

AMENDMENT
TO RULES COMMITTEE PRINT 115-72
OFFERED BY MR. VALADAO OF CALIFORNIA

At the end of the bill, add the following:

1 **TITLE V—CENTRAL VALLEY**
2 **Subtitle A—Central Valley**
3 **Conservation Plan**

4 **SEC. 501. CENTRAL VALLEY CONSERVATION PLAN.**

5 (a) DEFINITION OF SACRAMENTO—SAN JOAQUIN
6 DELTA.—In this section, the “Sacramento—San Joaquin
7 Delta” means the area as defined in California Water
8 Code Section 12220.

9 (b) COMPREHENSIVE PLAN.—

10 (1) PURPOSE.—By not later than August 31,
11 2020, the Secretary of the Interior shall, in coopera-
12 tion with the Secretary of Commerce, the California
13 Department of Water Resources, the California De-
14 partment of Fish and Wildlife, and public water
15 agencies that contract to receive water from the
16 Central Valley Project and the California State
17 Water Project, develop and submit to Congress a
18 multi-species plan to protect, restore, and enhance
19 fish, wildlife, and associated habitats in the Sac-

1 ramento – San Joaquin Delta ecosystem. The plan
2 shall—

3 (A) provide for the conservation of species
4 listed as endangered or threatened under the
5 Endangered Species Act of 1973 (16 U.S.C.
6 1531 et seq.), and other species of concern
7 through actions that address each factor that
8 limits the abundance of such species; and

9 (B) include an operations plan for the Cen-
10 tral Valley Project and the California State
11 Water Project to achieve the water supply ob-
12 jectives set forth in subtitle D.

13 (2) AUTHORIZATION.—In the event Congress
14 fails to enact legislation to reject the plan prepared
15 pursuant to subsection (a) within one year from the
16 date of its submission, the Secretary of the Interior
17 is authorized and directed to implement the plan:
18 *Provided*, That, any property interest acquired by
19 the Secretary for purposes of implementing the plan
20 shall be acquired only from willing sellers.

21 (3) COSTS.—Fifty percent of the costs associ-
22 ated with implementation of this section shall be
23 borne by the United States as a nonreimbursable
24 cost; the remaining 50 percent shall be borne by the
25 State of California. The Secretary shall enter into a

1 binding cost-share agreement with the State of Cali-
2 fornia with respect to the timely reimbursement of
3 costs allocated to the State. Such agreement shall
4 provide for consideration of the value of direct reim-
5 bursements or other contributions in-kind that would
6 supplement existing programs and that would, as de-
7 termined by the Secretary, materially contribute to
8 attainment of the goals and objectives of this sec-
9 tion.

10 **Subtitle B—Central Valley Project** 11 **Water Reliability**

12 **SEC. 511. RESTORATION FUND.**

13 (a) REPORT ON EXPENDITURE OF FUNDS.—The
14 Secretary’s annual report to Congress under section
15 3407(f) of the Central Valley Project Improvement Act
16 (106 Stat. 4714) shall contain a cost-effectiveness analysis
17 for each planned expenditure of funds deposited into the
18 Central Valley Project Restoration Fund during the pre-
19 ceding fiscal year.

20 (b) ADVISORY COMMITTEE.—

21 (1) ESTABLISHMENT.—The Secretary of the In-
22 terior is authorized and directed to establish a Res-
23 toration Fund Advisory Committee (hereinafter in
24 this section referred to as the “Advisory Com-
25 mittee”) composed of members selected by the Sec-

1 retary. The members shall be selected so as to rep-
2 resent the various Central Valley Project stake-
3 holders, including CVP agricultural users, CVP mu-
4 nicipal and industrial users, CVP power contractors,
5 CVP refuge contractors, fisheries restoration organi-
6 zations, and other stakeholders at the discretion of
7 the Secretary. The Secretary of the Interior and the
8 Secretary of Commerce may each designate a rep-
9 resentative to act as an observer of the Advisory
10 Committee.

11 (2) DUTIES.—The duties of the Advisory Com-
12 mittee shall be as follows:

13 (A) To meet at least semiannually to de-
14 velop and make recommendations to the Sec-
15 retary of the Interior regarding priorities and
16 spending levels on projects and programs car-
17 ried out pursuant to the Central Valley Project
18 Improvement Act.

19 (B) To ensure that any advice or rec-
20 ommendation made by the Advisory Board to
21 the Secretary of the Interior reflect the inde-
22 pendent judgment of the Advisory Board.

