AMENDMENT TO
RULES COMMITTEE PRINT 116-54
OFFERED BY M___. ____________

Strike page 1775, line 13 through page 1907, line 24 and insert the following:

Subtitle B—FUTURE Western
Water Infrastructure and
Drought Resiliency
CHAPTER 1—WATER INFRASTRUCTURE

SEC. 81201. WIIN ACT AMENDMENTS.
(a) Authorization of Appropriations.—The WIIN Act (Public Law 114–322) is amended—
(1) in section 4007 (43 U.S.C. 390(b) note)—
   (A) in subsection (h)(1)—
      (i) by striking “$335,000,000 of funding in section 4011(e) is authorized” and inserting “$134,000,000 is authorized”; and
      (ii) by striking “to remain available until expended” and inserting “to be appropriated for each of fiscal years 2021 through 2028 to carry out this section”; and
(B) in subsection (h)(2)—

(i) by striking “Congress.” and inserting “Congress; and”; and

(ii) by adding at the end the following:

“(A) After approval by Congress of an initial award for a federally owned storage project or a State-led storage project, the Secretary may award additional funding for the federally owned storage project or State-led storage project without further congressional approval; and

“(B) previously authorized projects remain eligible to receive funding under this provision.”; and

(C) in subsection (i), by striking “January 1, 2021” and inserting “January 1, 2028”; and

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

(A) by striking “the date that is 5 years after the date of its enactment” and inserting “December 16, 2028”; and

(B) by striking “10 years after the date of its enactment” and inserting “on December 16, 2033”.

(b) STATE WATER PROJECT PROTECTIONS.—Sub-section (b)(2) of section 4005 of the WIIN Act (Public Law 114–322) is amended by striking “smelt biological opinion and the salmonid biological opinion;” and inserting “then current smelt biological opinion and the then current salmonid biological opinion;”.

c) WATER DESALINATION ACT AMENDMENT.—Section 4(a)(1)(F) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298), as amended by section 4009 of the WIIN Act, is further amended by striking “$30,000,000 of funding is authorized to remain available until expended; and” and inserting “$12,000,000 is authorized to be appropriated for each of fiscal years 2021 through 2028.”.

(d) RECLAMATION WASTEWATER AND GROUND WATER STUDY AND FACILITIES ACT AMENDMENT.—Section 1602(g) of the Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h(g)), as amended by section 4009 of the WIIN Act, is further amended by striking “$50,000,000 to remain available until expended” and inserting “$20,000,000 for each of fiscal years 2021 through 2028”.

c) CALFED AUTHORIZATION.—Title I of Public Law 108–361 (the CALFED Bay-Delta Authorization
Act) (118 Stat. 1681; 123 Stat. 2860; 128 Stat. 164; 128 Stat. 2312) (as amended by section 4007(k) of the WIIN Act (130 Stat. 1866)) is amended by striking “2019” each place it appears and inserting “2028”.

(f) Blueprint Participation.—Section 4009 of the WIIN Act (Public Law 114–322) is amended by adding after subsection (a) the following:

“(b) Authorization To Participate.—The Secretary of the Interior is authorized to participate in the development of the Water Blueprint for the San Joaquin Valley, including the development of policy and infrastructure recommendations that—

“(1) increase surface water availability and reliability; and

“(2) reduce groundwater overdraft.”.

(g) Storage Project Feasibility.—Section 4007(a) of the WIIN Act (43 U.S.C. 390b(a)) is amended by adding at the end the following:

“(3) Feasible.—The term ‘feasible’ in regards to any Federally owned storage project or State-led storage project, means any such project for which the Secretary of the Interior determines that—

“(A) engineering and cost estimates have been completed consistent with the level of detail required for typical feasibility studies used
to assist in the selection of a preferred plan or alternative in order to ensure the project is constructible and estimated costs support feasibility;

“(B) there is reasonable certainty that environmental compliance and permitting, consistent with applicable Federal and State laws, shall be completed and any potential changes to the project that may be required by those laws have been identified; and

“(C) the maximum amount of Federal funds provided is no less than the projected Federal benefits, including, but not limited to, water supply, irrigation, flood control, hydroelectric power, navigation, recreation, fish and wildlife enhancement, water quality, or road improvement, maintenance, or relocation provided by the project.”.

(h) STORAGE PROJECT FLEXIBILITY.—Section 4007(b)(1) of the WIIN Act (Public Law 114–322) is amended by striking “or any public agency” and inserting “any public agency, or any other entity”.

CHAPTER 2—SACRAMENTO-SAN JOAQUIN
VALLEY WATER RELIABILITY ACT

Subchapter A—Central Valley Project Water Reliability

SEC. 81211. AMENDMENT TO PURPOSES.

Section 3402 of the Central Valley Project Improvement Act (106 Stat. 4706) is amended—
(1) in subsection (f), by striking the period at the end; and
(2) by adding at the end the following:
“(g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors by December 31, 2023, at the lowest cost reasonably achievable; and
“(h) to facilitate and expedite water transfers in accordance with this Act.”.

SEC. 81212. AMENDMENT TO DEFINITION.

