

118TH CONGRESS
2D SESSION

S. _____

To provide for the establishment of a Water Project Navigators Program,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HICKENLOOPER (for himself and Mr. MORAN) introduced the following
bill; which was read twice and referred to the Committee on

A BILL

To provide for the establishment of a Water Project
Navigators Program, and for other purposes.

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.**

4 This Act may be cited as the “Water Project Naviga-
5 tors Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **DISADVANTAGED COMMUNITY.**—Except as
9 otherwise defined by the Secretary of the Interior
10 (acting through the Commissioner of Reclamation)

1 based on current methodologies, the term “disadvan-
2 tagged community” means a community (including a
3 city, town, county, or reasonably isolated and divis-
4 ible segment of a larger municipality) with an an-
5 nual median income that is less than the statewide
6 annual median income for the State in which the
7 community is located, according to the most recent
8 decennial census.

9 (2) ELIGIBLE ENTITY.—The term “eligible enti-
10 ty” means—

11 (A) a State, Indian Tribe, acequia, land
12 grant-merced, local government, water supplier,
13 or municipal water district located in an eligible
14 State;

15 (B) any State, regional, or local authority
16 located in an eligible State, the members of
17 which include 1 or more organizations with
18 water or power delivery authority;

19 (C) a nonprofit conservation organization
20 located in an eligible State;

21 (D) an agency located in an eligible State
22 that is established under State or Tribal law for
23 the joint exercise of powers; or

24 (E) a combination of entities described in
25 subparagraphs (A) through (D).

1 (3) ELIGIBLE STATE.—The term “eligible
2 State” means—

3 (A) a State or territory described in the
4 first section of the Act of June 17, 1902 (43
5 U.S.C. 391; 32 Stat. 388, chapter 1093);

6 (B) the State of Alaska;

7 (C) the State of Hawaii; and

8 (D) the Commonwealth of Puerto Rico.

9 (4) INDIAN TRIBE.—The term “Indian Tribe”
10 has the meaning given the term in section 4 of the
11 Indian Self-Determination and Education Assistance
12 Act (25 U.S.C. 5304).

13 (5) MULTI-BENEFIT WATER PROJECT.—The
14 term “multi-benefit water project” means any
15 project in an eligible State that—

16 (A) enhances the overall resilience of water
17 supplies to climate-related impacts, including
18 through activities—

19 (i) to increase water use efficiency;

20 (ii) to reduce consumptive use of
21 water;

22 (iii) to promote system conservation;

23 (iv) to reduce water supply-demand
24 imbalances;

1 (v) to promote water recycling and
2 other advanced water treatments to aug-
3 ment water supplies;

4 (vi) to improve management or deliv-
5 ery of water resources; or

6 (vii) to encourage sustainable surface
7 water or groundwater management; and

8 (B) provides benefits to communities and
9 ecosystems, including through activities—

10 (i) to conserve or enhance fish and
11 wildlife habitat;

12 (ii) to improve water quality;

13 (iii) to improve watershed health and
14 function;

15 (iv) to enhance recreational opportuni-
16 ties;

17 (v) to promote rural economic develop-
18 ment; or

19 (vi) to address risks to communities
20 and infrastructure from climate change.

21 (6) NATURAL FEATURE.—The term “natural
22 feature” means a feature that is created through the
23 action of physical, geological, biological, and chem-
24 ical processes over time.

1 (7) NATURE-BASED FEATURE.—The term “na-
2 ture-based feature” means a feature that is created
3 by human design, engineering, and construction to
4 provide a means to reduce water supply and demand
5 imbalances or drought or flood risk by acting in con-
6 cert with natural processes.

7 (8) PROGRAM.—The term “Program” means
8 the Water Project Navigators Program established
9 under section 3(a).

10 **SEC. 3. WATER PROJECT NAVIGATORS PROGRAM.**

11 (a) ESTABLISHMENT.—Not later than 180 days after
12 the date of enactment of this Act, the Secretary of the
13 Interior (acting through the Commissioner of Reclama-
14 tion) (referred to in this Act as the “Secretary”) shall es-
15 tablish a program to support the development and imple-
16 mentation of multi-benefit water projects within eligible
17 States, to be known as the “Water Project Navigators
18 Program”.

19 (b) AUTHORITY.—In carrying out the Program, the
20 Secretary may award grants or cooperative agreements to
21 eligible entities to support the creation or continuation of
22 multi-benefit water project navigator positions.

23 (c) CRITERIA AND GUIDELINES.—

24 (1) IN GENERAL.—The Secretary shall develop
25 criteria and guidelines for awarding grants and co-

1 operative agreements under the Program that con-
2 sider—

3 (A) the potential of the eligible entity to
4 accelerate development and implementation of
5 multi-benefit water projects within—

6 (i) the jurisdiction or service area of
7 the eligible entity; or

8 (ii) in the case of an eligible entity
9 that is a nongovernmental applicant, an
10 area in which the eligible entity has a dem-
11 onstrated history of productive engagement
12 with the community and stakeholders;

13 (B) any history of development of multi-
14 benefit water projects by the eligible entity; and

15 (C) any potential multi-benefit water
16 projects the eligible entity has not yet imple-
17 mented due to lack of capacity.

