleischmann) | Newman (Trone) | Van Drew (Fleischmann) |
| Jayapal (Pallone) | Porter (Wexton) | Vargas (Correa) |
| | Rice (NY) (Wasserman Schultz) | Walorski (Banks) |
| | | Williams (GA) (Neguse) |
| | | Wilson (SC) (Norman) |

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 28, 2022.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 28, 2022, at 5:13 p.m.

That the Senate passed S. 3369.
That the Senate passed without amendment H.R. 7334.
That the Senate passed without amendment H.R. 7352.

With best wishes, I am,
Sincerely,

CHERYL L. JOHNSON,
Clerk.

CONTINENTAL DIVIDE TRAIL
COMPLETION ACT

The SPEAKER pro tempore (Mr. VEASEY). Pursuant to House Resolution 1254 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5118.

The Chair appoints the gentlewoman from Nevada (Mrs. LEE) to preside over the Committee of the Whole.

□ 1136

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5118) to direct the Secretary of Agriculture to prioritize the completion of the Continental Divide National Scenic Trail, and for other purposes, with Mrs. LEE of Nevada in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and amendments specified in House Resolution 1254 and shall not exceed 1 hour equally divided and controlled by the chair and ranking member of the Committee on Natural Resources or their respective designees.

The gentleman from Colorado (Mr. NEGUSE) and the gentleman from Arkansas (Mr. WESTERMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. NEGUSE. Madam Chair, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 5118.

The CHAIR. That request cannot be entertained in the Committee of the Whole.

Mr. NEGUSE. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I rise in support of H.R. 5118, the Wildfire Response and Drought Resiliency Act. This legislation represents another major effort to act on climate by responding to record-setting wildfires and drought that are impacting communities across our country.

I represent Colorado's Second Congressional District, and it was barely over 6 months ago, in December, when the Marshall Fire burned through Boulder County and became the most destructive fire in Colorado history. The fire destroyed a 30-acre subdivision in a matter of hours; nearly 200 homes burned to the ground and caused over \$1 billion in damages.

This comes on the heels of my district experiencing the first and second largest wildfires in the history of Colorado in Larimer and Grand Counties in 2020, and as parts of the western United States is currently experiencing their driest drought conditions in over 1,000 years.

Fires have become the primary occupation of so many of our offices. Countless constituents come to us, grieving the loss of their homes, but also seeking the resources that they deserve from the Federal Government. We have a duty to provide our constituents with the support that they need to rebuild and to recover.

The reality is that we are living with a new normal as climate change results in a hotter, drier, planet where historic drought and record-setting wildfires are not merely a possibility, but an inevitability. Wildfires no longer occur in a season, but throughout the entire year.

I am grateful to my colleagues, to Chairman GRIJALVA, Chairman SCOTT, Chairwoman MALONEY, Chairwoman JOHNSON, Chairman DEFAZIO, Chairman PALLONE, Chairman NADLER, Chairwoman VELÁZQUEZ, Chairwoman WATERS, Chairwoman LOFGREN, and House leadership for helping bring this package to the floor. This is exactly the kind of response that our constituents desperately want to see from Congress.

H.R. 5118 provides a whole-of-government response to the droughts and the wildfires impacting American communities across the country, and it combines more than 50 standalone pieces of legislation originating from nine different House committees, including Republican and Democratic bills.

We began this important work last year, as my colleagues know, working with President Biden to pass the Infrastructure Investment and Jobs Act, which included historic investments to reduce wildfire risks, improve ecosystem resilience, and ensure reliable water supplies.

The Wildfire Response and Drought Resiliency Act builds on those investments. It provides an increased starting wage for our brave and courageous Federal wildland firefighters. It invests in water security and in drought resilience and advancing wildfire science.

As climate-change-induced drought means long-term reductions in rain, snow, and necessary water supplies, this legislation invests in drought-proof water projects like water recycling, modern desalination, advancing water data management and technology, protecting and restoring ecosystems.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 8167

Mr. DESJARLAIS. Madam Speaker, I hereby remove my name as cosponsor from H.R. 8167.

The SPEAKER pro tempore. The gentleman's request is accepted.

PERMISSION FOR MEMBER TO BE
CONSIDERED AS FIRST SPONSOR
OF H.R. 783

Mr. LARSEN of Washington. Madam Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 783, a bill originally introduced by Representative Young of Alaska for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 7769

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I ask unanimous consent to remove the gentleman from North Carolina (Mr. PRICE) as cosponsor of H.R. 7769, the Helicopter Safety and Noise Management Act.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

The bill also advances projects to deliver reliable water across Indian Country, including by incorporating key provisions from my bill, the Tribal Access to Clean Water Act. And it provides significant resources to prevent key Colorado River reservoirs from declining to critically low water levels, protecting the supplies of a river that 40 million Americans, 40 million, rely on.

H.R. 5118 also includes several other important pieces of legislation introduced by many Members in the body today. Provisions from Tim's Act, named after a heroic smoke jumper, Tim Hart, who tragically lost his life fighting a wildfire in New Mexico, would increase pay and benefits for Federal wildland firefighters, and that provision is part of this bill.

Finally, the bill includes provisions that would provide flexibility in Federal FEMA cost shares to support our local communities and to protect watersheds impacted by wildfire.

Madam Chair, this bill is a good bill, and it meets the moment for the American West. And for that reason, I will encourage my colleagues today to support it. I look forward to hearing from many of my colleagues who will speak on the bill.

Madam Chair, I reserve the balance of my time.

Mr. WESTERMAN. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I am glad we are finally here on the floor today talking about an issue that is important to our whole country. I appreciate the gentleman from Colorado and his concerns about wildfires. I wish that we could work together on actually solving these issues in a manner and with policy that would actually do something.

I learned in engineering school that expending effort is not work. For example, you can push on a boulder all day, but until something moves, no work has been accomplished.

To put it another way, there is a saying that you should never confuse motion with action, which is exactly what the legislation before us today does. This bill is more than 550 pages yet does absolutely nothing to prevent wildfires or significantly improve our resiliency to drought.

This bill will actually make our wildfire crisis worse. Perhaps that is why my Democrat colleagues named it the Wildfire Response Act, instead of naming it the wildfire prevention act, which is what we should be focusing on because we will have to respond to all the wildfires that are going to happen anyway and the new ones that this bill creates.

Here is a little bit of forestry 101. There are two ways to reduce wildfire risk: thinning and controlled burning. This bill mentions thinning zero times. Not once does it mention thinning, but it mentions environmental justice 165 times. That should tell you what this bill is really about.

Instead of streamlining environmental regulations and addressing frivolous litigation, which delay vital forest management projects across the country, this bill would add mountains of new red tape on our Federal agencies that will grind their already glacial pace of treatments to a complete halt.

□ 1145

It would throw out the Forest Service's 10-year strategy to reduce hazardous fuels and make them completely redo this work less than 6 months after they started implementing their current strategy.

This makes you wonder if congressional Democrats disagree with the work of the Biden administration or if they have found the administration's work product is deficient and unreliable.

It would lock up 58 million acres of land into new roadless areas, despite research showing that more than half of all fires, including most of the largest fires on Western U.S. national forest lands, burn primarily in roadless areas, areas where land use restrictions mean that we can't thin and can't do management.

Instead, the bill would fund environmental volunteerism and provide N-95 masks and smoke inhalation equipment for homes, which I am sure will be of little comfort to people as their homes are burning to the ground.

Democrats will tell you this legislation raises wildland firefighter pay to \$20 per hour. The only problem with that is that firefighters already make at least \$20 per hour, meaning this so-called raise is an empty promise.

In the long term, the bill would write a check that it can't cash by setting up this new minimum pay rate with no actual money to back it up. The Forest Service has told us this means they would have to lay off over 610 wildland firefighters. Let me say that again: The Democrats' bill could result in the firing of more than 610 wildland firefighters who are putting their lives on the line to protect communities. This is a disgrace and will hurt our fire preparedness and response.

As if that weren't enough, the bill would create new pay disparities by leaving out 10,000 brave men and women fighting fires from receiving new benefits. That is roughly 40 percent of the Federal firefighting workforce.

Some of my Western colleagues will soon speak about the water provisions in this bill, but I want to say that the bill misses the mark on drought as well by proposing \$4 billion in new authorizations and has unlimited mandatory spending.

Once again, the other side of the aisle is passing on more debt to our future generations, and we see what uncontrolled spending has done to our economy with inflation, high energy prices, high food prices, and, really, higher prices across the board.

According to conventional economics, we have had two quarters of economic

decline, and we are in a recession. Why would we want to put more government funding and debt on our constituents? I do not understand.

It would also devote some of these dollars to studies, research, and environmental water restoration projects that will not provide any water in the near term.

It picks winners and losers in water projects, ignoring the need for expanded water storage reservoirs, the kind of infrastructure investment that has made the West what it is today and is necessary to ensure a drought-resilient future.

This bill offers a one-dimensional approach to solving the Western drought that has impacted the entire country through decreased agricultural production. Reservoirs operated by the Bureau of Reclamation provide needed water to 10 million acres of farmland that collectively grow 60 percent of the Nation's vegetables and one quarter of our fresh fruit and nut crops.

By throwing money at an issue and not recognizing that regulatory streamlining to expand water storage and efficiency of operations to promote drought resiliency should be part of this equation, this bill fails not only the West but everyone who buys food nationwide. Put another way, this bill fails every American household. This is bad policy and bad process.

Democrats cobbled together this 550-plus-page bill behind closed doors, and not one wildfire provision was marked up in the Committee on Natural Resources.

Republican Members made real attempts to provide alternatives and additions to this bill. Dozens of regulatory streamlining amendments that could have helped provide water or immediately prevented wildfires were submitted to the Rules Committee by Republicans, only to be ignored. Even the majority of bipartisan amendments were rejected.

This is an abomination of process, but it is nothing new that we are seeing on this House floor. If you were here last night, you know that a Senate NEPA streamlining bill was parachuted in at the last minute. It was put on the suspension calendar.

I hope this bill passes during the next voting series, but we should be doing NEPA revisions through hearings, through markups, and through regular order. If it takes getting one dropped in on the suspension calendar by the Senate, I guess we will have to take what we have got. But it would be nice if we could actually debate these and come up with more NEPA streamlining.

In the midst of historic drought conditions and what is on track to be the most devastating wildfire season on record, we simply cannot afford to confuse motion with action.

Madam Chair, I strongly urge my colleagues on both sides of the aisle to reject this partisan package and, instead, work together on real solutions to prevent wildfires.

Madam Chair, I reserve the balance of my time.

Mr. NEGUSE. Madam Chair, I yield myself such time as I may consume.

Let me just say this: The gentleman is entitled to his own opinion but not to his own facts, and I take great umbrage at his reference to the word “disgrace.”

He knows and my colleagues know just as well as anyone in this Chamber that the pay increase that was authorized by the bipartisan infrastructure law, which, by the way, my colleagues on the other side of the aisle voted against, all but 13 of them, that pay increase expires a year from now.

Every wildland firefighter in the United States will receive a pay diminution if this bill isn’t passed, if we don’t authorize the pay increases that are in this bill. It is a disgrace to suggest anything otherwise.

Madam Chair, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Chair, I thank the gentleman from Colorado for his leadership on this issue.

Climate change has brought the most severe drought to the West in hundreds and hundreds of years, and it has created an environment where wildfires are roaring through the West.

In fact, seven of the worst wildfires in California history have occurred in the last 4 years. They are destroying homes, farms, infrastructure. They cause injury. That is why this bill is so important.

I am proud that four of my bills are incorporated in the legislation that will allow firefighters to get overtime they have earned and allow for FEMA to predeploy assets and, yes, to use science in the fight against wildfires.

I am proud of the chair and ranking member of the Committee on Science who have turned their attention to the things that can be done to advance funding for the critical research that is happening at places like San Jose State University in their Wildfire Interdisciplinary Research Center.

We can’t prevent all disasters, Madam Chair, but we can use our power and use our science to better prepare, to better counter these disasters, and, yes, to make sure that those who are victimized by the disasters are treated fairly. They are our neighbors. We need to help them in their time of loss.

Madam Chair, I thank the Speaker for making this a priority.

Mr. WESTERMAN. Madam Chair, I yield myself such time as I may consume.

I just want to point out those weren’t my words. That was the information we got from the U.S. Forest Service that said there is no funding in this bill. If this bill passes without additional funding in the future, they will have to lay off 610 wildland firefighters.

Maybe there is going to be a bill in the future to pour more money into the Forest Service, but this bill doesn’t do it.

Madam Chair, I yield 2 minutes to the gentleman from Pennsylvania (Mr. THOMPSON), the ranking member of the Committee on Agriculture.

Mr. THOMPSON of Pennsylvania. Madam Chair, I thank the gentleman for yielding and for his leadership on this issue. If there is anyone that should be leading this discussion, it should be somebody whose career was as a professionally trained forester who actually knows this topic.

I rise in opposition to this legislation. Wildfire is a national crisis that we must confront immediately. Tens of millions of acres are overgrown and unhealthy, but this bill won’t meet those challenges or provide the Forest Service with the tools that they need to combat this threat.

The Forest Service has already announced a strategy to treat 50 million acres. Mandating a new plan is duplicative, removes flexibility, creates restrictions, and limits projects.

This bill authorizes billions for recreation, wilderness programs, and old growth, which have nothing to do with protecting communities and mitigating wildfire. Because this is only authorizing legislation, the Forest Service will be directed to carry out the provisions without being provided the necessary funding.

Additionally, there are none of the much-needed regulatory reforms that would allow the Forest Service to increase the pace and scale of restoration and wildfire mitigation.

There have been no committee hearings, markups, stakeholder feedback, or technical assistance. The majority also blocked nearly every amendment filed from even being debated today.

The provisions within the Committee on Agriculture’s jurisdiction are largely unvetted but are being crammed into this 558-page bill, which we only first saw last week.

Madam Chair, let me just say, on the issue of firefighting, I served as a state-certified firefighter, so, on behalf of my brothers and sisters, I appreciate what they do, those that are fighting wildfires or structure fires.

But I agree with the ranking member here that the Forest Service’s own words said that they were going to have to lay off more than 610 wildland firefighters because of this bill.

What my brothers and sisters who are wildland firefighters need more than anything else are other firefighters. They are the primary tool when it comes to battling these conflagrations.

This bill is an insult to them, an authorizing bill that provides no additional funds. Quite frankly, Madam Chair, I urge a “no” vote.

Mr. NEGUSE. Madam Chair, I yield myself such time as I may consume.

I would, again, simply say the irony is rich. My colleagues will vote against the authorization for more wildland firefighter pay, and then when we fight for the appropriation, they will vote against it, too. So, it is a bit difficult to hear them make those claims.

I also would say that the 10-year Forest Service management plan is something we support, I support. I am glad to hear my colleagues support it because they all voted against it.

Literally, a year ago, when we passed a bill in this Chamber to authorize the Forest Service to spend \$20 million to invest in forest management in Idaho, Colorado, Utah, Arizona, and Nevada, where were they? They voted against it. Now, they claim to support it, yet they will vote against a bill that authorizes more projects along those same lines.

Madam Chair, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Chair, I thank the gentleman from Colorado for yielding time, and I rise in strong support of H.R. 5118, the Wildfire Response and Drought Resiliency Act.

Climate change and extreme weather are already wreaking havoc on American families and businesses. Every day, we read news stories about drought conditions in the West and the corn belt, wildfires displacing Americans from their homes, and the potential collapse of Texas’ power grid from extreme heat and unreliable fossil fuel power plants.

Just this week, in my home State of New Jersey, Governor Murphy is encouraging residents to conserve water due to dry conditions.

Now, the impacts of climate and extreme weather are truly being felt everywhere. That is why I am proud to support this package of commonsense proposals, including many from the Energy and Commerce Committee, to mitigate the effects of extreme weather on our electric grid and water resources.

I just want to highlight a couple of the key provisions from our committee.

The bill includes legislation from Representative O’HALLERAN, requiring the Federal Government to identify grid infrastructure that is vulnerable to natural disasters.

It includes Representative CASTEN’s legislation to ensure that different regions of the country can share power during extreme weather events.

The legislation also includes a provision from Representative PANETTA to increase the energy resilience and productivity of critical facilities through investments in microgrids, energy storage, and energy efficiency.

Finally, it includes two provisions championed by Representative MCNERNEY. The first would help water systems implement water loss control programs and water efficiency programs, and the second directs the Federal Government to study the need and feasibility for standards to ensure that power plants are capable of operating in drought conditions.

Madam Chair, this legislation is essential to helping us address the climate crisis. Frankly, this legislation should garner overwhelming bipartisan support.

I can't understand why my Republican colleagues would oppose the bill. They have farmers in their districts whose crops are ravaged by drought. They represent homeowners displaced by wildfires. They certainly have constituents who use the power grid.

Extreme weather clearly threatens our security, but my Republican colleagues seem content to watch the world burn. I am not, and neither are my Democratic colleagues. That is why I will vote for H.R. 5118, and I urge my colleagues to do the same.

Mr. WESTERMAN. Madam Chair, I yield myself such time as I may consume.

I know there is a lot of talk about the IIJA and what a great bill it was. It was the largest infrastructure bill passed in the history of the world. It was so important that it never even went through a committee here in the House. It came right to the House floor, and it seems like all we are doing is fixing it. We have a suspension bill we will be voting on later that fixes a problem that was in the IIJA.

I am confused why my colleague is pushing this bill that would undo much of the core work in the IIJA, including the \$170 million that would go to his district under the current 10-year strategy.

I think it is another example of why we have to do regular order and why we have to bring these bills to committee.

□ 1200

We want to solve these problems, but you have to have real solutions to solve a problem. There are examples of how we can do bipartisan work to fix forestry.

Madam Chair, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), who is working on bipartisan forestry legislation.

Mr. MCCARTHY. Madam Chair, I thank the gentleman for yielding, and I thank him for his work. This is probably one of the areas we work on where his knowledge when it comes to the forest, healthy forests, and making sure they are there for the future is so important.

I rise today in support of my amendment, which would simply establish a program to incentivize larger communities to integrate nearby smaller, rural communities into their drinking water systems when the smaller communities' drinking water wells run dry.

In my district, the community of Tooleville has run out of water, as the groundwater table drops, and aging infrastructure fails or becomes obsolete. While the long-term solution is to connect Tooleville to the city of Exeter's drinking water system, that can be expensive for both Exeter and Tooleville.

This amendment would reduce connection costs for Tooleville residents while also enabling Exeter to increase its water supply to meet increased demands with its customers.

Tulare County advises me that if California's droughts continue, more

small and rural communities in my district with older infrastructure could meet the exact same fate as groundwater tables drop, making this amendment even more important. We cannot leave our Western communities vulnerable to drought and aging infrastructure.

I encourage my colleagues to support this amendment.

Madam Chair, I include in the RECORD letters supporting my amendment from the county of Tulare, county of Kern, and city of Exeter, all of which are located in my congressional district.

COUNTY OF TULARE,

Visalia, CA, July 26, 2022.

Re H.R. Conway/McCarthy Amendment to H.R. 5118, Wildfire Response and Drought Resiliency Act—Support.

Hon. KEVIN MCCARTHY,
House of Representatives,
Washington, DC.

Hon. CONNIE CONWAY,
House of Representatives,
Washington, DC.

DEAR HOUSE MINORITY LEADER MCCARTHY AND REPRESENTATIVE CONWAY: On behalf of the Tulare County Board of Supervisors, I write in support of House Minority Leader McCarthy and Congresswoman Conway's proposed amendment to H.R. 5118, the Wildfire Response and Drought Resiliency Act. The proposed amendment will address critical water supply challenges faced by our County's most vulnerable and underserved populations.