Section 3403 of the Central Valley Project Improvement Act (106 Stat. 4707) is amended—
(1) by amending subsection (a) to read as follows:
“(a) the term ‘anadromous fish’ means those native stocks of salmon (including steelhead) and sturgeon that, as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and their tributaries and ascend
those rivers and their tributaries to reproduce after matur-
ing in San Francisco Bay or the Pacific Ocean;”;

(2) in subsection (h), by striking “(h) The term ‘natural production’ means fish produced to adult-
hood without direct human intervention in the spawning, rearing, or migration processes;” and by redesignating subsections (i) through (m) as sub-
sections (h) through (l), respectively;

(3) in subsection (k), by striking “and,” after “this title”; 

(4) in subsection (l), by striking the period and inserting “; and”; and

(5) by adding at the end the following:

“(m) the term ‘reasonable flows’ means water flows capable of being maintained taking into account com-
peting consumptive uses of water and economic, environ-
mental, and social factors.”.

SEC. 81213. CONTRACTS.

Section 3404 of the Central Valley Project Improve-
ment Act (106 Stat. 4708) is amended—

(1) in the heading, by striking “LIMITATION ON CONTRACTING AND CONTRACT REFORM” and inserting “CONTRACTS”; and

(2) by striking the language of the section and by adding:
“(a) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—Upon request of the contractor, the Secretary shall renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years. In renewing the contract, the Secretary shall not have discretion to reduce the quantity of water to be delivered under the contract.

“(b) ADMINISTRATION OF CONTRACTS.—Except as expressly provided by this Act, any existing long-term repayment or water service contract for the delivery of water from the Central Valley Project shall be administered pursuant to the Reclamation laws applicable to the contract, including the Act of July 2, 1956 (70 Stat. 483), when applicable.

“(c) PRICING BASED ON WATER DELIVERIES.—Beginning on the date of the enactment of this Act, the Secretary shall charge contractors only for water actually delivered. The Secretary shall incorporate this term in all contracts for the delivery of water from the Central Valley Project.”.

SEC. 81214. WATER TRANSFERS, IMPROVED WATER MANAGEMENT, AND CONSERVATION.

Section 3405 of the Central Valley Project Improvement Act (106 Stat. 4709) is amended as follows:
(1) In subsection (a)—

(A) by inserting before “Except as pro-
vided herein” the following: “The Secretary
shall take all necessary actions to facilitate and
expedite transfers of Central Valley Project
water in accordance with this Act or any other
provision of Federal Reclamation laws and the
National Environmental Policy Act of 1969.”;

(B) in paragraph (1)(A), by striking “to
combination” and inserting “or combination”;

(C) in paragraph (2), by adding at the end
the following:

“(E) The contracting district from which
the water is coming, the agency, or the Sec-
retary shall determine if a written transfer pro-
posal is complete within 45 days after the date
of submission of such proposal. If such district
or agency or the Secretary determines that such
proposal is incomplete, such district or agency
or the Secretary shall state with specificity
what must be added to or revised in order for
such proposal to be complete.

“(F) Except as provided in this section,
the Secretary shall not impose mitigation or
other requirements on a proposed transfer, but
the contracting district from which the water is
coming or the agency shall retain all authority
under State law to approve or condition a pro-
posed transfer.”; and

(D) by adding at the end the following:

“(4) Notwithstanding any other provision of
Federal Reclamation laws—

“(A) the authority to make transfers or ex-
changes of, or banking or recharge arrange-
ments using, Central Valley Project water that
could have been conducted before October 30,
1992, is valid, and such transfers, exchanges,
or arrangements shall not be subject to, limited,
or conditioned by this title; and

“(B) this title shall not supersede or re-
voke the authority to transfer, exchange, bank,
or recharge Central Valley Project water that
existed prior to October 30, 1992.”.

(2) In subsection (b)—

(A) in the heading, by striking “METER-
ing” and inserting “MEASUREMENT”; and

(B) by inserting after the first sentence
the following: “The contracting district or agen-
cy shall ensure that all surface water delivery
systems owned or operated by that contracting
district or agency within its boundaries measure
surface water at the district or agency’s facili-
ties up to the point the surface water is com-
mingled with other water supplies.”.

(3) By striking subsection (d).

(4) By redesignating subsections (e) and (f) as
subsections (d) and (e), respectively.

(5) By amending subsection (e) (as redesig-
nated by paragraph (4))—

(A) by striking “as a result of the in-
creased repayment” and inserting “that exceed
the cost-of-service”;

(B) by inserting “the delivery of” after
“rates applicable to”;

(C) by striking “, and all increased reve-
nues received by the Secretary as a result of the
increased water prices established under sub-
section 3405(d) of this section,”; and

(D) by striking “covered” and inserting
“deposited”.

SEC. 81215. FISH, WILDLIFE, AND HABITAT RESTORATION.

