

117TH CONGRESS
2D SESSION

H. R. 7793

To provide for the water security of the Rio Grande Basin, to reauthorize irrigation infrastructure grants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2022

Ms. STANSBURY (for herself, Ms. LEGER FERNANDEZ, Mr. NEGUSE, Mr. PERLMUTTER, and Ms. HERRELL) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the water security of the Rio Grande Basin, to reauthorize irrigation infrastructure grants, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Rio Grande Water Security Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—RIO GRANDE WATER SECURITY

Sec. 101. Definitions.

Sec. 102. Integrated water resources management plan for the Rio Grande Basin.

Sec. 103. Rio Grande Basin Working Group.

Sec. 104. Effect of title.

TITLE II—PUEBLO IRRIGATION

Sec. 201. Reauthorization of Pueblo irrigation infrastructure grants.

1 **TITLE I—RIO GRANDE WATER** 2 **SECURITY**

3 **SEC. 101. DEFINITIONS.**

4 In this title:

5 (1) **BASIN PLAN.**—The term “Basin Plan”
6 means the integrated water resources management
7 plan for the Rio Grande Basin developed under sec-
8 tion 102(a).

9 (2) **BASIN STATE.**—The term “Basin State”
10 means each of the following States:

11 (A) Colorado.

12 (B) New Mexico.

13 (C) Texas.

14 (3) **INDIAN TRIBE.**—The term “Indian Tribe”
15 has the meaning given the term in section 4 of the
16 Indian Self-Determination and Education Assistance
17 Act (25 U.S.C. 5304).

18 (4) **NATURE-BASED FEATURE.**—The term “na-
19 ture-based feature” has the meaning given the term
20 in section 9502 of the Omnibus Public Land Man-
21 agement Act of 2009 (42 U.S.C. 10362).

1 (5) RIO GRANDE BASIN.—The term “Rio
2 Grande Basin” means the mainstem of the Rio
3 Grande from the headwaters of the Rio Grande in
4 Colorado to the mouth of the Rio Grande in Texas
5 and any hydrologically connected groundwater,
6 aquifers, and tributaries, including tributaries that
7 provide water via basin transfers.

8 (6) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (7) WORKING GROUP.—The term “Working
11 Group” means the Rio Grande Basin Working
12 Group convened under section 102(a).

13 **SEC. 102. INTEGRATED WATER RESOURCES MANAGEMENT**

14 **PLAN FOR THE RIO GRANDE BASIN.**

15 (a) IN GENERAL.—Not later than 120 days after the
16 date of enactment of this Act, the Secretary shall convene
17 a Federal Working Group, to be known as the “Rio
18 Grande Basin Working Group”, to consult and collaborate
19 with the Basin States, Indian Tribes, units of local govern-
20 ment, irrigation districts, conservation districts, acequias,
21 land grant-mercedes, and other local partners in the Rio
22 Grande Basin to develop and implement an integrated
23 water resources management plan for the Rio Grande
24 Basin using the best available science, data, and local
25 knowledge.

1 (b) PURPOSE.—The purpose of the Basin Plan is to
2 improve—

3 (1) water security and quality for communities
4 throughout the Rio Grande Basin;

5 (2) river and watershed health for ecosystems,
6 fish, and wildlife in the Rio Grande Basin;

7 (3) the resilience of communities and eco-
8 systems in the Rio Grande Basin to drought and hy-
9 drologic change; and

10 (4) consultation, collaboration, and partnerships
11 among Federal agencies, Basin States, Indian
12 Tribes, and local partners within the Rio Grande
13 Basin.

14 (c) REQUIREMENTS.—The Basin Plan shall in-
15 clude—

16 (1) a list of recommended projects and activi-
17 ties to achieve the purpose described in subsection
18 (b), using the best available science for current and
19 future conditions in the Rio Grande Basin, including
20 recommendations for—

21 (A) improving infrastructure design, main-
22 tenance, repair, planning, management, and op-
23 erations throughout the Rio Grande Basin;

1 (B) improving science, data, monitoring,
2 and collaboration to improve understanding of
3 the Rio Grande Basin, including—

4 (i) the hydrology and other processes
5 of the Rio Grande Basin; and

6 (ii) the long-term availability of water
7 across the Rio Grande Basin;

8 (C) increasing water conservation in the
9 Rio Grande Basin through partnerships with
10 communities and water users;

11 (D) investments in nature-based features,
12 infrastructure, and habitat improvements to im-
13 prove river health, resilience, water security,
14 and hazard mitigation in the Rio Grande Basin;

15 (E) updating reservoir operations authori-
16 ties and water control manuals; and

17 (F) improving consultation, collaboration,
18 and partnerships throughout the Rio Grande
19 Basin to achieve the objectives described in sub-
20 paragraphs (A) through (E);

21 (2) a list of potential changes to existing Fed-
22 eral authorities that may be needed to implement
23 the Basin Plan; and

24 (3) a timeline for implementing the Basin Plan
25 over a 30-year period.

1 (d) REPORT TO CONGRESS.—Not later than 2 years
2 after the date of enactment of this Act, the Secretary
3 shall—

4 (1) submit the Basin Plan to—

5 (A) the appropriate committees of Con-
6 gress; and

7 (B) the Basin States, Indian Tribes lo-
8 cated within the Rio Grande Basin, and local
9 partners; and

10 (2) make the Basin Plan publicly available on-
11 line.

