

**AMENDMENT TO
RULES COMMITTEE PRINT 116-54
OFFERED BY M**

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

**1 Subtitle B—FUTURE Western
2 Water Infrastructure and
3 Drought Resiliency**

4 CHAPTER 1—WATER INFRASTRUCTURE

5 SEC. 81201. WIIN ACT AMENDMENTS.

6 (a) AUTHORIZATION OF APPROPRIATIONS.—The
7 WIIN Act (Public Law 114–322) is amended—

8 (1) in section 4007 (43 U.S.C. 390(b) note)—

9 (A) in subsection (h)(1)—

**10 (i) by striking “\$335,000,000 of fund-
11 ing in section 4011(e) is authorized” and
12 inserting “\$134,000,000 is authorized”;
13 and**

**14 (ii) by striking “to remain available
15 until expended” and inserting “to be ap-
16 propriated for each of fiscal years 2021
17 through 2028 to carry out this section”;**

18 and

1 (B) in subsection (h)(2)—

2 (i) by striking “Congress.” and insert-
3 ing “Congress; and”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(A) After approval by Congress of an ini-
7 tial award for a federally owned storage project
8 or a State-led storage project, the Secretary
9 may award additional funding for the federally
10 owned storage project or State-led storage
11 project without further congressional approval;
12 and

13 “(B) previously authorized projects remain
14 eligible to receive funding under this provi-
15 sion.”; and

16 (C) in subsection (i), by striking “January
17 1, 2021” and inserting “January 1, 2028”; and
18 (2) in section 4013 (43 U.S.C. 390(b) note)—

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

22 (B) by striking “10 years after the date of
23 its enactment” and inserting “on December 16,
24 2033”.

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

7 (c) WATER DESALINATION ACT AMENDMENT.—Sec-
8 tion 4(a)(1)(F) of the Water Desalination Act of 1996 (42
9 U.S.C. 10301 note; Public Law 104–298), as amended by
10 section 4009 of the WIIN Act, is further amended by
11 striking “\$30,000,000 of funding is authorized to remain
12 available until expended; and” and inserting “\$12,000,000
13 is authorized to be appropriated for each of fiscal years
14 2021 through 2028.”.

15 (d) RECLAMATION WASTEWATER AND GROUND
16 WATER STUDY AND FACILITIES ACT AMENDMENT.—Sec-
17 tion 1602(g) of the Reclamation Wastewater and Ground-
18 water Study and Facilities Act (title XVI of Public Law
19 102–575; 43 U.S.C. 390h(g)), as amended by section
20 4009 of the WIIN Act, is further amended by striking
21 “\$50,000,000 to remain available until expended” and in-
22 serting “\$20,000,000 for each of fiscal years 2021
23 through 2028”.

24 (e) CALFED AUTHORIZATION.—Title I of Public
25 Law 108–361 (the CALFED Bay-Delta Authorization

1 Act) (118 Stat. 1681; 123 Stat. 2860; 128 Stat. 164; 128
2 Stat. 2312) (as amended by section 4007(k) of the WIIN
3 Act (130 Stat. 1866)) is amended by striking “2019” each
4 place it appears and inserting “2028”.

5 (f) BLUEPRINT PARTICIPATION.—Section 4009 of
6 the WIIN Act (Public Law 114–322) is amended by add-
7 ing after subsection (a) the following:

8 “(b) AUTHORIZATION TO PARTICIPATE.—The Sec-
9 retary of the Interior is authorized to participate in the
10 development of the Water Blueprint for the San Joaquin
11 Valley, including the development of policy and infrastruc-
12 ture recommendations that—

13 “(1) increase surface water availability and reli-
14 ability; and

15 “(2) reduce groundwater overdraft.”.

16 (g) STORAGE PROJECT FEASIBILITY.—Section
17 4007(a) of the WIIN Act (43 U.S.C. 390b(a)) is amended
18 by adding at the end the following:

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

23 “(A) engineering and cost estimates have
24 been completed consistent with the level of de-
25 tail required for typical feasibility studies used

1 to assist in the selection of a preferred plan or
2 alternative in order to ensure the project is con-
3 structible and estimated costs support feasi-
4 bility;

5 “(B) there is reasonable certainty that en-
6 vironmental compliance and permitting, con-
7 sistent with applicable Federal and State laws,
8 shall be completed and any potential changes to
9 the project that may be required by those laws
10 have been identified; and

11 “(C) the maximum amount of Federal
12 funds provided is no less than the projected
13 Federal benefits, including, but not limited to,
14 water supply, irrigation, flood control, hydro-
15 electric power, navigation, recreation, fish and
16 wildlife enhancement, water quality, or road im-
17 provement, maintenance, or relocation provided
18 by the project.”.

19 (h) STORAGE PROJECT FLEXIBILITY.—Section
20 4007(b)(1) of the WIIN Act (Public Law 114–322) is
21 amended by striking “or any public agency” and inserting
22 “any public agency, or any other entity”.

1 **CHAPTER 2—SACRAMENTO-SAN JOAQUIN**
2 **VALLEY WATER RELIABILITY ACT**
3 **Subchapter A—Central Valley Project Water**
4 **Reliability**

5 **SEC. 81211. AMENDMENT TO PURPOSES.**

6 Section 3402 of the Central Valley Project Improve-
7 ment Act (106 Stat. 4706) is amended—

8 (1) in subsection (f), by striking the period at
9 the end; and

10 (2) by adding at the end the following:

11 “(g) to ensure that water dedicated to fish and wild-
12 life purposes by this title is replaced and provided to Cen-
13 tral Valley Project water contractors by December 31,
14 2023, at the lowest cost reasonably achievable; and

15 “(h) to facilitate and expedite water transfers in ac-
16 cordance with this Act.”.