Tulare County oversees more than 50 census designated places and unincorporated communities across California's Central Valley. The majority of these sparsely populated districts rely upon groundwater to sustain daily life which continues to be adversely affected by drought induced water quality and quantity issues. Every community and municipality in Tulare County depend upon a system of wells to guarantee the water needs of their residents. As the California drought persists, water service providers of our economically disadvantaged communities struggle to find the required funding to excavate deeper wells or upgrade the infrastructure required to connect with nearby water systems.

The proposed amendment to H.R. 5118 would authorize significant grant funding that would fully fund water projects for our small unincorporated communities eliminating the current funding barriers in place that delay sustainable water solutions for up to six years before any ground can be broken. Our most vulnerable residents should not have to wait that long to have access to clean and sufficient drinking water.

For these reasons and more, the County of Tulare supports this proposed amendment and urges its adoption by the House.

EDDIE VALERO,

Chair, Tulare County Board of Supervisors.

BOARD OF SUPERVISORS,

Kern County, CA, July 26, 2022.

Re Amendments to H.R. 5118, Rural Communities Drinking Water Resiliency—Support.

Hon. KEVIN MCCARTHY,
Washington, DC.

DEAR CONGRESSMAN MCCARTHY: I am writing on behalf of the Kern County Board of Supervisors to express our strong support for the amendments to H.R. 5118 authored by you and Congresswoman Conway. The proposed rural communities drinking water resiliency appropriation of \$50 million per year

through 2027 will provide desperately needed resources for those in our community whose potable water wells run dry.

In 2021, the Board declared a local emergency due to severe water shortages and conditions of extreme drought within Kern County. State Water Project deliveries were reduced to only 5 percent of full contract amounts in water year 2021 and the U.S. Department of Agriculture designated Kern, among 50 other California counties, as primary natural disaster areas due to drought.

Since then, drought conditions have worsened. According to the U.S. Department of Agriculture and National Oceanic and Atmospheric Administration's *US Drought Monitor* released on July 21, over 97 percent of California is now in a severe drought and over 59 percent is considered to be in extreme drought. With roughly four months of hot, dry weather likely until the winter rainy season begins again next November, precious groundwater resources will continue to decline.

California's water challenges are mounting as more intense and prolonged droughts recur. Rural communities are most susceptible to losing running water because they typically rely on groundwater from small community or domestic wells, which tend to run dry during these periods. Access to water is a fundamental human right and every Californian should be able turn on their tap and expect clean water to flow.

For these reasons, the Kern County Board of Supervisors strongly supports your proposed amendments to H.R. 5118 and urges the House to adopt them without delay.

Sincerely,

ZACK SCRIVNER,

Chairman, Kern County Board of Supervisors.

CITY OF EXETER,

OFFICE OF THE CITY ADMINISTRATOR,

Exeter, CA, July 27, 2022.

Re McCarthy/Conway Amendment to the Wildfire Response and Drought Resiliency Act (H.R. 5118).

To Rep. MCCARTHY and Rep. CONWAY: The City of Exeter supports the McCarthy/Conway Amendment to the Wildfire Response and Drought Resiliency Act (H.R. 5118). One of the biggest stumbling blocks for an agency to supply water to an adjacent rural community is funding for the improvements needed not only to make the connection but also to the agency system to be able to supply water outside their jurisdiction. Most cities don't have the means to do this on their own, especially since the agency rate payers cannot be burdened with this additional cost, which is illegal to do in most cases. This amendment would help cities like Exeter to fund the needed improvements to make these connections a possibility. Accordingly, we urge its adoption by the House.

If you have any questions, please feel free to contact me.

Thank you,

ADAM ENNIS,

City Administrator.

Mr. MCCARTHY. Madam Chair, now, why are we asking for this amendment?

The one thing you would have to see, there have been no major reservoirs built in California since 1979. Think of the population difference in between that time.

California is very blessed. We get snow in the north, we grow the agriculture for the world in the Central Valley—my good friend from the other side of the aisle, I believe that is where his family used to be from—and in the

south, we have major population. But no new reservoirs.

Now we have got challenges where cities are actually running out of water, but it is not that we don't have enough water. In those wet years, we can save it. We can even pump it out of the ground to bring it back out. But in California, at times they care more about a fish and the water goes out to the ocean.

Now, we talk about desalinization. So we would spend billions of dollars to create a desalinization plant for the freshwater we put into the ocean to make it saltwater to bring it back into freshwater.

Why wouldn't we just store more water for those dry years?

We have worked on this issue for quite some time. We actually think the greatest return on investment would be to just lift Shasta Dam, the reservoir. If you simply enlarged it, it could store more.

We got to a bipartisan bill, the WIIN Act, working with DIANNE FEINSTEIN. It passed this House with big numbers. It passed the Senate with more than 70 votes.

But you know what happened after it passed?

Speaker PELOSI and other Democrats fought it, actually killed the ability that California could determine their own destiny.

And now today we come down, and this is supposed to be a wildfire bill. In my State, we have wildfires all the time. We have one raging right now. We have a very large one in Yosemite.

Also in California, we are blessed to be the only State in the world that grows giant sequoias. You all know that iconic tree. You all know and have seen it before. It grows for 2,000 to 3,000 years. History tells us that the only major time we have ever seen a giant sequoia die was in 1297 from a fire. Normally they just die because they get so large and they topple over.

But do you realize in the last 2 years we have lost 20 percent of all the giant sequoias? There is a warning right now that we can lose them all just in the next couple years. Firefighters right now are risking their lives to protect them.

But you know what? This body can be very proud of the fact that there is a bipartisan bill, Save Our Sequoias, with the same number of Democrats and Republicans on that piece of legislation. They would go into these groves, clean out, and protect them where firefighters wouldn't have to risk their lives, or even when fires came, these giant sequoias would continue to live.

It has been introduced. How did that bill get introduced?

Because a bipartisan group went to the giant sequoias, studied what needed to happen, and came together. Everybody didn't get what they want, but at the end of the day they could save the giant sequoias.

You know what is not in this bill?

Save Our Sequoias.

This is a wildfire bill that won't even save the sequoias, even though the President talked about this just last week, that it was a big concern to him.

Why wouldn't it get put in?

It is not that it hasn't been through committee because the committee won't bring it up. But that is not the pattern of the Democrats. It doesn't matter if a bill has been through committee or not; they will drop anything in.

This is a bill that both sides agree upon. I have to give credit to the Democrats—Congressmen PETERS, PANETTA, COSTA, and others—who went to the giant sequoias to study the issue to know what needs to happen, to work toward it, and save them.

Why would we want to destroy them?

Why would we not use this opportunity and put it in this bill?

Is it because it is bipartisan?

Can you only bring bills to the floor that are partisan?

It is interesting when my constituents ask—all the challenges on this floor, when my constituents were going to ask me about a firefighter bill to help save our forests, but it would eliminate 610 firefighters?

Only a Democrat Congress could think that is a wildfire bill, that you are going to eliminate 610 firefighters.

How is that going to protect them more?

It is only in this Congress that you could have a bill that is called the American Rescue Plan that creates inflation.

It is only in the American Rescue Plan that you could tell the American public, can you afford to lose a month's salary?

No one will say yes, but that is exactly what you took from them. That is what inflation has done.

This bill is needed, not the bill you have written, but on this issue. You have Save the Sequoias, it is a crisis before us, and you will not even put it in the bill when it is bipartisan.

I cannot imagine that you would bring a bill forward that would eliminate firefighters that we need when we are on fire.

And I cannot imagine that you wouldn't work to build more reservoirs so people can store water in the wet years so it will be there in the dry years.

Mr. NEGUSE. Madam Chair, I yield myself such time as I may consume.

I have just a few key points.

First, I understand why there is some confusion on the other side regarding the firefighter pay provision because, again, my colleagues voted against increasing firefighter pay a year ago when the bipartisan infrastructure bill was before this body, so I understand that they are prepared to vote against it again.

I would just simply say with respect to the provisions of this bill, and whether they are bipartisan, partisan or not, I suspect that Representative

LAMALFA, whose H.R. 4505 is in this bill, would disagree. I suspect H.R. 5345, a bill introduced by Mr. MOORE which is also in this bill, I think tends to refute that fact.

Madam Chair, I yield 1 minute to the distinguished gentleman from Arizona (Mr. STANTON).

Mr. STANTON. Madam Chair, I join my colleagues in support of the Wildfire Response and Drought Resiliency Act. I support this bill because we are in the midst of a crisis. After decades of severe drought, the Colorado River, which supplies water to 40 million people across seven States, is on the brink of collapse. The future of Arizona and the entire American Southwest depends on how we respond.

Bold action to protect our water supply has never been more important, and the Federal Government needs to act with the urgency before it is too late.

The Wildfire Response and Drought Resiliency Act is a necessary step to help our communities deal with the impacts of climate change and a drier future. It builds on the investments in the bipartisan infrastructure law to use our water more efficiently, and it includes my legislation to provide \$500 million for immediate action to protect critical water levels in Lake Mead and Lake Powell.

Time is of the essence. We must act now. We cannot allow this crisis to turn into a catastrophe. I urge my colleagues to save the Colorado River, save the American Southwest, and support this bill.

Mr. WESTERMAN. Madam Chair, I yield 2 minutes to the gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. Madam Chair, this is the Democratic equivalent of fiddling while our forests burn. They call it the Wildfire Response and Drought Resiliency Act, but while it spends lavishly, it accomplishes almost nothing.

For 14 years in Congress, I have dealt extensively with issues of fire and water, and here is what I have learned: Excess timber will always come out of the forest. Either we will carry it out or nature will burn it out. When we carried it out by logging, we enjoyed healthy forests and a thriving economy.

We stopped active forest management decades ago due to radical environmental laws that have made it impossible. Today our forests are now morbidly overgrown, and nature is again burning out the excess.

This bill does nothing to reform the laws that have made active forest management impossible, and instead it consigns us to fight a losing battle that will cost us our forests for generations to come.

When it comes to water, droughts are nature's fault. They happen. But water shortages are our fault. They are the choice we made when the same radical laws made new dam construction impossible. Dams save water for wet

years so that we have plenty in the dry ones. We will not solve our water shortage until we build more dams, and we can't build more dams until we overhaul these same laws.

Instead, this bill pours hundreds of millions of dollars into desalination. The most successful desalination plant is in Carlsbad, California. At a time when we can't guarantee enough electricity to keep your lights on, Carlsbad consumes enough electricity to power 250 homes in order to produce enough water for one home.

This bill is pure folly. It will consume billions of dollars of our resources while condemning us to a dismal future of chronic forest fires and water shortages.

Mr. NEGUSE. Madam Chair, I yield 2 minutes to the distinguished gentleman from Nevada (Mr. HORSFORD).

Mr. HORSFORD. Madam Chair, it is great to see the gentlewoman in the chair. I thank Chairman GRIJALVA for bringing this important bill to the floor, and I applaud the gentleman from Colorado (Mr. NEGUSE), my friend and colleague, for leading this legislation.

Madam Chair, I rise today in strong support of H.R. 5118, the Wildfire Response and Drought Resiliency Act.

As a native of Las Vegas, I grew up with frequent trips to Lake Mead, which is part of my district. That is why it is heartbreaking to see levels at Lake Mead at their lowest point since the reservoir was first filled in 1937. It is currently only 27 percent full.

Madam Chair, Nevada and much of the U.S. West has experienced a very hot and dry summer, fueling drought and even fires in some areas.

In this year's appropriation bill, we secured \$6 million for the Lake Mead/Las Vegas Wash program to directly address the falling water levels, and this legislation, the Wildfire Response and Drought Resiliency Act, will further address some of the issues being caused by this heat and drought.

This package represents 49 individual Member bills, bringing together many great ideas and solutions to the problem.

Madam Chair, it establishes new hiring authorities and minimum basic pay for the brave men and women who serve as wildland firefighters.

It provides \$500 million to prevent key reservoirs, like Lake Mead, from declining to unsafe levels.

It invests in drought-proof water infrastructure, like water recycling and desalination projects.

This legislation also secures water reliability for Indian Country, investing \$1 billion in Tribal clean water access.

And it will support the development of modern water management data and technology.

H.R. 5118 will protect and restore important ecosystems, and I encourage this body to pass this legislation.

□ 1215

Mr. WESTERMAN. Madam Chair, many of the water and power users in

the Colorado basin were not consulted on this \$500 million Colorado River provision and don't even know what it would be used for. That is another reason why we should actually work on these issues in committee and have a bipartisan markup.

Madam Chair, I yield 1 minute to the gentleman from Utah (Mr. MOORE).

Mr. MOORE of Utah. Madam Chair, while I cannot support the entirety of the package we are considering today, I am grateful that my bipartisan, bicameral Saline Lake Ecosystems in the Great Basin States Program Act was included in this bill.

This important legislation, which moved through the House Natural Resources Committee with unanimous support, will be the first step in addressing the challenges many Utahns know we are going through right now with the Great Salt Lake and other saline lakes.

Let me say a special thank-you to my friend from California, Congressman HUFFMAN. He and I disagree on many issues, the entirety, almost, of this bill or this approach, but I do appreciate the relationship that we have been able to establish so we can get this to the point where we got it today.

It is very important to my State. My State legislature has been working on this, as well as our Governor. It has been a key aspect.

Let me add one piece about what we are going to be talking about today. The Republican team, led by Mr. WESTERMAN, has exceptional ideas on how to get out ahead of this issue that we are facing with wildfires, and we want to have that voice and have that be implemented more on these issues.

Mr. NEGUSE. Madam Chair, I say thank you to my Republican colleague and neighbor from Utah and that we are glad we can get his bill into this important bipartisan Wildfire Response and Drought Resiliency Act package.

Madam Chair, I yield 2 minutes to the gentleman from Arizona (Mr. O'HALLERAN).

Mr. O'HALLERAN. Madam Chair, I thank the gentleman from Colorado for yielding. I also thank Chairman GRIJALVA for the work he put in.

I rise to speak, Madam Chair, in support of the Wildfire Response and Drought Resiliency Act. This bill includes many long-fought initiatives to address the mega-drought and year-round wildfires we see in Arizona.

Arizona's First Congressional District encompasses rural and Tribal communities, six national forests, three Tribal forests, along with the Grand Canyon. There is no longer a wildfire season in northern Arizona. Deadly wildfires happen year-round, and these fires threaten our homes, businesses, and communities.

Included within the final package are several bills that address key policy steps we can take to address wildfires, drought, and public safety in our national forests.

This legislation allows for the hiring of more Forest Service law enforce-

ment officers, which will improve safety and oversight of our forests, especially during high-risk days when fires can start in an instant.

Another critical provision included will create a grant program to remove nonnative plant species, like salt cedars, that contribute to drought and fire conditions.

Importantly, also within this package are two Tribal water settlements that I have fought for since 2017 when I arrived in Congress, the White Mountain Apache Tribe and Hualapai Tribe water settlements. The Tribes have been waiting decades for these Federal approvals.

In addition, these settlements will provide the State of Arizona with greater surety in its water future.

Today, I am looking forward to joining my colleagues gathered here to vote to pass this critical package of bills. I also acknowledge that there is a tremendous amount of work over decades that has not been done by this Congress that it has to complete.

Mr. WESTERMAN. Madam Chair, I yield 2 minutes to the gentleman from Washington (Mr. NEWHOUSE).

Mr. NEWHOUSE. Madam Chair, I thank my friend from Arkansas for allowing me to speak on this important issue.

Madam Chair, rural communities across the country are plagued by persistent drought and catastrophic wildfires, especially communities in the Western United States. As the Representative for Washington's Fourth Congressional District and as chairman of the Congressional Western Caucus, I have been consistently calling for these issues to be taken up in committees and here on the House floor.

In one sense, I am very glad that our colleagues from across the aisle are finally realizing just how crucial these issues are, but I am disappointed by the fact that today's rushed package of provisions fails to address the root challenges that we face in the West and ignores a myriad of solutions that were offered by my Republican colleagues.

Rather than fixing our broken, duplicative requirements under the National Environmental Policy Act, this package adds more regulation and bureaucratic red tape. Rather than enhancing opportunities for long-term water storage infrastructure and offering any type of lasting solutions for forests and species management, it focuses on adding environmental studies and prioritizing environmental justice.

Madam Chair, my colleagues and I submitted numerous amendments that would actually solve these problems—to encourage additional water storage, active land forest management, commonsense reforms to the Endangered Species Act, and critically needed domestic energy and timber development. Unfortunately, Madam Chair, Democrats refused to even let these amendments be considered for debate.

This bill fails to address the actual problems facing rural communities and

will likely exacerbate the very issues Democrats claim the bill addresses.

Madam Chair, I urge my colleagues to vote “no” on this legislation.

Mr. NEGUSE. Madam Chair, I have great respect for my colleague from Washington, and we have worked together closely in the past.

I would just say that we are considering a number of amendments today, including an amendment from the Republican leader, Mr. MCCARTHY, who spent a great deal of time on the floor just a few moments ago talking about his particular amendment.

Madam Chair, I yield 3 minutes to the gentlewoman from New Mexico (Ms. STANSBURY).

Ms. STANSBURY. Madam Chair, I rise today in support of the Wildfire Response and Drought Resiliency Act as wildfires have been burning across my home State of New Mexico and our life-giving Rio Grande has dried for the first time in decades in significant stretches of the river. This bill is vital to supporting our communities as they are responding to the impacts and working to build a more resilient future.

This year, communities across our State have been battling unprecedented wildfires that have devastated homes and livelihoods and taken the lives of four first responders just a couple of weeks ago from Bernalillo County in my home district, exacerbated by a millennial drought and the impacts of global climate change.

But we are New Mexicans, and we are resilient. This bill, which includes our wildfire legislation and three of my water bills, is crucial to the future of our State.

That is why I am so incredibly grateful for the leadership of this body, to Speaker PELOSI, Leader HOYER, my good friend Representative JOE NEGUSE, and our amazing committee chairman, Mr. GRIJALVA, for their incredible leadership in meeting this moment and putting together a comprehensive package to address drought and wildfire across our country.

These bills will empower our communities, our Tribes, and our Pueblos, who have depended on these life-giving waters since time immemorial, our acequias and our land grants, who have depended on these lands and waters for generations, and empower our communities with the tools, resources, and science to meet the moment.

My bipartisan Water Data Act will help unlock the power of big data and science to help transform water management across the United States.

Our Rio Grande Water Security Act will help to create a framework for collaboration and innovation to keep water in our precious river.

The WaterSMART Access for Tribes Act will help to lower barriers so that our Tribes and Pueblos can access vital funding for water security projects.

Our Hermits Peak bill will help to make our communities that have been devastated by wildfires whole again.

Madam Chair, we must pass the Wildfire Response and Drought Resiliency Act, and we must pass it to prevent more devastating fires. We must pass it to ensure that our life-giving rivers do not continue to run dry. We must pass this legislation so that our communities have the tools and the resources that they need to remain resilient.

Madam Chair, the time to act is now, and the time to support our communities is now.

Mr. WESTERMAN. Madam Chair, I yield 1 minute to the gentleman from Idaho (Mr. FULCHER).

Mr. FULCHER. Madam Chair, what is a just transition to so-called clean energy? We have been hearing the term all week from my colleagues across the aisle. Does a just transition mean the highest inflation in 40 years or record energy prices? Does it mean handing out billions of dollars to the green socialist lobby?

Does a just transition mean we let our Federal forests burn year over year without maintaining them? Or does it mean we don't give Tribes the same ability to take care of the forests as States have?

