

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To provide for drought preparedness and improved water supply reliability.

---

IN THE SENATE OF THE UNITED STATES

---

Mr. WYDEN introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

---

**A BILL**

To provide for drought preparedness and improved water  
supply reliability.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Water for Conservation and Farming Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—INFRASTRUCTURE DEVELOPMENT**

Sec. 101. Technical amendment to the Water Desalination Act of 1996.

Sec. 102. Bureau of Reclamation Infrastructure Fund.

Sec. 103. Watersmart extension and expansion.

## TITLE II—ECOSYSTEM PROTECTION AND RESTORATION

Sec. 201. Waterbird and shorebird habitat creation program.

Sec. 202. Sustaining biodiversity during droughts.

Sec. 203. Reauthorization and expansion of Cooperative Watershed Management Program.

Sec. 204. Multibenefit projects to improve watershed health.

Sec. 205. Drought planning and preparedness for critically important fisheries.

Sec. 206. Aquatic connectivity restoration.

Sec. 207. Reauthorization of the Fisheries Restoration and Irrigation Mitigation Act of 2000.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **FUND.**—The term “Fund” means the Bu-  
 4 reau of Reclamation Infrastructure Fund established  
 5 by section 102(a).

6 (2) **RECLAMATION STATE.**—The term “Rec-  
 7 lamation State” has the meaning given the term in  
 8 section 4014 of the Water Infrastructure Improve-  
 9 ments for the Nation Act (43 U.S.C. 390b note;  
 10 Public Law 114–322).

11 (3) **SECRETARY.**—The term “Secretary” means  
 12 the Secretary of the Interior.

13 **TITLE I—INFRASTRUCTURE**  
 14 **DEVELOPMENT**

15 **SEC. 101. TECHNICAL AMENDMENT TO THE WATER DESALI-**  
 16 **NATION ACT OF 1996.**

17 Section 4(a) of the Water Desalination Act of 1996  
 18 (42 U.S.C. 10301 note; Public Law 104–298) is amended  
 19 by redesignating the second paragraph (1) (relating to eli-  
 20 gible desalination projects) as paragraph (2).

1 **SEC. 102. BUREAU OF RECLAMATION INFRASTRUCTURE**  
2 **FUND.**

3 (a) ESTABLISHMENT.—There is established in the  
4 Treasury of the United States a fund, to be known as the  
5 “Bureau of Reclamation Infrastructure Fund”, consisting  
6 of—

7 (1) such amounts as are deposited in the Fund  
8 under subsection (b)(1); and

9 (2) any interest earned on investment of  
10 amounts in the Fund under subsection (c)(1)(B).

11 (b) DEPOSITS TO FUND.—

12 (1) IN GENERAL.—For each of fiscal years  
13 2031 through 2061, the Secretary of the Treasury  
14 shall deposit in the Fund \$300,000,000 of the reve-  
15 nues that would otherwise be deposited for the fiscal  
16 year in the reclamation fund established by the first  
17 section of the Act of June 17, 1902 (32 Stat. 388,  
18 chapter 1093), of which—

19 (A) \$100,000,000 shall be expended by the  
20 Secretary for water reclamation and reuse  
21 projects authorized under—

22 (i) the Reclamation Wastewater and  
23 Groundwater Study and Facilities Act (43  
24 U.S.C. 390h et seq.); or

1 (ii) section 4(a)(2) of the Water De-  
2 salination Act of 1996 (42 U.S.C. 10301  
3 note; Public Law 104–298);

4 (B) \$100,000,000 shall be expended by the  
5 Secretary for grants authorized under section  
6 9504 of the Omnibus Public Land Management  
7 Act of 2009 (42 U.S.C. 10364); and

8 (C) \$100,000,000 shall be expended by the  
9 Secretary to perform modifications to preserve  
10 the structural safety of Bureau of Reclamation  
11 dams and related facilities to ensure that Bu-  
12 reau of Reclamation facilities do not present  
13 unreasonable risks to public safety, property, or  
14 the environment, if the expenditures—

15 (i) account for not more than 85 per-  
16 cent of the total costs for any dam safety  
17 project; and

18 (ii) are made in accordance with sec-  
19 tion 3 of the Reclamation Safety of Dams  
20 Act of 1978 (43 U.S.C. 507).