18 (2) PRIORITIZATION.—The criteria and guide-
19 lines developed under paragraph (1) shall include
20 prioritization criteria for awarding grants or cooper-
21 ative agreements, which shall include prioritizing ap-
22 plications from eligible entities—

23 (A) that would provide benefits for Indian
24 Tribes, disadvantaged communities, and other

1 eligible entities with limited project development
2 resources and capacity;

3 (B) that would provide support for local
4 job creation and retention;

5 (C) with a demonstrated intent and ability
6 to incorporate improvements to the condition of
7 a natural feature or nature-based feature in
8 multi-benefit water projects designed under the
9 Program;

10 (D) with demonstrated support from mul-
11 tiple stakeholders, including Indian Tribes, rep-
12 resentatives of irrigated agricultural production,
13 hydroelectric production, municipal and indus-
14 trial water users, local governments, commu-
15 nity-based organizations, and nonprofit con-
16 servation organizations;

17 (E) that would provide benefits for areas
18 experiencing severe long-term drought; and

19 (F) with the capability to work in coordi-
20 nation with other projects that have been fund-
21 ed under, or help advance the objectives of,
22 other Department of Interior programs, includ-
23 ing a program authorized under—

1 (i) section 9504 of the Omnibus Pub-
2 lic Land Management Act of 2009 (42
3 U.S.C. 10364);

4 (ii) section 6002 of the Omnibus Pub-
5 lic Land Management Act of 2009 (16
6 U.S.C. 1015a);

7 (iii) section 1109 of the Consolidated
8 Appropriations Act, 2021 (33 U.S.C.
9 2330c);

10 (iv) title IX of division D of the Infra-
11 structure Investment and Jobs Act (43
12 U.S.C. 3201 et seq.); or

13 (v) section 50233 of Public Law 117-
14 169 (commonly known as the “Inflation
15 Reduction Act of 2022”) (136 Stat. 2053).

16 (3) PUBLIC COMMENT.—Before finalizing the
17 criteria and guidelines developed under paragraph
18 (1), the Secretary shall make the criteria and guide-
19 lines available for public comment.

20 (4) PROHIBITION.—The Secretary may not
21 award a grant or cooperative agreement under the
22 Program that would fund activities to meet existing
23 environmental mitigation or compliance obligations
24 under Federal or State law.

1 (d) DUTIES OF NAVIGATORS.—A multi-benefit water
2 project navigator funded under the Program shall assist
3 the eligible entity in planning, developing, and imple-
4 menting multi-benefit water projects, including—

5 (1) grant writing;

6 (2) project management;

7 (3) technical assistance, such as feasibility, de-
8 sign, preliminary environmental review, and engi-
9 neering; and

10 (4) any other necessary activities.

11 (e) DURATION OF GRANTS AND COOPERATIVE
12 AGREEMENTS.—

13 (1) LIMITATION.—Subject to paragraph (2), a
14 grant or cooperative agreement under the Program
15 shall be limited to a period of not more than 3
16 years.

17 (2) CONTINUATION AND EXTENSION.—At the
18 discretion of the Secretary, the Secretary may issue
19 a continuation grant or extend a cooperative agree-
20 ment awarded under the Program for not more than
21 2 additional years, with additional funding to be
22 awarded, as determined to be appropriate by the
23 Secretary, if the recipient of the grant or cooperative
24 agreement has demonstrated satisfactory perform-
25 ance with implementation of the proposal under the

1 initial grant or cooperative agreement, as determined
2 by the Secretary.

3 (f) CONTINUOUS ENROLLMENT.—The Secretary
4 shall—

5 (1) make funding opportunities for the Pro-
6 gram available on a regular basis; and

7 (2) allow applications for grants or cooperative
8 agreements under the Program to be submitted and
9 evaluated multiple times per year.

10 (g) COST SHARE.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (3), the Federal share of the cost of any activ-
13 ity awarded a grant or cooperative agreement under
14 the Program shall not exceed 75 percent of the cost
15 of the activity carried out under the grant or cooper-
16 ative agreement.

17 (2) FORM OF NON-FEDERAL COST SHARE.—The
18 non-Federal share of the cost of an activity awarded
19 a grant or cooperative agreement under the Program
20 may be in the form of cash or in-kind contributions.

21 (3) REDUCTION; WAIVER.—With respect to a
22 grant or cooperative agreement awarded to an In-
23 dian Tribe, acequia, land grant-merced, disadvan-
24 taged community, or any other eligible entity work-
25 ing in partnership with or on behalf of those entities,

1 the Secretary may reduce or waive the non-Federal
2 share of the cost of any activity that is the subject
3 of the grant or cooperative agreement if the reduc-
4 tion or waiver would further a compelling Federal
5 interest, as determined by the Secretary.

6 (h) COORDINATION.—In administering the Program,
7 the Secretary shall coordinate with other Federal, Tribal,
8 State, and local government technical assistance programs
9 to enhance multi-benefit water project development.

10 (i) COMPLIANCE.—A multi-benefit water project nav-
11 igator funded under the Program shall comply with all ap-
12 plicable Federal and State laws in carrying out the duties
13 of the multi-benefit water project navigator under the Pro-
14 gram.

15 (j) REPORT TO CONGRESS.—Not later than 5 years
16 after the date of enactment of this Act, the Secretary shall
17 submit to the Committee on Energy and Natural Re-
18 sources of the Senate and the Committee on Natural Re-
19 sources of the House of Representatives a report that de-
20 scribes—

21 (1) the ways in which the Program assists the
22 Secretary in—

23 (A) reducing basin-wide water supply-de-
24 mand imbalances; and

1 (B) enhancing drought and ecosystem re-
2 silience; and

3 (2) the benefits that the Program provides, in-
4 cluding, to the maximum extent practicable, a quan-
5 titative analysis of the multiple benefits advanced
6 under the Program.

7 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to carry out
9 this Act \$15,000,000 for each of fiscal years 2024 through
10 2029, to remain available until expended.