

Section-by-Section

Section 1 – Short Title

The bill is titled the “Western Water Infrastructure Act of 2021.”

Section 2 – Definitions

This section defines the term “grandfathered project” to mean projects under the WIIN Act (Public Law 114-322) sections 4007 and 4009 that have been included in a feasibility level study that was commenced, including at the appraisal level, on or before January 1, 2021 in anticipation of federal funding or recommended by the Secretary of Interior and approved by an Act of Congress prior to the date of enactment of this Act.

Section 3 – Reauthorizations of Certain Reclamation Programs

This section reauthorizes sections 4006 through section 4009, and section 4011 of the WIIN Act for five additional years.

This section authorizes \$1.6 billion in new money for surface and ground water storage projects under section 4007 of WIIN.

This section authorizes \$500 million in new money for desalination and recycling projects under section 4009 of WIIN.

Grandfathered projects, as defined in Section 2, would be eligible for the new funding under these sections but would not be subject to the other requirements in this section.

Section 4 – Increased Funding for Water Management Improvement

This section authorizes \$300 million in new money until expended for the WaterSmart program authorized under the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364 (e)).

Section 5 – Annual Report to Congress on Future Western Water Storage Projects

This section creates an annual report to Congress, similar to the U.S. Army Corps of Engineers 7001 report process. The report provides a list of Bureau of Reclamation approved projects and feasibility reports under WIIN Act sections 4007 and 4009 to the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives.

The authorizing committees and Congress would have to approve such projects and feasibility reports in the report through an Act of Congress before they can receive funding.

Section 6 – Contracts for Enhanced Inspection

This section authorizes “enhanced inspections” of aging Bureau of Reclamation facilities.

These inspections include innovative technology such as Light Detection and Ranging (LiDar), ground penetrating radar, subsurface imaging or subsurface geophysical techniques.

Aging facilities is a facility that was constructed by the Bureau and is greater than 50 years old as of the date of enactment of this Act.

The inspections would occur at the request of the owner or operators of the aging infrastructure, subject to the availability of appropriations.

The owner or operator of the facility would not be required to carry out corrective or remedial action as a result of the inspection.

Any federal funds used to carry out the enhanced inspection are nonreimbursable.

There is authorized to be appropriated \$50 million until expended to carry out this section.

Section 7 – Reservoir Sediment Management

This section creates a new program to restore water storage capacity at Bureau of Reclamation and U.S. Army Corps of Engineer reservoirs.

The program has the Bureau develop and implement sediment management plans at the request of project beneficiaries.

The project beneficiaries requesting a sediment management plan shall share in the cost of the development and implementation of the plan.

The Secretary of Interior may accept funds from non-Federal entities and other Federal agencies to develop and implement a sediment management plan.

Section 8 – Elimination of Bureau of Reclamation Maintenance Backlog

This section authorizes \$5 billion for FY 2022 through FY 2026 to eliminate the maintenance backlog for Bureau of Reclamation projects identified in an Asset Management Report published pursuant to section 8601 of the John D. Dingell Jr. Conservation, Management, and Recreation Act (43 U.S.C. 505a) or to support the rehabilitation, reconstruction, or replacement of any dam developed per section 4 of the Carey Act (28 State. 422, chapter 301; 43 U.S.C. 641) where construction began on or after January 1, 1905 and the costs would exceed \$50,000,000.

For a dam under the Carey Act to qualify, the Governor of a State in which the dam is located has to request it, and determine that the dam has reached its useful life and poses a significant health and safety concern.