21 (2) AVAILABILITY OF AMOUNTS.—Amounts de-  
22 posited in the Fund under paragraph (1) shall—

23 (A) be made available in accordance with  
24 this section, without further appropriation; and

1 (B) be in addition to amounts appropriated  
2 for the purposes described in this section under  
3 any other provision of law.

4 (c) EXPENDITURES FROM FUND.—

5 (1) IN GENERAL.—Subject to paragraph (2),  
6 for each of fiscal years 2031 through 2061, the Sec-  
7 retary may expend from the Fund, in accordance  
8 with this section, not more than an amount equal to  
9 the sum of—

10 (A) the amounts deposited in the Fund for  
11 the applicable fiscal year under subsection  
12 (b)(1); and

13 (B) the amount of interest accrued in the  
14 Fund for the fiscal year in which the expendi-  
15 tures are made.

16 (2) ADDITIONAL EXPENDITURES.—

17 (A) IN GENERAL.—The Secretary may ex-  
18 pend more in any fiscal year than the amounts  
19 described in paragraph (1) if the additional  
20 amounts are available in the Fund as a result  
21 of a failure of the Secretary to expend all of the  
22 amounts available under paragraph (1) in 1 or  
23 more prior fiscal years.

1 (B) RETENTION IN ACCOUNTS.—Any addi-  
2 tional amounts referred to in subparagraph (A)  
3 shall—

4 (i) accrue interest in accordance with  
5 this section; and

6 (ii) only be expended for the purposes  
7 for which expenditures from the Fund are  
8 authorized.

9 **SEC. 103. WATERSMART EXTENSION AND EXPANSION.**

10 (a) DEFINITION OF ELIGIBLE APPLICANT.—Section  
11 9502 of the Omnibus Public Land Management Act of  
12 2009 (42 U.S.C. 10362) is amended—

13 (1) in the matter preceding paragraph (1), by  
14 striking “section” and inserting “subtitle”; and

15 (2) by striking paragraph (7) and inserting the  
16 following:

17 “(7) ELIGIBLE APPLICANT.—The term ‘eligible  
18 applicant’ means—

19 “(A) any State, Indian tribe, irrigation dis-  
20 trict, or water district;

21 “(B) any State, regional, or local author-  
22 ity, the members of which include 1 or more or-  
23 ganizations with water or power delivery au-  
24 thority;

1           “(C) any other organization with water or  
2 power delivery authority; and

3           “(D) any nonprofit conservation organiza-  
4 tion, acting in partnership with any entity listed  
5 in subparagraphs (A) through (C), with respect  
6 to a project involving land or infrastructure  
7 owned by the entity.”.

8           (b) WATER MANAGEMENT IMPROVEMENT.—Section  
9 9504(a) of the Omnibus Public Land Management Act of  
10 2009 (42 U.S.C. 10364(a)) is amended—

11           (1) in paragraph (1)—

12                (A) in the matter preceding subparagraph  
13 (A), by inserting “or carrying out any activity”  
14 after “any improvement”;

15                (B) by striking subparagraphs (A) through  
16 (E);

17                (C) by redesignating subparagraphs (F)  
18 through (H) as subparagraphs (B) through  
19 (D), respectively;

20                (D) by inserting before subparagraph (B)  
21 (as so redesignated) the following:

22                   “(A) to assist States and water users in  
23 complying with interstate compacts or reducing  
24 basin water supply-demand imbalances, includ-  
25 ing through temporary, voluntary, and com-

1            compensated transactions that decrease consump-  
2            tive water use at a regional or watershed  
3            scale;”;