Section 3406 of the Central Valley Project Improve-
ment Act (106 Stat. 4714) is amended as follows:
(1) In subsection (a) by striking paragraphs (1) and (2), and redesignating paragraphs (3) and (4) as (1) and (2);

(2) In subsection (b)—

(A) by striking “establishing” and inserting “that establish”; and

(B) by inserting “, that the Secretary has determined are not inconsistent with the congressionally authorized purposes of the project,” after “California State Water Resources Control Board”;  

(C) in paragraph (1)—

(i) by striking “natural production of”;  

(ii) by striking “levels not less than twice”; and

(iii) by striking “title; And provided further,” and all that follows through the period and inserting “title.”;

(D) in paragraph (1)(B)—

(i) by striking “is authorized and directed to” and inserting “may”;  

(ii) by inserting “reasonable water” after “to provide”;
(iii) by striking “anadromous fish, ex-
cept that such” and inserting “anad-
romous fish. Such”; 

(iv) by striking “remaining contrac-
tual obligations” and inserting “contra-
tual obligations”; 

(v) by striking “Instream flow” and 
inserting “Reasonable instream flow”;

(vi) by inserting “and the National 
Marine Fisheries Service” after “United 
States Fish and Wildlife Service”; and 

(vii) by striking “after consultation 
with the California Department of Fish 
and Game”; 

(E) in paragraph (2)—

(i) by striking “primary purpose” and 
inserting “purposes”;

(ii) by striking “but not limited to” 
before “additional obligations”; and

(iii) by adding after the period the fol-
lowing: “All Central Valley Project water 
used for the purposes specified in this 
paragraph shall be credited to the quantity 
of Central Valley Project yield dedicated 
and managed under this paragraph by de-
termining how the dedication and management of such water would affect the delivery capability of the Central Valley Project during the 1928 to 1934 drought period after fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, have been met. To the fullest extent possible and in accordance with section 3411, Central Valley Project water dedicated and managed pursuant to this paragraph shall be reused to fulfill the Secretary’s contractual obligations to provide Central Valley Project water for agricultural or municipal and industrial purposes.”;

(F) by amending paragraph (2)(B) to read:

“(B) Such quantity of water shall be managed by the Bureau of Reclamation after consultation with the United States Fish and Wild-
life Service and the National Marine Fisheries Service.”;

(G) by amending paragraph 2(C) to read:

“(C) If by March 15th of any year the quantity of Central Valley Project water forecasted to be made available to water service or repayment contractors in the Delta Division of the Central Valley Project is below 75 percent of the total quantity of water to be made available under said contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.”.

(3) In subsection (c) in paragraph (1) by striking “naturally reproducing”.

(4) In subsection (d)—

(A) in paragraph (1), by striking “paragraph (1) of this subsection” and inserting “paragraph (2) of this subsection”.

(B) by amending paragraph (4) to read as follows:

“(4) If by March 15th of any year the quantity of Central Valley Project water forecasted to be made available to water service or repayment contractors in the Delta Division of the Central Valley
Project is below 75 percent of the total quantity of water to be made available under said contracts, the quantity of water dedicated under paragraph (1) of this subsection shall be reduced by 25 percent.”.

(5) In subsection (e)—

(A) in paragraph (2), by striking “Provided, That additional hatchery production shall only be used to supplement or to re-establish natural production while avoiding adverse effects on remaining wild stocks;”; and

(B) in paragraph (6), by striking “restore, and enhance natural production of salmon and steelhead trout” and inserting “and restore anadromous fish”.

(6) By adding at the end the following:

“(i) NATURAL AND ARTIFICIAL PRODUCTION OF SPECIES.—Regardless of the date of listing, the Secretaries of the Interior and Commerce shall not distinguish between natural production and artificial propagation or artificial production strains of a species in making any determination under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that relates to any anadromous fish species present in the Sacramento and San Joaquin Rivers or their tributaries and ascend those rivers and
their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean.

“(j) SATISFACTION OF PURPOSES.—By pursuing the activities described in this section, the Secretary shall be deemed to have met the fish and wildlife mitigation, protection, restoration, and enhancement purposes of this title.”.

SEC. 81216. RESTORATION FUND.

(a) IN GENERAL.—Section 3407(a) of the Central Valley Project Improvement Act (106 Stat. 4726) is amended as follows:

(1) By inserting “(1) IN GENERAL.—There is hereby”.

(2) By striking “Not less than 67 percent” and all that follows through “Monies” and inserting “Monies”.

(3) By adding at the end the following:

“(2) PROHIBITIONS.—The Secretary may not directly or indirectly require a donation or other payment to the Restoration Fund—

“(A) or environmental restoration or mitigation fees not otherwise provided by law, as a condition to—

“(i) providing for the storage or conveyance of non-Central Valley Project
water pursuant to Federal reclamation laws; or

“(ii) the delivery of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97–293; 96 Stat. 1270); or

“(B) for any water that is delivered with the intent of groundwater recharge or banking.”.

(b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the Central Valley Project Improvement Act is amended—

(1) by striking “provided for or”; and

(2) by striking “of fish, wildlife” and all that follows through the period and inserting “of carrying out all activities described in this title.”.

(c) ADJUSTMENT AND ASSESSMENT OF MITIGATION AND RESTORATION PAYMENTS.—Section 3407(d)(2)(A) of the Central Valley Project Improvement Act is amended by inserting “, or after October 1, 2013, $4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2013 price levels)” after “$12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project”.

(c) ADJUSTMENT AND ASSESSMENT OF MITIGATION AND RESTORATION PAYMENTS.—Section 3407(d)(2)(A) of the Central Valley Project Improvement Act is amended by inserting “, or after October 1, 2013, $4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2013 price levels)” after “$12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project”.
(d) COMPLETION OF ACTIONS.—Section 3407(d)(2)(A) of the Central Valley Project Improvement Act is amended by inserting “not later than December 31, 2025,” after “That upon the completion of the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406,”.