12 (e) IMPLEMENTATION.—

13 (1) IN GENERAL.—On submission of the Basin
14 Plan to Congress under subsection (d)(1)(A), the
15 relevant agencies of the Working Group may imple-
16 ment recommended projects and activities from the
17 Basin Plan to achieve the purposes of this title, in-
18 cluding—

19 (A) water conservation and restoration
20 projects;

21 (B) streamflow and groundwater recharge
22 improvements;

23 (C) optimization of Federal project man-
24 agement, including—

1 (i) improvements and flexibility in res-
2 ervoir, irrigation, and flood control project
3 operations; and

4 (ii) updates and amendments to par-
5 ticular reservoir operations authorities,
6 contracts, and water control manuals with-
7 in the Rio Grande Basin, consistent with
8 the recommendations provided in sub-
9 section (c)(1)(E);

10 (D) studies of relevant projects and activi-
11 ties requiring further authorization;

12 (E) the establishment of a collaborative
13 science, data, and monitoring program for the
14 Rio Grande Basin; and

15 (F) the establishment of a coordinated
16 technical assistance program to support Rio
17 Grande Basin stakeholders in accessing re-
18 sources and programs to achieve the purposes
19 of this title.

20 (2) WAIVER.—In implementing this subsection,
21 the relevant agencies of the Working Group may
22 waive or reduce Federal cost-share requirements for
23 projects and activities that demonstrate significant
24 public benefits in accordance with the purpose de-
25 scribed in subsection (b).

1 (f) REQUIREMENTS.—The projects and activities im-
2 plemented pursuant to subsection (e) shall be—

3 (1) subject to required authorization and appro-
4 priation by Congress;

5 (2) contingent on the completion of applicable
6 feasibility studies, environmental reviews, and cost-
7 benefit analyses that include favorable recommenda-
8 tions for the proposed projects and activities; and

9 (3) implemented—

10 (A) in accordance with applicable law, in-
11 cluding—

12 (i) the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4321 et seq.);

14 (ii) the Endangered Species Act of
15 1973 (16 U.S.C. 1531 et seq.); and

16 (iii) the Federal Water Pollution Con-
17 trol Act (33 U.S.C. 1251 et seq.);

18 (B) in consultation with and in accordance
19 with State, Tribal, and local authorities in the
20 Basin States;

21 (C) in accordance with interstate and
22 international agreements applicable to the Rio
23 Grande Basin; and

1 (D) in accordance with the water rights of
2 any Indian Tribe or agreements between any
3 Indian Tribe and the United States.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the heads of the agen-
6 cies represented on the Working Group such sums as are
7 necessary to carry out this title for each of fiscal years
8 2023 through 2052.

9 **SEC. 103. RIO GRANDE BASIN WORKING GROUP.**

10 (a) COMPOSITION.—The Working Group shall be
11 composed of the following members:

12 (1) The Administrator of the Environmental
13 Protection Agency.

14 (2) The Assistant Secretary of the Army for
15 Civil Works.

16 (3) The Chief of the Forest Service.

17 (4) The Chief of the Natural Resources Con-
18 servation Service.

19 (5) The Commissioner of the International
20 Boundary and Water Commission.

21 (6) The Commissioner of Reclamation.

22 (7) The Director of any National Laboratory lo-
23 cated in a Basin State.

24 (8) The Director of the Bureau of Indian Af-
25 fairs.

1 (9) The Director of the Bureau of Land Man-
2 agement.

3 (10) The Director of the National Park Service.

4 (11) The Director of the United States Fish
5 and Wildlife Service.

6 (12) The Director of the United States Geologi-
7 cal Survey.

8 (13) The Secretary of Energy.

9 (14) The Under Secretary for Rural Develop-
10 ment.

11 (15) The heads of any other relevant Federal
12 agencies, as determined to be appropriate by a ma-
13 jority of the members of the Working Group de-
14 scribed in paragraphs (1) through (14).

15 (b) DUTIES.—The Working Group shall consult, col-
16 laborate, and work with Basin States, Indian Tribes lo-
17 cated within the Rio Grande Basin, and local partners—

18 (1) to develop and implement a Basin Plan; and

19 (2) on submission of the Basin Plan to Con-
20 gress under section 102(d)(1)(A), to support ongo-
21 ing collaboration across the Rio Grande Basin
22 among Federal stakeholders and non-Federal stake-
23 holders within the Rio Grande Basin.

24 **SEC. 104. EFFECT OF TITLE.**

25 Nothing in this title—

1 (1) affects, waives, abrogates, diminishes, de-
2 fines, or interprets any water right of any Indian
3 Tribe or agreement between any Indian Tribe and
4 the United States;

5 (2) affects a contract or benefit in existence on
6 the date of enactment of this Act that was executed
7 pursuant to the reclamation laws, unless otherwise
8 agreed to by the parties to the contract or benefit;

9 (3) affects any interstate or international agree-
10 ment regarding the Rio Grande and the waters of
11 the Rio Grande, or any other interstate compact or
12 agreement regarding water;

13 (4) affects any ongoing treaty obligations; or

14 (5) limits or affects any Basin State or Indian
15 Tribe in the management of water quantity or qual-
16 ity in accordance with State or Tribal laws, as appli-
17 cable.

18 **TITLE II—PUEBLO IRRIGATION**

19 **SEC. 201. REAUTHORIZATION OF PUEBLO IRRIGATION IN-** 20 **FRASTRUCTURE GRANTS.**

21 Section 9106(g)(2) of the Omnibus Public Land
22 Management Act of 2009 (Public Law 111–11; 123 Stat.
23 1309) is amended—

24 (1) by striking “is authorized” and inserting
25 “are authorized”; and

1 (2) by striking “\$6,000,000” and all that fol-
2 lows through the period at the end and inserting
3 “such sums as are necessary for each of fiscal years
4 2022 through 2032.”.

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