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After Unprecedented Public Input, Rep. Jared Huffman Introduces Final “Crowdsourced” Drought Response Legislation

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Press Release

Huffman: “This is what a serious response to western water and drought looks like.”

WASHINGTON, D.C.—Congressman Jared Huffman (D-San Rafael), who serves as the Ranking Democrat on the Water, Power, and Oceans Subcommittee, today introduced comprehensive legislation to respond to the worst drought in California state history. Last month, Huffman unveiled the draft legislation to the public and asked Californians to share comments and ideas to incorporate in the bill. The bill Huffman introduced in the House today, the [Drought Relief and Resilience Act](#), reflects the feedback of nearly 1,000 Californians from San Diego to Crescent City, Fresno to San Francisco, as well as farmers, environmentalists, fishermen, urban and rural Californians, and water managers throughout the country.

The [legislation](#) includes a range of short- and long-term solutions to stretch water supplies and build new clean water infrastructure, creating jobs without undermining environmental protections, preempting state laws, or redirecting impacts from one drought-stricken area to another.

As a result of this significant public outreach, the *Drought Relief and Resilience Act* now includes significant technical changes and improvements throughout. The bill also features an entirely new section that will help homeowners weather the drought and reduce their water bills by providing a \$2,000 tax credit for the purchase and installation of water-capture and harvesting systems.

Huffman’s bill is supported by a growing list of state and national organizations, including: The Association of California Water Agencies, California Association of Sanitation Agencies, California Water Environment Association, National Association of Clean Water Agencies, Water Environment Federation, Western Recycled Water Coalition, WateReuse Association, Northcoast Environmental Center, Endangered Species Coalition, Restore the Delta, San Francisco Crab Boat Owners Association, and the Planning & Conservation League.

Huffman said:

“The drought deserves real solutions, considered in an open debate. I am grateful to the nearly 1,000 Californians that weighed in on my bill and supplied their ideas, their feedback, and their questions, helping this to be the most open, transparent legislative process we’ve seen in response to the drought.

“This is what a serious response to western water and drought looks like.

“It helps every drought-impacted state and region with critically-needed short-term actions and longer-term solutions to help us through future droughts. It will yield much greater water supply benefits, and make that water available far faster, than other congressional proposals we’ve seen—especially the secretive House GOP bill which would ignite a water war without any meaningful benefits to most of California.

“I hope my colleagues on both sides of the aisle and in both chambers of Congress can come together around this bill and ensure our state and the arid American West can get through this drought—together.”

Huffman’s bill has already attracted numerous original cosponsors from across California and the nation, including Reps. Sam Farr (D-CA), Mark DeSaulnier (D-CA), Jerry McNerney (D-CA), Mike Thompson (D-CA), Mike Honda (D-CA), Alan Lowenthal (D-CA), Anna Eshoo (D-CA), John Garamendi (D-CA), Mark Takai (D-HI), Peter DeFazio (D-OR), Tony Cardenas (D-CA), Lois Capps (D-CA), Scott Peters (D-CA), Eric Swalwell (D-CA), Zoe Lofgren (D-CA), Jackie Speier (D-CA), Beto O’Rourke (D-TX), Barbara Lee (D-CA), Ami Bera (D-CA), Norma Torres (D-CA), Linda Sanchez (D-CA), Loretta Sanchez (D-CA), Raul Grijalva (D-AZ), Earl Blumenauer (D-OR), Chellie Pingree (D-ME), Ed Perlmutter (D-CO), Dina Titus (D-AZ), Doris Matsui (D-CA), Grace Napolitano (D-CA), Raul Ruiz (D-CA), and Susan Davis (D-CA).