4            (E) in subparagraph (B) (as so redesign-  
5            nated), by striking “to prevent” and inserting  
6            “to achieve the prevention of”;

7            (F) in subparagraph (C) (as so redesign-  
8            nated), by striking “to accelerate” and inserting  
9            “to achieve the acceleration of”; and

10           (G) in subparagraph (D) (as so redesign-  
11           nated)—

12                (i) by striking clause (i) and inserting  
13                the following:

14                “(i) to increase ecological resilience to  
15                climate change by addressing climate-re-  
16                lated impacts or vulnerability to the water  
17                supply of the United States, including by  
18                enhancing natural water storage within a  
19                floodplain or riparian wetland;”;

20                (ii) in clause (ii), by striking the pe-  
21                riod at the end and inserting “; or”; and

22                (iii) by adding at the end the fol-  
23                lowing:

24                “(iii) to plan for or address the im-  
25                pacts of drought.”;



1           (2) by redesignating paragraphs (2) and (3) as  
2 paragraphs (3) and (4), respectively;

3           (3) by inserting after paragraph (1) the fol-  
4 lowing:

5           “(2) ELIGIBLE PROJECTS.—The improvements  
6 or activities eligible for assistance under paragraph  
7 (1) may include improvements or activities—

8                 “(A) using an approach that—

9                         “(i) conserves water;

10                        “(ii) increases water use efficiency;

11                        “(iii) facilitates water markets; or

12                        “(iv) enhances water management, in-  
13 cluding increasing the use of renewable en-  
14 ergy in the management and delivery of  
15 water or increasing natural water storage;

16                 “(B) to improve the condition of natural  
17 water recharge infrastructure; or

18                 “(C) to achieve the acceleration of the  
19 adoption and use of advanced water treatment  
20 technologies to increase water supply.”;

21           (4) in paragraph (3) (as so redesignated), by  
22 striking subparagraph (B) and inserting the fol-  
23 lowing:

24                 “(B) submit to the Secretary an applica-  
25 tion that includes—

1 “(i) a proposal of the improvement or  
2 activity to be planned, designed, con-  
3 structed, or implemented by the eligible ap-  
4 plicant; and

5 “(ii)(I) a proposal for a pre- and post-  
6 project monitoring plan that would dem-  
7 onstrate ways in which the proposed im-  
8 provement or activity would result in im-  
9 proved streamflows and aquatic habitat;

10 “(II) an analysis of ways in which the  
11 proposed improvement or activity would  
12 improve compliance with interstate com-  
13 pacts; or

14 “(III) an analysis of ways in which  
15 the proposed improvement or activity  
16 would reduce basin-scale water supply-de-  
17 mand imbalances.”; and

18 (5) in paragraph (4) (as so redesignated)—

19 (A) in subparagraph (A), by striking “(F)”  
20 and inserting “(G)”;

21 (B) in subparagraph (B)(i), by striking  
22 subclause (II) and inserting the following:

23 “(II) to use the assistance pro-  
24 vided under a grant or agreement to  
25 increase the consumptive use of water

1 for agricultural operations above the  
2 pre-project levels, as determined pur-  
3 suant to the law of the State in which  
4 the operation of the eligible applicant  
5 is located.”;

6 (C) in subparagraph (E)—

7 (i) by striking clause (i) and inserting  
8 the following:

9 “(i) FEDERAL SHARE.—The Federal  
10 share of the cost of any infrastructure im-  
11 provement or activity that is the subject of  
12 the grant or other agreement entered into  
13 between the Secretary and an eligible ap-  
14 plicant under paragraph (1)—

15 “(I) shall not exceed 50 percent  
16 of the cost of the infrastructure im-  
17 provement or activity; or

18 “(II) in the case of an infrastruc-  
19 ture improvement or activity that pro-  
20 vides benefits to consumptive water  
21 users and nonconsumptive ecological  
22 or recreational values in which the  
23 nonconsumptive benefit accounts for  
24 at least 30 percent of the cost of the  
25 improvement or activity, as deter-