Just transition means some, but not all, can maintain the spaces around them, and I am disappointed that my amendment was not included in today's bill.

My amendment would have enabled Native Tribes and counties, which have to live with the unmanaged forests around them, to have an opportunity to help our forests be healthy.

I stand in opposition to this bill for a lot of reasons, just two of which are not including Tribes and counties in this so-called wildfire response package.

Mr. NEGUSE. Madam Chair, I yield 2 minutes to the gentlewoman from New Mexico (Ms. LEGER FERNANDEZ).

Ms. LEGER FERNANDEZ. Madam Chair, I thank Chairman GRIJALVA and everybody who has worked to bring this bill to the floor today.

A historic drought has forced ranchers in our parched Eastern Plains to sell their cattle early.

We don't collect and share data about our precious water resources with the ranchers, Tribes, and farmers who need it most.

Four brave firefighters lost their lives battling wildfires across my beautiful State. Five more people died in the fires and the floods from the burn scars. Today, I honor each of those nine souls and their grieving friends and family.

The Wildfire Response and Drought Resiliency Act is like a gentle monsoon rain falling on our thirsty landscape. It brings real solutions to these problems.

It includes my Hermits Peak-Calf Canyon fire bill to compensate those who lost their ancestral homes, businesses, and ranches when the Forest Service started not one but two fires that became an inferno of destruction. These fires scorched 534 square miles of land in Mora, San Miguel, and Taos Counties.

When I visited the burn scar, Brandon Bustos, a third grader evacuated from his beloved village, said: “Mora will be back. I guarantee it.” He has not given up on his future. Neither have I, and neither have any of us who will vote for this bill because this bill will help Mora rebuild.

It will pay firefighters a minimum wage that is necessary because they risk their lives for us. It will invest in burn centers of excellence and the science, technology, and data sharing we need to build resiliency and make every precious drop of water count because *agua es vida*.

Madam Chair, I urge my colleagues to vote for the bill today.

Mr. WESTERMAN. Madam Chair, I yield 1 minute to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Madam Chair, I appreciate Mr. NEGUSE working on this legislation here, but to have this all in a catchall bill—in my home State of California, the two biggest things going on are wildfire and drought, other than politics. So, to have so little time to put this together, I wish we had more time to work on this.

I appreciate that he included a small piece on biochar that I was working on, but the big picture here is the drought is affecting so much of my State. These crops listed here, many of them 100 percent of what is used in the United States. Hundreds of thousands of acres are being left out.

The people in this country will not see these crops come from California or the U.S. They will come from other countries if we get them at all.

On the forestry side, I had the Dixie fire last year. That was a million acres. Yet, we are going to take the power away from the Forest Service, which already moves at a glacial pace of 1 percent per year under their 10-year plan of treating forests lands—take away 600 of their staff and basically just make it that much slower for the Forest Service to respond.

Between the drought and the weaponizing, possibly, of monitoring against farmers the water supply, we are going backward on this. So, I am disappointed.

□ 1230

Mr. NEGUSE. Madam Chair, I would say first, we are glad that we got Mr. LAMALFA's H.R. 4505 into this bill, and I am looking forward to supporting it today. I have to, again, respond to this argument that has been made about the 10-year plan.

I would hope that my colleagues and I could agree to argue the merits of the bill based on the text of the bill. The bill makes clear that the activities that the Forest Service is mandated to implement include the Wildfire Crisis Landscape Investments plan titled: “Confronting the Wildfire Crisis: Initial Landscape Investments to Protect Communities and Improve Resilience in American's Forests” dated April 2002. What is that document? That is

the 10-year plan that the Forest Service authorized that we voted for back last November. So this codifies that and builds upon it by giving the Forest Service more resources to do even more landscape restoration and forest management across the country.

Madam Speaker, I yield 1 minute to the gentleman from California (Mr. RUIZ).

Mr. RUIZ. Madam Chair, I rise today with my daughters in strong support of H.R. 5118, the Wildfire Response and Drought Resiliency Act. This legislation includes my bill, the Salton Sea Projects Improvements Act, which will take strong action to address the crisis at the Salton Sea.

In our region, drought and reduced water flows into the Salton Sea have led to deteriorating water quality and toxic dust that threatens local communities' health.

My bill will authorize \$250 million the Bureau of Reclamation can spend on the Salton Sea and expand the types of transformative projects at the sea. This will ultimately strengthen our all-hands-on-deck approach to this environmental and public health crisis by expanding the bureau's ability to work with State, local, and Tribal partners in the area.

I urge my colleagues to swiftly pass this drought and wildfire bill, and I urge the Senate to do the same.

The SPEAKER pro tempore. The Chair will remind all Members to refrain from references to guests on the floor.

Mr. WESTERMAN. Madam Chair, I yield 1 minute to the gentleman from Montana (Mr. ROSENDALE).

Mr. ROSENDALE. Madam Chair, as it stands now, this bill will make a vast swath of land inaccessible, making it harder for wildfires to respond.

This bill's approach to wildfires is backwards. The people of Montana and across the West have seen too many fires scorch homes, businesses, and forests. It has destroyed air quality, water quality, and fisheries. They appreciate the bravery of the responding firefighters, but I believe many would prefer never to see the wildfires in the first place.

My amendment would have addressed root causes of wildfires by clarifying language in statute that allows radical environmentalists to delay the harvest of timber as per the Cottonwood decision, which has made proper forest management near impossible.

The Cottonwood decision has delayed forest planning, wildfire mitigation efforts, and ultimately weaponized the Endangered Species Act, allowing special interest groups to line up like pigs at the trough, lapping up legal fees and settlements, stripping valuable resources from agencies and keeping them from carrying out their mission.

In closing, I will say that I am appalled that Democrats will not consider the commonsense amendments like mine, which would allow these mitigation efforts to take place.

Mr. NEGUSE. Madam Chair, I yield 2 minutes to the distinguished gentleman from California (Mr. PANETTA), who has become a real leader here in our caucus and in the Congress on forestry and forest management.

Mr. PANETTA. Madam Chair, I rise today in support of the Wildfire Response and Drought Resiliency Act.

Let me, of course, thank Representative NEGUSE for his strong leadership on these issues, as well as Leader HOYER for getting this bill to the floor.

I also acknowledge and understand my good friend Mr. WESTERMAN's complaints about regular order, but I also know that he understands how urgent of action is needed, especially when it comes to us getting a grip on the conflagrations, the devastation, and the destruction that we are experiencing in the American West when it comes to wildfires.

Right now we have a record drought that has led to record levels of dryness. Dead and dying fuels have created vast swaths of wilderness that are flammable, ignitable, and combustible just from a single spark, a simple downed power line, a smoldering campfire, or a strike of lightning that can absolutely wipe out not just our forests and our parks, but lives and livelihoods.

This legislation contains a number of bills that would help reduce that threat, including my Save Our Forests Act that would authorize the Forest Service to hire more employees to help manage not just forests but the people who visit our forests.

Eighty percent of wildfires are caused by humans, so more Forest Service personnel are needed to manage humans acting like humans.

Additionally, the Wildfire Emergency Safety Act, which I authored with Senator FEINSTEIN, provides a strategy and the authority to start thinning out the undergrowth of overgrown forests and then set prescribed burns to eliminate those dead and dying fuels.

This bill would do that at the national level with large-scale restoration projects, and it would do that at the local level with non-Federal lands through partnerships with our Federal stakeholders.

Let me also make one thing clear to our environmental allies. This is not a slippery slope to clear-cutting or commercial logging. This is not about timber harvesting for economic interests. This is about smart, science-based, commonsensical stewardship for our forests. It is a solution to deal with our drought and a strategy to not just suppress wildfires, but, also, to do everything we can to prevent them.

Mr. WESTERMAN. Madam Chair, I yield 1 minute to the gentleman from California (Mr. OBERNOLTE).

Mr. OBERNOLTE. Madam Chair, last year, my home State of California experienced the worst year for wildfires in the entire history of the State.

As of this morning, the Oak Fire is burning just outside my district. It has consumed over 100 homes and displaced tens of thousands of people.

Science tells us that the only way to reduce the intensity of these wildfires is to reduce the density of the fuels through either mechanical thinning or prescribed burns. But unfortunately, this bill makes the situation even worse by locking up over 58 million new acres of forest with a wilderness designation that would prevent the use of mechanical thinning or prescribed burns to reduce the density of the fuels.

This bill is called the Wildfire Response Act, but, Madam Chair, our response to wildfires cannot be to take actions that make future wildfires even more destructive.

I urge a "no" vote.

Mr. NEGUSE. Madam Chair, I yield 1½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Chair, I thank the distinguished gentleman from Colorado for yielding, and I thank this body for recognizing the cruciality of where we are today as it relates to fires.

I know the gentleman's territory, but many people might not know that Texas also is impacted by wildfires. So, I rise in strong support for H.R. 5118, the Wildfire Response and Drought Resiliency Act for many reasons.

One, I support my firefighters. As anyone has seen firefighters who fight these fires being interviewed, they are in the midst of the fire. As anyone has heard the families that look and say there is nothing here; but for firefighters, I would not be here.

So Houston is no stranger to these weather conditions. Fifty-one trillion gallons of water fell from Hurricane Harvey, yet wildfires are another type of extreme weather that imperils our community, and it is attributable to climate change, as Hurricane Harvey was.

Wildfires are often unplanned fires, which burn in a natural area such as a forest. Along with the destruction and loss of forests caused by blazes, there are immediate and long-term environmental impacts that dramatically affect vital resources. Expanded areas of high-severity fire can impact tree regeneration, soil erosion, and water quality, and, yes, the quality of life. It can cause major destruction of property and loss of life, and this legislation is a recognition of attempting to address this question and address it now.

The CHAIR. The time of the gentlewoman has expired.

Mr. NEGUSE. Madam Chair, I yield an additional 15 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. Madam Chair, this bill would boost pay and benefits for firefighters, help the U.S. Forest Service fill gaps in fire management staff, expand forest management projects, and reduce hazardous fuels.

I ask my colleagues to support the underlying bill.

Madam Chair, I rise in support of H.R. 5118, also known as the Wildfire Response and Drought Resiliency Act.

Climate change is the most important existential challenge of our lifetime. It is not simply an issue, but a threat with credible and uncompromising dangers to our world.

Climate change degrades living conditions, human security, and our government's ability to meet the basic needs of their populations.

For too many years, we have heard warnings from scientists regarding the danger to people if nothing is done to reverse the amounts of greenhouse gases released into the atmosphere.

One of the most devastating consequences of climate change is the frequency and intensity of extreme weather disasters.

Houston is no stranger to these intense weather incidents. On August 25, 2017, Hurricane Harvey, a Category 4 storm hit Texas, causing \$125 billion in damages and affecting over 13 million people from Texas through Louisiana, Mississippi, Tennessee, and Kentucky.

Climatologists agree that global warming contributed to Hurricane Harvey's impact. Studies found the amount of rainfall was between 15 to 38 percent higher because of global warming.

Rising sea levels as a result of climate change also made flooding more likely near Gulf Coast cities. The sea levels around Houston were six inches higher than 20 years ago. This is partly because warmer global temperatures have been melting the ice caps in Antarctica. They have been shrinking at 1.6 meters per year, compared to 3.8 centimeters annually before 1992.

Global warming also stalled weather patterns in the region. That allowed Harvey to hover over Houston instead of moving back out into the ocean.

Wildfires are another type of extreme weather event that imperils many regions of the country. Wildfires are often unplanned fires which burn in a natural area such as a forest, grassland or prairie. They have devastating consequences on a region by decimating an environment, while weakening a community's health and economy.

Along with the destruction and loss of forest caused by blazes, there are immediate and long-term environmental impacts that dramatically affect vital resources. Expanded areas of high-severity fire can impact tree regeneration, soil erosion, and water quality.

Wildfires can affect the physical, chemical, and biological quality of streams, rivers, lakes and reservoirs. These changes are noticeable for years and even decades after a fire.

The smoke from wildfires can cause eye and respiratory tract irritation and in more severe cases, reduced lung function, bronchitis, and an exacerbation of asthma and heart failure. Air pollution can spread up to thousands of miles away, not just in the surrounding region.

Property loss and damage is another consequence of wildfires. In 2020 alone, fires in the U.S. caused \$21.9 billion in property damage. What's more, eight of the 10 costliest wildfires ever in the U.S. have taken place in the past five years.

Climate change exacerbates these conditions. Long periods of record high temperatures as a result of climate change intensify droughts that contribute to dry conditions and drive wildfires, which, in turn, reinforce the cycle of environmental peril.

Wildfire risk depends on a number of factors such as temperature, soil moisture, and the

presence of trees, shrubs, and other potential fuel. All these factors have strong direct or indirect ties to climate variability and climate change.

Climate change enhances the drying of organic matter in forests (the material that burns and spreads wildfire) and has doubled the number of large fires between 1984 and 2015 in the western United States.

The stress that extreme weather is placing on the nation cannot be understated.

H.R. 5118 would boost pay and benefits for firefighters, help the U.S. Forest Service fill gaps in fire management staff, and expand forest management projects to reduce hazardous fuels.

The provisions and purpose of this bill are not new. Historically, Congress has made numerous investments to fight drought, wildfire and the climate crisis.

The Bipartisan Infrastructure Bill, passed in November 2021, dedicated \$7.81 billion under Title VIII to the DOI and the Forest Service to reduce wildfire risk and support ecosystem restoration. In total, the bill allotted \$3.369 billion aimed at reducing wildfire risks. This amount was allocated to supporting firefighters, research dedicated to risk mapping, satellite wildfire detection, etc.

The measure would provide \$1.6 billion in annual spending on firefighter salaries and expenses at the Forest Service, and just under \$2.4 billion annually for salaries and expenses for forest stewardship and management in the fiscal year beginning Oct. 1.

Forest management projects, which mainly involve reducing hazardous fuels such as dead trees, are part of the bill, authorizing \$500 million annually for that purpose. The Department of Agriculture would select up to 20 large, landscape-scale restoration projects over five years.

H.R. 5118 represents a continuation of bipartisan efforts to support the reduction of wildfire risk. It is essential in order to protect communities from the devastating consequences of wildfires and to actively fight against the impending climate crisis. The provisions within H.R. 5118 are essential to the protection of our ecosystems and to the brave first responders who are tasked with wildfire recovery efforts.

I urge my colleagues to support H.R. 5118.

I include in the RECORD "North Texas wildfire continues to grow amid high heat" and "Bottle-magnified sunlight ignited paper and started a 500-acre Texas wildfire, officials say."

[From ABC News, July 19, 2022]

NORTH TEXAS WILDFIRE CONTINUES TO GROW AMID HIGH HEAT

GRAFORD, TEXAS.—A North Texas wildfire continued to grow Tuesday amid sweltering temperatures and dry conditions after burning at least a dozen structures, officials said.

The Chalk Mountain Fire about 50 miles (80 kilometers) southwest of Fort Worth was the largest active Texas wildfire as of Tuesday afternoon after blackening 6,000 acres (2,400 hectares), an increase from 4,000 acres (1,600 hectares) Tuesday morning, the Texas A&M Forest Service said. The fire, which began Monday afternoon, was just 10% contained, and crews using bulldozers were digging containment lines while fire trucks and aircraft worked to extinguish the flames, the Forest Service said.

Late Tuesday afternoon, Hood County Judge Ron Massingill ordered the mandatory

evacuation of a rural area south of Tolar, about 45 miles (72 kilometers) southwest of Fort Worth.

It was not yet clear how many, if any, of the 12 structures lost as of Tuesday afternoon were residences or businesses, Forest Service spokeswoman Mary Leathers said.

Meanwhile, crews continued to battle a wildfire that has burned at least 10 structures, five of them homes, around a lake in North Texas, authorities said.

The fire at Possum Kingdom Lake about 70 miles (113 kilometers) west of Fort Worth, which began Monday afternoon, had burned about 500 acres (202 hectares) and was 10% contained Tuesday, Forest Service spokesman Adam Turner said. Firefighting crews were working around the clock, focusing on protecting threatened homes in resort subdivisions along the lake's western shore.

The area remained under a voluntary evacuation notice, the Forest Service said.

No injuries have been reported from the fires, and their causes were under investigation. A combination of near-record and record-high temperatures approaching 110 degrees Fahrenheit (43 degrees Celsius) combined with breezes gusting as high as 30 mph (40-50 kph) and drought conditions leave the region ripe for fire, the forest service said.

The National Weather Service has issued a red flag fire warning for northern and central Texas and western and eastern Oklahoma for Tuesday.

"We are experiencing dry fuels to a level that we haven't seen in the past 10 years," Turner said. "Any spark that lands in tall grass or even lands in some short grass right now is liable to spark."

Wildfires and intense heat in Texas and some other parts of the United States come as unusually hot, dry weather has gripped large swaths of Europe since last week, triggering wildfires from Portugal to the Balkans and leading to hundreds of heat-related deaths.

[From the Associated Press, July 28, 2022]

BOTTLE-MAGNIFIED SUNLIGHT IGNITED PAPER AND STARTED A 500-ACRE TEXAS WILDFIRE, OFFICIALS SAY

Sunlight magnified by glass bottles in an open garbage can ignite paper trash, starting a 500-acre North Texas wildfire that destroyed five homes, fire officials said Thursday.

The July 18 fire on Possum Kingdom Lake's western shore, about 70 miles west of Fort Worth, took eight days to fully contain.

Chief Bonnie Watkins of the Possum Kingdom West Side Volunteer Fire Department found a trash can packed with party trash that included paper goods, food and numerous glass bottles, according to a department statement Thursday.

Watkins concluded that a wind gust opened the can lid, allowing sunlight magnified by the glass bottles to ignite the paper. The fire built rapidly until the fire spilled from the can and spread to nearby cedar trees, the statement said.

Rich Johnson, a spokesman for the Insurance Council of Texas, a nonprofit insurance industry association, said he had never heard of such a freakish cause for a wildfire.

"A fire started in a trash can is one thing, but one caused by sunlight magnified by glass bottles? That's a new one," Johnson said.

North Texas has been plagued by numerous explosive wildfires fostered by extreme drought conditions combined with temperatures topping 100 degrees and wind gusts.

Another fire that began the same day as the Possum Kingdom Lake fire continued to burn Thursday about 50 miles southwest of Fort Worth. However, a multi-agency firefighting team continued to make slow by

steady progress in containing the Chalk Mountain Fire that has blackened 10 1/2 square miles, destroyed 16 homes and damaged five others.

In a statement, team officials said crews had improved containment from 50% to 53% from Wednesday to Thursday and crews suppressed a particularly stubborn portion of the fire with bulldozers Thursday. However, they also continued to strengthen fire lines and attack hotspots as conditions remained critically conducive to ignitions and spreading.

The cause of the Chalk Mountain Fire has not yet been determined.

[From the Center for Climate and Energy Solutions, July 2, 2022]

WILDFIRES AND CLIMATE CHANGE

Climate change has been a key factor in increasing the risk and extent of wildfires in the Western United States. Wildfire risk depends on a number of factors, including temperature, soil moisture, and the presence of trees, shrubs, and other potential fuel. All these factors have strong direct or indirect ties to climate variability and climate change. Climate change enhances the drying of organic matter in forests (the material that burns and spreads wildfire), and has doubled the number of large fires between 1984 and 2015 in the western United States.

Research shows that changes in climate create warmer, drier conditions. Increased drought, and a longer fire season are boosting these increases in wildfire risk. For much of the U.S. West, projections show that an average annual 1 degree C temperature increase would increase the median burned area per year as much as 600 percent in some types of forests. In the Southeastern United States modeling suggests increased fire risk and a longer fire season, with at least a 30 percent increase from 2011 in the area burned by lightning-ignited wildfire by 2060.

