

Federal Affairs Committee

May 13, 2025

3:15-4:45

Room De Anza 3, Portola

Monterey Marriott

Monterey, California

Chair, Jolene Walsh

Vice-Chair, Scott Petersen

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- I. Welcome & Call to Order, Jolene Walsh, Federal Affairs Committee Chair
 - II. Introductions
 - III. Approval of January 23, 2025, Meeting Minutes
 - IV. Bureau of Reclamation Update: Adam Nickels, Acting Regional Director, California Great Basin Region
 - V. ACWA Update: Marwan Khalifa, Interim Executive Director
 - VI. ACWA Update: Cindy Tuck, Deputy Executive Director
 - VII. Regulatory Update: Caleb Raspler
 - VIII. Legislative Update and Committee Voting Session: Libby Spekhardt / Ian Lyle
 - a. Drinking Water Subcommittee - Abby Schneider
 - i. Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to "National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI)" ([H.J.Res.18](#)) - **Watch (Subcommittee recommendation)**
 - ii. Filing Relief for Natural Disasters Act ([S.132/H.R.517](#)) - **Favor (Subcommittee recommendation)**
 - iii. Investing In Our Communities Act ([H.R.1255](#)) - **Favor (Subcommittee recommendation)**
 - iv. Technical fix for the state response to contaminants program ([S.1324](#)) - **Favor (Subcommittee recommendation)**
 - v. San Francisco Bay Restoration Program Technical Correction Act ([H.R.1382](#)) - **Favor (Subcommittee recommendation)**
 - vi. Disaster Related Extension of Deadlines Act ([H.R.1491](#)) - **Favor (Subcommittee recommendation)**

- vii. To establish a Water Risk and Resilience Organization to develop risk and resilience requirements for the water sector ([H.R.2594](#)) - **Watch (Subcommittee recommendation)**
 - viii. Advancing Water Reuse Act ([H.R.2940](#)) - **Favor (Subcommittee recommendation)**
 - b. Infrastructure and Agriculture Subcommittee - Scott Petersen
 - i. A bill to amend the Aquifer Recharge Flexibility Act ([H.R.331](#)) - **Support (Subcommittee recommendation)**
 - ii. Groundwater Recharge Technical Assistance Act ([H.R.337](#)) - **Support (Subcommittee recommendation)**
 - iii. Agriculture Export Promotion Act ([H.R. 1086](#)) - **Favor (Subcommittee recommendation)**
 - iv. Fair Access to Agricultural Disaster Programs Act ([H.R.2156/S.984](#)) - **Support (Subcommittee recommendation)**
 - c. Water Supply Subcommittee – Mark Toy
 - i. A bill providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the United States Fish and Wildlife Service relating to "Endangered and Threatened Wildlife and Plants; Endangered Species Status for the San Francisco Bay-Delta Distinct Population Segment of the Longfin Smelt." ([H.J.Res.78](#)) - **Favor (Subcommittee recommendation)**
 - ii. Proven Forest Management Act ([H.R. 179](#)) - **Support (Subcommittee recommendation)**
 - iii. Forest Service Accountability Act ([S.1061/H.R.1762](#)) - **Watch (Subcommittee recommendation)**
 - iv. Senate Fix Our Forests Act ([S.1462](#)) - **Support (Subcommittee recommendation)**
 - v. ESA Amendments Act of 2025 ([H.R.1897](#)) - **Favor (Subcommittee recommendation)**
 - vi. A bill to authorize the International Boundary and Water Commission to accept funds for activities relating to wastewater treatment and flood control works, and for other purposes. ([H.R.1948](#)) - **Favor (Subcommittee recommendation)**
- IX. National Coalition Update: Family Farm Alliance, National Waterways Conference, NESARC
- X. 2025 Upcoming Meeting Dates:

- a. September 16, 2025, 10:00 Pacific / 1:00 Eastern virtual
- b. December 2, 2025, in person at ACWA Fall Conference in San Diego, CA



Minutes
Federal Affairs Committee
January 23, 2025
12:00 Pacific/3:00 Eastern
Virtual only – hosted on Zoom

Meeting Called to Order

ACWA Federal Affairs Committee Chair Jolene Walsh called the meeting to order at 12:02 Pacific. Chair Walsh introduced new ACWA DC team member Libby Spekhardt and new Water Supply Subcommittee Chair Mark Toy.

Approval of Minutes

Minutes from the December 3, 2024 Federal Affairs Committee meeting were amended to reflect excused absences for Abby Schneider and Alexandra Berenter. Amended minutes were approved by voice vote.

ACWA Update

Cindy Tuck, ACWA Deputy Executive Director, provided an update on ACWA operations and related matters.

Wildfire Update

Members discussed the wildfires affecting members in Southern California and welcomed comments from ACWA members that are currently affected. Ian Lyle mentioned ACWA efforts to help member agencies including connecting members with one another and the development of ACWA member wildfire resources.

Administration/Regulatory Update

Caleb Raspler provided an update on federal agency actions including the nomination of Doug Bergum to serve as Secretary of the Interior and Lee Zeldin to serve as the Administrator of the EPA. Mr. Raspler also noted that President Biden approved a disaster declaration for the Southern CA wildfires on January 8th. He also discussed a number of Executive Orders (EO) that President Trump issued on his first day in office including EO related to American energy, environmental issues, federal agency staffing, and a new Department of Government Efficiency.