1                   mined by the Secretary, shall not ex-  
2                   ceed 75 percent of the cost of the in-  
3                   frastructure improvement or activ-  
4                   ity.”; and

5                   (ii) in clause (ii), in the matter pre-  
6                   ceding subclause (I), by striking “para-  
7                   graph (2)” and inserting “paragraph (3)”;  
8                   and

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

10                   “(G) LIMITATION.—Not more than 30 per-  
11                   cent of the total amounts provided to eligible  
12                   applicants through grants or other agreements  
13                   for a fiscal year under paragraph (1) shall be  
14                   provided to nonprofit conservation organiza-  
15                   tions.”.

16                   (c) AUTHORIZATION OF APPROPRIATIONS.—

17                   (1) IN GENERAL.—Section 9504 of the Omni-  
18                   bus Public Land Management Act of 2009 (42  
19                   U.S.C. 10364) is amended by striking subsection (e)  
20                   and inserting the following:

21                   “(e) AUTHORIZATION OF APPROPRIATIONS.—

22                   “(1) IN GENERAL.—Subject to paragraph (2),  
23                   there are authorized to be appropriated to carry out  
24                   this section—

25                   “(A) \$50,000,000 for fiscal year 2021;

1 “(B) \$55,000,000 for fiscal year 2022;

2 “(C) \$60,000,000 for fiscal year 2023;

3 “(D) \$65,000,000 for fiscal year 2024;

4 and

5 “(E) \$70,000,000 for fiscal year 2025.

6 “(2) REQUIREMENT.—Of the amounts made  
7 available under paragraph (1), \$50,000,000 for the  
8 period of fiscal years 2021 through 2025 shall be  
9 used to carry out section 206 of the Energy and  
10 Water Development and Related Agencies Appro-  
11 priation Act, 2015 (43 U.S.C. 620 note; Public Law  
12 113–235).”.

13 (2) CONFORMING AMENDMENT.—Section  
14 4009(d) of Public Law 114–322 (42 U.S.C. 10364  
15 note; Public Law 114–322) is amended by striking  
16 “on the condition that of that amount, \$50,000,000  
17 of it is used to carry out section 206 of the Energy  
18 and Water Development and Related Agencies Ap-  
19 propriation Act, 2015 (43 U.S.C. 620 note; Public  
20 Law 113–235)”.

1 **TITLE II—ECOSYSTEM PROTEC-**  
2 **TION AND RESTORATION**

3 **SEC. 201. WATERBIRD AND SHOREBIRD HABITAT CRE-**  
4 **ATION PROGRAM.**

5 (a) AUTHORIZATION OF HABITAT CREATION PRO-  
6 GRAM.—

7 (1) IN GENERAL.—Subject to paragraphs (2)  
8 and (3), the Secretary shall establish a program  
9 under which the Secretary shall provide financial as-  
10 sistance to eligible agricultural producers in Rec-  
11 lamation States, in the form of direct payments or  
12 credits, as applicable, to compensate the eligible ag-  
13 ricultural producers for the creation and mainte-  
14 nance of waterbird and shorebird habitats.

15 (2) LIMITATION ON AMOUNT OF FINANCIAL AS-  
16 SISTANCE.—Not more than a total of \$3,500,000 of  
17 financial assistance may be provided for each fiscal  
18 year under paragraph (1).

19 (3) CONDITIONS.—Financial assistance shall be  
20 provided under paragraph (1) only if the Secretary  
21 determines that the activities receiving the financial  
22 assistance would—

23 (A) create new habitat that would not oth-  
24 erwise be created; or

1 (B) maintain existing habitat that would  
2 not otherwise be maintained.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to the Secretary \$3,500,000  
5 to carry out this section for each of fiscal years 2021  
6 through 2026, to remain available until expended.

