

Calendar No. 586

118TH CONGRESS
2D SESSION**S. 2160**

To amend the Omnibus Public Land Management Act of 2009 to authorize certain extraordinary operation and maintenance work for urban canals of concern.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

Mr. Risch (for himself, Mr. CRAPO, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 21, 2024

Reported by Mr. MANCHIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Omnibus Public Land Management Act of 2009 to authorize certain extraordinary operation and maintenance work for urban canals of concern.

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 “Urban Canal Mod-
5 ernization Act”.

1 **SEC. 2. EXTRAORDINARY OPERATION AND MAINTENANCE**
 2 **WORK PERFORMED BY THE SECRETARY OF**
 3 **THE INTERIOR.**

4 (a) DEFINITIONS.—Section 9601 of the Omnibus
 5 Public Land Management Act of 2009 (43 U.S.C. 510)
 6 is amended—

7 (1) by redesignating paragraphs (1), (2), (3),
 8 (4), (5), (6), and (7) as paragraphs (2), (3), (4),
 9 (5), (6), (7), and (1), respectively;

10 (2) in paragraph (3) (as so redesignated), by
 11 striking “et seq.)” and inserting “et seq.)”;

12 (3) in paragraph (4) (as so redesignated), by
 13 striking “mean” and inserting “means”; and

14 (4) by adding at the end the following:

15 “(8) URBAN CANAL OF CONCERN.—The term
 16 ‘urban canal of concern’ means a transferred works
 17 or segment of a transferred works—

18 “(A) that is—

19 “(i) a canal reach, the failure of which
 20 would result in—

21 “(I) an estimated at-risk popu-
 22 lation of more than 100 individuals;
 23 or

24 “(II) an estimated property dam-
 25 age of more than \$5,000,000; or

1 “(ii) a canal reach determined by the
 2 responsible Bureau of Reclamation re-
 3 gional or area office to be classified as an
 4 urban canal reach; and

5 “(B) with respect to which the Secretary
 6 determines, pursuant to the guidelines and cri-
 7 teria developed under section 9602(a), that if a
 8 failure were to occur, the failure would result in
 9 loss of life and property in the vicinity of the
 10 failed transferred works or segment of trans-
 11 ferred works.”.

12 (b) ~~EXTRAORDINARY MAINTENANCE AND OPER-~~
 13 ~~ATION WORK ON URBAN CANAL OF CONCERNS.~~—Section
 14 9603 of the Omnibus Public Land Management Act of
 15 2009 (43 U.S.C. 510b) is amended by adding at the end
 16 the following:

17 “(e) ~~EXTRAORDINARY OPERATION AND MAINTENANCE~~
 18 ~~WORK ON URBAN CANALS OF CONCERN.~~—

19 “(1) ~~IN GENERAL.~~—The Secretary or the trans-
 20 ferred works operating entity shall carry out any ex-
 21 traordinary operation and maintenance work on an
 22 urban canal of concern that the transferred works
 23 operating entity, with the concurrence of the Sec-
 24 retary, determines to be necessary.

1 “(2) FUNDING.—In the case of extraordinary
 2 operation and maintenance work on an urban canal
 3 of concern authorized under paragraph (1), or if the
 4 Secretary determines that a project facility inspected
 5 and maintained pursuant to the guidelines and cri-
 6 teria set forth in section 9602(a) requires extraor-
 7 dinary operation and maintenance work pursuant to
 8 paragraph (1), the Secretary shall provide Federal
 9 funds on a nonreimbursable basis sufficient to cover
 10 35 percent of the portion of total cost of the extraor-
 11 dinary operation and maintenance work allocable to
 12 the transferred works operating entity that is needed
 13 to carry out the extraordinary operation and mainte-
 14 nance work on the urban canal of concern, with the
 15 remaining share of any additional Federal funds ad-
 16 vanced by the Secretary for the extraordinary oper-
 17 ation and maintenance work to be repaid under sub-
 18 section (b).

19 “(f) REIMBURSABLE FUNDS.—Any reimbursable
 20 funds provided under this section shall be considered to
 21 be a non-Federal source of funds for purposes of any cost-
 22 sharing requirement for a Federal grant.”.