Legislative Update and Bill Positions

Ian Lyle provided an update on activities in Washington, DC. The update included information on ACWA's legislative activity. The discussion included information on a number of Congressional Review Act bills that had been introduced including H.J. Res 18 relating to the Lead and Copper Rule. The committee also discussed H.R. 338, the Every Drop Counts Act and took a support position on this bipartisan legislation. The Committee also received an update on the reintroduction of the Fix Our Forests Act (reintroduced as H.R. 471 in the 119th Congress). ACWA supported the Fix Our Forests Act in the 118th Congress and is carrying that position forward into the 119th Congress.

National Coalition Update:

Family Farm Alliance: Scott Petersen provided an update on activities of the Family Farm Alliance and noted that the Alliance is conducting a search for a new Executive Director to replace Dan Keppen who is retiring later this year.

National Waterways Conference: Ian Lyle provided an NWC update which included information about the NWC Legislative Fly in that will be held March 10-12.

NESARC: Ian Lyle provided a NESARC update and mentioned that the NESARC policy committee will meet on Feb 14th.

Other Items:

There was a brief discussion about ACWA's DC Conference which will be held at the end of February, registration is open and registration to date is very strong so interested parties are encouraged to register before the conference reaches capacity.

Next Meeting

The ACWA Federal Affairs Committee will meet next on May 13, 2025, 3:15-4:45 in person at ACWA Spring Conference in Monterey, CA.

Adjournment

Meeting adjourned at 1:43 Pacific.

ACWA Federal Affairs Committee Meeting 1/23/25

Name

Abby Schneider
Alfredo Medina
Alicia Harasty
Andrew DeGraca
Antonio Ortega
Ara Azhderian
Ashley Strobel
Beckie Zisser
Bill Vanderwaal
Brad Sherwood
Brandy Swisher
Brett Stroud
Brooke White
Caleb Raspler
Cathy Green
Christine Compton
Cindy Tuck
Cristel Tufenkjian
Danielle Coats
Dave Ramey
David French
Don Gilcrest
Elizabeth Jonasson
Eric Sapirstein
Erin Huston
Erin Sasse
Ernesto Avila
Fabiola Moreno
Glenn Farrel
Harvey Ryan
Ian Hopkins
Jacqueline Howells
Jason Uhley
Jay Lewitt
Joe Sturges
Joel Metzger
Johnny Amaral
Josh M. Weimer
Kathleen Hedberg
Kris Lawrence
Lane Dickson

Laura Morgan-Kessler
Lee Hernandez
Libby Spekhardt
Louis Bronstein
Maisha Everhart
Marion Champion
Mark Smith
Mark Toy
Michael Hadley
Nicholas Schneider
Noelle Mattock
Pam Tobin
Patrick Sanchez
Patty Cortez
Pete Evich
Rachael Gibson
Rebecca Guo
Sara Tucker
Sarah Starr
Scott Petersen
Scott Ratterman
Sean Taylor
Stacy Lynne Taylor
Tony Firenzi
Vincent Lucchesi

Excused Absences
David Coxey
John Rossi

Federal Regulatory Issues May 2025 Update

U.S. Environmental Protection Agency (EPA)		
Issue	Background	Status
“waters of the United States” (WOTUS)	On 5/25/23, the U.S. Supreme Court (SCOTUS) ruled in <i>Sackett v. EPA</i> that the Clean Water Act encompasses waters that are “relatively permanent, standing, or continuously flowing” and that wetlands are only covered when having a continuous surface connection” with a WOTUS such that they are indistinguishable from those waters. <i>Sackett</i> rejected the “significant nexus” approach. On 9/8/23 EPA and the U.S. Army Corps of Engineers (USACE) published a final rule (to update the January 2023 final rule) that revised the definition of WOTUS aligned with the <i>Sackett</i> ruling. The rule was not subject to public comment. Litigation over the updated rule is ongoing. On 3/24/25 EPA and USACE published a request to solicit feedback on a revised WOTUS definition.	On 4/23/25, ACWA filed comments on a revised WOTUS definition.
	SDWA: On 3/29/23, EPA published a proposed rule to set federally enforceable limits for six PFAS in drinking water. The proposal would regulate PFOA and PFOS as individual contaminants, and four other PFAS – PFNA, PFHxS, PFBS, and GenX Chemicals – as a mixture known as a Hazard Index (HI). ACWA staff provided verbal comments at a public hearing on 5/4/23 and on 5/30/23 filed written comments. CERCLA: In 2022, EPA published a proposed rule to designate PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund. On 11/7/22, ACWA submitted comments. Separately, ACWA gave verbal comments at EPA’s PFAS CERCLA Enforcement Listening Session. CWA: On 12/16/24, EPA announced new plans to study and develop technology for PFAS protections from industrial wastewater discharges.	SDWA: On 4/26/24, EPA published the final rule establishing national primary drinking water regulations (NPDWR) for six PFAS substances. The final rule became effective on 6/25/24. CERCLA: On 5/8/24, EPA published the final rule designating PFOA and PFOS as hazardous substances under CERCLA. The rule became effective on 7/8/24. CWA: On 12/18/24, EPA published its request for public comment on efforts to study and develop technology for PFAS protections from industrial wastewater discharges outlined in EPA’s Preliminary Effluent Guidelines Program Plan 16 (Preliminary Plan 16). Comments were