Once a fire starts—more than 80 percent of U.S. wildfires are caused by people—warmer temperatures and drier conditions can help fires spread and make them harder to put out. Warmer, drier conditions also contribute to the spread of the mountain pine beetle and other insects that can weaken or kill trees, building up the fuels in a forest.

Land use and forest management also affect wildfire risk. Changes in climate add to these factors and are expected to continue to increase the area affected by wildfires in the United States.

Since 2000, 15 forest fires in the United States have caused at least \$1 billion in damages each, mainly from the loss of homes and infrastructure, along with firefighting costs. The 2017 wildfire season was well above average, with deadly fires in California and throughout the West, including Montana, Oregon, and Washington state. The 2018 wildfire season went on to also break records as the deadliest and most destructive season on record in California. NOAA estimates the total costs of wildfires in 2017 and 2018 to be more than \$40 billion. In 2019, wildfires caused an estimated \$4.5 billion in damages in California and Alaska. Alaska's record-breaking heat and dry conditions over the summer months set the conditions for the state's historic wildfire season. In 2020, five of the six largest fires on record burned in California and Oregon saw historic levels of wildfire spread and damage. Wildfires across the West led to weeks-long periods of unhealthy air quality levels for millions of people.

Wildfire can affect:

Federal and State Budgets:

U.S. Forest Service fire suppression expenditures had increased from about 15 percent of the agency's appropriated budget to

more than 50 percent in 2017. Nationwide suppression costs in 2017 and 2018 ballooned to \$2.9 billion and \$3.1 billion respectively, while state wildfire expenditures have also increased substantially.

Public Health:

The growing number of people in wild lands is increasing the risk to life, property and public health. Smoke reduces air quality and can cause eye and respiratory illness, especially among children and the elderly. Wildfires that burn in residential areas can melt plastic water pipes and cause contamination of water systems with a known carcinogen.

Natural Environment:

Wildfires are a natural part of many ecosystems. Although wildfires produce a number of greenhouse gases and aerosols including carbon dioxide, methane, and black carbon, the plants that re-colonize burned areas remove carbon from the atmosphere, generally leading to a net neutral effect on climate. However, when fires burn more frequently and consume larger areas, as they are doing with climate change, the released greenhouse gases may not be completely removed from the atmosphere if plants can't grow to maturity before burning, or if the plants that re-colonize are less efficient at carbon uptake.

HOW TO BUILD RESILIENCE

Communities, builders, homeowners, and forest managers can reduce the likelihood and impacts of wildfires by:

Discouraging developments (especially residential) near fire-prone forests through smart zoning rules.

Increasing the space between structures and nearby trees and brush, and clearing space between neighboring houses.

Incorporating fire-resistant design features and materials in buildings.

Increasing resources allocated to firefighting and fire prevention.

Removing fuels, such as dead trees, from forests that are at risk.

Developing recovery plans before a fire hits, and implementing plans quickly after a fire to reduce erosion, limit flooding, and minimize habitat damage.

Mr. WESTERMAN. Madam Chair, I yield 1 minute to the gentleman from Oregon (Mr. BENTZ).

Mr. BENTZ. Madam Chair, Oregon, Idaho, California, New Mexico; the Western United States is on fire. We need to do something now. The folks here probably remember last year when we looked out the window here in D.C., we saw smoke going over the top of this town and that was Oregon or what used to be part of Oregon.

If we are going to avoid that, we need to do something now. To delay is to destroy. This bill, sadly, should be called the delay bill. Why? Because built into it throughout are obstacles to getting back into the forests. Obstacles in the form of foundations for litigation of all sorts, all types, and what we engage in then is paralysis through litigation.

This bill creates numerous new means of delaying getting back into the woods. We cannot afford to do this. To delay is to destroy. This bill needs to be opposed.

Mr. NEGUSE. Madam Chair, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader.

Mr. HOYER. Madam Chair, in September of 2020, as the El Dorado fire raged through California, Big Bear hot-

shot firefighter Charlie Morton said to his loved ones what he always said when there was a fire in the area: "I've got to go protect my mountains."

Hotshots like Morton serve in the Vanguard. They are tasked with making the area safe for other firefighters to operate. As one hotshot explained: "We do not get to turn around and walk away."

I am hopeful that the Congress today does not turn around and walk away. This bill is a step to deal with the extraordinary consequences of climate change that is afflicting our country. Yes, it is the West of our country, but it is afflicting us all, in particularly, the West.

Firefighter Morton knew his work was extremely dangerous, but he did it anyway because he believed in the importance of protecting our Nation's forests and the communities they sustain.

On September 17, 2020, backed into a corner by the encroaching flames, Morton laid down his life in defense of that conviction. It was a noble sacrifice but one that no one should have to make.

Much like Morton and his fellow hotshots, America cannot afford to turn around and walk away from the issue of wildfires.

We must do everything we can to ensure that other brave firefighters do not have to give the full measure of their devotion as Morton did. That is why I am proud to serve as co-chair of the Congressional Fire Service Caucus and to bring this Wildfire Response and Drought Resiliency Act to the floor today.

Exacerbated, as we know, by the climate crisis, parts of the American West are experiencing the worst drought in 1,200 years, and this is fueling deadly and damaging wildfires affecting millions of Americans.

These disasters, Madam Chair, tear through communities and inflict untold destruction and grief.

This issue doesn't just affect those living in the West, however. As I have said, the effects of drought and wildfires cost our country tens of billions of dollars each year. We all pay a price; not the price that Morton paid, but we pay a price.

To my friends on the other side of the aisle who constantly deride our attempts to address the climate crisis as too expensive, I would remind them that the cost of inaction in the form of more frequent, more severe fires, droughts, and other natural disasters is far greater.

□ 1245

From time to time, I quote a former Governor of our State, Ted Agnew, who, in his inaugural address in 1967, on the east front of the capitol in Annapolis, where I was just entering as a new State senator, said: "The cost of failure far exceeds the price of progress." That is true here.

We must not fail, and we must respond. And we must respond effectively.

This legislation will help us prevent and fight future wildfires by making investments to support our firefighting response and to protect vulnerable communities from wildfire. This bill, for instance, would establish a minimum basic pay of roughly \$20 an hour for wildland firefighters and ensure they have access to other benefits, such as at least 1 week of mental health leave.

Additionally, this legislation will authorize a 10-year national wildfire response plan, building on actions already taken by the Biden administration, and it will expand the role of Tribes and conservation corps programs in reducing wildfire risks.

This bill, Madam Chair, also includes \$500 million in Federal funding to programs to preserve key Colorado River reservoirs, an absolutely critical objective for us all. Tens of millions of Americans rely on that water.

All of these provisions will help us build on the progress we made with the fire and drought protection measures, including the bipartisan infrastructure law, which included close to \$17 billion for wildfire and drought prevention and response.

As an aside, Madam Chair, I am told some say this is an authorizing bill. It is an authorizing bill. That is regular order. It will be our responsibility to then appropriate the funds that are necessary to carry out the objectives of this bill, and I hope we can do so in a bipartisan way.

I thank House Natural Resources Committee Chairman RAÚL GRIJALVA for his leadership and Mr. NEGUSE, the ranking member, as well, for the work that they have done. Whether they agree or not, there has been joint work on this bill. I thank Chairs DAVID SCOTT, FRANK PALLONE, EDDIE BERNICE JOHNSON, and CAROLYN MALONEY for their committees' contributions.

We can take meaningful action to address these wildfires and drought by voting "yes" on this bill.

Madam Chair, although Charlie Morton perished in the El Dorado fire, his courageous efforts and those of his fellow firefighters made it possible to extinguish, ultimately, the flames. They were able to protect Morton's mountains, including a pristine meadow now named in his memory.

They did their part to defend our forest and our communities. Today, Madam Chair, we must do our part.

Mr. WESTERMAN. Madam Chair, I yield 1 minute to the gentleman from Minnesota (Mr. STAUBER).

Mr. STAUBER. Madam Chair, I rise today in opposition to H.R. 5118, the so-called wildfire response package.

The Greenwood fire in northern Minnesota was the worst in decades. It ravaged my district, forcing home evacuations, closing the Boundary Waters, and upending people's lives. Still, even worse wildfires ravage southern California and across the West.

Wildfires are the result of weather, topography, and fuel. Madam Chair,

the only factor we can control is fuel. Our forests are thick with dead wood fuel, and they are, predictably, going up in flames.

Real solutions include reforming our broken permitting process so we can get our loggers into forests on projects to really make a difference. There are no better conservationists and forest managers. They know better than anyone how to preserve our forests for future generations.

Like everything done by this majority, it throws money at a problem and offers no real solutions to ensure this doesn't happen again. And, no, not one single wildland firefighter receives a raise under this bill. \$20 an hour is already the minimum wage, and when you authorize no money with it, it will, in fact, lead to wildland firefighting jobs being cut.

Republicans are offering solutions. Ranking Member WESTERMAN has the Trillion Trees Act. I have the ESA Flexibility Act and the Healthy Forests for Hunters Act.

Madam Chair, Republicans will keep offering solutions until you accept them because we need to fix this problem. It cannot go on like this any longer.

Mr. NEGUSE. Madam Chair, might I inquire how much time is remaining for the respective sides.

The CHAIR. The gentleman from Colorado has 3¼ minutes remaining. The gentleman from Arkansas has 6½ minutes remaining.

Mr. WESTERMAN. Madam Chair, I yield 2 minutes to the gentlewoman from New Mexico (Ms. HERRELL).

Ms. HERRELL. Madam Chair, I rise in support of the motion to recommit and in opposition to the underlying bill.

The legislation before us today is rightly labeled a wildfire response bill. But, Madam Chair, I believe instead of just focusing on wildfire response, we as Congress should be focused on wildfire prevention.

The most immediate way to protect Americans who are threatened by potential catastrophic wildfire is to prevent these fires from happening in the first place, and the only way to do this is to actively manage our forests.

Therefore, I urge my colleagues to support my bill, the Wildfire Prevention and Drought Mitigation Act, which is a part of this motion to recommit. This legislation would grant categorical exclusion authority for forest management projects whose primary purpose is to protect municipal water resources and to improve watershed health, water yield, and snowpack.

In addition, projects that are specifically tailored to adapt a forest landscape to an increased threat of drought would be granted categorical exclusion authority. Granting categorical exclusion authority to these projects would streamline the NEPA process and protect communities in my district that are adjacent to fire-prone forests.

The underlying bill we are debating here today will make it more difficult to prevent wildfires by adding new red tape and locking up millions of acres in wilderness. This is the same approach and continues to hurt my constituents.

Just a few months ago, the Black fire burned over 300,000 acres of mostly wilderness area in my district. In northern New Mexico, the devastating Hermits Peak-Calf Canyon fire burned through the unmanaged Pecos Wilderness and became the largest fire in our State history. These fires have destroyed hundreds of homes and will cost New Mexicans millions of dollars to clean up the damage and rebuild. All of this was preventable.

Instead of making it more difficult to prevent catastrophic wildfires, as the underlying bill would do, I ask my colleagues to support this motion to recommit.

Mr. NEGUSE. Madam Chair, I reserve the balance of my time.

Mr. WESTERMAN. Madam Chair, I know the distinguished gentleman, Mr. HOYER, has left the Chamber, but I did want to personally thank him for putting the Senate NEPA streamlining bill on the suspension calendar today. I hope we can work on more issues like that in the future.

Madam Chair, I yield 3½ minutes to the gentleman from California (Mr. VALADAO).

Mr. VALADAO. Madam Chair, my constituents have faced drought conditions for years. Communities throughout the Central Valley and the entire American West are running out of water for daily use in homes, businesses, and agriculture production. Farmers are being forced to fallow their fields and dry out their orchards, and hundreds of thousands of acres will be unable to be planted again this year.

Instead of coming to the table to work on real solutions that would give families and farmers in my community the water they desperately need to survive, the majority has decided they would rather play politics with the most critical resource in the valley.

Apparently, passing political messaging bills to check a box is more important to my Democratic colleagues than trying to save the livelihood of thousands of valley farmers trying to put food on the tables of Americans across the country.

This bill is completely silent on the desperate need for enhanced water storage infrastructure to better prepare us during wet years. It does not cut red tape, decrease time delays, or address increased project costs due to redundant requirements under NEPA.

The bottom line is this bill is bad policy and bad for the Central Valley. My colleagues don't seem to understand that the fewer agriculture products the Central Valley produces, the worse off our own domestic food supply will be. Reduced ag means more of a reliance on other nations for our food, which is an issue for national security.

We must do better to address the severe drought we are suffering through in the American West.

The WIIN Act, which passed with bipartisan support under President Obama in 2016, provided real relief to valley farmers by increasing operational flexibility of the Central Valley Project and the California State Water Project. It also authorized millions of dollars for important water infrastructure projects to improve the Friant-Kern Canal, the Delta-Mendota Canal, and the California Aqueduct.

The WIIN Act was critical to ensuring that valley families in rural communities across the United States have clean, reliable water. We made great progress because of this legislation. Unfortunately, authorities under the WIIN Act expired in 2021.

This is why I introduced the RENEW WIIN Act, to extend storage and operation provisions of the WIIN Act and authorize funds for critical water storage projects.

Over three quarters of the Democrats in this House supported these positions in 2016. But this week, they refused to include my bill in this so-called drought relief package. They are blocking an actual solution to the crisis in the name of environmental justice.

Madam Chair, where is the justice in letting thousands of valley farmers lose their livelihoods because they cannot get something as basic as water?

If this drought bill was truly about solving the water crisis in the West, the House majority would include the RENEW WIIN Act in this package instead of actively blocking its consideration.

Madam Chair, I am once again urging the House majority to consider this legislation that will bring water to the people in my community doing everything possible to survive this terrible drought.

Madam Chair, I urge the Democrat majority to stop playing politics with the resource that the entire country is so reliant on.

Madam Chair, I include in the RECORD the text of the amendment.

At the end of division A, insert the following:

SEC. 303. CATEGORICAL EXCLUSION FOR WILDFIRE PREVENTION AND DROUGHT MITIGATION.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.—The forest management activities designated under this section for a categorical exclusion are forest management activities carried out by the Secretary concerned on National Forest System lands or public lands where the primary purpose of such activity is to—

- (1) protect a municipal or Tribal water source from damage caused by wildfire;
- (2) improve ecosystem health, resilience, and other watershed and habitat conditions;
- (3) improve, maintain, or restore water yield or quality;
- (4) improve, maintain, or restore snowpack;

(5) adapt the forest landscape to an increased threat of drought; or

(6) any combination of the purposes specified in paragraphs (1) through (5).

(c) AVAILABILITY OF CATEGORICAL EXCLUSION.—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (a) in accordance with this section.

(d) ACREAGE LIMITATIONS.—

(1) IN GENERAL.—Except in the case of a forest management activity described in paragraph (2), a forest management activity covered by the categorical exclusion established under subsection (a) may not contain treatment units exceeding a total of 10,000 acres.

(2) LARGER AREAS AUTHORIZED.—A forest management activity covered by the categorical exclusion established under subsection (a) may contain treatment units exceeding a total of 10,000 acres but not more than a total of 30,000 acres if the forest management activity is located in an area that, at the time of such activity—

(A) is in a severe, extreme, or exceptional drought; or

(B) has been in a severe, extreme, or exceptional drought in the previous 5 years.

(e) EXCLUSIONS.—The authorities provided by this section do not apply with respect to any National Forest System lands or public lands—

(1) that are included in the National Wilderness Preservation System;

(2) that are located within a national or State specific inventoried roadless area established by the Secretary of Agriculture through regulation, unless—

(A) the forest management activity to be carried out under such authority is consistent with the forest plan applicable to the area; or

(B) the Secretary concerned determines the activity is allowed under the applicable roadless rule governing such lands; or

(3) on which timber harvesting for any purpose is prohibited by Federal statute.

(f) DEFINITIONS.—In this section—

(1) FOREST MANAGEMENT ACTIVITY.—The term “forest management activity” means a project or activity carried out by the Secretary concerned on National Forest System lands or public lands consistent with the forest plan covering such lands.

(2) FOREST PLAN.—The term “forest plan” means—

(A) a land use plan prepared by the Bureau of Land Management for public lands pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

(B) a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(3) NATIONAL FOREST SYSTEM.—The term “National Forest System” has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(4) PUBLIC LANDS.—The term “public lands” has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), except that the term includes Coos Bay Wagon Road Grant lands and Oregon and California Railroad Grant lands.

(5) 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.

At the end of division B, insert the following:

TITLE IX—RENEW WIIN ACT

SEC. 901. SHORT TITLE.

This title may be cited as the “Responsible, No-Cost Extension of Western Water Infrastructure Improvements Act” or the “RENEW WIIN Act”.

SEC. 902. EXTENSION OF AUTHORITY.

Subtitle J of the Water Infrastructure Improvements for the Nation Act (Public Law 114-322) is amended—

(1) in section 4007 (43 U.S.C. 390(b) note), in subsection (i), by striking “January 1, 2021” and inserting “January 1, 2031”; and

(2) in section 4013 (43 U.S.C. 390(b) note)—

(A) in the first sentence, by striking “the date that is 5 years after the date of its enactment” and inserting “December 31, 2031”; and

(B) in paragraph (1), by striking “10 years after the date of its enactment” and inserting “on December 31, 2036”.

Mr. WESTERMAN. Madam Chair, may I inquire as to the time remaining on both sides.

The CHAIR. The gentleman from Arkansas has 1 minute remaining. The gentleman from Colorado has 3¼ minutes remaining.

Mr. WESTERMAN. Madam Chair, I reserve the balance of my time.

Mr. NEGUSE. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I heard with great interest my colleague from California’s remarks. I have to say I did take umbrage with his characterization of the bills within this omnibus package, as I think he put it, as “political messaging bills.”

I don’t think that Mr. LAMALFA, a Republican from California, would characterize his bill, the Tribal Biochar Promotion Act, as a political messaging bill. His bill is in this bill.

I don’t think that Mr. MOORE, a Republican of Utah, would characterize his bill, the Saline Lake Ecosystems in the Great Basin States Program Act, as a political messaging bill. His bill is in this bill.

I don’t think that Ms. LOFGREN would characterize her bill, the Wildland Firefighter Fair Pay Act, as a political messaging bill. That bill is before the House today.

That is probably the best place for me to begin to close.

We have heard a lot from the other side about various mischaracterization’s of firefighter pay and wildland firefighter pay and what this bill does and does not do. For the benefit of every American watching, I would encourage you to read the bill.

This body approved a pay increase for wildland firefighters a year ago. All but 13 of my colleagues on the other side of the aisle voted against it. You can check the RECORD. That pay increase expires a year from now. This bill seeks to make that pay increase permanent.

One could only hope that my colleagues who have made much about appropriating language will join me. I look forward to asking the ranking member after this vote to join me on

the bill to appropriate the firefighter pay increase that this bill will authorize.

Madam Chair, I reserve the balance of my time.

Mr. WESTERMAN. Madam Chair, I yield myself such time as I may consume.

A poet named Joyce Kilmer wrote his most famous poem called "Trees," and it begins with, "I think that I shall never see a poem as lovely as a tree."

Trees and forests are poetic. They tug at our heartstrings. They evoke emotion. And I sincerely appreciate the emotion that my colleagues across the aisle have. I really believe we want to get to the same place of having healthy trees and healthy forests.

It was that that motivated me to go to forestry school and study forestry. Little did I know that I would have the honor and the huge responsibility of standing on the floor of this august body and speaking for the trees.