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Urban Canal Mod-*
 25 *ernization Act”.*

1 **SEC. 2. EXTRAORDINARY OPERATION AND MAINTENANCE**
 2 **WORK PERFORMED BY THE SECRETARY OF**
 3 **THE INTERIOR.**

4 (a) *DEFINITIONS.*—Section 9601 of the Omnibus Pub-
 5 lic Land Management Act of 2009 (43 U.S.C. 510) is
 6 amended—

7 (1) *by redesignating paragraphs (1), (2), (3),*
 8 *(4), (5), (6), and (7) as paragraphs (2), (3), (4), (5),*
 9 *(6), (7), and (1), respectively;*

10 (2) *in paragraph (3) (as so redesignated), by*
 11 *striking “et seq.)” and inserting “et seq.)”;*

12 (3) *in paragraph (4) (as so redesignated), by*
 13 *striking “mean” and inserting “means”; and*

14 (4) *by adding at the end the following:*

15 “(8) *URBAN CANAL OF CONCERN.*—The term
 16 ‘urban canal of concern’ means a transferred works or
 17 segment of a transferred works that is a canal
 18 reach—

19 “(A) *the failure of which would result in an*
 20 *estimated at-risk population of more than 100*
 21 *individuals, as determined by the Secretary,*
 22 *pursuant to the guidelines and criteria developed*
 23 *under section 9602(a); and*

24 “(B) *that is determined by the Secretary to*
 25 *be classified as an urban canal reach.”.*

1 (b) *EXTRAORDINARY OPERATION AND MAINTENANCE*
 2 *WORK ON URBAN CANALS OF CONCERN.*—Section 9603 of
 3 *the Omnibus Public Land Management Act of 2009 (43*
 4 *U.S.C. 510b) is amended—*

5 (1) *in subsection (a)—*

6 (A) *by striking “(a)” and all that follows*
 7 *through “The Secretary” and inserting the fol-*
 8 *lowing:*

9 “(a) *AUTHORIZATION.*—

10 “(1) *PROJECT FACILITIES.*—*The Secretary*”; and

11 (B) *by adding at the end the following:*

12 “(2) *URBAN CANALS OF CONCERN.*—*The Sec-*
 13 *retary or the transferred works operating entity may*
 14 *carry out, in accordance with subsection (b), any ex-*
 15 *traordinary operation and maintenance work on an*
 16 *urban canal of concern that the Secretary determines*
 17 *to be necessary pursuant to the guidelines and cri-*
 18 *teria set forth in section 9602(a).”;*

19 (2) *in subsection (b)—*

20 (A) *by redesignating paragraph (3) as*
 21 *paragraph (4); and*

22 (B) *by inserting after paragraph (2) the fol-*
 23 *lowing:*

24 “(3) *URBAN CANALS OF CONCERN.*—*Except in*
 25 *the case of emergency extraordinary operation and*

1 maintenance work carried out under subsection (c), of
 2 the total costs of extraordinary operation and mainte-
 3 nance work on an urban canal of concern conducted
 4 under subsection (a)(2)—

5 “(A) 25 percent shall be provided by the
 6 Secretary on a nonreimbursable basis;

7 “(B) 10 percent shall be provided by the ap-
 8 plicable State or political subdivision of the ap-
 9 plicable State in which the extraordinary oper-
 10 ation and maintenance work is being conducted;
 11 and

12 “(C) the remaining amounts shall be ad-
 13 vanced by the Secretary in accordance with
 14 paragraph (2), to be repaid by the transferred
 15 works operating entity in accordance with that
 16 paragraph.”; and

17 (3) in subsection (d)—

18 (A) by redesignating paragraph (7) as
 19 paragraph (8); and

20 (B) by inserting after paragraph (6) the fol-
 21 lowing:

22 “(7) LIMITATION FOR URBAN CANALS OF CON-
 23 CERN.—Not more than \$300,000,000 shall be made
 24 available from the Account to pay the Federal costs
 25 of extraordinary operation and maintenance work on

1 *urban canals of concern conducted under section*
2 *(a)(2), unless an appropriations Act provides funds*
3 *for payment of Federal costs for such purposes in ex-*
4 *cess of that amount.”.*

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