Huffman’s draft drought response legislation reflects four basic principles:

1. Do no harm—ours is a complex system, and we should not redirect impacts or micromanage it from Washington.
2. No water wars—end attempts to gut environmental laws and take water from other regions. Solutions must respect environmental and water quality laws, and benefit every region impacted by this drought.
3. Think long-term—we should respond not just to the immediate crisis but build drought resiliency for the future.
4. Process matters—successful water initiatives require transparency, inclusiveness, and deliberation. Back room deals and secret water grabs invariably create more problems than they solve.
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[A PDF of Huffman’s drought response bill can be found HERE.](#)

[A section-by-section summary of Huffman’s bill can be found below:](#)

In response to the drought conditions in California and other western states, the draft legislation includes immediate emergency measures as well as long-term investments in water supply reliability.

Title I: Emergency Drought Response Appropriations from Reclamation Fund

This title uses the Reclamation Fund as a source for emergency appropriations for public health and safety; for expanding water recycling, reuse, and reclamation; for meeting the emergency needs of communities impacted by the drought; and for developing long term solutions to meet the impacts of climate change on this already arid region of the country. The Reclamation Fund was established in 1902, funded by public land sales within the western States and territories for the purposes of funding water infrastructure projects. The Fund has historically been supplemented with additional revenues from federal water resources development and mineral and natural resource leases on federal lands, and now has a surplus that exceeds \$10 billion.

- **Emergency EPA Appropriations:** \$500 million (see below)
- **Emergency WIFIA Appropriations:** \$20 million (see below)
- **Reclamation Appropriations:** \$300 million total, including \$100 million for Title XVI and \$100 million for WaterSMART. Remaining funding could also be used for RIFIA (see Section below). Also directs a portion of the emergency Reclamation appropriations to completing Cal-Fed water storage feasibility studies that have the financing and support to be under construction within 10 years.
- **Army Corps Appropriations:** \$40 million for Section 5039 of WRDA 2007, which was an environmental infrastructure (reuse and recycling) authorization for California that has never been funded.
- **Rural Utilities Service Rural Water Program:** \$5 million (Includes Emergency Community Water Assistance Grants to assist rural communities that have experienced a significant decline in quantity or quality of drinking water)

- **Emergency Grants To Assist Low-Income Migrant and Seasonal Farmworkers:** \$25 million
- **Curtailing Water Theft from Illegal Marijuana Grows:** \$3 million
- **Improving Groundwater Recharge and Upstream Watershed Protection for Water Quality and Quantity:** \$100 million
- **EPA Superfund:** \$300 million for cleanup of contaminated groundwater to improve available supplies especially in urban areas.
- **GAO Report on Duplication and Fragmentation in Water Agencies.**
Emergency EPA Appropriations Funding: An emergency appropriation for EPA’s Clean Water and Drinking Water State Revolving Funds of \$500 million with priority for drought response projects. Increases repayment period to reflect the full life of the capital investment.
Emergency WIFIA Appropriations Funding: An emergency appropriation of \$20 million for WIFIA, a new pilot water infrastructure financing program established by the recently passed WRRDA, with the additional change allowing the program to work with tax-exempt municipal financing for projects in areas with drought declarations.

Title II: New Water Infrastructure Program Authorizations

- **New Water Recycling and Reclamation Program Through EPA:** Would establish a new EPA grant program to support water recycling projects. Designed to establish a nationwide program, not just in the Reclamation states, to support water recycling and supplement Reclamation’s Title XVI program.
- **Reclamation Infrastructure Finance and Innovation Act (RIFIA):** Three-part program of expanding the Bureau of Reclamation’s toolbox in financing water infrastructure projects.
- **Innovative Financing:** Modeled after the successful and popular Transportation Infrastructure Finance and Innovation Act (TIFIA) program, this title would offer long- term, low-cost financing for eligible water infrastructure projects directly and indirectly associated with a Bureau of Reclamation (Reclamation) project. Funds, under the Act (\$50 million a year), would be available to finance the planning, design and construction as well as the acquisition of real property or an interest in real property if the acquisition is integral to an otherwise eligible project.
- **Integrated Regional Water Management, Reclamation, and Recycling Projects:** Would allow Reclamation to participate as a technical and financial partner with state and local water management entities to develop storage and conveyance associated with regional integrated water management, and water recycling projects. Provides authority for Reclamation to participate in these projects with cost-shared grants of up to \$15 million, and funds would be available to be expended for up to five years—program would be authorized at \$150 million.
- **Local and Federal Coordination on Improvements to Reclamation Facilities:** Would authorize the Secretary of the Interior, under specific conditions, to transfer ownership of a small Reclamation project to a non-federal entity. This will allow for the non-federal operating entity to obtain a loan guarantee that would not constitute a “third-party” financed obligation and would be favorably “scored” under congressional budget rules.