17 **SEC. 81212. AMENDMENT TO DEFINITION.**

18 Section 3403 of the Central Valley Project Improve-
19 ment Act (106 Stat. 4707) is amended—

20 (1) by amending subsection (a) to read as fol-
21 lows:

22 “(a) the term ‘anadromous fish’ means those native
23 stocks of salmon (including steelhead) and sturgeon that,
24 as of October 30, 1992, were present in the Sacramento
25 and San Joaquin Rivers and their tributaries and ascend

1 those rivers and their tributaries to reproduce after matur-
2 ing in San Francisco Bay or the Pacific Ocean;”;

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

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

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

13 (5) by adding at the end the following:

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

18 **SEC. 81213. CONTRACTS.**

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

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

24 (2) by striking the language of the section and
25 by adding:

1 “(a) RENEWAL OF EXISTING LONG-TERM CON-
2 TRACTS.—Upon request of the contractor, the Secretary
3 shall renew any existing long-term repayment or water
4 service contract that provides for the delivery of water
5 from the Central Valley Project for a period of 40 years.
6 In renewing the contract, the Secretary shall not have dis-
7 cretion to reduce the quantity of water to be delivered
8 under the contract.

9 “(b) ADMINISTRATION OF CONTRACTS.—Except as
10 expressly provided by this Act, any existing long-term re-
11 payment or water service contract for the delivery of water
12 from the Central Valley Project shall be administered pur-
13 suant to the Reclamation laws applicable to the contract,
14 including the Act of July 2, 1956 (70 Stat. 483), when
15 applicable.

16 “(c) PRICING BASED ON WATER DELIVERIES.—Be-
17 ginning on the date of the enactment of this Act, the Sec-
18 retary shall charge contractors only for water actually de-
19 livered. The Secretary shall incorporate this term in all
20 contracts for the delivery of water from the Central Valley
21 Project.”.

22 **SEC. 81214. WATER TRANSFERS, IMPROVED WATER MAN-**
23 **AGEMENT, AND CONSERVATION.**

24 Section 3405 of the Central Valley Project Improve-
25 ment Act (106 Stat. 4709) is amended as follows:

1 (1) In subsection (a)—

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

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

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

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

23 “(F) Except as provided in this section,
24 the Secretary shall not impose mitigation or
25 other requirements on a proposed transfer, but

1 the contracting district from which the water is
2 coming or the agency shall retain all authority
3 under State law to approve or condition a pro-
4 posed transfer.”; and

5 (D) by adding at the end the following:

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

8 “(A) the authority to make transfers or ex-
9 changes of, or banking or recharge arrange-
10 ments using, Central Valley Project water that
11 could have been conducted before October 30,
12 1992, is valid, and such transfers, exchanges,
13 or arrangements shall not be subject to, limited,
14 or conditioned by this title; and

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

19 (2) In subsection (b)—

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

22 (B) by inserting after the first sentence
23 the following: “The contracting district or agen-
24 cy shall ensure that all surface water delivery
25 systems owned or operated by that contracting

1 district or agency within its boundaries measure
2 surface water at the district or agency's facili-
3 ties up to the point the surface water is com-
4 mingled with other water supplies.”.

5 (3) By striking subsection (d).

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

8 (5) By amending subsection (e) (as redesign-
9 nated by paragraph (4))—

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

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

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

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

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

22 Section 3406 of the Central Valley Project Improve-
23 ment Act (106 Stat. 4714) is amended as follows:

1 (1) In subsection (a) by striking paragraphs (1)
2 and (2), and redesignating paragraphs (3) and (4)
3 as (1) and (2);

4 (2) In subsection (b)—

5 (A) by striking “establishing” and insert-
6 ing “that establish”; and

7 (B) by inserting “, that the Secretary has
8 determined are not inconsistent with the con-
9 gressionally authorized purposes of the
10 project,” after “California State Water Re-
11 sources Control Board”;

12 (C) in paragraph (1)—

13 (i) by striking “natural production
14 of”;

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

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

20 (D) in paragraph (1)(B)—

21 (i) by striking “is authorized and di-
22 rected to” and inserting “may”;

23 (ii) by inserting “reasonable water”
24 after “to provide”;

1 (iii) by striking “anadromous fish, ex-
2 cept that such” and inserting “anad-
3 romous fish. Such”;

4 (iv) by striking “remaining contrac-
5 tual obligations” and inserting “contrac-
6 tual obligations”;

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

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

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

15 (E) in paragraph (2)—

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

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

20 (iii) by adding after the period the fol-
21 lowing: “All Central Valley Project water
22 used for the purposes specified in this
23 paragraph shall be credited to the quantity
24 of Central Valley Project yield dedicated
25 and managed under this paragraph by de-

1 termining how the dedication and manage-
2 ment of such water would affect the deliv-
3 ery capability of the Central Valley Project
4 during the 1928 to 1934 drought period
5 after fishery, water quality, and other flow
6 and operational requirements imposed by
7 terms and conditions existing in licenses,
8 permits, and other agreements pertaining
9 to the Central Valley Project under appli-
10 cable State or Federal law existing on Oc-
11 tober 30, 1992, have been met. To the full-
12 est extent possible and in accordance with
13 section 3411, Central Valley Project water
14 dedicated and managed pursuant to this
15 paragraph shall be reused to fulfill the
16 Secretary's contractual obligations to pro-
17 vide Central Valley Project water for agri-
18 cultural or municipal and industrial pur-
19 poses.”;

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

22 “(B) Such quantity of water shall be man-
23 aged by the Bureau of Reclamation after con-
24 sultation with the United States Fish and Wild-

1 life Service and the National Marine Fisheries
2 Service.”;

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

4 “(C) If by March 15th of any year the
5 quantity of Central Valley Project water fore-
6 casted to be made available to water service or
7 repayment contractors in the Delta Division of
8 the Central Valley Project is below 75 percent
9 of the total quantity of water to be made avail-
10 able under said contracts, the quantity of Cen-
11 tral Valley Project yield dedicated and managed
12 for that year under this paragraph shall be re-
13 duced by 25 percent.”.