7 (c) REPORT.—Not later than October 1, 2021, and  
8 every 2 years thereafter, the Secretary shall submit to  
9 Congress a report that describes the environmental per-  
10 formance of activities that are receiving, or have received,  
11 financial assistance under the program established under  
12 subsection (a)(1) during the period covered by the report.

13 **SEC. 202. SUSTAINING BIODIVERSITY DURING DROUGHTS.**

14 Section 9503(b) of the Omnibus Public Land Man-  
15 agement Act of 2009 (42 U.S.C. 10363(b)) is amended—

16 (1) in paragraph (3)(D), by inserting “and na-  
17 tive biodiversity” after “wildlife habitat”; and

18 (2) in paragraph (4)(B), by inserting “and  
19 drought biodiversity plans to address sustaining na-  
20 tive biodiversity during periods of drought” after  
21 “restoration plans”.

1 **SEC. 203. REAUTHORIZATION AND EXPANSION OF COOPER-**  
2 **ATIVE WATERSHED MANAGEMENT PROGRAM.**

3 (a) DEFINITIONS.—Section 6001 of the Omnibus  
4 Public Land Management Act of 2009 (16 U.S.C. 1015)  
5 is amended—

6 (1) by redesignating paragraphs (2) through  
7 (6) as paragraphs (3) through (7), respectively;

8 (2) by inserting after paragraph (1) the fol-  
9 lowing:

10 “(2) DISADVANTAGED COMMUNITY.—The term  
11 ‘disadvantaged community’ means a community (in-  
12 cluding a city, town, county, or reasonably isolated  
13 and divisible segment of a larger municipality) with  
14 an annual median household income that is less than  
15 100 percent of the statewide annual median house-  
16 hold income for the State in which the community  
17 is located, according to the most recent decennial  
18 census.”;

19 (3) in paragraph (6)(B)(i) (as so redesign-  
20 nated)—

21 (A) in subclause (VIII), by striking “and”  
22 at the end;

23 (B) in subclause (IX), by adding “and”  
24 after the semicolon at the end; and

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



1                   “(X) disadvantaged commu-  
2                   nities;” and

3                   (4) in paragraph (7) (as so redesignated)—

4                   (A) in subparagraph (D), by striking “or”  
5                   at the end;

6                   (B) by redesignating subparagraph (E) as  
7                   subparagraph (F); and

8                   (C) by inserting after subparagraph (D)  
9                   the following:

10                   “(E) generates environmental benefits,  
11                   such as benefits to fisheries, wildlife, and aquat-  
12                   ic habitat; or”.

13                   (b) APPLICATION.—Section 6002 of the Omnibus  
14 Public Lands Management Act (16 U.S.C. 1015a) is  
15 amended—

16                   (1) by striking subsection (b) and inserting the  
17                   following:

18                   “(b) ESTABLISHMENT OF APPLICATION PROCESS;  
19 CRITERIA.—Not later than March 30, 2021, the Secretary  
20 shall update—

21                   “(1) the application process for the program;  
22                   and

23                   “(2) in consultation with the States, the  
24                   prioritization and eligibility criteria for considering

1 applications submitted in accordance with the appli-  
2 cation process.”; and

3 (2) by striking subsection (g) and inserting the  
4 following:

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to carry out this sec-  
7 tion—

8 “(1) \$20,000,000 for each of fiscal years 2012  
9 through 2020; and

10 “(2) \$40,000,000 for each of fiscal years 2021  
11 through 2024.”.

12 **SEC. 204. MULTIBENEFIT PROJECTS TO IMPROVE WATER-**  
13 **SHED HEALTH.**

14 (a) DEFINITION OF ELIGIBLE APPLICANT.—In this  
15 section, the term “eligible applicant” means—

16 (1) any **【Reclamation】** State, Indian Tribe, ir-  
17 rigation district, water district, or organization with  
18 water or power delivery authority;

19 (2) any **【Reclamation】** State, regional author-  
20 ity, or local agency or authority; and

21 (3) any nonprofit conservation organization.