Innovative Stormwater Capture Program: Incorporates Congresswoman Edwards’s bill, the Innovative Stormwater Infrastructure Act, to establish new approaches to manage and capture stormwater runoff.

Title III: Improved Infrastructure and Water Management

Restoring America’s Watersheds and Increasing Water Yields Act: Incorporates Senator Heinrich’s bill, Restoring America’s Watersheds Act, to develop a Water Source Protection Program within the Forest Service to protect and restore watersheds.

Reservoir Operation Improvement: Incorporates Congressman Huffman’s bill, FORECAST Act, to give the Secretary of the Army authority to review the operation of a reservoir, at the request of its non-Federal sponsor, and determine if a change in operation using improved weather forecasts and run-off would improve authorized project benefits.

Reclamation Projects for Renewable Energy to Reduce Evaporation Loss: Establishes projects to improve water supply by reducing water loss from evaporation. Allows the Bureau of Reclamation to conduct lease sales for solar and wind energy projects on Reclamation land, reservoirs, canals, and other infrastructure. Also, promotes conservation by creating a fund for Fish and Wildlife Restoration supported out of royalties paid by the private developers of the projects, with royalties also shared with states and localities.

Improved Reclamation Crop Data: Instructs the Secretary of the Interior to immediately survey Bureau of Reclamation agricultural water contracts to determine if the contractors have converted annual crops to water-intense permanent crops during periods of state-declared drought, which hardens demand for water. Within ninety days from enactment, report back to Congress the acreage put into production, the types of crops, and the impact these new water- intense permanent crops have on Bureau of Reclamation’s ability to meet competing water demands.

Improved Oversight of State Injection Wells: Suspends a state’s delegated authority for the regulation of injection wells under the Safe Drinking Water Act if the state fails within ninety days to address deficiencies that have harmed groundwater aquifers.

Combating Water Theft for Illegal Marijuana Cultivation: Directs the Department of Justice to develop a plan to address illegal water diversions for marijuana cultivation. Creates a structure for funding remediation of trespass grow sites that threaten to impact watersheds and water quality.

SECURE Water Amendments: Reauthorizes the SECURE Water Act, extending authority for water conservation and sustainability programs within the Department of Interior, and expanding eligibility.

Tax Credit for Water-harvesting Systems: Establishes a new, refundable \$2,000 tax credit for the purchase and installation of water-capture and harvesting systems in residential homes.

Title IV: Planning for the Future

X-Prize for Desalination Breakthroughs: Establishes an expanded X Prize for development of new desalination technologies overseen by a board of scientists and representatives from the Department of Energy, EPA, NSF, and Reclamation.

Drought Planning Assistance through NRCS and Reclamation: Requires the National Resources Conservation Service to provide water supply planning assistance in preparation for and in response to dry, critically dry, and below normal water year types to any state water agency requesting such assistance.

Drought Preparedness for Fisheries: Directs U.S. Fish and Wildlife Service, in consultation with state and federal agencies, to prepare a salmon drought plan to address the impacts of drought on the salmon population.

National Emergency Planning Response: Directs the President to plan for a national response to prolonged droughts, utilizing all available resources of the federal government.

Military Preparedness for Desalination: Directs the Secretary of the Navy to report on the viability of providing relief to areas impacted by drought with existing defense desalination technology.

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