14 (3) In subsection (c) in paragraph (1) by strik-
15 ing “naturally reproducing”.

16 (4) In subsection (d)—

17 (A) in paragraph (1), by striking “para-
18 graph (1) of this subsection” and inserting
19 “paragraph (2) of this subsection”.

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

22 “(4) If by March 15th of any year the quantity
23 of Central Valley Project water forecasted to be
24 made available to water service or repayment con-
25 tractors in the Delta Division of the Central Valley

1 Project is below 75 percent of the total quantity of
2 water to be made available under said contracts, the
3 quantity of water dedicated under paragraph (1) of
4 this subsection shall be reduced by 25 percent.”.

5 (5) In subsection (e)—

6 (A) in paragraph (2), by striking “*Pro-*
7 *vided*, That additional hatchery production shall
8 only be used to supplement or to re-establish
9 natural production while avoiding adverse ef-
10 fects on remaining wild stocks;” and

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

15 (6) By adding at the end the following:

16 “(i) NATURAL AND ARTIFICIAL PRODUCTION OF
17 SPECIES.—Regardless of the date of listing, the Secre-
18 taries of the Interior and Commerce shall not distinguish
19 between natural production and artificial propagation or
20 artificial production strains of a species in making any de-
21 termination under the Endangered Species Act of 1973
22 (16 U.S.C. 1531 et seq.) that relates to any anadromous
23 fish species present in the Sacramento and San Joaquin
24 Rivers or their tributaries and ascend those rivers and

1 their tributaries to reproduce after maturing in San Fran-
2 cisco Bay or the Pacific Ocean.

3 “(j) SATISFACTION OF PURPOSES.—By pursuing the
4 activities described in this section, the Secretary shall be
5 deemed to have met the fish and wildlife mitigation, pro-
6 tection, restoration, and enhancement purposes of this
7 title.”.

8 **SEC. 81216. RESTORATION FUND.**

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

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

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

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

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

21 “(A) or environmental restoration or miti-
22 gation fees not otherwise provided by law, as a
23 condition to—

24 “(i) providing for the storage or con-
25 veyance of non-Central Valley Project

1 water pursuant to Federal reclamation
2 laws; or

3 “(ii) the delivery of water pursuant to
4 section 215 of the Reclamation Reform Act
5 of 1982 (Public Law 97–293; 96 Stat.
6 1270); or

7 “(B) for any water that is delivered with
8 the intent of groundwater recharge or bank-
9 ing.”.

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

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

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

16 (c) ADJUSTMENT AND ASSESSMENT OF MITIGATION
17 AND RESTORATION PAYMENTS.—Section 3407(d)(2)(A)
18 of the Central Valley Project Improvement Act is amended
19 by inserting “, or after October 1, 2013, \$4 per megawatt-
20 hour for Central Valley Project power sold to power con-
21 tractors (October 2013 price levels)” after “\$12 per acre-
22 foot (October 1992 price levels) for municipal and indus-
23 trial water sold and delivered by the Central Valley
24 Project”.

1 (d) COMPLETION OF ACTIONS.—Section
2 3407(d)(2)(A) of the Central Valley Project Improvement
3 Act is amended by inserting “not later than December 31,
4 2025,” after “That upon the completion of the fish, wild-
5 life, and habitat mitigation and restoration actions man-
6 dated under section 3406,”.

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

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

17 “(h) ADVISORY BOARD.—

18 “(1) ESTABLISHMENT.—There is hereby estab-
19 lished the Restoration Fund Advisory Board (herein-
20 after in this section referred to as the ‘Advisory
21 Board’) composed of 12 members selected by the
22 Secretary, each for four-year terms, one of whom
23 shall be designated by the Secretary as Chairman.
24 The members shall be selected so as to represent the
25 various Central Valley Project stakeholders, four of

1 whom shall be from CVP agricultural users, three
2 from CVP municipal and industrial users, three
3 from CVP power contractors, and two at the discre-
4 tion of the Secretary. The Secretary and the Sec-
5 retary of Commerce may each designate a represent-
6 ative to act as an observer of the Advisory Board.

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

9 “(A) To meet at least semiannually to de-
10 velop and make recommendations to the Sec-
11 retary regarding priorities and spending levels
12 on projects and programs carried out pursuant
13 to the Central Valley Project Improvement Act.

14 “(B) To ensure that any advice or rec-
15 ommendation made by the Advisory Board to
16 the Secretary reflect the independent judgment
17 of the Advisory Board.

18 “(C) Not later than December 31, 2021,
19 and annually thereafter, to transmit to the Sec-
20 retary and Congress recommendations required
21 under subparagraph (A).

22 “(D) Not later than December 31, 2021,
23 and biennially thereafter, to transmit to Con-
24 gress a report that details the progress made in

1 achieving the actions mandated under section
2 3406.

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

7 **SEC. 81217. ADDITIONAL AUTHORITIES.**

8 (a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section
9 3408 of the Central Valley Project Improvement Act (106
10 Stat. 4728) is amended—

11 (1) by amending subdivision (c) to read as fol-
12 lows:

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

15 “(1) IN GENERAL.—Pursuant to Federal Rec-
16 lamation laws and this title, the Secretary is author-
17 ized to enter into contracts or agreements with any
18 Federal agency, California water user or water agen-
19 cy, State agency, joint powers authority, or private
20 organization for the exchange, impoundment, stor-
21 age, carriage, and delivery of non-project water for
22 domestic, municipal, industrial, fish and wildlife,
23 groundwater recharge or banking, and any other
24 beneficial purpose.

