

117TH CONGRESS  
1ST SESSION

# H. R. 2552

To provide financial assistance for projects to address certain subsidence impacts in the State of California, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2021

Mr. COSTA (for himself, Mr. GARAMENDI, and Mr. HARDER of California) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To provide financial assistance for projects to address certain subsidence impacts in the State of California, 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 “Canal Conveyance Ca-  
5 pacity Restoration Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

1           (1) to address severe subsidence impacts that  
2           have substantially reduced the carrying capacity of  
3           the water delivery system of the State; and

4           (2) to provide additional water supply in the  
5           State at a relatively low cost per acre-foot to in-  
6           crease—

7                   (A) resiliency to increasingly severe  
8                   droughts in the State;

9                   (B) groundwater recharge needed to assist  
10                  in meeting groundwater sustainability goals es-  
11                  tablished under State law; and

12                  (C) the reliability of surface or ground-  
13                  water supplies, portions of which serve dis-  
14                  advantaged communities.

15 **SEC. 3. DEFINITIONS.**

16       In this Act:

17           (1) **FEDERAL POOL.**—The term “Federal pool”  
18           means each of pools 13 through 21 of the San Luis  
19           Canal/California Aqueduct, which are owned by the  
20           United States and operated by the California De-  
21           partment of Water Resources under the agreement  
22           entitled “Agreement Between the United States of  
23           America and the Department of Water Resources of  
24           the State of California for the Construction and Op-

1       eration of the Joint-Use Facilities of the San Luis  
2       Unit” and dated December 30, 1961.

3               (2) NET PRESENT VALUE OF THE LOCAL CON-  
4       TRIBUTION TO REIMBURSABLE FEDERAL FUND-  
5       ING.—The term “net present value of the local con-  
6       tribution to reimbursable Federal funding” means,  
7       with respect to a project, the amount equal to the  
8       difference between—

9               (A) the total amount of reimbursable Fed-  
10       eral funds made available for a project; and

11              (B) the amount of the present value, as of  
12       the date of the calculation, of any interest sub-  
13       sidy provided through the repayment terms to  
14       the Treasury over similarly structured munic-  
15       ipal bond financing available to the non-Federal  
16       entity on the disbursement of the reimbursable  
17       Federal funds for the project.

18              (3) NON-FEDERAL POOL.—The term “non-Fed-  
19       eral pool” means each of pools 22 through 40 of the  
20       California Aqueduct, which are owned by the State  
21       and operated by the California Department of Water  
22       Resources.

23              (4) SECRETARY.—The term “Secretary” means  
24       the Secretary of the Interior, acting through the  
25       Commissioner of Reclamation.

1           (5) STATE.—The term “State” means the State  
2 of California.

3 **SEC. 4. FRIANT-KERN CANAL AND DELTA-MENDOTA CANAL**  
4 **SUBSIDENCE MITIGATION PROJECTS.**

5           (a) IN GENERAL.—The Secretary may provide finan-  
6 cial assistance for the design, planning, and construction  
7 of—

8           (1) Federal facility improvements to the Friant  
9 Division, Central Valley Project, California, under  
10 section 10201(a)(1) of the San Joaquin River Res-  
11 toration Settlement Act (Public Law 111–11; 123  
12 Stat. 1365); and

13           (2) a project to restore conveyance capacity at,  
14 and to mitigate subsidence-related impacts on, the  
15 Delta-Mendota Canal, through a partnership with—

16           (A) a public water agency that contracts  
17 for the delivery of Central Valley Project water;  
18 or

19           (B) a local joint powers authority formed  
20 under State law by public water agencies that  
21 contract for the delivery of Central Valley  
22 Project water.

23           (b) COST-SHARING REQUIREMENT.—

24           (1) FEDERAL SHARE.—The Federal share of  
25 the cost of carrying out a project under subsection

1 (a) shall be not more than 33 percent of the total  
2 cost of the project, including amounts contributed  
3 after October 1, 2018.

4 (2) FORM OF NON-FEDERAL SHARE.—The non-  
5 Federal share of the cost of carrying out a project  
6 under subsection (a) may be provided in the form of  
7 cash or in-kind contributions, including the net  
8 present value of the local contribution to the reim-  
9 bursable Federal funding for the project after Octo-  
10 ber 1, 2018.

11 (c) REQUIRED DETERMINATION BY SECRETARY.—  
12 Federal funds shall not be made available under this Act  
13 for a project under subsection (a) unless the Secretary de-  
14 termines that—

15 (1) there is an adequate non-Federal cost share  
16 to match the total amount of federally appropriated  
17 financial assistance made available for the project as  
18 of the date of the determination of the Secretary;  
19 and

20 (2) the project is designed in a manner—

21 (A) to satisfy the purposes described in  
22 section 2, after taking into account anticipated  
23 future subsidence; and

24 (B) to comply with all applicable require-  
25 ments of Federal and State law, including part

1           2.74 of division 6 of the California Water Code  
2           (commonly known as the “California Sustain-  
3           able Groundwater Management Act”).