We want to do the right thing. We know how to do the right thing. We know how to take care of these trees and take care of these forests.

Unfortunately, what is in this bill doesn't do that. What is in this bill doesn't help the water situation. We should not pass this bill.

Let's work together, come up with real solutions, pass them out of this House, and get them signed into law to help our forests, our firefighters, and our drought conditions.

Madam Chair, I yield back the balance of my time.

□ 1300

Mr. NEGUSE. Madam Chair, how much time do I have remaining.

The Acting CHAIR (Mrs. WATSON COLEMAN). The gentleman from Colorado has 1¼ minutes remaining.

Mr. NEGUSE. Madam Chair, I yield myself the balance of my time.

Madam Chair, I have great respect for the ranking member. We work together and have had rigorous and robust debates about forest management. We have partnered on some bills, and we have opposed each other's respective positions on others. But the signs that the other side have been using during this debate about firefighter pay and the like are simply not true.

I understand if my colleagues on the other side believe that the firefighter pay increase that is authorized by this bill and that makes the pay increases that were authorized last year permanent, I understand if they believe that it is too expensive. They are welcome to make that argument. I disagree.

But I hope that every Member of this Chamber can, again, adhere to substantive debate on the text of the bill that is before the House, and the text of this bill authorizes an increase for wildland firefighters who are bravely sacrificing so much for our country. It authorizes additional dollars for the Forest Service to do incredibly important forest management work to prevent the next fire in Colorado, in Utah,

in New Mexico, and in Arizona. The bill authorizes significant investments to ensure that the drought we are experiencing at record levels in the West can be addressed.

Madam Chair, I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. THOMPSON of California. Madam Chair, I rise in strong support of H.R. 5118, the Wildfire Response and Drought Resiliency Act.

Our communities have been hit hard by wildfires year after year. During the 2017 wildfire season, 44 people were killed and nearly 5,000 people lost their homes. Five years later, our communities are still rebuilding.

We made significant investments in the Infrastructure Investment and Jobs Act to fight and prepare for wildfires.

The Wildfire Response and Drought Resiliency Act is another step towards providing our communities with the resources we need to combat wildfires and reduce drought.

I am particularly pleased to see my language requesting information from the Department of Agriculture on crop losses due to natural disasters included in this bill.

Given the prolonged drought conditions and the constant threat of wildfire and smoke exposure, we already know that many of our growers will need disaster assistance for 2022 losses.

The information we request from USDA will help inform my work to reauthorize the Emergency Relief Program for 2022 losses.

This bill includes a crucial cost share adjustment and establishes a minimum basic pay and hiring authorities for federal wildland firefighters—providing necessary resources to those who put their lives on the line to save our lives and homes.

This bill provides authorization for the pre-deployment of resources during red flag warnings similar to how we prepare resources in advance of oncoming hurricanes.

This bill also includes provisions from the FEED Act, legislation I was proud to introduce, allowing local restaurants to partner with the government to distribute healthy food to wildfire victims during their time of need.

As we continue to address the climate crisis, I will continue to do everything I can to ensure our communities have the resources they need to prevent and recover from the fires that continue to threaten our homes and livelihoods every year.

I urge a yes vote on this bill.

Ms. DEGETTE. Madam Chair, studies show that when our environmental laws are broken our poorest communities disproportionately pay the price. Communities such as Globeville and Elyria-Swansea—two predominantly Hispanic neighborhoods in my district—are being inundated by the pollution coming from the highways, railyard and industrial plants around them.

The problem is: While EPA monitors each of these sources individually, they don't consider the cumulative health impact that all of these sources combined can have on nearby residents.

The legislation I included in this bill will change that. It will require EPA, for the first time, to address the cumulative effect of multiple sources of nearby pollution. It will also require EPA to identify 100 of the most heavily polluted communities in the country and en-

sure the laws put in place to protect them are being enforced.

Ensuring "Environmental Justice" for all Americans needs to be more than just a catchphrase, it should be our collective mission. I urge all of my colleagues to support this bill.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-57, modified by the amendment printed in part B of House Report 117-432, shall be considered as adopted.

The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 5118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wildfire Response and Drought Resiliency Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

DIVISION A—WILDFIRE

TITLE I—FEDERAL LANDS WORKFORCE

Subtitle A—Federal Wildland Firefighters

Sec. 101. Tim Hart Wildland Firefighter Pay Parity.

Sec. 102. Waiver of premium pay limitations for certain employees engaged in emergency wildland fire suppression activities.

Sec. 103. Direct hire authority.

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

Sec. 111. In general.

Subtitle C—Other Personnel

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SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

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

DIVISION A—WILDFIRE

TITLE 1—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 firefighters.

(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 firefighters

(c) DEFINITIONS.—In this section—

(1) the term “Federal structural firefighter”—
(A) has the meaning given the term “firefighter” 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 subsequent 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.

(c) 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:

“(A) 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, establish and maintain at least one community mitigation assistance team.

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

(c) **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 subdivision, assign such a team to provide pre-fire assessments; and

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

SEC. 123. FILLING FOREST SERVICE RECREATION MANAGEMENT STAFF VACANCIES.

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

(c) **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 wildfire risk are considered wildfire suppression activities.

SEC. 203. SELECTION AND IMPLEMENTATION OF LANDSCAPE-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 decisionmaking

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, incorporating 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 described 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 described in subparagraph (A) of that paragraph; and

(C) are supported by landscape assessments 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 assessments fully comply with the requirements described in clauses (i) and (v) of that subparagraph.

(d) EVALUATION OF ELIGIBLE PROJECTS.—

(1) IN GENERAL.—In determining which landscape-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 described 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 integrity 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 ecological 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 by-products 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 management, 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 established 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 Secretaries 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 stewardship organizations, including—

- (i) the Corps Network;
- (ii) the National Wilderness Stewardship Alliance;
- (iii) American Trails; and
- (iv) other public lands stewardship organizations, as appropriate; and

(2) waive any matching funds requirements, including 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 centers 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 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 interdisciplinary 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.

(J) Advancing best practices and training for safety pursuing, conducting, and controlling prescribed fires.

(K) Creating processes to facilitate public comment prior to prescribed fire implementation.

(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 September 30, 2023, the Secretary of the Interior, in cooperation 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 training 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 climatic 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 established 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 re-

quirements 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.—(A) 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.

(B) Not more than 4 percent of the amounts appropriated annually to the Fund may be used by the United States Fish and Wildlife Service for administrative expenses.

(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.

(e) 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 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 or 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 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 preparing the report under paragraph (1), the Secretary—

(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 section \$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 geographically equitable manner.

(3) **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

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

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 wild-fire 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 management 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)”; and

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

(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. 579c), 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: Provided further, That any portion of the monies received or earned under this section in excess of the amount expended in performing the work necessitated by the action which led to their receipt may be used to cover the other work specified in this section.”.

SEC. 303. STUDY ON CROP LOSSES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the agricultural committees a report that includes—

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

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

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

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

(D) the number of new producers that have purchased Federal crop insurance or coverage under the Noninsured Crop Disaster Assistance Program under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7

U.S.C. 7333) (including an overview of the coverage levels purchased) as a result of receiving assistance through—

(i) the Wildfire and Hurricane Indemnity Program (WHIP) for losses in 2017; and

(ii) the Wildfire and Hurricane Indemnity Program Plus (WHIP+) for losses in 2018 and 2019; and

(E) the number of producers who—

(i) newly purchased Federal crop insurance or coverage under the Noninsured Crop Disaster Assistance Program under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) as a result of receiving assistance through—

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

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

(ii) continued purchasing such insurance or coverage after the two-year requirement applicable to such producers; and

(2) with respect to calendar year 2022, the projected agricultural losses due to adverse weather events in calendar year 2022.

(b) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMITTEES.—The term “agricultural committees” means the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the House of Representatives and the Senate.

(2) AGRICULTURAL LOSSES.—The term “agricultural losses” means the losses described under the heading “Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary” in the Extending Government Funding and Delivering Emergency Assistance Act (Public Law 117–43) with respect to calendar year 2022.

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

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

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

(A) respond to wildfires; and

(B) perform search and rescue activities; and

(2) that identifies the governmental organizations (including Federal, State, and local government organizations) that would be most effective with respect to using the aircraft described in paragraph (1) to carry out the activities specified in that paragraph.

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(c)(4) of the Infrastructure Investment and Jobs Act (43 U.S.C. 3205(c)(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.”.

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

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.

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

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

(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 rancharia; or

(II) a former reservation within Oklahoma;

(ii) land not located within the boundaries of an Indian reservation, pueblo, or rancharia, 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 provided 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 authorized to be appropriated under subparagraph (A), not more than 2 percent is authorized to be appropriated 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.

(c) **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.”.

(c) 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;”;

(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.”.

(e) 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.”.

(h) PROHIBITION.—Section 312(e) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (title III of Public Law 111–291; 124 Stat. 3096) is amended by adding at the end the following:

“(5) PROHIBITION.—Notwithstanding any other provision of law, any amounts made available under paragraph (2)(B) shall not be made available from the Indian Water Rights Settlement Completion Fund established by section 70101 of the Infrastructure Investment and Jobs Act (25 U.S.C. 149) or the Reclamation Water Settlements Fund established by section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)) until 2034.”.

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.”;

(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 “\$12,000,000 for each of fiscal years 2022 through 2025” and inserting “\$14,000,000 for each of fiscal years 2023 through 2032”.

(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 “\$4,000,000 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 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. 3839b–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.

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

(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 (Public Law 116–260; 134 Stat. 1627).

(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 entity 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-income households.

(6) **COST SHARE.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Federal share of the cost of carrying out a water efficiency incentive program using a grant awarded under the grant program shall not exceed 80 percent.

(B) **WAIVER.**—The Administrator may increase the Federal share under subparagraph (A) to 100 percent if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship 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 authorized to be appropriated under subparagraph (A) each fiscal year, not more than 4 percent is authorized 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 is authorized to be appropriated to carry out paragraph (1)(A); and

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

(B) **ADMINISTRATIVE COSTS.**—Of the amounts authorized to be appropriated under subparagraph (A) for grants under the program each fiscal year, not more than 4 percent is authorized to be appropriated for the administrative costs of making such grants.

SEC. 117. SHORING UP ELECTRICITY GENERATION AND REDUCING EVAPORATION AT BUREAU OF RECLAMATION FACILITIES.

(A) **ASSESSMENT.**—

(1) **IN GENERAL.**—The Secretary of the Interior shall conduct, in consultation with the Secretary of Energy, an assessment of opportunities to install and maintain photovoltaic solar panels (including floating solar panels) at Bureau of Reclamation facilities.

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

(A) include a description of the economic, environmental, and technical feasibility of installing and maintaining, or contracting with third parties to install and maintain, photovoltaic solar panels at Bureau of Reclamation facilities;

(B) identify Bureau of Reclamation facilities with a high potential for the installation and maintenance of photovoltaic solar panels and whether such installation and maintenance would require additional authorization;

(C) account for potential impacts of photovoltaic solar panels at Bureau of Reclamation facilities and the authorized purposes of such facilities, including potential impacts related to evaporation suppression, energy yield, dam safety, recreation, water quality, and fish and wildlife;

(D) account for potential damage to floating photovoltaic solar panels from weather, water level fluctuations, recreational co-use and other project uses; and

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

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

TITLE II—FUTURE WESTERN WATER AND DROUGHT RESILIENCY

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 described in subparagraph (D).

“(G) FUNDING.—

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry

out this paragraph \$260,000,000 for the period of fiscal years 2023 through 2027.

“(ii) CONGRESSIONAL APPROVAL INITIALLY REQUIRED.—

“(I) IN GENERAL.—Each initial award under this paragraph for design and study or for construction of an eligible desalination project shall be approved by an Act of Congress.

“(II) RECLAMATION RECOMMENDATIONS.—The Commissioner of Reclamation shall submit recommendations regarding the initial award of preconstruction and construction 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)(I) 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(c) 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.

(c) 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 (c).

(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 (c).

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

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

(2) 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, to 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, subsistence, or commercial purposes.

(2) **QUALIFIED TRIBAL GOVERNMENT.**—The term “qualified Tribal Government” means any government of an Indian Tribe that the Secretary determines—

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

(B) has the management and organizational capability to maximize the benefits of assistance 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 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.

(c) **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, including 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 Government.

(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 RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

Section 10(a) of the Fisheries Restoration and Irrigation 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 Management Act of 2009 (42 U.S.C. 10363(b)) is amended—

- (1) in paragraph (3)(D), by inserting “and native biodiversity” after “wildlife habitat”; and
- (2) in paragraph (4)(B), by inserting “and drought biodiversity plans to address sustaining native 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 relating 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 development 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 technique;
 - (B) the existence of a water resource management 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 management 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

(v) 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 apportionment 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 Proclamation of June 25, 1929 (46 Stat. 3000).

(8) **PERSON.**—The term “person” means an individual, a public or private corporation, a company, a partnership, a joint venture, a firm, an association, a society, an estate or trust, a private organization or enterprise, the United States, an Indian Tribe, a governmental entity, or a political subdivision 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 consumptive 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 entered 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 assignment 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 applicable Federal and State law.

SEC. 407. SECRETARIAL APPROVAL; DISAPPROVAL; AGREEMENTS.

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

- (1) lease or exchange agreement;
- (2) modification to a lease or exchange agreement;

- (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).

(e) **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 Intercourse 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 known as the "Indian General Allotment Act"; 24 Stat. 390, chapter 119; 25 U.S.C. 381) (referred to in this section as the "Act").

(c) **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.

SEC. 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.

SEC. 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 negotiation, 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 execute 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 necessary 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 Judgment” 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.

(6) BILL WILLIAMS ACT.—The term “Bill Williams Act” means the Bill Williams River Water Rights Settlement Act of 2014 (Public Law 113-223; 128 Stat. 2096).

(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 meaning 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 (Contract No. 14-06-W-245, Amendment No. 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 Stipulated 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 District v. United States*, numbered CIV 95-625-TUC-WDB (EHC) and CIV 95-1720-PHX-EHC.

(19) CAP SUBCONTRACT.—The term “CAP subcontract” 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 of 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).

(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, including—

(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 Secretary.

(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 constructed in accordance with section 506(a)(7)(A).

(48) **HUALAPAI WATER TRUST FUND ACCOUNT.**—The term “Hualapai Water Trust Fund Account” means the account established under section 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 Act (25 U.S.C. 5304).

(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 appropriate under State law.

(63) **TRUXTON BASIN.**—The term “Truxton Basin” means the groundwater aquifer described in the report issued by the United States Geological Survey entitled “Groundwater Availability in the Truxton Basin, Northwestern Arizona”, Scientific Investigations Report No. 2020-5017-A.

(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 facilities located within the State and in accordance with State law.

(B) ASSIGNMENTS.—The Hualapai Tribe may assign any long-term storage credits accrued as a result of storage under subparagraph (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 location within the State, including the Hualapai Reservation, 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 agreement and all applicable Federal and State laws governing the transfer of Colorado River water entitlements within the State.

(5) TRANSPORTS.—The Hualapai Tribe, or any person who leases a Colorado River water entitlement 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; CONSTRUCTION OF HUALAPAI WATER PROJECT; FUNDING.

(a) HUALAPAI WATER TRUST FUND ACCOUNT.—

(1) ESTABLISHMENT.—The Secretary shall establish a trust fund account, to be known as the “Hualapai Water Trust Fund Account”, to be managed, invested, and distributed by the Secretary and to remain available until expended, withdrawn, or reverted to the general fund of the Treasury, consisting of the amounts deposited in the Hualapai Water Trust Fund Account under paragraph (2), together 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 deposit of funds into the Hualapai Water Trust Fund Ac-

count, the Secretary shall manage, invest, 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 administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this subparagraph are used in accordance 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 Procedure 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 designed 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 Reservation, 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 electrical power to pump water for the Hualapai Water Project;

(D) to construct, repair, and replace such infrastructure as may be necessary for groundwater 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 Truhton 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 Truhton 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.

(3) **PROHIBITION.**—Notwithstanding any other provision of law, any amounts made available under paragraph (1) or (2) shall not be made available from the Reclamation Water Settlements Fund established by section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)) until 2034.

(b) **FLUCTUATION IN COSTS.**—

(1) **IN GENERAL.**—The amount authorized to be appropriated under subsection (a)(1) shall be increased 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 subsection (a)(1) 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.

(3) **REPETITION.**—The adjustment process under this subsection shall be repeated for each subsequent amount appropriated until the amount authorized, 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 predecessors 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 diameter 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 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 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 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 on which date 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) 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, 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), 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(c)(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(c)(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 ca-

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, 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 occupancy of land by the Hualapai Tribe, the predecessors of the Hualapai Tribe, or predecessors 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 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;

(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 settlement 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-Reservation 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 enactment of this title;

(II) any well constructed on public 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 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 diameter of the well being replaced; or

(III) 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.—Notwithstanding the waiver and release of claims described in subparagraph (A), 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 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 occupancy of land by the allottees or predecessors of the allottees;

(E) claims for injury to water rights, including injury to rights to Colorado River water, arising after the Enforceability Date, for the allotments, resulting from the off-reservation 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 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; 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 paragraph (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 Williams 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, acting 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 benefits granted, confirmed, quantified, or recognized by the Hualapai Tribe water rights settlement agreement, 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 members 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 members 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 substitution for, and full satisfaction of, all claims with respect 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 injury 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, confirmed, or recognized by the Hualapai Tribe water rights settlement agreement, this title, the Bill Williams 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 pur-

suant 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 enactment of this Act, the Secretary is authorized and directed 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, Mohave County, Arizona—

(A) SW1/4 sec. 25; and

(B) NE1/4 and NE1/4 SE1/4 sec. 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; FIRING; 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) FIRING.—

(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 FIRING.—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.

(c) 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 subparagraph 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.—

(1) 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 Enforceability 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 assumption described in subclause (I) shall continue until the available CAP supply is sufficient to meet all demands 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 manner 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 renegotiated lease does not exceed 100 years.

(G) PROHIBITION ON PERMANENT ALIENATION.—No Hualapai Tribe CAP water may be permanently alienated.

(H) NO FIRING 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 another person.

(I) ENTITLEMENT TO LEASE AND EXCHANGE FUNDS; OBLIGATIONS OF UNITED STATES.—

(i) ENTITLEMENT.—

(1) IN GENERAL.—The Hualapai Tribe shall be entitled to all consideration due to the Hualapai Tribe 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.

(II) EXCLUSION.—The United States shall not, in any capacity, be entitled to the consideration described in subclause (I).

(ii) 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 accrued 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 subsection (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 energy 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 re-payment 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 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, 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 nonconditional 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, preempts, or otherwise affects—

(A) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(B) the Boulder Canyon Project Adjustment 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 February 3, 1944 (59 Stat. 1219);

(F) the Colorado River Compact;

(G) the Upper Colorado River Basin Compact;

(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 “Advisory 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 standards” means standards relating to the manner in which data and metadata are to be structured, populated, 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.

(2) MEMBERS.—Council Members shall include the heads of the following entities:

(A) The Departments.

(B) Bureaus and offices of the Departments 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 Management Agency;

(v) the Federal Energy Regulatory Commission;

(vi) the United States Fish and Wildlife Service;

(vii) the Indian Health Service;

(viii) the Forest Service;

(ix) the National Laboratories;

(x) the Natural Resources Conservation Service;

(xi) the National Oceanic and Atmospheric 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.