(e) REPORT; ADVISORY BOARD.—Section 3407 of the Central Valley Project Improvement Act (106 Stat. 4714) is amended by adding at the end the following:

“(g) REPORT ON EXPENDITURE OF FUNDS.—At the end of each fiscal year, the Secretary, in consultation with the Restoration Fund Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year. Such plan shall contain a cost-effectiveness analysis of each expenditure.

“(h) ADVISORY BOARD.—

“(1) ESTABLISHMENT.—There is hereby established the Restoration Fund Advisory Board (hereinafter in this section referred to as the ‘Advisory Board’) composed of 12 members selected by the Secretary, each for four-year terms, one of whom shall be designated by the Secretary as Chairman. The members shall be selected so as to represent the various Central Valley Project stakeholders, four of
whom shall be from CVP agricultural users, three from CVP municipal and industrial users, three from CVP power contractors, and two at the discretion of the Secretary. The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

“(2) DUTIES.—The duties of the Advisory Board are as follows:

“(A) To meet at least semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out pursuant to the Central Valley Project Improvement Act.

“(B) To ensure that any advice or recommendation made by the Advisory Board to the Secretary reflect the independent judgment of the Advisory Board.

“(C) Not later than December 31, 2021, and annually thereafter, to transmit to the Secretary and Congress recommendations required under subparagraph (A).

“(D) Not later than December 31, 2021, and biennially thereafter, to transmit to Congress a report that details the progress made in
achieving the actions mandated under section
3406.

“(3) ADMINISTRATION.—With the consent of
the appropriate agency head, the Advisory Board
may use the facilities and services of any Federal
agency.”.

SEC. 81217. ADDITIONAL AUTHORITIES.
(a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section
3408 of the Central Valley Project Improvement Act (106
Stat. 4728) is amended—

(1) by amending subdivision (c) to read as fol-

“(c) ADDITIONAL STORAGE AND DELIVERY OF
WATER.—

“(1) IN GENERAL.—Pursuant to Federal Rec-
lamation laws and this title, the Secretary is author-
ized to enter into contracts or agreements with any
Federal agency, California water user or water agen-
cy, State agency, joint powers authority, or private
organization for the exchange, impoundment, stor-
age, carriage, and delivery of non-project water for
domestic, municipal, industrial, fish and wildlife,
groundwater recharge or banking, and any other
beneficial purpose."
“(2) LIMITATION.—Nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99–546 (100 Stat. 3051).

“(3) AUTHORITY FOR CERTAIN ACTIVITIES.—The Secretary shall use the authority granted by this subsection in connection with requests to exchange, impound, store, carry, or deliver non-project water using Central Valley Project facilities for any beneficial purpose where such facilities are not otherwise committed or required to fulfill project purposes, including deliveries under existing contracts, or other Federal obligations.

“(4) RATES.—The Secretary shall develop rates not to exceed the amount required to recover the reasonable costs incurred by the Secretary in connection with a beneficial purpose under this subsection. Such rates shall be charged to a party using Central Valley Project facilities for such purpose. Such costs shall not include any donation or other payment to the Restoration Fund.

“(5) CONSTRUCTION.—This subsection shall be construed and implemented to facilitate and encourage the use of Central Valley Project facilities to exchange, carry, or deliver non-project water for any beneficial purpose.”; and
(2) by striking subsection (d) and redesignating subsections (e) through (k) as subsections (d) through (j).

(b) Reporting Requirements.—Section 3408(e) of the Central Valley Project Improvement Act (106 Stat. 4729) is amended—

(1) by striking “Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries” and inserting “Natural Resources”;

(2) in the second sentence, by inserting before the period at the end the following: “, including progress on the plan required by subsection (i)”;

(3) by adding at the end the following: “The filing and adequacy of such report shall be personally certified to the Committees referenced above by the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation.”.

(c) Project Yield Increase.—Section 3408(i) of the Central Valley Project Improvement Act (106 Stat. 4730) is amended as follows:

(1) By redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively.

(2) By striking “In order to minimize adverse effects, if any, upon” and inserting “(1) In general.—In order to minimize adverse effects upon”. 
(3) By striking “needs, the Secretary,” and all that follows through “submit to the Congress, a” and inserting “needs, the Secretary, on a priority basis and not later than September 30, 2020, shall submit to Congress a”.

(4) By striking “increase,” and all that follows through “options:” and inserting “increase, as soon as possible but not later than September 30, 2023 (except for the construction of new facilities which shall not be limited by that deadline), the water of the Central Valley Project by the amount dedicated and managed for fish and wildlife purposes under this title and otherwise required to meet the purposes of the Central Valley Project including satisfying contractual obligations. All costs incurred in the development and implementation of the plan required by this subsection shall not be reimbursable to the United States and shall include recommendations on authorizing legislation or other measures needed to implement the intent, purposes, and provisions of this subsection and a description of how the Secretary intends to use the following options:”.

(5) In subparagraph (A), by inserting “, including construction of new water storage facilities” before the semicolon.
(6) In subparagraph (F), by striking “and” at the end.

(7) In subparagraph (G), by striking the period and all that follows through the end of the subsection and inserting “; and”.

(8) By inserting after subparagraph (G) the following:

“(H) Water banking and recharge.”.