4 **SEC. 5. CALIFORNIA AQUEDUCT SUBSIDENCE MITIGATION**  
5           **PROJECT.**

6           (a) **IN GENERAL.**—The Secretary may provide finan-  
7           cial assistance for the design, planning, and construction  
8           of projects to restore conveyance capacity at, and to miti-  
9           gate subsidence-related impacts on, the Federal pool and  
10          non-Federal pool.

11          (b) **NON-FEDERAL PARTNERS.**—To carry out this  
12          section, the Secretary may enter into partnerships with—

13                 (1) the State; or

14                 (2) a local joint powers authority formed under  
15          State law by public water agencies that contract for  
16          delivery of water from the Central Valley Project or  
17          the State Water Project.

18          (c) **COST-SHARING REQUIREMENT.**—

19                 (1) **FEDERAL SHARE.**—The Federal share of  
20          the cost of carrying out a project under subsection  
21          (a) shall be not more than 33 percent of the total  
22          cost of the project, including any amounts expended  
23          by the State for subsidence repairs in the Federal  
24          pool and non-Federal pool for the project after Octo-  
25          ber 1, 2018.

1           (2) FORM OF NON-FEDERAL SHARE.—The non-  
2           Federal share of the cost of a project provided finan-  
3           cial assistance under subsection (a) may be in the  
4           form of cash or in-kind contributions.

5           (d) REQUIRED DETERMINATION BY SECRETARY.—  
6           Federal funds shall not be made available under this Act  
7           for a project under subsection (a) unless the Secretary de-  
8           termines, with the concurrence of the Governor of the  
9           State, that—

10           (1) there is an adequate non-Federal cost share  
11           to match the total amount of federally appropriated  
12           financial assistance made available for the project as  
13           of the date of the determination of the Secretary;  
14           and

15           (2) the project is designed in a manner—

16                   (A) to satisfy the purposes described in  
17                   section 2, after taking into account anticipated  
18                   future subsidence; and

19                   (B) to comply with all applicable require-  
20                   ments of Federal and State law, including part  
21                   2.74 of division 6 of the California Water Code  
22                   (commonly known as the “California Sustain-  
23                   able Groundwater Management Act”).

1 **SEC. 6. ENVIRONMENTAL COMPLIANCE.**

2 In carrying out a project under this Act, the Sec-  
3 retary shall comply with applicable environmental laws, in-  
4 cluding—

5 (1) the National Environmental Policy Act of  
6 1969 (42 U.S.C. 4321 et seq.);

7 (2) the Endangered Species Act of 1973 (16  
8 U.S.C. 1531 et seq.); and

9 (3) applicable State law.

10 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There are authorized to be appro-  
12 priated to the Secretary, as adjusted annually to reflect  
13 changes since March 2021 in the Bureau of Reclamation  
14 Construction Cost Trends Index applicable to the types  
15 of construction involved—

16 (1) \$180,000,000 to carry out section 4(a)(1),  
17 consistent with, and in addition to funding author-  
18 ized under, section 10203(c) of the San Joaquin  
19 River Restoration Settlement Act (Public Law 111–  
20 11; 123 Stat. 1367);

21 (2) \$183,900,000 to carry out section 4(a)(2);

22 (3) \$194,000,000 to pay the Federal share for  
23 the Federal pool under section 5;

24 (4) \$95,500,000 to pay the Federal share for  
25 the non-Federal pool under section 5; and



1           (5) \$180,000,000 to implement the Restoration  
2           Goal of the settlement described in section 10004 of  
3           the San Joaquin River Restoration Settlement Act  
4           (Public Law 111–11; 123 Stat. 1350), in addition to  
5           the funding authorized under section 10009 of that  
6           Act.

7           (b) LIMITATIONS.—Amounts made available under  
8           subsection (a) may not be used—

9                   (1) to build new surface storage;

10                   (2) to raise existing reservoirs; or

11                   (3) to enlarge the carrying capacity of a canal  
12           constructed by the Bureau of Reclamation, except  
13           for a temporary increase in carrying capacity that is  
14           intended—

15                           (A) to mitigate anticipated future subsid-  
16           ence; and

17                           (B) to avoid an increase in carrying capac-  
18           ity that would otherwise be required on the oc-  
19           currence of anticipated future subsidence.

20           (c) ADDITIONAL AMOUNTS.—Amounts made avail-  
21           able under subsection (a) shall be—

22                   (1) in addition to any other amounts made  
23           available for the purposes described in that sub-  
24           section; and

1 (2) nonreimbursable.

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