		due on 1/17/25. ACWA did not submit comments but brought this to the attention of members.
Lead and Copper Rule	LCRR: On 1/15/21, EPA published the Lead and Copper Rule Revisions (LCRR) final rule. The final rule became effective on 3/16/21. The LCRR established a compliance deadline of 10/16/24. On 4/12/21, ACWA and CMUA submitted comments and engaged in various stakeholder outreach on the LCRR. LCRI: In 2022, EPA opened the Lead and Copper Rule Improvements (LCRI) federalism consultation process. ACWA and CMUA provided verbal comments on the proposed LCRI at the public hearing and on 12/9/22 submitted joint written comments. On 12/6/23, EPA published the proposed LCRI which seeks to reduce lead exposure in drinking water by requiring drinking water systems to identify and replace lead pipes within 10 years, and lowering lead action levels in drinking water from 15 to 10 parts per billion.	LCRR: On 8/4/22, EPA released its LCRR implementation guidance. ACWA, in coordination with CMUA, developed industry-led guidance on LCRR implementation. LCRI: On 10/30/24, EPA published the final LCRI. The LCRI became effective on 12/30/24.
Toxic Substances Control Act (TSCA)	Vinyl Chloride: On 7/25/24, EPA proposed to designate vinyl chloride as a High-Priority Substance for risk evaluation pursuant to TSCA. Vinyl chloride is used in the manufacture of PVC pipes which are often used for water supply. DINP: On 9/3/24, EPA announced a draft risk evaluation for di-isononyl phthalate (DINP). DINP is used as a plasticizer in PVC pipes which are often used for water supply.	Vinyl Chloride: On 10/23/24, ACWA filed comments on vinyl chloride designation. On 12/18/24, EPA designated vinyl chloride as a High-Priority Substance for risk evaluation under TSCA. DINP: On 11/4/24, ACWA filed comments regarding the DINP draft risk evaluation. On 1/15/25, EPA determined DINP poses unreasonable risk to human health (but not the environment) in its final risk evaluation.
Vessel Incidental Discharge	On 12/4/18, Congress passed the “Vessel Incidental Discharge Act” (VIDA) which established national, uniform standards for the discharge of incidental pollutants from vessels, including ballast water. On 10/9/24, EPA published a final rule in compliance with VIDA that established these standards. On 2/5/25, the California Department of Justice (DOJ) challenged EPA’s final rule but excluded ballast water from the issues to be litigated.	On 3/10/25, ACWA submitted a letter to CA DOJ requesting ballast water be included in its Statement of Issues against EPA’s final rule. On 3/10/25, CA DOJ amended its suit to include ballast water.
WaterSense	On 3/28/25, EPA announced its solicitation for public comments on proposed information collection regarding its WaterSense Program.	ACWA plans to file comments by the 5/27/25 deadline.
U.S. Department of the Interior (DOI)		
Issue	Background	Status
Categorical Exclusions (CEs)	On 1/13/25, the Bureau of Reclamation (BOR) announced a revision of seven CE that seek to clarify existing CE regarding certain water-related contracting, financial assistance funding, and use authorizations among other things.	On 1/13/25, BOR’s CE became effective.

	On 1/15/25, the Bureau of Land Management (BLM) announced the adoption of six CEs to remove, replace, or modify existing water control structures where this work may improve water quality, habitat for native species, and overall ecosystem function. BLM also issued a CE for the acquisition of real property and the establishment of rights of way.	On 1/15/25, BLM's CEs became effective
Long-Term Operation of Central Valley Project (CVP) and State Water Project (SWP)	In January 2021, DOI was directed to review all existing agency actions from January 2017 to January 2021. These included effects of proposed Endangered Species Act (ESA) actions regarding CVP and SWP. In February 2022, the Bureau of Reclamation (BOR) posted a Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the Long-Term Operation of the CVP and SWP .	On 7/26/24, BOR published the draft EIS. Comments were due by 9/9/24. ACWA did not comment on the draft EIS but encouraged members to attend upcoming public meetings and submit comments .
ESA "Harm" Definition	On 4/17/25, DOI and the Department of Commerce published a proposed rule to rescind the regulatory definition of "harm" under the ESA.	ACWA plans to file comments by the 5/19/25 deadline.
U.S. Army Corps of Engineers (USACE)		
Issue	Background	Status
"waters of the United States" (WOTUS)	See above under U.S. EPA heading	See above under U.S. EPA heading
Principles, Requirements, and Guidelines (PR&G)	The PR&G framework governs how a federal agency evaluates federal investments for water resources projects, programs, activities, and related actions. USACE proposed this rule in response to congressional directives in the Water Resources Development Act (WRDA) of 2020.	On 4/15/24 ACWA filed joint comments with the Family Farm Alliance and other Western water organizations. On 12/19/24, USACE published a final rule establishing its Agency Specific Procedures (ASPs) to implement the PR&G. This rule became effective on 1/17/25.