(9) By adding at the end the following:

“(2) IMPLEMENTATION OF PLAN.—The Secretary shall implement the plan required by paragraph (1) commencing on October 1, 2020.

“(3) FAILURE OF THE PLAN.—Notwithstanding any other provision of Federal Reclamation laws, if by September 30, 2023, the plan required by paragraph (1) fails to increase the annual delivery capability of the Central Valley Project by 800,000 acre-feet, implementation of any non-mandatory action under section 3406(b)(2) shall be suspended until the plan achieves an increase in the annual delivery capability of the Central Valley Project by 800,000 acre-feet.”.

(d) TECHNICAL CORRECTION.—Section 3408(g) of the Central Valley Project Improvement Act (106 Stat. 4729) is amended—
(1) in paragraph (1), by striking “paragraph (h)(2)” and inserting “paragraph (2)”; and

(2) in paragraph (2), by striking “paragraph (h)(i)” and inserting “paragraph (1)”.

SEC. 81218. AMENDMENTS TO CENTRAL VALLEY PROJECT AUTHORIZATIONS.

Section 2 of the Act of August 26, 1937 (chapter 832; 50 Stat. 850), as amended, is further amended as follows:

(1) In the last proviso of subsection (a)—

(A) by striking “second, for irrigation and domestic uses” and inserting “second, for irrigation, domestic, and municipal and industrial uses;”;

(B) by striking “and fish and wildlife mitigation, protection and restoration purposes;”;

(C) by striking “and, third,” and inserting “third,;”;

(D) by striking “power and fish and wildlife enhancement” and inserting “power generation;”;

(E) by inserting after “power generation;” “fourth, for purposes of mitigating impacts to fish and wildlife caused by the construction, operation, or maintenance of the Central Valley
Project; and fifth, for purposes of protecting, enhancing, or helping to restore fish and wild-
life.”; and

(F) by adding at the end the following:

“When there is insufficient Central Valley Project yield to meet all the demands for water deliveries from the Central Valley Project, the Secretary shall apply these priorities in making allocations of available water.”.

(2) In subsection (b)(1), by striking the last sentence.

SEC. 81219. REGULATORY STREAMLINING.

(a) APPLICABILITY OF CERTAIN LAWS.—Filing of a Notice of Determination or a Notice of Exemption for any project, including the issuance of a permit under State law, related to any project of the Central Valley Project or the delivery of water therefrom in accordance with the California Environmental Quality Act shall be deemed to meet the requirements of section 102(2)(C) of the National Environmental Protection Act of 1969 (42 U.S.C. 4332(2)(C)) for that project or permit.

(b) CONTINUATION OF PROJECT.—The Bureau of Reclamation shall not be required to cease or modify any major Federal action or other activity related to any project of the Central Valley Project or the delivery of
water therefrom pending completion of judicial review of
any determination made under the National Environ-
mental Protection Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) Project Defined.—For the purposes of this
section, the term “project”—

(1) means an activity that—

(A) is undertaken by a public agency,

funded by a public agency, or that requires an

issuance of a permit by a public agency;

(B) has a potential to result in physical

change to the environment; and

(C) may be subject to several discretionary

approvals by governmental agencies;

(2) may include construction activities, clearing

or grading of land, improvements to existing struc-
tures, and activities or equipment involving the

issuance of a permit; or

(3) qualifies as a project under the California

Environmental Quality Act as defined in section


(d) Congressional Direction Regarding Central
Valley Project and California State Water
Project Operations.—Notwithstanding any other pro-
vision of law, complying with the Biological Opinion for
Reinitiation of Consultation on the Coordinated Oper-
ations of the Central Valley Project and State Water Project, released by the United States Fish and Wildlife Service and the National Marine Fisheries Service on October 21, 2019, combined with efforts carried out pursuant to Public Law 102–575 and Public Law 114–322, fully meet all requirements of applicable Federal environmental laws, including the Endangered Species Act (16 U.S.C. 1531 et seq.) for the Central Valley Project and the State Water Project.

**Subchapter B—San Joaquin River Restoration**

**SEC. 81221. REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.**


**SEC. 81222. PURPOSE.**

Section 10002 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended by striking “implementation of the Settlement” and inserting “restoration of the San Joaquin River”.
SEC. 81223. DEFINITIONS.

Section 10003 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) The term ‘Restoration Flows’ means the additional water released or bypassed from Friant Dam to insure that the target flow entering Mendota Pool, located approximately 62 river miles downstream from Friant Dam, does not fall below 50 cubic feet per second.”;

(2) by striking paragraph (3) and inserting the following:

“(3) The term ‘Water Year’ means March 1 through the last day of February of the following Calendar Year, both dates inclusive.”; and

(3) by adding at the end the following new paragraph:

“(4) The term ‘Critical Water Year’ means when the total unimpaired runoff at Friant Dam is less than 400,000 acre-feet, as forecasted as of March 1 of that water year by the California Department of Water Resources.”.

SEC. 81224. IMPLEMENTATION OF RESTORATION.

