

118TH CONGRESS
1ST SESSION

S. 2166

To amend the Reclamation States Emergency Drought Relief Act of 1991 and the Omnibus Public Land Management Act of 2009 to provide grants to States and Indian Tribes for programs to voluntarily repurpose agricultural land to reduce consumptive water use, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

Mr. PADILLA introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Reclamation States Emergency Drought Relief Act of 1991 and the Omnibus Public Land Management Act of 2009 to provide grants to States and Indian Tribes for programs to voluntarily repurpose agricultural land to reduce consumptive water use, 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 “Voluntary Agricultural
5 Land Repurposing Act of 2023”.

1 **SEC. 2. GRANTS TO STATES AND INDIAN TRIBES FOR**
 2 **MULTIBENEFIT PROGRAMS TO VOLUNTARILY**
 3 **REPURPOSE AGRICULTURAL LAND TO RE-**
 4 **DUCE CONSUMPTIVE WATER USE.**

5 (a) AUTHORIZATION OF GRANTS.—

6 (1) IN GENERAL.—Section 101 of the Reclama-
 7 tion States Emergency Drought Relief Act of 1991
 8 (43 U.S.C. 2211) is amended—

9 (A) by redesignating subsections (b)
 10 through (d) as subsections (c) through (e), re-
 11 spectively; and

12 (B) by inserting after subsection (a) the
 13 following:

14 “(b) GRANTS TO STATES AND INDIAN TRIBES FOR
 15 MULTIBENEFIT PROGRAMS TO VOLUNTARILY REPUR-
 16 POSE AGRICULTURAL LAND.—

17 “(1) DEFINITIONS.—In this subsection:

18 “(A) BASIN-SCALE.—The term ‘basin-
 19 scale’ means an eligible landscape area or sub-
 20 basin that—

21 “(i) includes multiple water users; or

22 “(ii) aligns with the boundaries of a
 23 State, Tribal, regional, or local land or
 24 water management agency.

25 “(B) COVERED PROGRAM.—The term ‘cov-
 26 ered program’ means an existing program of an

1 eligible entity or a pilot program proposed to be
 2 carried out by an eligible entity, the purpose of
 3 which is to voluntarily repurpose or provide for
 4 the transition of, over a period of years, irri-
 5 gated agricultural land to reduce consumptive
 6 water use, while providing community health,
 7 economic well-being, water supply, habitat, and
 8 climate benefits.

9 “(C) ELIGIBLE ENTITY.—The term ‘eligi-
 10 ble entity’ means—

11 “(i) a State (including a designated
 12 State agency); or

13 “(ii) a Tribal government.

14 “(2) AUTHORIZATION OF GRANTS.—The Sec-
 15 retary shall carry out a program under which the
 16 Secretary shall provide competitive matching grants
 17 to eligible entities, in accordance with this sub-
 18 section, to carry out covered programs.

19 “(3) ELIGIBLE PROGRAMS.—To be eligible for a
 20 grant under paragraph (2), a covered program
 21 shall—

22 “(A) be basin-scale;

23 “(B) reduce consumptive water use;

24 “(C) repurpose or transition irrigated agri-
 25 cultural land for not less than 10 years; and

1 “(D) provide, for not less than 10 years, 1
2 or more other measurable benefits to the envi-
3 ronment or community in which the program is
4 being carried out, including—

5 “(i) restoring upland habitat;

6 “(ii) restoring riparian habitat;

7 “(iii) creating pollinator habitat;

8 “(iv) restoring flood plains connection
9 to stream or river channels;

10 “(v) creating dedicated multibenefit
11 recharge areas;

12 “(vi) dry-land farming or planting
13 non-irrigated or water-saving cover crops;

14 “(vii) switching from irrigated agri-
15 culture to non-irrigated rangeland;

16 “(viii) creating park or community
17 recreation areas;

18 “(ix) acquiring a conservation ease-
19 ment on land taken out of irrigated agri-
20 cultural production to permanently protect
21 a new use of the land;

22 “(x) facilitation of renewable energy
23 projects that have an overall greenhouse
24 gas reduction; and

1 “(xi) reestablishment of Tribal land
2 uses.