H.J. Res 18 CRA on Lead and Copper Rule Improvements

On January 13, 2025, Congressman Gary Palmer (R-AL-6) introduced H.J. Res 18. This legislation would utilize the Congressional Review Act (CRA) to disapprove of the Environmental Protection Agency's (EPA) 2024 Lead and Copper Rule Improvements (LCRI) final rule. In effect, if passed, H.J. Res 18 would repeal the LCRI.

The final LCRI was issued on October 8, 2024, by the EPA. It requires water providers to identify and replace lead pipes within 10 years. It also lowered the threshold for taking action (lead action level), from 15 micrograms per liter to 10 micrograms per liter.

In 2022 ACWA filed [comments](#) along with the California Municipal Utilities Association highlighting several concerns with the LCRI. Concerns included time to complete inventory requirements and noted potential liability issues when operating on the customer owned side of the service line. The joint comments also expressed a preference for a voluntary program and highlighted the importance of increased EPA funding to address lead service line replacement.

While the final LCRI was far from an ideal regulation, repealing it could create additional challenges for ACWA members. If the LCRI is repealed the Lead and Copper Rule Revisions (LCRR) would become the law of the land. The LCRR had a compliance date of October 16, 2024. As noted by the Association of Metropolitan Water Agencies (AMWA), reverting to the LCRR would mean that water providers are immediately out of compliance. ACWA staff would like to engage with California members on the Energy and Commerce Committee and Congressman Palmer's office to highlight this challenge and explore potential solutions.

The joint resolution will be taken up in the House Committee on Energy and Commerce.

Subcommittee Recommendation: Watch

Filing Relief for Natural Disasters Act ([H.R.517/S.132](#))

On January 6, 2025, U.S. Representatives David Kustoff (R-TN-08) and Judy Chu (D-CA-32) introduced H.R.517, the Filing Relief for Natural Disasters Act. This bill would provide relief for taxpayers impacted by natural disasters and emergencies by authorizing the Internal Revenue Service (IRS) to postpone federal tax deadlines for taxpayers affected by a qualified state declared disaster, upon written request by the state governor. The bill also increases the automatic extension of federal tax deadlines for certain taxpayers. Senators Catherine Cortez-Masto (D-NV), John Kennedy (R-LA), Chris Van Hollen (D-MD), and Marsha Blackburn (D-TN) introduced an identical bill in the Senate on January 17, 2025 ([S.132](#)).

Currently, the IRS has the authority to postpone tax filing deadlines to taxpayers affected by federally-declared disasters. However, this does not extend to state-level emergencies. The Filing Relief for Natural Disasters Act would authorize the IRS to extend relief to impacted taxpayers as soon as the governor of a state declares a disaster or state of emergency. This legislation would also expand the current mandatory extension following a federally-declared disaster declaration from 60 to 120 days.

The Filing Relief for Natural Disasters Act passed the U.S. House of Representatives on March 31, 2025, and was received in the Senate and referred to the Committee on Finance on April 1, 2025.

Subcommittee Recommendation: Favor

Investing in Our Communities Act ([H.R. 1255](#))

On February 12, 2025, Congressman David Kustoff (R-TN-8) introduced the Investing in Our Communities Act, H.R. 1255. This legislation would restore the tax-exempt status of advance refunding for municipal bonds. Advanced refunding allows borrowers, which are often local governmental agencies like ACWA members, to “refinance” existing bonds at lower interest rates which reduces borrowing costs.

Advance refunding was tax exempt prior to passage of the 2017 Tax Cuts and Jobs Act. According to data from the Government Finance Officers Association (GFOA), between 2012 and 2017, there was over 9,000 advance refunding issuances nationwide, which resulted in savings of more than \$14 billion in the five-year period.

The Investing in Our Communities Act is cosponsored by Congressman Jimmy Panetta (D-CA-19), Congressman Rudy Yakym (R-IN-2), and Congresswoman Gwen Moore (D-WI-4).

Subcommittee Recommendation: Support

Technical Fix for the State Response to Contaminants Program ([S.1324](#))

On April 8, 2025, Senators Jeanne Shaheen (D-NH), Susan Collins (R-ME), Angus King (I-ME), Mark Kelly (D-AZ), and Martin Heinrich (D-NM), introduced S.1324, a bill that modifies eligibility for the State response to contaminants program under the Safe Drinking Water Act. The bill was also introduced in the 118th by Senator Shaheen and the original cosponsors ([S.3778](#)).

Congress intended \$5 million *Bipartisan Infrastructure Law* funding for small and disadvantaged communities to be available for states to address private well contamination. However, the U.S. Environmental Protection Agency initially interpreted the statute as only allowing for assistance to private wells if the purpose of the activity was to consider connecting private wells to public water systems. In the Fiscal Year 2024 government funding legislation, Senator Shaheen successfully secured language to temporarily address this issue for that year's funding. The *Technical Fix for the State Response to Contaminants Program* would be a permanent fix.

Subcommittee Recommendation: Favor

San Francisco Bay Restoration Program Technical Correction Act ([H.R.1382](#))

On February 14, 2025, U.S. Representative Jared Huffman (D-CA-02) introduced the San Francisco Bay Restoration Program Technical Correction Act, a bill that amends the Federal Water Pollution Control Act to expand the ability of the San Francisco Bay Restoration Program beyond federal grantmaking powers.