1 “(2) LIMITATION.—Nothing in this subsection
2 shall be deemed to supersede the provisions of sec-
3 tion 103 of Public Law 99–546 (100 Stat. 3051).

4 “(3) AUTHORITY FOR CERTAIN ACTIVITIES.—
5 The Secretary shall use the authority granted by
6 this subsection in connection with requests to ex-
7 change, impound, store, carry, or deliver non-project
8 water using Central Valley Project facilities for any
9 beneficial purpose where such facilities are not oth-
10 erwise committed or required to fulfill project pur-
11 poses, including deliveries under existing contracts,
12 or other Federal obligations.

13 “(4) RATES.—The Secretary shall develop rates
14 not to exceed the amount required to recover the
15 reasonable costs incurred by the Secretary in con-
16 nection with a beneficial purpose under this sub-
17 section. Such rates shall be charged to a party using
18 Central Valley Project facilities for such purpose.
19 Such costs shall not include any donation or other
20 payment to the Restoration Fund.

21 “(5) CONSTRUCTION.—This subsection shall be
22 construed and implemented to facilitate and encour-
23 age the use of Central Valley Project facilities to ex-
24 change, carry, or deliver non-project water for any
25 beneficial purpose.”; and

1 (2) by striking subsection (d) and redesignating
2 subsections (e) through (k) as subsections (d)
3 through (j).

4 (b) REPORTING REQUIREMENTS.—Section 3408(e)
5 of the Central Valley Project Improvement Act (106 Stat.
6 4729) is amended—

7 (1) by striking “Interior and Insular Affairs
8 and the Committee on Merchant Marine and Fish-
9 eries” and inserting “Natural Resources”;

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

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

18 (c) PROJECT YIELD INCREASE.—Section 3408(i) of
19 the Central Valley Project Improvement Act (106 Stat.
20 4730) is amended as follows:

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

23 (2) By striking “In order to minimize adverse
24 effects, if any, upon” and inserting “(1) IN GEN-
25 ERAL.—In order to minimize adverse effects upon”.

1 (3) By striking “needs, the Secretary,” and all
2 that follows through “submit to the Congress, a”
3 and inserting “needs, the Secretary, on a priority
4 basis and not later than September 30, 2020, shall
5 submit to Congress a”.

6 (4) By striking “increase,” and all that follows
7 through “options:” and inserting “increase, as soon
8 as possible but not later than September 30, 2023
9 (except for the construction of new facilities which
10 shall not be limited by that deadline), the water of
11 the Central Valley Project by the amount dedicated
12 and managed for fish and wildlife purposes under
13 this title and otherwise required to meet the pur-
14 poses of the Central Valley Project including satis-
15 fying contractual obligations. All costs incurred in
16 the development and implementation of the plan re-
17 quired by this subsection shall not be reimbursable
18 to the United States and shall include recommenda-
19 tions on authorizing legislation or other measures
20 needed to implement the intent, purposes, and provi-
21 sions of this subsection and a description of how the
22 Secretary intends to use the following options:”.

23 (5) In subparagraph (A), by inserting “, includ-
24 ing construction of new water storage facilities” be-
25 fore the semicolon.

1 (6) In subparagraph (F), by striking “and” at
2 the end.

3 (7) In subparagraph (G), by striking the period
4 and all that follows through the end of the sub-
5 section and inserting “; and”.

6 (8) By inserting after subparagraph (G) the fol-
7 lowing:

8 “(H) Water banking and recharge.”.

9 (9) By adding at the end the following:

10 “(2) IMPLEMENTATION OF PLAN.—The Sec-
11 retary shall implement the plan required by para-
12 graph (1) commencing on October 1, 2020.

13 “(3) FAILURE OF THE PLAN.—Notwithstanding
14 any other provision of Federal Reclamation laws, if
15 by September 30, 2023, the plan required by para-
16 graph (1) fails to increase the annual delivery capa-
17 bility of the Central Valley Project by 800,000 acre-
18 feet, implementation of any non-mandatory action
19 under section 3406(b)(2) shall be suspended until
20 the plan achieves an increase in the annual delivery
21 capability of the Central Valley Project by 800,000
22 acre-feet.”.

23 (d) TECHNICAL CORRECTION.—Section 3408(g) of
24 the Central Valley Project Improvement Act (106 Stat.
25 4729) is amended—

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

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

5 **SEC. 81218. AMENDMENTS TO CENTRAL VALLEY PROJECT**
6 **AUTHORIZATIONS.**

7 Section 2 of the Act of August 26, 1937 (chapter
8 832; 50 Stat. 850), as amended, is further amended as
9 follows:

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

11 (A) by striking “second, for irrigation and
12 domestic uses” and inserting “second, for irri-
13 gation, domestic, and municipal and industrial
14 uses;”;

15 (B) by striking “and fish and wildlife miti-
16 gation, protection and restoration purposes;”;

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

19 (D) by striking “power and fish and wild-
20 life enhancement” and inserting “power genera-
21 tion;”;

22 (E) by inserting after “power generation;”
23 “fourth, for purposes of mitigating impacts to
24 fish and wildlife caused by the construction, op-
25 eration, or maintenance of the Central Valley

1 Project; and fifth, for purposes of protecting,
2 enhancing, or helping to restore fish and wild-
3 life.”; and

4 (F) by adding at the end the following:
5 “When there is insufficient Central Valley
6 Project yield to meet all the demands for water
7 deliveries from the Central Valley Project, the
8 Secretary shall apply these priorities in making
9 allocations of available water.”.