22 (b) ESTABLISHMENT OF COMPETITIVE GRANT PRO-  
23 GRAM.—Not later than 1 year after the date of enactment  
24 of this Act, the Secretary, in consultation with the heads  
25 of relevant agencies, shall establish a competitive grant

1 program under which the Secretary shall award grants to  
2 eligible applicants for the design, implementation, and  
3 monitoring of conservation outcomes of habitat restoration  
4 projects that improve watershed health in a Reclamation  
5 State by accomplishing 1 or more of the following:

6 (1) Ecosystem benefits.

7 (2) Restoration of native species beyond exist-  
8 ing or planned measures necessary to comply with  
9 Federal or State laws relating to species recovery.

10 (3) Mitigation against the impacts of climate  
11 change to fish and wildlife habitats.

12 (4) Protection against invasive species.

13 (5) Restoration of aspects of the natural eco-  
14 system.

15 (6) Enhancement of commercial or recreational  
16 fishing.

17 (7) Enhancement of river-based recreation,  
18 such as kayaking, rafting, and canoeing.

19 (c) REQUIREMENTS.—

20 (1) IN GENERAL.—In awarding a grant to an  
21 eligible applicant under subsection (b), the Sec-  
22 retary—

23 (A) shall give priority to an eligible appli-  
24 cant that would carry out a habitat restoration

1 project that achieves more than 1 of the bene-  
2 fits described in that subsection; and

3 (B) may not provide a grant to carry out  
4 a habitat restoration project, the purpose of  
5 which is to meet existing environmental mitiga-  
6 tion or compliance obligations under Federal or  
7 State law.

8 (2) COMPLIANCE.—A habitat restoration  
9 project awarded a grant under subsection (a) shall  
10 comply with all applicable Federal and State laws.

11 (d) COST-SHARING REQUIREMENT.—The Federal  
12 share of the cost of any habitat restoration project that  
13 is awarded a grant under subsection (b)—

14 (1) shall not exceed 50 percent of the cost of  
15 the habitat restoration project; or

16 (2) in the case of a habitat restoration project  
17 that provides benefits to ecological or recreational  
18 values in which the nonconsumptive water conserva-  
19 tion benefit or habitat restoration benefit accounts  
20 for at least 75 percent of the cost of the habitat res-  
21 toration project, as determined by the Secretary,  
22 shall not exceed 75 percent of the cost of the habitat  
23 restoration project.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$150,000,000 for each of fiscal years 2021 through 2024.

4 **SEC. 205. DROUGHT PLANNING AND PREPAREDNESS FOR**  
5 **CRITICALLY IMPORTANT FISHERIES.**

6 (a) DEFINITIONS.—In this section:

7 (1) CRITICALLY IMPORTANT FISHERY.—The  
8 term “critically important fishery” means—

9 (A) a fishery located in a Reclamation  
10 State that is commercially, culturally, or  
11 recreationally important;

12 (B) a fishery located in a Reclamation  
13 State that contains fish species that are listed  
14 as threatened or endangered pursuant to the  
15 Endangered Species Act of 1973 (16 U.S.C.  
16 1531 et seq.); and

17 (C) a fishery located in a Reclamation  
18 State that is used by 1 or more Indian Tribes  
19 in the Reclamation State for ceremonial subsist-  
20 ence or commercial purposes.

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

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

5           (A) is involved in fishery management and  
6 recovery activities, including activities under the  
7 Endangered Species Act of 1973 (16 U.S.C.  
8 1531 et seq.); and

9           (B) has the management and organiza-  
10 tional capability to maximize the benefits of as-  
11 sistance provided under subsection (c).

12           (4) SECRETARY.—The term “Secretary” means  
13 the Secretary, acting through the Director of the  
14 United States Fish and Wildlife Service.