As part of the FY23 National Defense Authorization Act, Congress passed the *San Francisco Bay Restoration Act* to create the Environmental Protection Agency's San Francisco Bay Program Office. This program aims to improve local water quality, protect endangered species, and give coastal communities the necessary resources to combat rising sea levels.

However, U.S. EPA Headquarters interpreted the original law in a way that placed unintentional limitations on the use of appropriated funds. Contrary to the intent of Congress, the San Francisco Bay Program has been denied the authorities that Chesapeake Bay, Puget Sound, and other EPA Geographic Programs have to issue interagency agreements, contracts, and other more flexible funding mechanisms.

Specifically, additional authorities in the Program would include:

- Expanding the program authorization beyond federal grantmaking;
- Authorizing the EPA to enter agreements and contracts with other agencies, in addition to existing authorization;
- Expanding the program's eligibility to receive funding to include federal agencies and public or private entities;
- Clarifying that EPA is authorized to cover up to 75% of total project cost for all forms of funding under this program, including interagency agreements, as with all other regional EPA programs;
- Preventing non-federal entities associated with countries of concern from receiving funding through the program.

Subcommittee Recommendation: Favor

Disaster Related Extension of Deadlines Act ([H.R.1491](#)/[S. 1438](#))

On February 21, 2025, Congressman Greg Murphy (R-NC-03) introduced H.R. 1491, also known as the Disaster Related Extension of Deadlines Act. This legislation requires the Internal Revenue Service (IRS) to treat the postponement of the federal tax return deadline due to a federally declared disaster or certain other events as an extension of such deadline for purposes of calculating the limit on a tax refund. The bill also provides that the IRS's deadline for sending certain notices includes such postponement. Senators Thom Tillis (R-NC) and Raphael Warnock (D-GA) introduced an identical bill in the Senate on April 15, 2025.

Under normal circumstances, taxpayers have three years to file a claim for credit or refund of any overpayments of tax. However, when a filing deadline is postponed due to a federally declared disaster or similar reason, the three-year "lookback period" for paying refunds is not increased. As a result, some taxpayers who take advantage of a postponed filing deadline will not be able to obtain a refund.

The Disaster Related Extension of Deadlines Act ensures that taxpayers impacted by disasters are treated like every other taxpayer when claiming their refunds by:

- Extending the three-year period for receiving a refund or credit when the IRS extends a filing deadline due to a natural disaster, ensuring that a deadline extension does not give disaster impacted taxpayers a shorter lookback period for claiming a refund;
- Ensuring that the automatic IRS payment deadline is extended to match any disaster-based filing deadline extension.

The Disaster Related Extension of Deadlines Act passed through the U.S. House of Representatives unanimously on April 1, 2025 and will be taken up in the Senate Committee on Finance.

Subcommittee Recommendation: Favor

A bill to establish a Water Risk and Resilience Organization to develop risk and resilience requirements for the water sector. ([H.R. 2594](#))

On April 2, 2025, U.S. Representative Rick Crawford (R-AR-01) introduced H.R. 2594, a bill that would establish a Water Risk and Resilience Organization (WRRO) to develop risk and resilience requirements for the water sector.

If passed, the EPA Administrator would appoint a Water Risk and Resilience Organization comprised of technical water industry experts with relevant experience as water owners or operators of covered water systems with oversight from the Environmental Protection Agency (EPA). The objective of the WRRO would be to enforce certain cybersecurity requirements for water systems defined in the Safe Drinking Water Act that serve a population of 3,300 or more. WRRO would be appropriated \$10 billion by Congress to carry out its duties.

The WRRO would be bound by organizational responsibilities enforced by the EPA such as:

- requiring that the Organization be independent of the users, owners, and operators of a covered water system, with balanced and objective stakeholder representation in the selection of directors of the organization and balanced decision making in any committee or subordinate organizational structure
- conducting assessments of the covered water system by the WRRO or by a third party designated by the WRRO not less frequently than every 5 years of compliance by covered water systems with such cybersecurity risk and resilience requirements
- filing an implementation plan for cybersecurity risk and resilience requirements or modifications, including the schedule for implementation, by which covered water systems must comply with
- imposing a penalty up to \$25,000 per day on a water owner or operator of a covered water system for a violation of a cybersecurity risk or requirement if the WRRO, after notice and an opportunity for a consultation or a hearing, finds non-compliance by the water owner or operator

The bill was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce on April 2, 2025.

Subcommittee Recommendation: Watch

Advancing Water Reuse Act ([H.R.2940](#))

On April 17, 2025, U.S. Representatives Darin LaHood (R-IL-06), Linda Sanchez (D-CA-38), Claudia Tenney (R-NY24), and Brad Schneider (D-IL-10) introduced H.R. 2940, also known as the Advancing Water Reuse Act. This legislation amends the Internal Revenue Code of 1986 to establish an investment tax credit (ITC) for certain industrial water reuse projects. The bill aims to expand the use of recycled water by data centers and other industrial entities.