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

12 **SEC. 81219. REGULATORY STREAMLINING.**

13 (a) **APPLICABILITY OF CERTAIN LAWS.**—Filing of a
14 Notice of Determination or a Notice of Exemption for any
15 project, including the issuance of a permit under State
16 law, related to any project of the Central Valley Project
17 or the delivery of water therefrom in accordance with the
18 California Environmental Quality Act shall be deemed to
19 meet the requirements of section 102(2)(C) of the Na-
20 tional Environmental Protection Act of 1969 (42 U.S.C.
21 4332(2)(C)) for that project or permit.

22 (b) **CONTINUATION OF PROJECT.**—The Bureau of
23 Reclamation shall not be required to cease or modify any
24 major Federal action or other activity related to any
25 project of the Central Valley Project or the delivery of

1 water therefrom pending completion of judicial review of
2 any determination made under the National Environ-
3 mental Protection Act of 1969 (42 U.S.C. 4332(2)(C)).

4 (c) PROJECT DEFINED.—For the purposes of this
5 section, the term “project”—

6 (1) means an activity that—

7 (A) is undertaken by a public agency,
8 funded by a public agency, or that requires an
9 issuance of a permit by a public agency;

10 (B) has a potential to result in physical
11 change to the environment; and

12 (C) may be subject to several discretionary
13 approvals by governmental agencies;

14 (2) may include construction activities, clearing
15 or grading of land, improvements to existing struc-
16 tures, and activities or equipment involving the
17 issuance of a permit; or

18 (3) qualifies as a project under the California
19 Environmental Quality Act as defined in section
20 21065 of the California Public Resource Code.

21 (d) CONGRESSIONAL DIRECTION REGARDING CEN-
22 TRAL VALLEY PROJECT AND CALIFORNIA STATE WATER
23 PROJECT OPERATIONS.—Notwithstanding any other pro-
24 vision of law, complying with the Biological Opinion for
25 Reinitiation of Consultation on the Coordinated Oper-

1 ations of the Central Valley Project and State Water
2 Project, released by the United States Fish and Wildlife
3 Service and the National Marine Fisheries Service on Oc-
4 tober 21, 2019, combined with efforts carried out pursu-
5 ant to Public Law 102–575 and Public Law 114–322,
6 fully meet all requirements of applicable Federal environ-
7 mental laws, including the Endangered Species Act (16
8 U.S.C. 1531 et seq.) for the Central Valley Project and
9 the State Water Project.

10 **Subchapter B—San Joaquin River**

11 **Restoration**

12 **SEC. 81221. REPEAL OF THE SAN JOAQUIN RIVER SETTLE-** 13 **MENT.**

14 As of the date of the enactment of this chapter, the
15 Secretary shall cease any action to implement the Stipula-
16 tion of Settlement (Natural Resources Defense Council,
17 et al. v. Kirk Rodgers, et al., Eastern District of Cali-
18 fornia, No. Civ. S–88–1658 LKK/GGH).

19 **SEC. 81222. PURPOSE.**

20 Section 10002 of the San Joaquin River Restoration
21 Settlement Act (Public Law 111–11) is amended by strik-
22 ing “implementation of the Settlement” and inserting
23 “restoration of the San Joaquin River”.

1 **SEC. 81223. DEFINITIONS.**

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

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

6 “(1) The term ‘Restoration Flows’ means the
7 additional water released or bypassed from Friant
8 Dam to insure that the target flow entering
9 Mendota Pool, located approximately 62 river miles
10 downstream from Friant Dam, does not fall below
11 50 cubic feet per second.”;

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

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

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

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

24 **SEC. 81224. IMPLEMENTATION OF RESTORATION.**

25 Section 10004 of the San Joaquin River Restoration
26 Settlement Act (Public Law 111–11) is amended—

1 (1) in subsection (a)—

2 (A) in the matter preceding paragraph (1),
3 by striking “authorized and directed” and all
4 that follows through “in the Settlement:” and
5 inserting “authorized to carry out the fol-
6 lowing:”;

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

9 (C) in paragraph (3)—

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

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

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

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

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

21 “(B) shall ensure that the release of Res-
22 toration Flows are maintained at the level pre-
23 scribed by this part, but that Restoration Flows
24 do not reach downstream of Mendota Pool;

1 “(C) shall release the Restoration Flows in
2 a manner that improves the fishery in the San
3 Joaquin River below Friant Dam, but upstream
4 of Gravelly Ford in existence as of the date of
5 the enactment of this part, and the associated
6 riparian habitat; and

7 “(D) may, without limiting the actions re-
8 quired under paragraphs (A) and (C) and sub-
9 ject to subsections 10004(a)(3) and 10004(l),
10 use the Restoration Flows to enhance or restore
11 a warm water fishery downstream of Gravelly
12 Ford to and including Mendota Pool, if the Sec-
13 retary determines that it is reasonable, prudent,
14 and feasible to do so.

15 “(3) Not later than 1 year after the date of the
16 enactment of this section, the Secretary shall develop
17 and implement, in cooperation with the State of
18 California, a reasonable plan, to fully recirculate, re-
19 capture, reuse, exchange, or transfer all Restoration
20 Flows and provide such recirculated, recaptured, re-
21 used, exchanged, or transferred flows to those con-
22 tractors within the Friant Division, Hidden Unit,
23 and Buchanan Unit of the Central Valley Project
24 that relinquished the Restoration Flows so recir-
25 culated, recaptured, reused, exchanged, or trans-

1 ferred. Such a plan shall address any impact on
2 ground water resources within the service area of
3 the Friant Division, Hidden Unit, and Buchanan
4 Unit of the Central Valley Project and mitigation
5 may include ground water banking and recharge
6 projects. Such a plan shall not impact the water
7 supply or water rights of any entity outside the
8 Friant Division, Hidden Unit, and Buchanan Unit
9 of the Central Valley Project. Such a plan shall be
10 subject to applicable provisions of California water
11 law and the Secretary’s use of Central Valley Project
12 facilities to make Project water (other than water
13 released from Friant Dam pursuant to this part)
14 and water acquired through transfers available to
15 existing south-of-Delta Central Valley Project con-
16 tractors.”;