15           (b) DROUGHT PLAN FOR CRITICALLY IMPORTANT  
16 FISHERIES.—

17           (1) IN GENERAL.—Not later than January 1,  
18 2021, and every 3 years thereafter, the Secretary, in  
19 consultation with the Director of the National Ma-  
20 rine Fisheries Service, the Commissioner of Rec-  
21 lamation, the Chief of Engineers, applicable State  
22 fish and wildlife agencies, and qualified Tribal Gov-  
23 ernments, shall prepare a plan to sustain the sur-  
24 vival of critically important fisheries during future  
25 periods of extended drought through—

1 (A) voluntary, compensated actions by pri-  
2 vate landowners and water right holders; or

3 (B) other investments in drought prepared-  
4 ness made by the Secretary.

5 (2) CONSIDERATIONS.—In preparing the plan  
6 under paragraph (1), the Secretary shall consider—

7 (A) habitat restoration efforts designed to  
8 provide drought refugia and increased fishery  
9 resilience during droughts;

10 (B) relocating the release location and tim-  
11 ing of hatchery fish to avoid predation and tem-  
12 perature impacts;

13 (C) barging of hatchery release fish to im-  
14 prove survival and reduce straying;

15 (D) coordination with water users, the  
16 Commissioner of Reclamation, State fish and  
17 wildlife agencies, qualified Tribal Governments,  
18 and interested public water agencies regarding  
19 voluntary water transfers, including through  
20 groundwater substitution activities, to deter-  
21 mine if water releases can be collaboratively  
22 managed in a way that provides additional ben-  
23 efits for critically important fisheries without  
24 negatively impacting wildlife habitat;

1           (E) hatchery management modifications,  
2           such as expanding hatchery production of fish  
3           during periods of extended drought, if appro-  
4           priate for a particular river basin;

5           (F) hatchery retrofit projects, such as the  
6           installation and operation of filtration equip-  
7           ment and chillers, to reduce disease outbreak,  
8           egg mortality, and other impacts of droughts in  
9           high water temperatures;

10          (G) increasing rescue operations of up-  
11          stream migrating fish;

12          (H) improving temperature modeling and  
13          related forecasted information to predict water  
14          management impacts to the habitat of critically  
15          important fisheries with a higher degree of ac-  
16          curacy than current models;

17          (I) programs to reduce predation losses at  
18          artificially created predation hot spots;

19          (J) habitat restoration efforts designed to  
20          provide drought refugia and increased fisheries  
21          resilience during droughts; and

22          (K) retrofitting existing water facilities to  
23          provide improved temperature conditions for  
24          fish.



1 (c) PUBLIC COMMENT.—Before finalizing a plan  
2 under subsection (b), the Secretary shall provide for a  
3 public comment period of not less than 90 days.

4 (d) AUTHORIZATION OF APPROPRIATIONS FOR FISH  
5 RECOVERY EFFORTS.—There is authorized to be appro-  
6 priated to the Secretary to carry out fish, stream, and  
7 hatchery activities relating to fish recovery efforts, includ-  
8 ing activities carried out in coordination with the Director  
9 of the National Marine Fisheries Service, the Commis-  
10 sioner of Reclamation, the Chief of Engineers, applicable  
11 State fish and wildlife agencies, or a qualified Tribal Gov-  
12 ernment, \$25,000,0000 for fiscal year 2021.

13 (e) EFFECT.—Nothing in this section affects any ob-  
14 ligation under any Federal environmental law.

15 **SEC. 206. AQUATIC CONNECTIVITY RESTORATION.**

16 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
17 tion, the term “eligible entity” means—

18 (1) a Reclamation State;

19 (2) a department, agency, or political subdivi-  
20 sion of a Reclamation State;

21 (3) a public agency organized pursuant to the  
22 laws of a Reclamation State;

23 (4) an Indian tribe (as that term is defined in  
24 section 4 of the Indian Self-Determination and Edu-

1 cation Assistance Act (25 U.S.C. 5304)) **in a Rec-**  
2 **lamation State**]; or

3 (5) a nonprofit organization operating in a Rec-  
4 lamation State.