Industrial water use in the US is second only to agribusiness in terms of water usage. The proliferation of water intense industry, such as data centers, is expected to increase as demand for AI computing continues to grow. According the WaterReuse Association U.S. data centers, for example, are expected to consume up to 33 billion gallons of water in 2028. A single semiconductor chip manufacturing facility can use as much water as a small- to midsize city (tens of millions of gallons per day).

Establishing a tax credit for investments in industrial water reuse can help reduce demand for freshwater supplies and protect water quality by limiting discharges of industrial effluent.

The WaterReuse Association supports H.R.2940.

The Advancing Water Reuse Act was referred to the House Committee on Ways and Means on April 17, 2025.

Subcommittee Recommendation: Favor

H.R. 331, to Amend the Aquifer Recharge Flexibility Act

On January 13, 2025 Congressman Russ Fulcher (R-ID-1) introduced H.R. 331. This legislation would amend the Aquifer Recharge Flexibility Act and expand opportunities for groundwater recharge. In 2020 Congress passed the Aquifer Recharge Flexibility Act which authorized entities, such as irrigation districts, that have right-of-way across Bureau of Land Management (BLM) lands to use an existing ROW for aquifer recharge. Across the Western United States thousands of miles of irrigation canals cross BLM Lands. In California, BLM managed lands account for about 15% of the state's total land mass.

H.R. 331 would amend the Aquifer Recharge Flexibility Act to allow entities that have an existing BLM ROW to enter into agreements with certain public third party entities to conduct aquifer recharge activities without further authorization from the BLM.

Entities that can enter into an agreement with existing ROW holders are limited to:

- A State
- Political subdivision of the State,
- Indian Tribe,
- or public entity intending to use the existing right-of-way, easement, permit, or other authorization for the purpose of aquifer recharge

The bill requires the BLM ROW holder to notify the BLM at least 30 days prior to using an existing ROW for the purpose of aquifer recharge. The notice will include:

- The entity intending to use the existing right of way
- Identification of the ROW to be used
- Details on the intended use and scope of the aquifer recharge proposal
- A copy of the agreement between the third party and the ROW holder

Subcommittee Recommendation: Favor

Groundwater Recharge Technical Assistance Act ([H.R. 337](#))

On January 13, 2025, U.S. Representative Jim Costa (D-CA-21) introduced H.R. 337, the Groundwater Recharge Technical Assistance Act.

The Groundwater Recharge Technical Assistance Act amends the Infrastructure Investment and Jobs Act (IIJA) and authorizes the transfer of \$3,000,000 in unobligated IIJA funding to the Bureau of Reclamation for groundwater projects. Funding is authorized in FY2026-FY2031.

IIJA Sec. 40910 authorizes the Secretary of the Interior, at the request of and in coordination with affected Indian tribes, States, (including subdivisions and departments of a State), or a public agency organized pursuant to State law, to provide technical assistance and/or financial assistance in addition to participating in and entering into agreements with:

1. Groundwater recharge projects,
2. Aquifer storage and recovery projects; or
3. Water source substitution for aquifer protection projects

Subcommittee Recommendation: Support

Agriculture Export Promotion Act of 2025 ([H.R. 1086](#))

On February 6, 2025 Congressman Dan Newhouse (R-WA-4) introduced the Agriculture Export Promotion Act of 2025 ([H.R. 1086](#)). Congressman Panetta, Costa, LaMalfa, and Harder are cosponsors of H.R. 1086.

H.R. 1086 Amends Section 203(f) of the Agricultural Trade Act of 1978 and extends the authorization of the Market Access Program (MAP) and Foreign Market Development Program (FMD) programs through 2029 and authorizes an additional \$468 million to support the programs.

The FMD program was authorized in 1955, and the MAP program was established in 1985. Both programs are used to help establish, expand, and maintain export markets for U.S. ag producers and processors.

FMD works with partner organization (like trade associations) to reduce import barriers for US ag products in foreign markets. Funds can be used for the promotion of general commodities (not brand specific). FMD funds can also be used to identify new markets or to improve processing capabilities.

MAP works to expand markets for U.S. agricultural products abroad by offering cost-sharing for such activities as market research, consumer advertising, public relations, point-of-sale demonstration, participation in trade fairs, and technical assistance. Both programs have cost share requirements ranging from 10%-50% depending on a variety of factors.

According to a 2022 study by the USDA the FMD and MAP programs have generated a net return of approximately \$24.50 for every dollar invested.

The legislation has broad support among agricultural stakeholders including endorsements from the California Farm Bureau, Western Growers, American Farm Bureau, and the National Farmers Union.

Subcommittee Recommendation: Favor

Fair Access to Agriculture Disaster Programs Act [S.984](#)/[H.R. 2156](#)

On March 12, 2025 Senator Alex Padilla (D-CA) and Congressman Jimmy Panetta (D-CA-19) introduced the Fair Access to Agriculture Disaster Programs Act (S.984 and H.R.2156). This legislation would expand access to US Department of Agriculture (USDA) disaster relief programs.

Under current law, the USDA prohibits disaster payments to agricultural producers with a combined farm and nonfarm adjusted gross income (AGI) of more than \$900,000 (based on a three year average). This limitation disproportionately affects producers in California and prohibits many specialty crop growers from receiving disaster aid. The current AGI was set more than a decade ago and it has not been adjusted to reflect current market considerations including increased input costs and inflation. The Fair Access to Agricultural Disaster Programs Act would provide an exemption to the AGI for farms that derive at least 75 percent of income from farming related activities.