17 (2) in subsection (b)—

18 (A) in paragraph (1), by striking “the Set-
19 tlement” and inserting “this part”; and

20 (B) in paragraph (2), by striking “the Set-
21 tlement” and inserting “this part”;

22 (3) in subsection (c), by striking “the Settle-
23 ment” and inserting “this part”;

24 (4) by striking subsection (d) and inserting the
25 following:

1 “(d) MITIGATION OF IMPACTS.—Prior to October 1,
2 2020, the Secretary shall identify—

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

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

9 “(3) prior to the implementation of decisions or
10 agreements to construct, improve, operate, or main-
11 tain facilities that the Secretary determines are
12 needed to implement this part, the Secretary shall
13 implement all mitigations measures identified in sub-
14 section (d)(2) before Restoration Flows are com-
15 menced.”;

16 (5) in subsection (e), by striking “the Settle-
17 ment” and inserting “this part”;

18 (6) in subsection (f), by striking “the Settle-
19 ment” and all that follows through “section 10011”
20 and insert “this part”;

21 (7) in subsection (g)—

22 (A) by striking “the Settlement and” be-
23 fore this part; and

1 (B) by striking “or exchange contract” and
2 inserting “exchange contract, or water rights
3 settlement or holding contracts”;

4 (8) in subsection (h)—

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

6 (B) in paragraph (1)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “Interim Flows
9 under the Settlement” and inserting “Res-
10 toration Flows under this part”;

11 (ii) in subparagraph (C)—

12 (I) in clause (i), by striking “In-
13 terim” and inserting “Restoration”;
14 and

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

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

19 (iv) by striking subparagraph (E);

20 (C) in paragraph (2)—

21 (i) by striking “Interim” and insert-
22 ing “Restoration”;

23 (ii) by striking subparagraph (A); and

24 (iii) by striking “(B) exceed” and in-
25 serting “exceed”;

1 (D) in paragraph (3), by striking “In-
2 terim” and inserting “Restoration”; and

3 (E) by striking paragraph (4) and insert-
4 ing the following:

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

13 (9) in subsection (i)—

14 (A) in paragraph (1)—

15 (i) in the matter preceding subpara-
16 graph (A), by striking “the Settlement and
17 parts I and III” and inserting “this part”;

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

20 (iii) in subparagraph (B)—

21 (I) by striking “additional
22 amounts authorized to be appro-
23 priated, including the”; and

24 (II) by striking “; and” and in-
25 serting a period; and

1 (iv) by striking subparagraph (C); and
2 (B) by striking paragraph (3); and
3 (10) by adding at the end the following new
4 subsections:

5 “(k) NO IMPACTS ON OTHER INTERESTS.—No Cen-
6 tral Valley Project or other water other than San Joaquin
7 River water impounded by or bypassed from Friant Dam
8 shall be used to implement subsection (a)(2) unless such
9 use is on a voluntary basis. No cost associated with the
10 implementation of this section shall be imposed directly
11 or indirectly on any Central Valley Project contractor, or
12 any other person or entity, outside the Friant Division,
13 the Hidden Unit, or the Buchanan Unit, unless such costs
14 are incurred on a voluntary basis. The implementation of
15 this part shall not result directly or indirectly in any re-
16 duction in water supplies to or water reliability for any
17 Central Valley Project contractor, any State Water
18 Project contractor, or any other person or entity, outside
19 the Friant Division, the Hidden Unit, or the Buchanan
20 Unit, unless such reductions or costs are incurred on a
21 voluntary basis.

22 “(l) PRIORITY.—All actions taken under this part
23 shall be subordinate to the Secretary’s use of Central Val-
24 ley Project facilities to make Project water available to

1 Project contractors, other than water released from the
2 Friant Dam pursuant to this part.

3 “(m) IN GENERAL.—Notwithstanding section 8 of
4 the Reclamation Act of 1902, except as expressly provided
5 in this part, including title II of this Act, this part pre-
6 empts and supersedes any State law, regulation, or re-
7 quirement that imposes more restrictive requirements or
8 regulations on the activities authorized under this part.
9 Nothing in this part shall alter or modify the obligations,
10 if any, of the Friant Division, Hidden Unit, and Buchanan
11 Unit of the Central Valley Project, or other water users
12 on the San Joaquin River or its tributaries, under orders
13 issued by the State Water Resources Control Board pursu-
14 ant to the Porter-Cologne Water Quality Control Act
15 (California Water Code sections 13000 et seq.). Any such
16 order shall be consistent with the congressional authoriza-
17 tion for any affected Federal facility as it pertains to the
18 Central Valley Project.

19 “(n) PROJECT IMPLEMENTATION.—Projects to im-
20 plement this title shall be phased such that each project
21 shall follow the sequencing identified below and include at
22 least the—

23 “(1) project purpose and need;

24 “(2) identification of mitigation measures;

25 “(3) appropriate environmental review; and

1 “(4) prior to releasing Restoration Flows under
2 this part, the Secretary shall—

3 “(A) complete the implementation of miti-
4 gation measures required; and

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

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

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

10 (1) in subsection (a), by striking “the Settle-
11 ment authorized by this part” and inserting “this
12 part”;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

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

17 (ii) by striking “the Settlement au-
18 thorized by this part” and inserting “this
19 part”; and

20 (B) by striking paragraph (2); and

21 (3) in subsection (c)—

22 (A) in paragraph (1), by striking “the Set-
23 tlement” and inserting “this part”;

24 (B) in paragraph (2)—

1 (i) by striking “through the exercise
2 of its eminent domain authority”; and

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

5 (C) in paragraph (3), by striking “section
6 10009(c)” and inserting “section 10009”.