5 (b) GENERAL AUTHORITY.—Subject to the require-  
6 ments of this section, on the request of any eligible entity,  
7 the Secretary may negotiate and enter into an agreement  
8 to fund the design, study, and construction of an aquatic  
9 ecosystem restoration and protection project, if the Sec-  
10 retary determines that the project is likely to improve the  
11 quality of the environment in a Reclamation State by im-  
12 proving fish passage through the removal or bypass of bar-  
13 riers to fish passage.

14 (c) REQUIREMENTS.—

15 (1) IN GENERAL.—Construction of a project  
16 under this section may be initiated only after—

17 (A) except as provided in paragraph (2),  
18 an eligible entity has entered into an agreement  
19 with the Secretary to pay not less than 35 per-  
20 cent of the costs of project construction; and

21 (B) the Secretary determines that the pro-  
22 posed project—

23 (i) would not harm the water rights of  
24 water right holders of the water source;

1 (ii) would not result in an unmitigated  
2 result to the environment; and

3 (iii) is consistent with the responsibil-  
4 ities of the Secretary, as agreed to by all  
5 entities that own or operate any fish pas-  
6 sage barrier affected by the project—

7 (I) in the role of the Secretary as  
8 trustee for Indian tribes; and

9 (II) to ensure compliance with  
10 any applicable international and Trib-  
11 al treaties and agreements and inter-  
12 state compacts and agreements;

13 (iv) is in the financial interest of the  
14 United States, based on the determination  
15 that the project advances Federal objec-  
16 tives, including environmental enhance-  
17 ment objectives in a Reclamation State;  
18 and

19 (v) protects the public aspects of the  
20 eligible facility, including water rights  
21 managed for public purposes, such as flood  
22 control or fish and wildlife.

23 (2) EXCEPTION.—Paragraph (1)(A) shall not  
24 apply to an eligible entity described in subsection  
25 (a)(4).

1 (d) PRIORITY FOR PROJECTS PROVIDING PUBLIC  
2 SAFETY AND REGIONAL BENEFITS.—In providing assist-  
3 ance for projects under this section, the Secretary shall  
4 give priority to projects that—

5 (1) are likely to provide public safety benefits;  
6 and

7 (2) are regional in nature, including projects  
8 that span 2 or more river basins.

9 (e) ENVIRONMENTAL LAWS.—In participating in a  
10 project under this section, the Secretary shall comply  
11 with—

12 (1) any applicable Federal environmental law,  
13 including the National Environmental Policy Act of  
14 1969 (42 U.S.C. 4321 et seq.); and

15 (2) any environmental law of the Reclamation  
16 State in which the project is located that relates to  
17 the construction, expansion, or operation of a water  
18 storage project or fish and wildlife protection, if the  
19 law of the Reclamation State does not relieve the  
20 Secretary of any Federal requirement otherwise ap-  
21 plicable under this section.

22 (f) FUNDING.—There is authorized to be appro-  
23 priated to carry out this section \$25,000,000 for each of  
24 fiscal years 2021 through 2026, to remain available until  
25 expended.

1 **SEC. 207. REAUTHORIZATION OF THE FISHERIES RESTORA-**  
2 **TION AND IRRIGATION MITIGATION ACT OF**  
3 **2000.**

4 (a) DEFINITION OF PACIFIC DRAINAGE AREA.—Sec-  
5 tion 2(1) of the Fisheries Restoration and Irrigation Miti-  
6 gation Act of 2000 (16 U.S.C. 777 note; Public Law 106-  
7 502) is amended by inserting “or a terminal lake” before  
8 the period at the end.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
10 10(a) of the Fisheries Restoration and Irrigation Mitiga-  
11 tion Act of 2000 (16 U.S.C. 777 note; Public Law 106-  
12 502) is amended by striking “\$15,000,000 through 2021”  
13 and inserting “\$25,000,000 for each of fiscal years 2021  
14 through 2027”.