The exemption to the AGI would apply to the following disaster programs:

- Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (ELAP)
- Livestock Forage Disaster Program (LFP)
- Livestock Indemnity Program (LIP)
- Tree Assistance Program (TAP)
- Noninsured Crop Disaster Assistance Program (NAP)

The legislation is supported by the California Farm Bureau and Western Growers.

In the Senate, S.984 is cosponsored by Congressman Thom Tillis (R-NC) and in the U.S. House of Representatives, H.R. 2156 is cosponsored by Reps. Kat Carmack (R-FL-3), Zoe Lofgren (D-CA-18), and Austin Scott (R-GA-8).

Subcommittee Recommendation: Favor

A bill providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the United States Fish and Wildlife Service relating to "Endangered and Threatened Wildlife and Plants; Endangered Species Status for the San Francisco Bay-Delta Distinct Population Segment of the Longfin Smelt". ([H.J.Res.78](#))

On March 21, 2025, U.S. Representative Doug LaMalfa (R-CA-01) introduced H.J.Res.78, a joint resolution disapproving of the final rule submitted by the Fish and Wildlife Service (FWS) which lists the Longfin Smelt as an endangered species under the Endangered Species Act.

In Congress, a joint resolution introduced under the Congressional Review Act seeks to repeal a final rule published by a federal agency. Under the Act, members of Congress may only introduce joint resolutions during a 60-days-of-continuous-session period (often colloquially shortened to “60 days”) beginning on the day Congress receives the rule.

In 2024, FWS published a final rule designating 91,360 acres of critical habitat for the San Francisco Bay-Delta distinct population segment of the longfin smelt. The final rule designated critical habitat areas within the estuary, focusing on essential features such as food availability, appropriate turbidity, suitable temperatures, and adequate water flow — all crucial for supporting the successful spawning and rearing of the species. The longfin smelt is also listed as threatened under the [California ESA](#).

The joint resolution was passed out of the House of Representatives on a 213-195 vote on Thursday, May 1st. The bill was received in the U.S. Senate on Monday, May 5th.

Subcommittee Recommendation: Favor

Proven Forest Management Act ([H.R. 179](#))

On January 3, 2025, U.S. Representative Tom McClintock (R-CA-05) introduced H.R. 179, the Proven Forest Management Act. ACWA supported this bill in the 117th Congress.

The Proven Forest Management Act expands throughout the entire National Forest System the categorical exclusion for forest management projects that was secured for the Tahoe Basin in the 2016 WINN Act, excluding certain forest management activities for reducing forest fuels from certain environmental impact requirements. The bill would direct the Department of Agriculture (USDA), when conducting a forest management activity on National Forest System land, to coordinate with impacted parties to increase efficiency and maximize the compatibility of management practices across such land.

Additionally, the USDA shall (1) establish any post-program ground condition criteria for a ground disturbance caused by a forest management activity required by the applicable forest plan, and (2) provide for monitoring to ascertain the attainment of relevant post-program conditions.

The Proven Forest Management Act will be taken up in the House Agriculture Subcommittee on Forestry and Horticulture.

ACWA Staff Recommendation: Support

Forest Service Accountability Act ([S. 1061/H.R. 1762](#))

On February 27, 2025, U.S. Senator Mike Lee (R-UT) and U.S. Representative Ryan Zinke (R-MT-01) introduced S. 1061 and H.R. 1762, respectively, the Forest Service Accountability Act. The bill was introduced in the previous Congress (S. 5440).

The bill would require the President to nominate a Chief of the U.S. Forest Service within the U.S. Department of Agriculture (USDA), subjecting the role to a Senate confirmation instead of a career agency appointment. The Forest Service Accountability Act would require congressional input in the management of National Forest System lands.

Other key provisions in the bill include:

- Establishes qualification criteria, requiring nominees to have substantial experience and demonstrated competence in forest and natural resource management.
- Refers nominations to both the Senate Committee on Agriculture and the Senate Committee on Energy and Natural Resources for thorough review.
- Mandates the President to submit a nomination for the position within 30 days of the bill's enactment.

Subcommittee Recommendation: Watch

Fix Our Forests Act (Senate) [S.1462](#)

On April 10, 2025 Senators John Curtis (R-UT), John Hickenlooper (D-CO), Tim Sheehy (R-MT) and Alex Padilla (D-CA) introduced S.1462 a Senate version of the Fix Our Forests Act. The Senate Energy Committee is set to hold a hearing on this bill on May 6th.

The bill is very similar to the House version of the Fix Our Forests Act (H.R. 471) with a few notable differences.

Both bills:

- Improve federal agency collaboration
- Codify cross-boundary stewardship between federal, state, and tribal lands. Cross boundary stewardship would only be provided if requested by a state or tribe.
- Retains water source protection programs (Sec 118/119).
- Authorize targeted environmental streamlining by expanding the use of Categorical Exclusions (CE) including under power lines, codifies emergency NEPA, NHPA, and ESA regulations in certain high-risk areas.
- Clarifies that USFS/BLM are not required to reinitiate consultation on an approved land management plan if a new species is listed or critical habitat is designated. (Cottonwood fix)
- Permanently codifies 20 year stewardship contracts (up from max of 10 years).
- Expand CE from 3,000 acres to 10,000 acres
- Expand good neighbor authorities allowing revenue from timber sales to be retained by counties and tribes. Establishes a joint DOI/USDA Community Wildfire Defense Research Program.
- Invest in research and technology through various mechanisms including a public-private wildfire technology partnership. Encourages policies to improve remote sensing, detection, and tracking of forest health conditions and wildfire data. Directs USDA and DOI to establish biochar demonstration projects.