3 “(4) APPLICATION.—To be eligible for a grant
4 under paragraph (2), an eligible entity shall submit
5 to the Secretary an application in such form, at such
6 time, and containing such information as the Sec-
7 retary may require, including a description of the
8 manner in which the eligible entity would use the
9 grant funds to carry out projects under the covered
10 program that reduce consumptive water use by con-
11 verting irrigated agricultural land to a new use
12 that—

13 “(A) reduces groundwater withdrawals or
14 consumptive water use for not less than 10
15 years; and

16 “(B) provides other measurable benefits to
17 the environment or communities in which the
18 covered program is being carried out.

19 “(5) PRIORITY.—In providing grants under
20 paragraph (2), the Secretary shall give priority to
21 covered programs that—

22 “(A) provide direct benefits to disadvan-
23 tagged communities; or

24 “(B) were developed through a multi-
25 stakeholder planning process.

1 “(6) VOLUNTARY CONSERVATION AGREE-
2 MENTS.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (C), the Secretary (acting through the
5 Director of the United States Fish and Wildlife
6 Service) or the Secretary of Commerce (acting
7 through the Director of the National Marine
8 Fisheries Service), as applicable, shall seek to
9 enter into voluntary conservation agreements,
10 with the individuals and entities described in
11 subparagraph (B), under which the individuals
12 and entities entering into the agreements would
13 carry out on formerly irrigated agricultural land
14 converted under a covered program carried out
15 under this subsection or on associated aquatic
16 resources actions that contribute to the recovery
17 of species listed as endangered or threatened
18 under the Endangered Species Act of 1973 (16
19 U.S.C. 1531 et seq.).

20 “(B) ENTITIES AND INDIVIDUALS DE-
21 SCRIBED.—The individuals and entities referred
22 to in subparagraph (A) are the following:

23 “(i) Eligible entities provided grants
24 to carry out a covered program under
25 paragraph (2).

1 “(ii) Owners of irrigated agricultural
2 land converted under a covered program
3 carried out under this subsection.

4 “(iii) Owners of land adjacent to irri-
5 gated agricultural land converted under a
6 covered program carried out under this
7 subsection.

8 “(7) ANNUAL REPORT TO CONGRESS.—Annu-
9 ally, the Secretary shall submit to the appropriate
10 committees of Congress a report that describes the
11 status of covered programs for which grant funds
12 have been provided under this subsection during the
13 period covered by the report, including a description
14 of—

15 “(A) the achievements and effectiveness of
16 each covered program with respect to reducing
17 groundwater withdrawals and reducing con-
18 sumptive water use;

19 “(B) the quantity of groundwater or sur-
20 face water that was conserved; and

21 “(C) the community agricultural sustain-
22 ability or environmental benefits that were
23 achieved under each covered program.

24 “(8) AUTHORIZATION OF APPROPRIATIONS.—

1 “(A) IN GENERAL.—There is authorized to
2 be appropriated to carry out this subsection
3 \$250,000,000 for the period of fiscal years
4 2024 through 2028.

5 “(B) RESERVATION OF FUNDS.—Of the
6 amounts made available for a fiscal year under
7 subparagraph (A), 50 percent shall be used—

8 “(i) to provide grants for covered pro-
9 grams that are pilot programs; or

10 “(ii) if no applications for grants for
11 a pilot program for the applicable fiscal
12 year are submitted, to provide grants to el-
13 igible covered programs that are existing
14 programs.”.

15 (2) CONFORMING AMENDMENTS.—

16 (A) Section 102(c) of the Reclamation
17 States Emergency Drought Relief Act of 1991
18 (43 U.S.C. 2212) is amended, in the first sen-
19 tence of the matter preceding paragraph (1), by
20 striking “section 101(c)” and inserting “section
21 101(d)”.

22 (B) Section 301 of the Reclamation States
23 Emergency Drought Relief Act of 1991 (43
24 U.S.C. 2241) is amended by striking “section

1 303 of this Act” and inserting “section
2 101(b)(7)(A) or 303”.