(c) 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 infrastructure needed to support water management and planning;

(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, targets, and actions to carry out the National Water Data Framework;

(6) recommendations to align policies, programs, and budgetary resources to carry out the

National 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 technologies, including new water data technologies and tools, in partnership with the private sector and others 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.

(e) **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 is authorized to be appropriated for administrative costs to carry out the Water Data Grant Program.

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, to the extent provided in advance in appropriations Acts, 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 sanitation project for the city of Nogales, Arizona, shall be limited 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 International Border and Water Commission.

(3) **INTERNATIONAL OUTFALL INTERCEPTOR.**—The term “International Outfall Interceptor” means the pipeline that conveys wastewater from the United States-Mexico border to the Nogales International Wastewater Treatment Plant.

(4) **NOGALES INTERNATIONAL WASTEWATER TREATMENT PLANT.**—The term “Nogales International Wastewater Treatment Plant” means the wastewater treatment plant that—

(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).

(e) **LIMITATION OF CLAIMS.**—Chapter 171 and section 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 International 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 section 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).

(5) **RIO GRANDE BASIN.**—The term “Rio Grande Basin” means the mainstem of the Rio Grande from the headwaters of the Rio Grande in Colorado to the mouth of the Rio Grande and any hydrologically connected groundwater, aquifers, and tributaries within the Basin States.

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

(7) **WORKING GROUP.**—The term “Working Group” means the Rio Grande Basin Working Group convened under section 812(a).

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.

(e) **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.
- (5) The Commissioner of the International Boundary and Water Commission.
- (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 quality 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.

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 January 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 County, 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 reservation 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 (25 U.S.C. 5131).

(4) **INJURED PERSON.**—The term “injured person” means—

(A) an individual, regardless of the citizenship 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.**—

(1) **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 injured parties that are not insurance companies seeking payment as subrogees.

(ii) **PARAMETERS OF DETERMINATION.**—In determining and settling a claim under this section, the Administrator shall determine only—

(I) whether the claimant is an injured person;

(II) whether the injury that is the subject of the claim resulted from the fire;

(III) the amount, if any, to be allowed and paid under this section; and

(IV) the person or persons entitled to receive the amount.

(iii) **INSURANCE AND OTHER BENEFITS.**—

(1) **IN GENERAL.**—In determining the amount of, and paying, a claim under this section, to prevent recovery by a claimant in excess of actual compensatory damages, the Administrator 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 benefits) or other payments or settlements 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 government loan that is required to be repaid 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 before the final settlement of a claim, including final settlement on any portion or aspect of a claim that is determined to be severable.

(ii) **JUDICIAL DECISION.**—If a claimant 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 Hermit’s 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 re-

quirement 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.

(c) RULEMAKING.—Not later than 3 years after the date of enactment of this Act, the President, acting through the Administrator of the Federal Emergency Management Agency, shall conduct and complete a rulemaking to provide criteria for the circumstances under which the Administrator may recommend the President increase the Federal cost share for section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187). Such criteria

shall include a threshold metric that assesses the financial impact to a State or local government from responding to a fire for which fire management assistance is being provided.

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 and the Department of Energy 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 thermoelectric power plants during droughts; and

(2) submit to the appropriate committees of Congress the results of such study.

(b) DEFINITIONS.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Energy and Natural Resources of the Senate.

SEC. 108. NONNATIVE PLANT SPECIES REMOVAL GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means a partnership between 2 or more entities that—

(A) shall include—

(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) 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 each of fiscal years 2023 through 2027.

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 (c); or

(2) carrying out projects using a grant under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section \$50,000,000 for each of fiscal years 2023 through 2027.

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(c)(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 declaration 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 Assistance 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, production, 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 regarding receiving reimbursement for the cost of food delivery, production, and distribution in the event of an emergency or major disaster under section 431 of the Robert T. Stafford Disaster Relief and Emergency 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 UP-GRADES TO EMERGENCY OPERATIONS CENTERS.—Section 614(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c(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; and

(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));

(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 provide grants 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 provide grants 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 program 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 rating, topology optimization, and communications systems.

(3) INTERESTED PARTY INPUT.—In establishing the program under paragraph (1), the Secretary shall seek the input of State energy regulators, electric utilities (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)), regional transmission organizations and independent system operators, electric utility customers and ratepayer organizations, 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 authorized to be appropriated to carry out this section, not more than 10 percent authorized to be appropriated for salaries and expenses, administrative management, and oversight of the program established under subsection (b)(1).

SEC. 115. ADVANCED TRANSMISSION TECHNOLOGY STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall—

(1) conduct a study on the ability of advanced transmission technologies, including low sag advanced conductors, to reduce the vulnerability of electric grid infrastructure to energy disruptions caused by natural disasters and extreme weather; and

(2) submit to the appropriate committees of Congress the results of such study.

(b) DEFINITIONS.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Energy and Natural Resources of the Senate.

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 government, 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 economically 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 fatalities; and
(ii) (I) could have resulted in a large number of fatalities if not for swift intervention 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).

(c) **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 Procedure Act (5 U.S.C. 551 et seq.); or

(ii) conducted for the purpose of determining the rights, liabilities, or blame of any person, as the review is not an adjudicatory proceeding.

(B) **PAPERWORK REDUCTION ACT.**—Chapter 35 of title 44, United States Code (commonly 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 initiate a review of an incident by monitoring the situation and assessing available facts to determine the appropriate review response, without interfering in any ongoing lifesaving and life sustaining efforts underway 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 provide suitable qualified technical personnel to actively assist in the review.

(C) **REPRESENTATIVES OF ELIGIBLE ENTITIES.**—To the extent practicable, a representative 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) **REVOCACTION 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 otherwise acts in a manner prejudicial or disruptive to a review.

(E) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed to establish a right for any entity to participate in a Board review as a party.

(F) **INTERNAL REVIEW BY A PARTY.**—To assure coordination of concurrent efforts, a party to a review that conducts or authorizes an internal review of the processes and procedures of the party as a result of an incident that the Board is reviewing shall—

(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 medium that will effectively convey the findings and recommendations of the Board to the targeted audience of such findings or recommendations.

(d) **REVIEW BY AFFECTED AUTHORITIES.**—

(1) **IN GENERAL.**—When the Board has completed the findings and recommendations or other products as a result of a review under this title, the Board shall provide all affected States, Tribal governments, 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 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 affecting 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 determining 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 decided 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 publish information regarding the number of fatalities and injuries, and the facts and circumstances surrounding them, disaggregated by race, color or ethnicity, 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 INVESTIGATIONS.**—

(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 priority over any investigation by another department, agency, or instrumentality of the Federal Government 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 another department, agency, or instrumentality may not influence the final findings of the Board.

(3) **COORDINATION.**—The Board shall coordinate with all other Federal, State, Tribal, or local legally 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 recommendations to reduce loss of life, injury, and economic injury caused by future incidents are produced as efficiently 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—

(1) 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—

(1) 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 paragraph (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 Chairperson 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 extension; and

(B) makes available to the public all available interim findings and underlying data.

SEC. 203. RECOMMENDATIONS AND RESPONSES.

(a) **IN GENERAL.**—If the Board issues a recommendation about an incident, the Board shall—

(1) explain the relationship between any recommendation and the results of a fact-finding review;

(2) identify each relevant entity responsible for making the change called for in the recommendation, including State, local, or private entities, as appropriate;

(3) publish any responses to the recommendation 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 injury 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 recommendation 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 intends 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 department or agency that agrees to adopt a recommendation 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 frequently 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 response to the recommendation available to the public.

(2) **EXTENSION OF DEADLINE.**—The Chairperson 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 extension; and

(B) makes available to the public any available interim response to the recommendation 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 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 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 national 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 required to complete each such review.

(c) **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 institutions 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 appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term.

(3) **CONTINUATION UNTIL SUCCESSOR IS APPOINTED.**—When the term of office of a member ends, the member may continue to serve until a successor 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 designate, 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 appropriate.

(4) PURPOSE.—Each office established under this subsection shall enable the Board to review, report on, and issue recommendations to prevent the loss of life, human injury, and economic injury and deliver technical assistance to disseminate best practices 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 financial 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 imposed 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 employees 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:

(i) The Federal Emergency Management Agency.

(ii) The Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(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.

(xi) The Government Accountability Office.

(xii) The Department of the Interior, including the United States Geological Survey.

(xiii) Any Office of the Inspector General.

(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 non-permanent 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 discretionary offsetting collections to the appropriation of the Board, and shall be available only to the extent and in the amounts provided in advance in appropriations Acts. 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.

(e) 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 regulations 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 EMPLOYEE.—An employee of the Board may not receive overtime pay under paragraph (1), for

work performed in a calendar year, in an amount that exceeds 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 disclosed only in a way designed to preserve its confidentiality.

(3) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving 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.

(c) RECORDINGS AND TRANSCRIPTS.—

(1) **CONFIDENTIALITY OF RECORDINGS.**—Except as provided in paragraph (2), the Board may not disclose publicly any part of an original recording 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 information 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.

(e) **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 for-

eign 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 discretionary offsetting collections, and shall be available only to the extent and in the amounts provided in advance in appropriations Acts.

SEC. 210. FUNDING.

(a) **IN GENERAL.**—The following amounts are authorized to be appropriated to the Board to carry out this title:

(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.

(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 are authorized to be 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.

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.**—There are authorized to be appropriated to the Office of 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.

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.

(10) **TERRORISM.**—The term “terrorism” has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(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 interagency 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 objectives 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 infrastructure 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 developing research and development objectives;

(9) recommendations on the most effective means to integrate the research results into wildland fire preparedness and response actions across Federal, State, local, Tribal, and territorial levels;

(10) guidance on how the Committee’s recommendations are best used in climate adaptation planning for Federal, State, local, Tribal, and territorial 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 Committee 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 scientific, 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 toward 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 performance-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, voluntary consensus standards, and construction and retrofit best practices;

(F) in collaboration with the United States Fire Administration, carry out research and development 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 understanding and prediction of wildland fires and their impacts, including upgrades or additions to the National 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 individuals, communities, and policymakers; and

(C) decision-making and emergency response to wildland fires;

(5) undergraduate and graduate research opportunities and graduate and postdoctoral fellowships 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 vulnerability 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, in consultation with the Secretary of Agriculture and the Secretary of the Interior, 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 roadmap 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 relevant inter-agency 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 required to transition the unified concept of operations in subparagraph (A) into ongoing, operational use; and

(vi) other objectives, as deemed appropriate by the Administrator.

(B) Develop and demonstrate affordable and deployable sensing technologies, in consultation with other Program agencies and relevant stakeholders, to improve the monitoring of fire fuel and active wildland fires, wildland fire behavior models and forecast, mapping efforts, and the prediction and mitigation of wildland fires and their impacts. The Administrator shall—

(i) test and demonstrate technologies such as infrared, microwave, and active sensors suitable for deployment on spacecraft, aircraft, uncrewed aerial systems, and ground-based and in situ platforms, as appropriate and practicable;

(ii) develop and demonstrate affordable 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 and public health, 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;

(4) develop and improve communication of wildland fire and smoke risk reduction strategies to the public in coordination with relevant stakeholders and other Federal agencies; and

(5) develop and disseminate personal and community-based interventions to reduce exposure to and adverse health effects of wildland fire and smoke.

(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 situational 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

(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, fire-fighting 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;
- (2) \$215,000,000 for fiscal year 2025;
- (3) \$220,000,000 for fiscal year 2026;
- (4) \$230,000,000 for fiscal year 2027; and
- (5) \$250,000,000 for fiscal year 2028.

(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.

SEC. 310. INCREASE IN ALLOWABLE AMOUNT OF PHYSICAL DISASTER LOAN FOR MITIGATION.

Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended, in the second proviso, by striking “20 per centum” and inserting “30 percent”.

SEC. 311. STUDY ON DISASTER SPENDING; STATE DISASTER PLAN UPDATES.

(a) **GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON DISASTER SPENDING.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct a study to identify the following:

(A) For the 5-year period ending on the date of enactment of this Act—

(i) the total amount of Federal funds spent in response to major disasters and emergencies declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) the total amount of State and Indian tribal government funds spent in response to such major disasters and emergencies.

(B) 10 proposed Federal actions, to include reinsurance, that, if implemented, would most effectively reduce the need for spending related to such major disasters or emergencies. Such actions shall be listed in order of priority under criteria established by the Comptroller General, including the following:

(i) Cost effectiveness.

(ii) Return on investment.

(iii) Simplicity or speed of implementation using existing resources.

(C) The effect that using blockchain may have on delivering disaster assistance to State and Indian tribal governments.

(D) Whether insurance protection against wildfires will remain available and affordable to homeowners.

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the covered entities a report containing the results of the study.

(3) **DEFINITIONS.**—In this subsection:

(A) The term “covered entities” means—

(i) Congress;

(ii) the Administrator of the Federal Emergency Management Agency; and

(iii) for each State and Indian tribal government, the head of the agency for such State or Indian tribal government with jurisdiction over disaster response activities.

(B) The terms “Indian tribal 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).

(b) **STATE DISASTER PLAN UPDATES.**—Section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131) is amended by adding at the end the following:

“(e) With respect to State plans developed under this section, the President shall coordinate with each State to update such plans to incorporate strategies that decrease the time required to prepare for all hazard incidents, including the time to evacuate individuals.”

TITLE IV—WILDFIRE GRID RESILIENCE ACT

SEC. 401. SHORT TITLE.

This title may be cited as the “Wildfire Grid Resiliency Act”.

SEC. 402. RESILIENCE ACCELERATOR DEMONSTRATION PROGRAM.

(a) **IN GENERAL.**—The Secretary of Energy shall carry out a demonstration program, to be known as the “Resilience Accelerator Demonstration Program” (in this section referred to as the “Program”), to make awards to eligible entities for projects that demonstrate innovative technologies to improve electric grid resilience with respect to wildfires.

(b) **ELIGIBLE PROJECTS.**—The Secretary may make an award under the Program to facilitate a project that demonstrates an innovative technology to improve electric grid resilience with respect to wildfires, including—

(1) a project that demonstrates an innovative technology for monitoring vegetation management; and

(2) a project that demonstrates an innovative technology to enhance the safety of first responders who respond to electric grid emergencies.

(c) **ELIGIBLE ENTITIES.**—An eligible entity referred to in subsection (a) is—

(1) a National Laboratory;

(2) an institution of higher education, including a historically Black college or university, a Tribal College or University, and a minority-serving institution;

(3) a private commercial entity;

(4) a unit of State, local, or Tribal government;

(5) a nonprofit organization;

(6) an electric utility or electric cooperative;

(7) a retail service provider of electricity;

(8) a partnership or consortium of 2 or more entities described in paragraphs (1) through (8); and

(9) any other entity that the Secretary determines appropriate.

(d) **DEFINITIONS.**—In this section:

(1) **HISTORICALLY BLACK COLLEGE OR UNIVERSITY.**—The term “historically Black college or university” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) **MINORITY-SERVING INSTITUTION.**—The term “minority-serving institution” means—

(A) a Hispanic-serving institution (as defined in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)));;

(B) an Alaska Native-serving institution (as defined in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)));;

(C) a Native Hawaiian-serving institution (as defined in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)));;

(D) a Predominantly Black Institution (as defined in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)));;

(E) an Asian American and Native American Pacific Islander-serving institution (as defined in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)));; and

(F) a Native American-serving nontribal institution (as defined in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c))).

(4) **NATIONAL LABORATORY.**—The term “National Laboratory” has the meaning given such term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(5) **RESILIENCE.**—The term “resilience” has the meaning given such term in section 1304A of the Energy Independence and Security Act of 2007 (42 U.S.C. 17384a).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(7) **TRIBAL COLLEGE OR UNIVERSITY.**—The term “Tribal College or University” has the meaning given the term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the Program \$10,000,000 for each of fiscal years 2024 through 2028.

TITLE V—WILDFIRE INSURANCE COVERAGE STUDY

SEC. 501. SHORT TITLE.

This title may be cited as the “Wildfire Insurance Coverage Study Act of 2022”.

SEC. 502. NATIONAL WILDFIRE RISK ASSESSMENT.

(a) **STUDY.**—The Administrator of the Federal Emergency Management Agency shall, pursuant to the authority under section 1371 of the National Flood Insurance Act of 1968 (42 U.S.C. 4122), conduct a study regarding wildfire risk in the United States to—

(1) identify trends in declarations for wildfires under the Fire Management Assistance grant program under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187), with respect to geography, costs, probability, and frequency of wildfire disasters;

(2) identify mitigation practices that would assist in reducing premiums for insurance policies covering damages from wildfires;

(3) identify existing programs of the Federal Government and State governments that measure wildfire risk and assess their effectiveness in forecasting wildfire events and informing wildfire response; and

(4) analyze and assess the need for a national map for measuring and quantifying wildfire risk.

(b) **REPORT.**—Not later than 1 year after date of the enactment of this Act, the Administrator shall submit to the Congress a report regarding the findings and conclusions of the study conducted pursuant to subsection (a), which shall include a recommendation with regard to the need for a national map referred to in subsection (a)(4).

SEC. 503. GAO STUDY REGARDING INSURANCE FOR WILDFIRE DAMAGE.

(a) **STUDY.**—The Comptroller General of the United States, in consultation with the Director of the Federal Insurance Office and State insurance regulators, shall conduct a study to analyze and determine the following:

(1) **EXISTING STATE OF COVERAGE.**—With respect to the existing state of homeowners insurance coverage and commercial property insurance coverage for damage from wildfires in the United States—

(A) the extent to which private insurers have, during the 10-year period ending on the date of the enactment of this Act, increased rates, cost-sharing provisions, or both for such coverage (after adjusting for inflation) and the geographic areas in which such increased rates, cost-sharing, or both applied;

(B) the extent to which private insurers have, during the 10-year period ending on the date of the enactment of this Act, refused to renew policies for such coverages and the geographic areas to which such refusals applied;

(C) the events that have triggered such increased rates and refusals to renew policies;

(D) in cases in which private insurers curtail coverage, the extent to which homeowners coverage and commercial property coverage are terminated altogether and the extent to which such coverages are offered but with coverage for damage from wildfires excluded; and

(E) the extent to which, and circumstances under which, private insurers are continuing to provide coverage for damage from wildfires—

(i) in general;

(ii) subject to a condition that mitigation activities are taken, such as hardening of properties and landscaping against wildfires, by property owners, State or local governments, park or forest authorities, or other land management authorities; and

(iii) subject to any other conditions.

(2) **REGULATORY RESPONSES.**—With respect to actions taken by State insurance regulatory agencies in response to increased premium rates, cost-sharing, or both for coverage for damage from wildfires and exclusion of such coverage from homeowners policies—

(A) the extent of rate regulation;

(B) the extent of moratoria on such rate and cost-sharing increases and exclusions and on renewals;

(C) the extent to which States require homeowners coverage to include coverage for damage from wildfires or make sales of homeowners coverage contingent on the sale, underwriting, or financing of separate wildfire coverage in the State;

(D) the extent to which States have established State residual market insurance entities, reinsurance programs, or similar mechanisms for coverage of damages from wildfires;

(E) any other actions States or localities have taken in response to increased premium rates, cost-sharing, or both for coverage for damage from wildfires and exclusion of such coverage from homeowners policies, including forestry and wildfire management policies and subsidies for premiums and cost-sharing for wildfire coverage;

(F) the effects on the homeownership coverage market of such actions taken by States; and

(G) the effectiveness and sustainability of such actions taken by States.