7 **SEC. 81226. COMPLIANCE WITH APPLICABLE LAW.**

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

10 (1) in subsection (a)—

11 (A) in paragraph (1), by inserting “unless
12 otherwise provided by this part” before the pe-
13 riod at the end; and

14 (B) in paragraph (2), by striking “the Set-
15 tlement” and inserting “this part”;

16 (2) in subsection (b), by inserting “, unless oth-
17 erwise provided by this part” before the period at
18 the end;

19 (3) in subsection (c)—

20 (A) in paragraph (2), by striking “section
21 10004” and inserting “this part”; and

22 (B) in paragraph (3), by striking “the Set-
23 tlement” and inserting “this part”; and

24 (4) in subsection (d)—

1 (A) by inserting “, including without limi-
2 tation to sections 10004(d) and 10004(h)(4) of
3 this part,” after “implementing this part”; and

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

6 **SEC. 81227. COMPLIANCE WITH CENTRAL VALLEY PROJECT**
7 **IMPROVEMENT ACT.**

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

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

11 (A) by striking “the Settlement” and in-
12 serting “enactment of this part”; and

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

23 (2) in paragraph (1), by striking “, as provided
24 in the Settlement”.

1 **SEC. 81228. NO PRIVATE RIGHT OF ACTION.**

2 Section 10008(a) of the San Joaquin River Restora-
3 tion Settlement Act (Public Law 111–11) is amended—

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

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

15 **SEC. 81229. IMPLEMENTATION.**

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

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

20 (2) in subsection (a)—

21 (A) in paragraph (1)—

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

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

4 (iii) by striking “provided however,”
5 and all that follows through
6 “\$110,000,000 of State funds”;

7 (B) in paragraph (2)—

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

11 (ii) by striking subparagraph (B); and
12 (C) in paragraph (3)—

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

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

18 (3) in subsection (b)(1)—

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

21 (B) by striking “such additional appropria-
22 tions only in amounts equal to”; and

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

25 (4) in subsection (c)—

1 (A) in paragraph (1)—

2 (i) in the matter preceding subpara-
3 graph (A), by striking “the Settlement”
4 and inserting “this part”;

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

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

11 (B) in paragraph (2), by striking “the Set-
12 tlement and” before “this part”; and

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

14 **SEC. 81230. REPAYMENT CONTRACTS AND ACCELERATION**
15 **OF REPAYMENT OF CONSTRUCTION COSTS.**

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

18 (1) in subsection (a)—

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

21 (B) in paragraph (4)(C), by striking “the
22 Settlement and” before “this part”;

23 (2) in subsection (c), by striking paragraph (3);

1 (3) in subsection (d)(1), by striking “the Settle-
2 ment” in both places it appears and inserting “this
3 part”;

4 (4) in subsection (e)—

5 (A) in paragraph (1)—

6 (i) by striking “Interim Flows or Res-
7 toration Flows, pursuant to paragraphs 13
8 or 15 of the Settlement” and inserting
9 “Restoration Flows, pursuant to this
10 part”;

11 (ii) by striking “Interim Flows or” be-
12 fore “Restoration Flows”; and

13 (iii) by striking “the Interim Flows or
14 Restoration Flows or is intended to other-
15 wise facilitate the Water Management
16 Goal, as described in the Settlement” and
17 inserting “Restoration Flows”; and

18 (B) in paragraph (2)—

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

23 (ii) by striking “the Interim Flows or
24 Restoration Flows or to facilitate the

1 Water Management Goal” and inserting
2 “Restoration Flows”.

3 **SEC. 81231. REPEAL.**

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

6 **SEC. 81232. WATER SUPPLY MITIGATION.**

7 Section 10202(b) of the San Joaquin River Restora-
8 tion Settlement Act (Public Law 111–11) is amended—

9 (1) in paragraph (1), by striking “the Interim
10 or Restoration Flows authorized in part I of this
11 subtitle” and inserting “Restoration Flows author-
12 ized in this part”;

13 (2) in paragraph (2), by striking “the Interim
14 or Restoration Flows authorized in part I of this
15 subtitle” and inserting “Restoration Flows author-
16 ized in this part”; and

17 (3) in paragraph (3)—

18 (A) in subparagraph (A), by striking
19 “meet the Restoration Goal as described in part
20 I of this subtitle” and inserting “recover Res-
21 toration Flows as described in this part”; and

22 (B) in subparagraph (C)—

23 (i) by striking “the Interim or Res-
24 toration Flows authorized in part I of this

1 subtitle” and inserting “Restoration Flows
2 authorized in this part”; and

3 (ii) by striking “, and for ensuring ap-
4 appropriate adjustment in the recovered
5 water account pursuant to section
6 10004(a)(5)”.

7 **SEC. 81233. ADDITIONAL AUTHORITIES.**

8 Section 10203 of the San Joaquin River Restoration
9 Settlement Act (Public Law 111–11) is amended—

10 (1) in subsection (b)—

11 (A) by striking “section 10004(a)(4)” and
12 inserting “section 10004(a)(3)”; and

13 (B) by striking “, provided” and all that
14 follows through “section 10009(f)(2)”; and

15 (2) by striking subsection (c).

16 **SEC. 81234. PROTECTIONS.**

17 Section 4005 of Public Law 114–322, as amended
18 by this subtitle, shall apply to this chapter.

1 **CHAPTER 3—REPURPOSING ASSETS TO**
2 **INCREASE LONG-TERM WATER AVAIL-**
3 **ABILITY AND YIELD ACT**

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

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

10 (1) Ninety percent of funds in the Reclamation
11 Water Storage Account which shall be made avail-
12 able to the Secretary of the Interior for water stor-
13 age projects authorized pursuant to section 4007 of
14 the Water Infrastructure Improvements for the Na-
15 tion Act (Public Law 114–322) (43 U.S.C. 390b
16 note).