3 (b) APPLICABLE PERIOD OF DROUGHT PROGRAM.—

4 Section 104 of the Reclamation States Emergency
5 Drought Relief Act of 1991 (43 U.S.C. 2214) is amended
6 by striking subsection (a) and inserting the following:

7 “(a) IN GENERAL.—The programs and authorities
8 established under this title shall only become operative in
9 a Reclamation State or in the State of Hawaii if—

10 “(1)(A) the Governor of the affected State, or
11 the governing body of the affected Indian Tribe with
12 respect to a reservation, has made a request for tem-
13 porary drought assistance; and

14 “(B) the Secretary has determined that the
15 temporary assistance is merited;

16 “(2) a drought emergency has been declared by
17 the Governor of the affected State;

18 “(3) a drought contingency plan has been ap-
19 proved in accordance with title II;

20 “(4) for purposes of subsection (b) of section
21 101, the affected State has implemented a covered
22 program under that subsection; or

23 “(5) in the case of a Colorado River Basin
24 State, by operation of the Colorado River Basin
25 Drought Contingency Plan executed in accordance

1 with the Colorado River Drought Contingency Plan
2 Authorization Act (Public Law 116–14; 133 Stat.
3 850).”.

4 **SEC. 3. GRANTS TO SUPPORT AGRICULTURAL SUSTAIN-**
5 **ABILITY TO REDUCE RELIANCE ON GROUND-**
6 **WATER AND REDUCE CONSUMPTIVE WATER**
7 **USE.**

8 Section 9504(a) of the Omnibus Public Land Man-
9 agement Act of 2009 (42 U.S.C. 10364(a)) is amended—

10 (1) in paragraph (1)(J)—

11 (A) in clause (ii), by striking “or” at the
12 end;

13 (B) in clause (iii), by striking the period at
14 the end and inserting “; or”; and

15 (C) by adding at the end the following:

16 “(iv) to reduce groundwater with-
17 drawals and otherwise reduce consumptive
18 water use to respond to drought.”;

19 (2) in paragraph (2)(B)—

20 (A) in clause (i), by striking “and” at the
21 end;

22 (B) in clause (ii)(II), by striking the period
23 at the end and inserting “; and”; and

24 (C) by adding at the end the following:

1 “(iii) for a project to carry out on an
2 activity described in paragraph
3 (1)(J)(iv)—

4 “(I) a proposal to repurpose irri-
5 gated agricultural land for not less
6 than 10 years to reduce consumptive
7 water use, while providing community
8 health, economic well-being, water
9 supply, habitat, and climate resilience
10 benefits, including—

11 “(aa) restoring upland habi-
12 tat;

13 “(bb) restoring riparian
14 habitat;

15 “(cc) creating pollinator
16 habitat;

17 “(dd) restoring the connec-
18 tion of floodplains to stream or
19 river channels;

20 “(ee) creating dedicated
21 multi-benefit recharge areas;

22 “(ff) dry-land farming or
23 planting nonirrigated cover crops;

1 “(gg) switching from irri-
2 gated agriculture to nonirrigated
3 rangeland;

4 “(hh) creating park or com-
5 munity recreation areas;

6 “(ii) acquiring a conserva-
7 tion easement on land taken out
8 of irrigated agricultural produc-
9 tion to permanently protect any
10 of the new uses;

11 “(jj) facilitation of renew-
12 able energy projects that have an
13 overall greenhouse gas reduction;
14 and

15 “(kk) reestablishment of
16 Tribal land uses; and

17 “(II) a demonstration of the
18 manner in which the proposed activity
19 would—

20 “(aa) reduce groundwater
21 withdrawals or consumptive
22 water use for not less than 10
23 years; and

24 “(bb) provide other measur-
25 able benefits to the environment

1 or disadvantaged communities.”;

2 and

3 (3) in paragraph (4)—

4 (A) by striking “In providing” and insert-
5 ing the following:

6 “(A) IN GENERAL.—In providing”; and

7 (B) by adding at the end the following:

8 “(B) GRANTS TO REPURPOSE AGRICUL-
9 TURAL LAND.—For purposes of evaluating ap-
10 plications for grants described in paragraph
11 (2)(B)(iii), the Secretary shall give priority to
12 applications for proposals that provide direct
13 benefits to disadvantaged communities.”.

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