

118TH CONGRESS
1ST 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 introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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.”.

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