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

22 (3) Five percent of funds in the Rural Water
23 and Waste Disposal Program Account which shall be
24 made available to the Secretary of Agriculture for

1 grants under section 306G of the Consolidated Farm
2 and Rural Development Act.

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

5 (1) The Federal funds received by the Depart-
6 ment of Transportation as a result of the Depart-
7 ment of Transportation's termination and de-obliga-
8 tion of Cooperative Agreement No. FR-HSR-0118-
9 12-01-01 between the Federal Railroad Administra-
10 tion and the California High-Speed Rail Authority,
11 notwithstanding the Omnibus Appropriations Act,
12 2010 (Public Law 111-117).

13 (2) The Federal funds that are recovered by the
14 Department of Transportation relating to Coopera-
15 tive Agreement No. FR-HSR-0009-10-01-06 be-
16 tween the Federal Railroad Administration and the
17 California High-Speed Rail Authority, notwith-
18 standing the American Recovery and Reinvestment
19 Act of 2009 (Public Law 111-5).

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

24 (c) COST SHARE FOR WATER STORAGE PROJECTS.—
25 Funds made available pursuant this subtitle shall not

1 count toward the cost-share provisions of section 4007 of
2 the Water Infrastructure Improvements for the Nation
3 Act.

4 **SEC. 81242. NITRATE CONTAMINATION REDUCTION**
5 **GRANTS.**

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

9 **“SEC. 306F. NITRATE CONTAMINATION REDUCTION**
10 **GRANTS.**

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

17 “(b) USE OF FUNDS.—Grants made under this sec-
18 tion may be used—

19 “(1) for waterline extensions from existing sys-
20 tems, laying of new waterlines, repairs or mainte-
21 nance to an existing system, digging of new wells or
22 development of other sources of water designed to
23 replace sources of drinking water with high levels of
24 nitrates, equipment replacement, and hook-up fees;
25 and

1 “(2) in the case of a project designed to benefit
2 a rural community outside the jurisdiction of the
3 grantee, to maintain existing water supplies of the
4 grantee that will be reduced as a result of the
5 project.

6 “(c) RURAL COMMUNITY.—In this section, the term
7 ‘rural community’ does not include—

8 “(1) any area in any city or town with a popu-
9 lation in excess of 10,000 inhabitants according to
10 the most recent decennial census of the United
11 States; or

12 “(2) any area with a median household income
13 in excess of the State nonmetropolitan median
14 household income.

15 “(d) FULL FUNDING.—Grants under this section
16 shall be made in an amount equal to 100 percent of the
17 costs of the projects conducted under this section.

18 “(e) APPLICATION.—Subsection (h) of section 306A
19 shall apply with respect to the administration of applica-
20 tions for grants under this section.”.

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

1 **SEC. 81243. NEW WELL CONSTRUCTION GRANTS.**

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

6 **“SEC. 306G. NEW WELL CONSTRUCTION GRANTS.**

7 “(a) IN GENERAL.—The Secretary shall provide
8 grants in accordance with this section to public or private
9 nonprofit entities for projects designed to supply drinking
10 water to rural communities in which a significant number
11 of dwellings with private drinking water wells have wells
12 that are not producing water.

13 “(b) USE OF FUNDS.—Grants made under this sec-
14 tion may be used—

15 “(1) for waterline extensions from existing sys-
16 tems, laying of new waterlines, repairs or mainte-
17 nance to an existing system, digging of new wells or
18 development of other sources of water designed to
19 replace sources of drinking water with high levels of
20 nitrates, equipment replacement, and hook-up fees;
21 and

22 “(2) in the case of a project designed to benefit
23 a rural community outside the jurisdiction of the
24 grantee, to maintain existing water supplies of the
25 grantee that will be reduced as a result of the
26 project.

1 “(c) RURAL COMMUNITY.—In this section, the term
2 ‘rural community’ does not include—

3 “(1) any area in any city or town with a popu-
4 lation in excess of 10,000 inhabitants according to
5 the most recent decennial census of the United
6 States; or

7 “(2) any area with a median household income
8 in excess of the State nonmetropolitan median
9 household income.

10 “(d) FULL FUNDING.—Grants under this section
11 shall be made in an amount equal to 100 percent of the
12 costs of the projects conducted under this section.

13 “(e) APPLICATION.—Subsection (h) of section 306A
14 shall apply with respect to the administration of applica-
15 tions for grants under this section.”.

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

20 **CHAPTER 4—HETCH HETCHY DAM**

21 **SEC. 81251. HETCH HETCHY RENTAL FEE UPDATE.**

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

24 (1) by striking “pay the sum of \$30,000” and
25 all that follows in the first sentence and inserting

1 “pay an amount determined annually by the Sec-
2 retary in accordance with the formula used by the
3 Federal Energy Regulatory Commission for applica-
4 tion to licenses of hydroelectric projects under the
5 Federal Power Act (16 U.S.C. 791 et seq.), provided
6 that, in no event shall such amount be less than
7 \$597,000.00. Said amount to be paid on the first
8 day of July of each year.”; and

9 (2) by amending the second and third sentences
10 to read as follows: “These funds shall be placed in
11 a separate fund by the United States and, notwith-
12 standing any other provision of law, shall not be
13 available for obligation or expenditure until appro-
14 priated by Congress. The highest priority use of the
15 funds shall be for annual operation of Yosemite Na-
16 tional Park, with the remainder of any funds to be
17 used to fund operations of other national parks in
18 the State of California.”.