Section 10004 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—
(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “authorized and directed” and all that follows through “in the Settlement:” and inserting “authorized to carry out the following:”;

(B) by striking paragraphs (1), (2), (4), and (5);

(C) in paragraph (3)—

(i) by striking “(3)” and inserting “(1)”; and

(ii) by striking “paragraph 13 of the Settlement” and inserting “this part”; and

(D) by adding at the end the following new paragraphs:

“(2) In each Water Year, commencing in the Water Year starting on March 1, 2021—

“(A) shall modify Friant Dam operations so as to release the Restoration Flows for that Water Year, except in any Critical Water Year;

“(B) shall ensure that the release of Restoration Flows are maintained at the level prescribed by this part, but that Restoration Flows do not reach downstream of Mendota Pool;
“(C) shall release the Restoration Flows in a manner that improves the fishery in the San Joaquin River below Friant Dam, but upstream of Gravelly Ford in existence as of the date of the enactment of this part, and the associated riparian habitat; and

“(D) may, without limiting the actions required under paragraphs (A) and (C) and subject to subsections 10004(a)(3) and 10004(l), use the Restoration Flows to enhance or restore a warm water fishery downstream of Gravelly Ford to and including Mendota Pool, if the Secretary determines that it is reasonable, prudent, and feasible to do so.

“(3) Not later than 1 year after the date of the enactment of this section, the Secretary shall develop and implement, in cooperation with the State of California, a reasonable plan, to fully recirculate, recapture, reuse, exchange, or transfer all Restoration Flows and provide such recirculated, recaptured, reused, exchanged, or transferred flows to those contractors within the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project that relinquished the Restoration Flows so recirculated, recaptured, reused, exchanged, or transferred.
ferred. Such a plan shall address any impact on ground water resources within the service area of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project and mitigation may include ground water banking and recharge projects. Such a plan shall not impact the water supply or water rights of any entity outside the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project. Such a plan shall be subject to applicable provisions of California water law and the Secretary’s use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to this part) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “the Settlement” and inserting “this part”; and

(B) in paragraph (2), by striking “the Settlement” and inserting “this part”;

(3) in subsection (c), by striking “the Settlement” and inserting “this part”;

(4) by striking subsection (d) and inserting the following:
“(d) MITIGATION OF IMPACTS.—Prior to October 1, 2020, the Secretary shall identify—

“(1) the impacts associated with the release of Restoration Flows prescribed in this part;

“(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users, landowners and agencies as a result of Restoration Flows prescribed in this part; and

“(3) prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement this part, the Secretary shall implement all mitigations measures identified in subsection (d)(2) before Restoration Flows are commenced.”;

(5) in subsection (e), by striking “the Settlement” and inserting “this part”;

(6) in subsection (f), by striking “the Settlement” and all that follows through “section 10011” and insert “this part”;

(7) in subsection (g)—

(A) by striking “the Settlement and” before this part; and
(B) by striking “or exchange contract” and inserting “exchange contract, or water rights settlement or holding contracts”;

(8) in subsection (h)—

(A) by striking “INTERIM” in the header;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Interim Flows under the Settlement” and inserting “Restoration Flows under this part”;  

(ii) in subparagraph (C)—

(I) in clause (i), by striking “Interim” and inserting “Restoration”; and

(II) in clause (ii), by inserting “and” after the semicolon;

(iii) in subparagraph (D), by striking “and” at the end; and

(iv) by striking subparagraph (E);

(C) in paragraph (2)—

(i) by striking “Interim” and inserting “Restoration”;  

(ii) by striking subparagraph (A); and

(iii) by striking “(B) exceed” and inserting “exceed”;
(D) in paragraph (3), by striking “Interim” and inserting “Restoration”; and

(E) by striking paragraph (4) and inserting the following:

“(4) CLAIMS.—Not later than 60 days after the date of the enactment of this Act the Secretary shall promulgate a rule establishing a claims process to address current and future claims including, but not limited to, ground water seepage, flooding, or levee instability damages caused as a result of, arising out of, or related to implementation of subtitle A of title X of Public Law 111–11.”;

(9) in subsection (i)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “the Settlement and parts I and III” and inserting “this part”;

(ii) in subparagraph (A), by inserting “and” after the semicolon;

(iii) in subparagraph (B)—

(I) by striking “additional amounts authorized to be appropriated, including the”; and

(II) by striking “; and” and inserting a period; and
(iv) by striking subparagraph (C); and

(B) by striking paragraph (3); and

(10) by adding at the end the following new subsections:

“(k) No Impacts on Other Interests.—No Central Valley Project or other water other than San Joaquin River water impounded by or bypassed from Friant Dam shall be used to implement subsection (a)(2) unless such use is on a voluntary basis. No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless such costs are incurred on a voluntary basis. The implementation of this part shall not result directly or indirectly in any reduction in water supplies to or water reliability for any Central Valley Project contractor, any State Water Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless such reductions or costs are incurred on a voluntary basis.

“(l) Priority.—All actions taken under this part shall be subordinate to the Secretary’s use of Central Valley Project facilities to make Project water available to
Project contractors, other than water released from the Friant Dam pursuant to this part.

“(m) IN GENERAL.—Notwithstanding section 8 of the Reclamation Act of 1902, except as expresssly provided in this part, including title II of this Act, this part preempts and supersedes any State law, regulation, or requirement that imposes more restrictive requirements or regulations on the activities authorized under this part. Nothing in this part shall alter or modify the obligations, if any, of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project, or other water users on the San Joaquin River or its tributaries, under orders issued by the State Water Resources Control Board pursuant to the Porter-Cologne Water Quality Control Act (California Water Code sections 13000 et seq.). Any such order shall be consistent with the congressional authorization for any affected Federal facility as it pertains to the Central Valley Project.