(3) **IMPEDIMENTS IN UNDERWRITING WILDFIRE RISK.**—With respect to impediments faced by private insurers underwriting wildfire risk, what is or are—

(A) the correlated risks and the extent of such risks;

(B) the extent of private insurers' inability to estimate magnitude of future likelihood of wildfires and of expected damages from wildfires;

(C) the extent to which need for affordable housing contributes to people relocating to more remote, heavily wooded areas with higher wildfire risk;

(D) the potential for wildfire losses sufficiently large to jeopardize insurers' solvency;

(E) the extent to which, and areas in which, risk-adjusted market premiums for wildfire risk are so high as to be unaffordable;

(F) the manners in which the Federal Government and State governments can alleviate any of these impediments, including through—

(i) improved forest management policies to reduce wildfire risk;

(ii) improved data to estimate risk;

(iii) relocating homeowners from wildfire zones;

(iv) allowing insurers to charge risk-adjusted premiums for wildfire risk, combined with subsidized premiums for lower-income homeowners; and

(v) taking a last-loss position in reinsuring wildfire risk;

(G) the available policy responses if private insurers exit the wildfire coverage market and the advantages and disadvantages of each such response;

(H) the effects of lack of wildfire coverage or more expensive wildfire coverage rates, cost-sharing, or both—

(i) on local communities, including on low- or moderate-income property owners and small businesses;

(ii) by race and ethnicity;

(iii) on rebuilding in communities previously damaged by wildfires; and

(iv) on the demand for wildfire coverage by property owners;

(I) the effects of potential State prohibitions on termination of policies due to wildfire claims on insurer solvency; and

(J) the manner in which private insurers are modeling or estimating future wildfire risk.

(b) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report identifying the findings and conclusions of the study conducted pursuant to subsection (a).

TITLE VI—OTHER MATTERS

SEC. 601. EXTREME WEATHER EVENTS.

(a) **DEFINITIONS.**—

(1) **IN GENERAL.**—Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended—

(A) by amending subsection (a) to read as follows:

“(a) **DEFINITION OF UNDERSERVED COMMUNITY.**—In this section, the term ‘underserved community’ means a community, or a neighborhood within a community, that—

“(1) is classified as high risk according to census tract risk ratings derived from a product that—

“(A) is maintained under a natural hazard assessment program;

“(B) is available to the public;

“(C) defines natural hazard risk across the United States;

“(D) reflects high levels of individual hazard risk ratings;

“(E) reflects high social vulnerability ratings and low community resilience ratings;

“(F) reflects the principal natural hazard risks identified for the respective census tracts; and

“(G) any other elements determined by the President.

“(2) is comprised of 50,000 or fewer individuals and is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President; or

“(3) is otherwise determined by the President based on factors including, high housing cost burden and substandard housing, percentage of homeless population, limited water and sanitation access, demographic information such as race, age, and disability, language composition, transportation access or type, disproportionate environmental stressor burden, and disproportionate impacts from climate change.”;

(B) in subsection (g)(9) by striking ‘‘small impoverished communities’’ and inserting ‘‘underserved communities’’; and

(C) in subsection (h)(2)—

(i) in the heading by striking ‘‘SMALL IMPROVERISHED COMMUNITIES’’ and inserting ‘‘UNDERSERVED COMMUNITIES’’; and

(ii) by striking ‘‘small impoverished community’’ and inserting ‘‘underserved community’’.

(2) **APPLICABILITY.**—The amendments made by subsection (a) shall apply with respect to any amounts appropriated on or after the date of enactment of this Act.

(b) **GUIDANCE ON EXTREME TEMPERATURE EVENTS.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Administration shall issue guidance related to extreme temperature events, including heat waves and freezes, and publish such guidance in the Federal Emergency Management Administration Public Assistance Program and Policy Guide.

(c) **HAZARD MITIGATION PLANS.**—Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) is amended—

(1) in subsection (a) by striking the period at the end and inserting ‘‘, including—

“(1) identifying the extent to which resilience is or will be incorporated into other planning processes, including community land use, economic development, capital improvement budgets and transportation planning processes;

“(2) goals and objectives related to increasing resilience over a 5-year period, including benchmarks for future work and an assessment of past progress;

“(3) the building codes in existence at the time the plan is submitted and standards that are in use by the State for all manner of planning or development purposes and how the State has or will comply with the standards set forth in section 406(e)(1)(A);

“(4) the use of nature-based solutions or other mitigation activities that conserve or restore natural features that can serve to abate or lessen the impacts of future disasters;

“(5) integration of each local mitigation plan with the State, Indian Tribe, or territory plan; and

“(6) the disparate impacts on underserved communities (as such term is defined in section 203(a)) and plans to address any disparities.”; and

(2) by adding at the end the following:

“(f) **GUIDANCE.**—The Administrator of the Federal Emergency Management Agency shall issue specific guidance on resilience goals and provide technical assistance for States, Indian Tribes, territories, and local governments to meet such goals.

“(g) **ADEQUATE STAFFING.**—The Administrator of the Federal Emergency Management Agency shall ensure that ample staff are available to develop the guidance and technical assistance under section 322, including hazard mitigation planning staff and personnel with expertise in community planning, land use development, and consensus based codes and hazard resistant designs at each regional office that specifically focus on providing financial and non-financial direct technical assistance to States, Indian Tribes, and territories.

“(h) REPORTING.—Not less frequently than every 5 years, the Administrator shall submit to Congress a report on the progress of meeting the goals under this section.”

(d) ADDITIONAL USES OF FUNDS.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended by adding at the end the following:

“(k) ADDITIONAL USES OF FUNDS.—For State and local governments that have exceeded, adopted, or are implementing the latest two published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities, a recipient of assistance provided under this paragraph may use such assistance in a manner consistent with the standards set forth in clauses (ii) and (iii) of section 406(e)(1)(A).”

(e) COLLABORATION WITH OTHER AGENCIES.—In awarding grants under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Administrator of the Federal Emergency Management Agency may coordinate with other relevant agencies, including the Environmental Protection Agency, the Department of Energy, the Department of Transportation, the Corps of Engineers, the Department of Agriculture, and the Department of Housing and Urban Development, as necessary, to improve collaboration for eligible activities under the Act.

(f) GAO REPORTS.—

(1) EXTREME TEMPERATURE EVENTS.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Comptroller General of the United States shall evaluate and issue to Congress and the Federal Emergency Management Agency a report regarding the impacts of extreme temperature events on communities, the challenges posed to the Federal Emergency Management Agency in addressing extreme temperature events, and recommendations for the Federal Emergency Management Agency to better provide assistance to communities experiencing extreme temperature events. The report may also include examples of specific mitigation and resilience projects that communities may undertake, and the Federal Emergency Management Agency may consider, to reduce the impacts of extreme temperatures on and within building structures, participatory processes that allow for public engagement in determining and addressing local risks and vulnerabilities related to extreme temperatures events, and community infrastructure, including heating or cooling shelters.

(2) SMOKE AND INDOOR AIR QUALITY.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Comptroller General shall evaluate and issue to Congress and the Federal Emergency Management Agency a report regarding the impacts of wildfire smoke and poor indoor air quality, the challenges posed to Federal Emergency Management Agency in addressing wildfire smoke and indoor air quality, and recommendations for the Federal Emergency Management Agency to better provide assistance to communities and individuals in dealing with wildfire smoke and indoor air quality.

(g) REPORT CONGRESS AND UPDATE OF COST EFFECTIVENESS DETERMINATIONS AND DECLARATIONS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in coordination with the Director of the Office of Management and Budget, shall submit to Congress a report regarding the challenges posed by the Agency’s requirements for declaring an incident or determining the cost effectiveness of mitigation activities and specifically how such requirements may disproportionately burden small impoverished communities, or specific vulnerable populations within communities.

(2) UPDATE OF COST EFFECTIVENESS DETERMINATION.—Not later than 5 years after the date of enactment of this Act, the Administrator, to the extent practicable, shall update the requirements for determining cost effectiveness and declaring incidents, including selection of appropriate interest rates, based on the findings made under subsection (a).

SEC. 602. FIRE MANAGEMENT ASSISTANCE PROGRAM POLICY.

The Administrator of the Federal Emergency Management Agency shall issue such regulations as are necessary to update the categories of eligibility and timelines for the fire management assistance program under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) to be, to the maximum extent practicable, the same as such categories and timelines under the public assistance program under section 406 of such Act (42 U.S.C. 5172).

SEC. 603. CHANGES TO PUBLIC ASSISTANCE POLICY GUIDE.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall issue such regulations as are necessary to update the Public Assistance Program and Policy Guide of the Federal Emergency Management Agency to include guidance on the wildfire-specific challenges, including debris removal, emergency protective measures, and the resulting toxicity of drinking water resources.

SEC. 604. MITIGATION BENEFIT-COST ANALYSIS.

(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall conduct a review of the benefit cost analysis criteria for mitigation projects under sections 203 and 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.) to consider a broader range of factors, including—

- (1) the establishment of a benefit cost analysis pre-calculated benefits criterion for common defensible space mitigation projects;
- (2) projects that use nature-based infrastructure;
- (3) considerations for ecological and societal health;
- (4) carbon sequestration;
- (5) improved water quality; and
- (6) lessening disaster impact on traditionally underserved communities.

(b) UPDATED CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue such regulations as are necessary to—

- (1) update the benefit cost analysis criteria for mitigation projects under sections 203 and 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.) based on the results of the review conducted under subsection (a); and
- (2) prioritize projects under such sections based on the benefit cost analysis criteria updated under paragraph (1).

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 incorporation of data and information generated outside of traditional institutional boundaries to address real-world problems in ways that may include formulating research questions, conducting scientific experiments, collecting and analyzing data, interpreting 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 “demonstrates” means meets the burdens of going forward with the evidence and of persuasion.

(8) DIRECTOR.—The term “Director” means the Director of the National Institute of Environmental Health Sciences.

(9) DISPARATE IMPACT.—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 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 interstate 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.

(19) **LOW INCOME.**—The term “low income” means an annual household income equal to, or less than, the greater of—

(A) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development; and

(B) 200 percent of the Federal poverty line.

(20) **LOW-INCOME COMMUNITY.**—The term “low income community” means any census block group in which 30 percent or more of the population are individuals with low income.

(21) **MEANINGFUL.**—The term “meaningful”, with respect to involvement by the public in a determination by a Federal agency, means that—

(A) potentially affected residents of a community have an appropriate opportunity to participate in decisions regarding a proposed activity that will affect the environment or public health of the community;

(B) the public contribution can influence 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.

(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 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.

(N) The Chairman of the Consumer Product Safety Commission.

(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 enforcement of programs, activities, and policies are carried out in a consistent manner; (D) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other Federal agencies conducting research or other activities in accordance with this division;

(E) identify, based in part on public recommendations contained in Federal agency progress reports, important areas for Federal agencies to take into consideration and address, as appropriate, in environmental justice strategies 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 relating 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 disproportionately 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 instances of environmental injustice;

(iii) a description of the participation by the Federal agency in interagency collaboration;

(iv) responses to recommendations submitted by members of the public to the Federal agency relating to the environmental justice strategy of the Federal agency and the implementation by the Federal agency of this division; and

(v) any updates or revisions to the environmental justice strategy of the Federal agency, including those resulting from public 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 552a 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 subject of a substantial Federal environmental administrative or judicial action.

(4) **IMPACT FROM FEDERAL FACILITIES.**—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 of the Federal 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 Federal actions to address environmental justice in minority populations and low-income populations); and

(B) expected to have a substantial environmental, human health, or economic effect on surrounding populations.

(c) **CONSUMPTION OF FISH AND WILDLIFE.**—

(1) **IN GENERAL.**—Each Federal agency shall develop, publish (unless prohibited by law), and revise, as practicable and appropriate, guidance on actions 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 consumption of pollutant-bearing fish or wildlife; and

(B) publish the risks of such consumption patterns.

(d) **MAPPING AND SCREENING TOOL.**—The Administrator 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 minimum, 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 consultation with nongovernmental environmental justice organizations, to increase the capacity of residents of environmental justice communities to identify and address disproportionately adverse human health or environmental effects by providing culturally and linguistically appropriate—

(1) training and education relating to—

(A) basic and advanced techniques for the detection, assessment, and evaluation of the effects of hazardous substances, wildfire, and drought on human health;

(B) methods to assess the risks to human health presented by hazardous substances, wildfire, 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 frequency and extent of wildfires and drought;

(E) the rights and safeguards currently afforded to individuals through policies and laws intended to help environmental justice communities address disparate impacts and discrimination, 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 subparagraph (E);

(G) materials available on the Clearinghouse 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 Government, or local government.

(c) 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 subsection (a).

(2) CONTENTS.—The plan described in paragraph (1) shall contain—

(A) a list that describes the relative priority of each activity described in subsection (a); and

(B) a description of research and training relevant to environmental justice issues of communities adversely affected by pollution.

(3) COORDINATION WITH FEDERAL AGENCIES.—The Administrator shall, to the maximum extent 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 Representatives 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) ESTABLISHMENT.—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) CONTENTS.—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 organizations 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.

(c) 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 community 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 (A).

(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 initiatives, including countering displacement and gentrification;

(B) a proposed budget for each activity of the project that is the subject of the application;

(C) a list of proposed outcomes with respect to the proposed project;

(D) 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

(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 community at which the eligible entity proposes to conduct the project or activity to address environmental justice 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 reducing economic vulnerabilities that result in the environmental justice communities being disproportionately affected.

(2) ELIGIBILITY.—

(A) APPLICATION.—To be eligible to receive 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 environmental justice at the State level; 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 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 Administrator 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 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 Indian Tribe to address environmental 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 environmental justice communities in Tribal and Indigenous communities.

(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 \$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 program under which the Administrator shall provide not more than 25 multiyear grants to eligible entities to carry out community-based participatory research—

(A) to address issues relating to environmental justice;

(B) to improve the environment of residents 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 community 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 car-

rying 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 preparation of an environmental impact statement commences.

(j) AGENCY DETERMINATIONS.—Federal agency determinations about the analysis of a community impact report described in subsection (c) shall be subject to judicial review to the same extent as any other analysis performed 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 diminishes—

(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, without respect to the amount in controversy and without regard 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 actions 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 regulations), the aggrieved person may recover equitable and legal relief (including compensatory and punitive damages), 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 Community 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, of which, not more than 4 percent for each fiscal year is authorized to be appropriated for administrative expenses, including outreach and technical assistance 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).

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part C of House Report 117-432. Each

such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. WESTERMAN

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part C of House Report 117-432.

Mr. WESTERMAN. Madam Chair, as the designee of the gentleman from California (Mr. MCCARTHY), I offer amendment No. 1.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 135, line 9, strike “\$400,000,000” and insert “\$150,000,000”.

Page 364, after line 5, insert the following:

SEC. 115. RURAL COMMUNITIES DRINKING WATER RESILIENCY.

(a) **NEW WELL CONSTRUCTION GRANTS.**—Subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922-1936c) is amended by inserting after section 306E the following:

“SEC. 306F. NEW WELL CONSTRUCTION GRANTS.

“(a) **IN GENERAL.**—The Secretary shall provide grants in accordance with this section to local governments and public or private nonprofit entities for projects designed to supply drinking water to rural communities in which a significant number of dwellings with private drinking water wells have wells that are not producing water.

“(b) **USE OF FUNDS.**—Grants made under this section may be used—

“(1) for waterline extensions from existing systems, laying of new waterlines, repairs or maintenance to an existing system, digging of new wells or development of other sources of water designed to replace sources of drinking water with high levels of nitrates, equipment replacement, and hook-up fees; and

“(2) in the case of a project designed to benefit a rural community outside the jurisdiction of the grantee, to maintain existing water supplies of the grantee that will be reduced as a result of the project.

“(c) **RURAL COMMUNITY.**—In this section, the term ‘rural community’ does not include—

“(1) any area in any city or town with a population in excess of 10,000 inhabitants according to the most recent decennial census of the United States; and

“(2) any area with a median household income in excess of the State nonmetropolitan median household income.

“(d) **FULL FUNDING.**—Grants under this section shall be made in an amount equal to 100 percent of the costs of the projects conducted under this section.

“(e) **APPLICATION.**—Subsection (h) of section 306A shall apply with respect to the administration of applications for grants under this section.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2023 through 2027.”

(b) **REPEAL.**—Effective 5 years after the date of the enactment of this section, section 306F of the Consolidated Farm and Rural Development Act, as added by the amendment made by subsection (a), is repealed.

The Acting CHAIR. Pursuant to House Resolution 1254, the gentleman

from Arkansas (Mr. WESTERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. WESTERMAN. Madam Chair, I rise in support of the amendment.

Madam Chair, Leader MCCARTHY's amendment presents a commonsense solution. As he knows all too well from his efforts resolving water issues, communities in California and elsewhere in the West are running out of water for families, farms, communities, and many other needs thanks to natural and manmade drought.

This has a dramatic impact not only to those areas, but it negatively impacts food production which affects every one of us. In the case of some California communities, wells that are used to provide drinking water have or will run dry.

This amendment seeks to provide some relief to rural communities through the creation of a new grant program aimed at constructing new wells and waterlines designed to deliver drinking water to these communities. I thank Leader MCCARTHY for introducing this amendment and for his longstanding leadership on bringing balance back to western water policies.

Madam Chair, I ask my colleagues to join me in supporting the amendment, and I reserve the balance of my time.

Mr. NEGUSE. Madam Chair, I ask unanimous consent to claim the time in opposition, even though I am not necessarily opposed.

The Acting CHAIR. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. NEGUSE. I would simply say, Madam Chair, in the spirit of bipartisanship—which I think has been reflective of so many of the bills that are included within this important and critical package that has been brought to the floor today—that I appreciate the arguments that were made with respect to this particular amendment. I imagine that Members are going to consider it thoughtfully and make a judgment that is in the best interests of their constituents and their respective States on this particular amendment.

Madam Chair, I reserve the balance of my time.

Mr. WESTERMAN. Madam Chair, I appreciate the gentleman's kind words about the amendment.

Madam Chair, I yield to the gentlewoman from California (Ms. CONWAY).

Ms. CONWAY. Madam Chair, I rise today in support of this amendment that I coauthored.

In my home, California's Central Valley, communities are running out of clean water, we would consider drinking water. They are unable to shower, unable to cook for their families, and unable to stay cool during intense heat.

Madam Chair, the thought of having to bathe your children, cook food, and

to stay alive with small bottles of water, that is the gist of this amendment.

Extreme drought and outdated water infrastructure have forced small, rural communities to truck in water every day. This amendment authorizes \$250 million in grants to improve water access for small rural communities suffering from drinking water shortages.

My amendment is supported by small communities, local nonprofits, and those dedicated to helping underserved communities like Self-Help Enterprises and the Tulare County Board of Supervisors.

Madam Chair, I include in the RECORD a letter from Self-Help Enterprises.

SELF-HELP ENTERPRISES,

July 26, 2022.

Re Conway/McCarthy Amendment to H.R. 5118, Wildfire Response and Drought Resiliency Act.

HON. KEVIN MCCARTHY,
Minority Leader of the US House of Representatives,
Washington, DC.

HON. CONNIE CONWAY,
Washington, DC.

DEAR MINORITY LEADER MCCARTHY AND REPRESENTATIVE CONWAY: I am writing on behalf of Self-Help Enterprises to extend our support for your amendment to the Wildfire Response and Drought Resiliency Act (H.R. 5118). The McCarthy/Conway amendment will provide much-needed funding to facilitate drought resiliency and water system consolidations.