Select bill differences:

- Litigation reform: Senate version (Sec121):
 - 150 day for claim actions (120 in House version).
 - Retains provisions directing court to balance risk or taking an action vs not taking an action. But provides more direction to the court on items to consider when making the “balance” decision. Specifies that decision includes the consideration of: any significant increases in wildfire risk or severity, and any significant threats to the health of the ecosystem.

- States that nothing in this act limits or displaces the authority of a court to review a agency action under the Administrative Procedures Act.
- Subtitle D Sec. 131 Prescribed Fire
 - Defines prescribed fire and authorizes federal agencies to preform prescribed fires on nonfederal land under certain circumstances (must be done in coordinating with local land management entity). Provides liability training for FS employees relating to prescribed fire. Places emphasis on work done near WUI, high risk zones or critical habitats.
- Section 204 Community Wildfire Defense Grant (CWDG)
 - Expands the CWDG program to include hazardous fuels treatments, modification of a structure to improve resistance to fire, creating defensible space around structures, hardening infrastructure including evacuation routes, projects described in a community wildfire protection plans that are not more than 10 years old, deployment of wildfire technologies.
- Sec 205 – expands definition of “at risk community” under the Healthy Forest Restoration Act.

Subcommittee Recommendation: Support

Endangered Species Act (ESA) Amendment Act of 2025 ([H.R.1897](#))

On March 6, 2025, U.S. Representative and Chair of the House Natural Resources Committee, Bruce Westerman, introduced [H.R. 1897](#), the Endangered Species Act (ESA) Amendments Act of 2025.

H.R. 1897 amends the ESA in several ways that may be of interest to ACWA members:

- Provides several definitions:
 - Codifies a definition of “foreseeable future” that is consistent with the [2019 definition](#) established during President Trump’s first term.
 - Codifies a definition of “habitat” when determining critical habitat. Under this definition habitat is defined as “[f]or the purposes of designating critical habitat only, habitat is the abiotic and biotic setting that currently or periodically contains the resources and conditions necessary to support one or more life processes of a species.”
 - Provides a definition of environmental baseline that includes existing infrastructure.
 - Amends the definition of “best scientific and commercial data” to include data submitted to the Secretary by a State, Tribal, or local government.
- Directs the services to consider the net conservation benefit of Candidate Conservation Agreements with Assurance (CCAA’s)
- Streamlines the Section 10 process associated with voluntary conservation agreements
- Allows states to submit recovery strategies for species that are candidates for listing or are listed as threatened.
- Directs the FWS and NMFS to develop recovery goals
- Places a cap on the award of attorney’s fees
- Amends Section 7 of the ESA

The National Endangered Species Act Coalition (NESARC) and the Family Farm Alliance submitted letters of support for this legislation. (ACWA is a member of both of these groups).

Subcommittee Recommendation: Favor

A bill to authorize the International Boundary and Water Commission to accept funds for activities relating to wastewater treatment and flood control works, and for other purposes (H.R. 1948).

On March 6, 2025, U.S. Representative Scott Peters (D-CA-50) introduced H.R. 1948, a bill that authorizes the International Boundary and Water Commission (IBWC) to accept grants or funds for activities relating to wastewater treatment and flood control works from federal or non-federal entities, provided that the Commission does not provide funding or reimbursement towards the non-federal cost share of a project if the amount exceeds \$5,000,000 per fiscal year.

Established in 1889, the International Boundary and Water Commission (IBWC) is responsible for applying the boundary and water treaties between the United States and Mexico and settling differences that may arise in their application. The IBWC is an international body composed of the United States Section and the Mexican Section, each headed by an Engineer-Commissioner appointed by his/her respective president. Each Section is administered independently of the other.

In addition to working to meet treaty requirements the IBWC operates a number of infrastructure features such as diversion dams, hydroelectric plants and wastewater treatment plants. One of the treatment plants the IBWC operates is the South Bay International Wastewater Treatment Plant, in San Ysidro, California. The plant treats sewage originating in Tijuana, Mexico and discharges it to the Pacific Ocean. The IBWC receives funding through Congressional appropriations but has struggled to receive funding sufficient to keep up with operation and maintenance needs at many of the infrastructure projects it manages, including the South Bay International Wastewater Treatment Plant. This legislation would allow the IBWC to accept limited funds from other federal or non-federal entities.

The bill was favorably reported out of the House Energy and Commerce Committee on April 2, 2025 and will be taken up on the House floor for a vote. The bill is cosponsored by a bipartisan coalition of members from Texas, Wisconsin, Montana and California (including Reps Juan Vargas D-CA-52, Sara Jacobs D-CA-51, Mike Levin D-CA-49).

Subcommittee Recommendation: Favor