“(n) PROJECT IMPLEMENTATION.—Projects to implement this title shall be phased such that each project shall follow the sequencing identified below and include at least the—

“(1) project purpose and need;
“(2) identification of mitigation measures;
“(3) appropriate environmental review; and
“(4) prior to releasing Restoration Flows under this part, the Secretary shall—

“(A) complete the implementation of mitigation measures required; and

“(B) complete implementation of the project.”.

SEC. 81225. DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

Section 10005 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in subsection (a), by striking “the Settlement authorized by this part” and inserting “this part”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “(1) IN GENERAL.—The Secretary”; and

(ii) by striking “the Settlement authorized by this part” and inserting “this part”; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (1), by striking “the Settlement” and inserting “this part”;

(B) in paragraph (2)—
(i) by striking “through the exercise of its eminent domain authority”; and

(ii) by striking “the Settlement” and inserting “this part”; and

(C) in paragraph (3), by striking “section 10009(c)” and inserting “section 10009”.

SEC. 81226. COMPLIANCE WITH APPLICABLE LAW.

Section 10006 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “unless otherwise provided by this part” before the period at the end; and

(B) in paragraph (2), by striking “the Settlement” and inserting “this part”;

(2) in subsection (b), by inserting “, unless otherwise provided by this part” before the period at the end;

(3) in subsection (c)—

(A) in paragraph (2), by striking “section 10004” and inserting “this part”; and

(B) in paragraph (3), by striking “the Settlement” and inserting “this part”; and

(4) in subsection (d)—
(A) by inserting “, including without limitation to sections 10004(d) and 10004(h)(4) of this part,” after “implementing this part”; and

(B) by striking “for implementation of the Settlement”.

SEC. 81227. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Section 10007 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “the Settlement” and inserting “enactment of this part”; and

(B) by inserting: “and the obligations of the Secretary and all other parties to protect and keep in good condition any fish that may be planted or exist below Friant Dam including any obligations under section 5937 of the California Fish and Game Code and the public trust doctrine, and those of the Secretary and all other parties under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).” before “, provided”; and

(2) in paragraph (1), by striking “, as provided in the Settlement”.
SEC. 81228. NO PRIVATE RIGHT OF ACTION.

Section 10008(a) of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) by striking “not a party to the Settlement” after “person or entity”; and

(2) by striking “or the Settlement” before the period and inserting “unless otherwise provided by this part. Any Central Valley Project long-term water service or repayment contractor within the Friant Division, Hidden Unit, or Buchanan Unit adversely affected by the Secretary’s failure to comply with section 10004(a)(3) of this part may bring an action against the Secretary for injunctive relief or damages, or both.”.

SEC. 81229. IMPLEMENTATION.

Section 10009 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in the header by striking “; SETTLEMENT FUND”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “the Settlement” the first place it appears and inserting “this part”;

(ii) by striking “, estimated to total” and all that follows through “subsection (b)(1),”; and

(iii) by striking “provided however,” and all that follows through “$110,000,000 of State funds”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “(A) IN GENERAL.—The Secretary” and inserting “The Secretary”; and

(ii) by striking subparagraph (B); and

(C) in paragraph (3)—

(i) by striking “Except as provided in the Settlement, to” and inserting “To”; and

(ii) by striking “this Settlement” and inserting “this part”;

(3) in subsection (b)(1)—

(A) by striking “In addition” through “however, that the” and inserting “The”; 

(B) by striking “such additional appropriations only in amounts equal to”; and 

(C) by striking “or the Settlement” before the period;

(4) in subsection (c)—
(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “the Settlement” and inserting “this part”;

(ii) in subparagraph (C), by striking “from the sale of water pursuant to the Settlement, or”; and

(iii) in subparagraph (D), by striking “the Settlement” and inserting “this part”;

(B) in paragraph (2), by striking “the Settlement and” before “this part”; and

(5) by striking subsections (d) through (f).

SEC. 81230. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

Section 10010 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(D), by striking “the Settlement and” before “this part”; and

(B) in paragraph (4)(C), by striking “the Settlement and” before “this part”;
(3) in subsection (d)(1), by striking “the Settlement” in both places it appears and inserting “this part”;

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement” and inserting “Restoration Flows, pursuant to this part”;

(ii) by striking “Interim Flows or” before “Restoration Flows”; and

(iii) by striking “the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement” and inserting “Restoration Flows”; and

(B) in paragraph (2)—

(i) by striking “except as provided in paragraph 16(b) of the Settlement” after “Friant Division long-term contractor”; and

(ii) by striking “the Interim Flows or Restoration Flows or to facilitate the
Water Management Goal’’ and inserting “Restoration Flows”.

SEC. 81231. REPEAL.

Section 10011 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is repealed.

SEC. 81232. WATER SUPPLY MITIGATION.

Section 10202(b) of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in paragraph (1), by striking “the Interim or Restoration Flows authorized in part I of this subtitle” and inserting “Restoration Flows authorized in this part”; and

(2) in paragraph (2), by striking “the Interim or Restoration Flows authorized in part I of this subtitle” and inserting “Restoration Flows authorized in this part”; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “meet the Restoration Goal as described in part I of this subtitle” and inserting “recover Restoration Flows as described in this part”; and

(B) in subparagraph (C)—

(i) by striking “the Interim or Restor-
subtitle” and inserting “Restoration Flows authorized in this part”; and
(ii) by striking “, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5)”.