This amendment ensures access to funding to augment water supplies by larger water systems who extend water service to smaller disadvantaged communities. It will also allow them to cover the costs of service extension. One example of this need is found in Tulare County, California, where Self-Help Enterprises has been working with the community of Tooleville (population 500) to connect to the City of Exeter's water system (population 10,400). Exeter, while an incorporated city with a mid-sized population, is still small and lacks the resources or legal authority to spend City funds on the water system consolidation project. Meanwhile, Tooleville's small water system is struggling with the effects of drought and overpumping of groundwater by surrounding uses, and its two wells (drilled in the 1970s) fail on a regular basis. For that reason, Self-Help Enterprises has installed temporary storage tanks and is hauling water to fill these tanks on an as-needed basis.

It's important that cities and larger communities can access this type of funding regardless of their own population size, so that they can work in good conscience to help their neighbors without jeopardizing the well-being of their own residents.

Therefore, we urge the adoption of the Conway/McCarthy amendment to H.R. 5118 by the House of Representatives. We thank you for your attention to the needs of the rural communities of the San Joaquin Valley. For questions or more information, please don't hesitate to contact Jessi Snyder of our staff.

Sincerely,

THOMAS J. COLLISHAW,
President/CEO.

Ms. CONWAY. While there are many more issues to be addressed in the larger bill, this will directly help rural Americans in critical need of assistance and underserved members of our communities.

Madam Chair, I urge Members to support this amendment.

The Acting CHAIR. The requests will be covered by a subsequent request for general leave.

The gentleman from Colorado is recognized for 5 minutes.

Mr. NEGUSE. Madam Chair, I certainly appreciate the gentlewoman's support, her attention, and her description about the need for funding to help rural communities recover from natural disasters and emergencies. I certainly share the desire to ensure that rural communities have access to clean and reliable drinking water.

I am looking forward to the House considering Mr. MCCARTHY's amendment as well as the many Republican bills and bipartisan bills that are included within this Wildfire Response and Drought Resiliency Act.

Madam Chair, I yield back the balance of my time.

Mr. WESTERMAN. Madam Chair, this is a commonsense, good amendment that the leader has offered. I urge its adoption, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arkansas (Mr. WESTERMAN).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. SCHRIER

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part C of House Report 117-432.

Ms. SCHRIER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 446, line 11, after "understanding of" insert "the connections between fire weather and modes of climate variability, impacts on hydrology, and".

Page 446, line 13, after "smoke," insert "air quality,".

Page 446, line 24, after "fire weather alerts," insert "real-time notification of ignitions,".

Page 448, line 17, after "collecting data for" insert "high-risk".

Page 448, line 21, strike "subseasonal to decadal", insert "all".

Page 449, line 7, strike "and".

Page 449, after line 10, insert the following: (vi) conditions that influence fire behavior and spread including those conditions that suppress active fire events; and

(vii) fire risk values;

Page 450, line 25, by striking "weather and smoke" inserting "weather, smoke, and air quality".

Page 452, line 10, after "in consultation with" insert "with relevant Federal agencies, such as".

Page 452, line 13, after "existing resources" insert "and facilities".

Page 453, after line 15, insert the following: (10) FIRE WEATHER SURVEYS AND ASSESSMENTS.—

(A) ANNUAL POST-FIRE WEATHER SEASON SURVEY AND ASSESSMENT.—Not later than 24 months after the date of the enactment of this Act, and each year thereafter, the Administrator shall conduct a post-fire-weather season survey and assessment. After conducting a post-fire-weather season survey and assessment, the Administrator shall—

(i) investigate any data collection gaps during the assessment;

(ii) identify and implement systems, processes, strategies, and procedures needed to enhance the efficiency and reliability of data obtained and to improve program services and information dissemination;

(iii) evaluate the accuracy and efficiency of physical fire weather forecasting information for each incident; and

(iv) assess and refine performance measures, as needed.

(B) COORDINATION.—In conducting any survey or assessment under this section, the Administrator shall coordinate with stakeholders and such entities as the Administrator considers relevant in order to—

(i) improve operations and collaboration; and

(ii) optimize data collection, sharing, integration, assimilation, and dissemination.

(C) ANNUAL BRIEFING.—Not less frequently than once each year, the Administrator shall provide a briefing to the Committee on Science, Space, and Technology in the House and Committee on Commerce, Science, and Transportation in the Senate that provides—

(i) an overview of the previous fire season; and

(ii) an outlook for the fire season for the coming year.

(D) SERVICE IMPROVEMENTS.—The Administrator shall make best efforts to incorporate the results and recommendations of each assessment conducted into the research and development plan and operations of the Administration.

Page 469, after line 8, insert the following:

(h) UNITED STATES GEOLOGICAL SURVEY.—As part of the Program, the Director of the United States Geological Survey shall support—

(1) research and development activities to improve the understanding of—

(A) wildland fire risk, behavior, and fuels;

(B) impact of pre-fire conditions, such as fuel treatments, invasive species and other vegetation, on land management and economic landscapes;

(C) post-fire risks including debris flows, erosion, and flooding, and effects on water quality, and revegetation;

(D) impacts of changing fire regimes due to climate change and other ecosystem stressors; and

(E) fire ecology and behavior;

(2) development and improvement of tools and technologies to address wildland fire science and management challenges by—

(A) Maintaining and expanding geospatial data and support for wildfire incidents, mitigation, and planning;

(B) improving understanding and response to post-fire hazards and risks, including debris-flow, stream flow and quality, and revegetation; and

(C) Maintaining, relevant wildland fire computational modeling and mapping, capabilities to identify critical information for land management, decision support, and policy, and enhancing such capabilities, as appropriate and in consultation and collaboration with other relevant Program agencies; and

(3) improvement of external communication of USGS wildland fire science products with Program Agencies and relevant stakeholders.

Page 471, lines 21 and 22, strike “ADMINISTRATION.—There are authorized” and insert the following: “ADMINISTRATION.—

(1) IN GENERAL.—There are authorized

Page 471, line 25 through page 472, line 4, redesignate paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and move the margins 2 ems to the right.

Page 472, after line 4, insert the following:

(2) USE OF FUNDS.—Of the amounts authorized for each of the fiscal years in paragraph (1), up to \$10,000,000 may be used to support the National Oceanic and Atmospheric Administration’s contributions to the activities of the Joint Fire Science Program in section 202(c)(1)(D) of subtitle A of title II of division A.

Page 472, lines 5 and 6, strike “ADMINISTRATION.—There are authorized” and insert the following: “ADMINISTRATION.—

(1) IN GENERAL.—There are authorized

Page 472, lines 9 through 13, redesignate paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and move the margins 2 ems to the right.

Page 472 after line 13, insert the following:

(2) USE OF FUNDS.—Of the amounts authorized for each of the fiscal years in paragraph (1), up to \$10,000,000 may be used to support National Aeronautics and Space Administration research and development contributions to the activities of the Joint Fire Science Program in section 202(c)(1)(D) of subtitle A of title II of division A.

Page 472, line 22, strike “AGENCY.—There are authorized” and insert the following: “AGENCY.—

(1) IN GENERAL.—There are authorized

Page 473, lines 1 through 5, redesignate paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and move the margins 2 ems to the right.

Page 473, after line 5, insert the following:

(2) USE OF FUNDS.—Of the amounts authorized in paragraph (1), up to \$10,000,000 for fiscal years 2024 through 2028 may be used to support the Federal Emergency Management Agency’s contributions to the activities of the Joint Fire Science Program in section 202(c)(1)(D) of subtitle A of title II of division A.

Page 473, after line 5, insert the following:

(g) DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Secretary of Energy up to \$10,000,000 for each of fiscal years 2024 through 2028 to support the Department’s contributions to the activities of the Joint Fire Science Program in section 202(c)(1)(D) of subtitle A of title II of division A.

The Acting CHAIR. Pursuant to House Resolution 1254, the gentlewoman from Washington (Ms. SCHRIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

Ms. SCHRIER. Madam Chair, I yield myself such time as I may consume.

Madam Chair, we are seeing increasingly catastrophic wildfires in the West, including in my home State of Washington. Last year, more than 50,000 acres burned in just one of the counties in the Eighth District that I represent. This was a record-breaking wildfire season with abnormally dry conditions. But this type of wildfire season is expected to become more and more the norm.

We need to ensure that we have more resources at our disposal to confront them. The earlier we detect wildfire, the more quickly our firefighters can respond, and my amendment does just that.

A lot of our effort in fighting wildfires has correctly been focused on suppression and prevention. But as our climate continues to change and catastrophic wildfires burn hotter and seasons last longer, we need a whole-of-

government approach to address wildfires.

My amendment would further enhance the contributions of Federal science agencies as part of the National Wildland Fire Risk Reduction Program. The amendment would also require an annual post fire-season weather survey and assessment. These activities will help to identify data gaps, enhance efficiency and reliability of data, and evaluate the accuracy and efficiency of our fire weather forecasting.

My amendment will also formalize NOAA’s role in wildfire detection and response. In Chelan County, in my district, there is a radar gap which makes it much more difficult to predict and track extreme weather. This gap also impacts our ability to track fires—something that is particularly critical to wildfire prone central Washington.

The language in my amendment builds off legislation I recently introduced with my colleague, Congressman BERA, H.R. 8449, the Fire Ready Nation Act, which is the House companion to Senator CANTWELL’s bipartisan bill. This bill would codify and support NOAA’s ability to help detect and respond to wildfires.

My amendment will strengthen contributions of our weather science agencies like NOAA to improve coordination and response efforts when it comes to fighting fires. This will be particularly impactful in areas like my district which lack robust radar coverage.

As part of the needed whole-of-government response to wildfires, I am glad that the underlying bill includes language from two of my other bills. One, from my National Prescribed Fire Act, would direct the Secretaries of Agriculture and the Interior to establish at least one prescribed fire training center in a Western State.

Prescribed burns during the offseason for fire allow for fuel reduction and prevent catastrophic forest fires. More training means more widespread use of prescribed fire. A recent report from the Washington Department of Natural Resources identified 3 million acres of forest land in need of restoration in my home State. Much of that area is rural central Washington where hot, dry weather and wind make wildfire especially probable and dangerous.

The second bill would allow the Forest Service to collect and keep the interest earned on settlement funds, much like other Federal agencies can, in order to supplement restoration efforts. This makes common sense and is a wise and fair use of the interest earned.

Wildfires are becoming more extreme and catastrophic every year in western States. They are even beginning to affect areas in my State that for a long time were thought to be too green and too wet for wildfires to happen, even the Olympic National Forest. Sadly, as our climate changes, this will become an increasing threat.

I am thrilled to have an amendment to this legislation to allow for more

science and evidence-based decision-making. We need every tool in our toolbox to prevent these fires.

Madam Chair, I reserve the balance of my time.

Mr. WESTERMAN. Madam Chair, I rise in opposition.

The Acting CHAIR. The gentleman from Arkansas is recognized for 5 minutes.

Mr. WESTERMAN. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I rise in opposition to Schrier amendment No. 2 which would fund additional research for post-fire weather assessments.

This amendment suffers from the same shortcomings as the underlying package because it is overly focused on wildfire response rather than even making an attempt at wildfire prevention.

We know what is causing catastrophic wildfires, and it is not a lack of government agencies studying wildfires, tracking weather, and producing additional reports. Our forests are burning now, and we need to focus on real solutions; namely, accelerating, thinning, and prescribed burning. Adding more duplicative bureaucracy and unnecessary research will do nothing to stop our forests from going up in flames year after year.

Madam Chair, the forests really don't care what we say in this body. They are out there doing what Teddy Roosevelt said they do. They are the lungs of the Earth. They breathe in the carbon dioxide and they breathe out oxygen. We produce a lot of carbon dioxide in this Chamber, but it is not doing anything to help our forests.

□ 1315

Frankly, it is unserious that, out of the dozens of substantive wildfire amendments that were offered to the Rules Committee, this is the only one that was made in order. The Rules Committee even rejected bipartisan amendments such as the bipartisan Save Our Sequoias Act. We have lost 20 percent of the world's giant sequoias in the last 2 years, and perhaps the most famous giant sequoia grove, the Mariposa Grove in Yosemite National Park, was on fire earlier this month.

What saved that grove? It wasn't weather assessments. It was proactive treatments from land managers that we need to use as a model across all 76 giant sequoia groves.

Unfortunately, the underlying bill and amendment before us would do nothing to help protect our giant sequoias or move the needle on the wildfire crisis at all.

Therefore, I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Ms. SCHRIER. Madam Chair, may I inquire how much time remains.

The Acting CHAIR. The gentleman has 1¼ minute remaining.

Ms. SCHRIER. Madam Chair, I would like to clarify that we already have

provisions in place to prevent wildfires, to remove underbrush, and to thin our forests and make them more resilient. The thing is that the earlier we can detect wildfires with appropriate weather systems, the earlier our firefighters can jump on it and suppress those fires.

You need both. You need the prevention, and you need the ability to respond quickly. So make no mistake. This is a critical amendment.

I urge my colleagues to vote for the amendment and for the underlying bill.

Madam Chair, I reserve the balance of my time.

Mr. WESTERMAN. Madam Chair, more and more of our forests are going up in flames. More forests are being categorized as subject to catastrophic wildfire.

We are losing this fight. We need a new game plan. We need work on this in a bipartisan manner. There are a lot of areas that need to be addressed, but this bill, and this amendment doesn't address those.

I urge opposition to the amendment, and I yield back the balance of my time.

Ms. SCHRIER. Madam Chair, I am thrilled to have worked with so many of my Republican colleagues on these bills to prevent wildfires. I encourage my colleagues to vote "yes," and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Ms. SCHRIER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CLYDE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Washington will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part C of House Report 117-432.

Ms. VELÁZQUEZ. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of division C the following new section:

TITLE IV—COLLATERAL REQUIREMENTS FOR DISASTER LOANS UNDER THE SMALL BUSINESS ACT

SEC. ____ . COLLATERAL REQUIREMENTS FOR DISASTER LOANS UNDER THE SMALL BUSINESS ACT.

(a) AMENDMENT TO THE RISE AFTER DISASTER ACT OF 2015.—Section 2102 of the RISE After Disaster Act of 2015 (Public Law 114-88) is amended—

(1) by striking subsections (b) and (c); and

(2) by striking "(a) IN GENERAL.—"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect and apply as though enacted as part of the RISE After Disaster Act of 2015 (Public Law 114-88).

The Acting CHAIR. Pursuant to House Resolution 1254, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Madam Chair, I yield myself such time as I may consume.

There are at least 40 States and two territories with ongoing disaster declarations for drought. The Small Business Administration is currently serving the millions of small businesses and residents in those States to provide relief against economic loss.

The SBA has also provided almost \$1 billion in wildfire disaster relief since 2016.

The amendment I am offering, along with my colleague, Congressman GARRET GRAVES of Louisiana, would permanently set the unsecured credit threshold for SBA's disaster loans at \$25,000. Doing so gives the millions of borrowers affected by any natural disaster, including wildfires and droughts, the peace of mind during a stressful and traumatic time.

In 2015, Congress enacted the RISE Act, legislation I championed that temporarily raised the collateral threshold on SBA disaster loans to make it easier for victims to obtain capital to rebuild their homes and businesses. Unfortunately, that provision is scheduled to expire in November unless it is extended or made permanent.

My amendment will make the provision permanent, allowing disaster victims to continue to receive a \$25,000 loan, rather than just \$14,000, without requiring them to provide collateral within 5 days of closing.

A recent report issued by the Government Accountability Office found that disaster loans with collateral performed comparably to those without collateral. Given this finding, it makes sense to help victims of disaster to rebuild quickly, particularly when they have lost everything to hurricane, flood, or fire.

As we continue to experience stronger and more frequent disasters, it is imperative that Congress enact policies to help communities get back on their feet and maximize support when they need it most.

Finally, this amendment is supported by the Small Business Administration. I thank the gentleman from Louisiana, for his support of this effort and his overall support of SBA's disaster loan program.

I thank Chairmen GRIJALVA and MCGOVERN for working with me on this amendment.

I am proud to leave the Small Business Committee's bipartisan work to make disaster loans more affordable and accessible for disaster victims, while also addressing fraud in the SBA's pandemic relief programs.

I urge my colleagues to support this amendment, and I reserve the balance of my time

Mr. WESTERMAN. Madam Chair, I claim time in opposition to this amendment, even though I might not necessarily oppose it.

The Acting CHAIR. Without objection, the gentleman from Arkansas is recognized for 5 minutes.

There was no objection.

Mr. WESTERMAN. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I support this amendment and appreciate the solution it presents for a pressing problem. Currently, the Small Business Administration only requires collateral for disaster loans if the loan amount is above \$25,000. This authority is set to sunset in November, and the minimum amount will revert to \$14,000. This amendment would permanently lock in the amount at \$25,000.

I thank the ranking member of the Select Committee on the Climate Crisis, GARRET GRAVES, for his leadership on disaster issues. His home State of Louisiana has suffered through many disasters, and he has been an unwavering champion for his constituents.

And it is a good thing he is leading on this issue. Affordable disaster loans could be in high demand because the underlying bill does nothing to protect the landscape, people, or property from devastating wildfires. I would like to emphasize, the underlying bill would only respond to wildfires, not work to prevent them.

Throughout this debate, my colleagues have tried to claim that this is not the case and that their bill will actually support increased forest management practices like thinning and prescribed burning.

But look no further than their own one-pager, which says derisively: "We can't simply cut our way out of wildfire risk." This should tell you everything you need to know about how they feel about scientific forest management.

The truth is that thinning is not only an essential tool to reduce wildfire risk, but there is a scientific consensus that we must increase thinning in our forests to turn the tide of this crisis.

The fact that this bill mentions thinning zero times is no mistake. It is because Democrats refuse to agree with the scientific consensus that both thinning and prescribed burning are essential tools to reduce wildfire risk.

Affordable disaster loans provided by this amendment will also be necessary because of the wildfires that will occur as a result of throwing out the Forest Service's current 10-year strategy.

My colleagues have claimed that their bill would simply codify this current 10-year strategy. They have also said that the infrastructure bill made historic investments in that strategy and have funded its initial projects.

This simply makes no sense. My colleagues think the infrastructure bill is so nice that they want to pass it twice, but that is not how any of this works. If we funded a project in the infrastruc-

ture bill, we don't need to authorize funding for it here because that money has already gone out the door.

And if the administration released a strategy 6 months ago and started implementing it, they don't need this bill to codify it.

Truth be told, the plain reading of the text shows that the current wildfire strategy is getting thrown out the window, and nothing in this text codifies it or even mentions the projects currently happening.

Unfortunately, if this bill passes, a lot of small business owners will be able to make good use of affordable disaster loans provided by this amendment as they recover their businesses from the impacts of catastrophic wildfire. The least we can do is help them with disaster loans after these fires inevitably occur.

Madam Chair, I support this amendment, and I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, I reserve the balance of my time.

Mr. WESTERMAN. Madam Chair, again, I support the amendment. It is going to be needed as these fires continue to rage, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, I urge my colleagues to vote "yes," and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CLYDE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

Ms. VELÁZQUEZ. Madam Chair, as the designee of Chair GRIJALVA, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. LEE of California) having assumed the chair, Mrs. WATSON COLEMAN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5118) to direct the Secretary of Agriculture to prioritize the completion of the Continental Divide National Scenic Trail, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 5118.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 29 minutes p.m.), the House stood in recess.

□ 1356

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. ESCOBAR) at 1 o'clock and 56 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1808, ASSAULT WEAPONS BAN OF 2022

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 117-448) on the resolution (H. Res. 1302) providing for consideration of the bill (H.R. 1808) to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 1808, ASSAULT WEAPONS BAN OF 2022

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1302 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1302

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1808) to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-60, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Pennsylvania (Mr. RESCHENTHALER), pending which I