SEC. 81233. ADDITIONAL AUTHORITIES.

Section 10203 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—
(1) in subsection (b)—
(A) by striking “section 10004(a)(4)” and inserting “section 10004(a)(3)”; and
(B) by striking “, provided” and all that follows through “section 10009(f)(2)”; and
(2) by striking subsection (c).

SEC. 81234. PROTECTIONS.

Section 4005 of Public Law 114–322, as amended by this subtitle, shall apply to this chapter.
CHAPTER 3—REPURPOSING ASSETS TO INCREASE LONG-TERM WATER AVAILABILITY AND YIELD ACT

SEC. 81241. TREATMENT OF CERTAIN FUNDS DEDICATED FOR HIGH-SPEED RAIL DEVELOPMENT IN THE STATE OF CALIFORNIA.

(a) TREATMENT OF FUNDS.—Notwithstanding any other law, the covered funds described in subsection (b) shall be immediately deposited as follows:

(1) Ninety percent of funds in the Reclamation Water Storage Account which shall be made available to the Secretary of the Interior for water storage projects authorized pursuant to section 4007 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322) (43 U.S.C. 390b note).

(2) Five percent of funds in the Rural Water and Waste Disposal Program Account which shall be made available to the Secretary of Agriculture for grants under section 306F of the Consolidated Farm and Rural Development Act.

(3) Five percent of funds in the Rural Water and Waste Disposal Program Account which shall be made available to the Secretary of Agriculture for
grants under section 306G of the Consolidated Farm and Rural Development Act.

(b) COVERED FUNDS.—The covered funds are the following:

(1) The Federal funds received by the Department of Transportation as a result of the Department of Transportation’s termination and de-obligation of Cooperative Agreement No. FR–HSR–0118–12–01–01 between the Federal Railroad Administration and the California High-Speed Rail Authority, notwithstanding the Omnibus Appropriations Act, 2010 (Public Law 111–117).

(2) The Federal funds that are recovered by the Department of Transportation relating to Cooperative Agreement No. FR–HSR–0009–10–01–06 between the Federal Railroad Administration and the California High-Speed Rail Authority, notwithstanding the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(3) Any funds determined to be offsets by the Federal Railroad Administration or the Department of Transportation, consistent with Cooperative Agreement No. FRA–HSR–0009–10–01–06.

(c) COST SHARE FOR WATER STORAGE PROJECTS.—Funds made available pursuant this subtitle shall not
count toward the cost-share provisions of section 4007 of
the Water Infrastructure Improvements for the Nation
Act.

SEC. 81242. NITRATE CONTAMINATION REDUCTION

GRANTS.

(a) In General.—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. NITRATE CONTAMINATION REDUCTION

GRANTS.

“(a) In General.—The Secretary shall provide
grants in accordance with this section to public or private
nonprofit entities for projects designed to reduce the level
of nitrates in, or remove nitrates from, drinking water in
a rural community where the level of nitrates in drinking
water exceeds applicable Federal or State standards.

“(b) Use of Funds.—Grants made under this sec-
tion may be used—

“(1) for waterline extensions from existing sys-
tems, laying of new waterlines, repairs or mainte-
nance 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 popu-
lation in excess of 10,000 inhabitants according to
the most recent decennial census of the United
States; or
“(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 applica-
tions for grants under this section.”.

(b) REPEAL.—Effective 5 years after the date of the
enactment of this Act, section 306F of the Consolidated
Farm and Rural Development Act, as added by the
amendment made by subsection (a), is repealed.
SEC. 81243. NEW WELL CONSTRUCTION GRANTS.

(a) IN GENERAL.—Subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922–1936c) is further amended by inserting after section 306F the following:

“SEC. 306G. NEW WELL CONSTRUCTION GRANTS.

“(a) IN GENERAL.—The Secretary shall provide grants in accordance with this section to 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; or

“(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.”.

(b) REPEAL.—Effective 5 years after the date of the enactment of this Act, section 306G of the Consolidated Farm and Rural Development Act, as added by the amendment made by subsection (a), is repealed.

CHAPTER 4—HETCH HETCHY DAM

SEC. 81251. HETCH HETCHY RENTAL FEE UPDATE.

Section 7 of the Act of December 13, 1913 (38 Stat. 242), is amended—

(1) by striking “pay the sum of $30,000” and all that follows in the first sentence and inserting
“pay an amount determined annually by the Secretary in accordance with the formula used by the Federal Energy Regulatory Commission for application to licenses of hydroelectric projects under the Federal Power Act (16 U.S.C. 791 et seq.), provided that, in no event shall such amount be less than $597,000.00. Said amount to be paid on the first day of July of each year.”; and

(2) by amending the second and third sentences to read as follows: “These funds shall be placed in a separate fund by the United States and, notwithstanding any other provision of law, shall not be available for obligation or expenditure until appropriated by Congress. The highest priority use of the funds shall be for annual operation of Yosemite National Park, with the remainder of any funds to be used to fund operations of other national parks in the State of California.”.