23 (C) Not later than December 31, 2019,
24 and annually thereafter, to transmit to the Sec-

1 retary of the Interior recommendations required
2 under subparagraph (A).

3 (D) Not later than December 31, 2019,
4 and biennially thereafter, to transmit to Con-
5 gress a report that details the progress made in
6 achieving the actions mandated under section
7 3406.

8 (3) ADMINISTRATION.—With the consent of the
9 appropriate agency head, the Advisory Committee
10 may use the facilities and services of any Federal
11 agency.

12 (c) RESTORATION FUND EFFICIENCY.—The Sec-
13 retary of the Interior shall prioritize expenditures from the
14 Central Valley Project Restoration Fund that most di-
15 rectly meet the mandatory fish and wildlife obligations set
16 forth in the Central Valley Project Improvement Act, and
17 shall take the following actions to improve the efficiency
18 of the Restoration Fund:

19 (1) The Secretary of the Interior shall make a
20 one-time adjustment in the collection of payments
21 under the Central Valley Project Improvement Act
22 in order to achieve consistency in the annual level of
23 expenditures from the Restoration Fund. To imple-
24 ment this adjustment the Secretary of the Interior
25 is authorized to reduce collections to the Restoration

1 Fund for no more than two consecutive years,
2 whereupon full collections shall resume subject to
3 the limitations in section 3407(d) of the Central Val-
4 ley Project Improvement Act.

5 (2) The Secretary of the Interior shall waive
6 administrative overhead charges associated with the
7 shared administration of the Restoration Fund by
8 the Bureau of Reclamation and U.S. Fish and Wild-
9 life Service.

10 **SEC. 512. ADDITIONAL AUTHORITIES.**

11 (a) PROJECT YIELD INCREASE.—

12 (1) The Secretary of the Interior shall submit
13 to Congress, on a priority basis and not later than
14 September 30, 2020, an update to the plan required
15 by section 3408(j) of the Central Valley Project Im-
16 provement Act. The updated plan shall include rec-
17 ommendations on appropriate cost-sharing arrange-
18 ments or other measures needed to implement the
19 intent, purposes, and provisions of section 3408(j),
20 and a description of how the Secretary of the Inte-
21 rior intends to use the construction of new water
22 storage facilities, and water banking and recharge,
23 in addition to the options listed in section 3408(j).

24 (2) AUTHORIZATION.—In the event Congress
25 fails to enact legislation to reject the plan prepared

1 pursuant to subsection (1) within one year from the
2 date of its submission, the Secretary shall be author-
3 ized to implement the plan.

4 (3) Notwithstanding any other provision of
5 Federal reclamation law, if by September 30, 2022,
6 the plan required by subsection (a)(1) fails to in-
7 crease the annual delivery capability of the Central
8 Valley Project by 800,000 acre-feet, implementation
9 of any non-mandatory action under section
10 3406(b)(2) shall be suspended until the plan
11 achieves an increase in the annual delivery capability
12 of the Central Valley Project by 800,000 acre-feet.

13 (b) WATER STORAGE PROJECT CONSTRUCTION.—
14 The Secretary of the Interior, acting through the Commis-
15 sioner of the Bureau of Reclamation, may partner or enter
16 into an agreement on the water storage projects identified
17 in section 103(d)(1) of the Water Supply Reliability, and
18 Environmental Improvement Act (Public Law 108–361)
19 (and Acts supplemental and amendatory to the Act) with
20 local joint powers authorities formed pursuant to State
21 law by irrigation districts and other local water districts
22 and local governments within the applicable hydrologic re-
23 gion, to advance these projects. No additional Federal
24 funds are authorized for the activities authorized in sec-
25 tions 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and

1 103(d)(1)(A)(iii) of Public Law 108–361. However, each
2 water storage project under sections 103(d)(1) (A)(i),
3 103(d)(1)(A)(ii), and 103(d)(1)(A)(iii) of Public Law
4 108–361 is authorized for construction if non-Federal
5 funds are used for financing and constructing the project.

6 (c) RESTORATION OF CONVEYANCE CAPACITY.—The
7 Secretary is authorized and directed—

8 (1) to develop and implement projects to restore
9 to their original conveyance capacity the Delta-
10 Mendota Canal and the Friant-Kern Canal; and

11 (2) to recover the cost of implementing sub-
12 section (a) pursuant to Federal Reclamation law.

13 **SEC. 513. LEVEL 2 DIVERSIFICATION.**

14 (a) To better diversify sources of refuge water supply
15 under section 3406(d)(2) of the Central Valley Project Im-
16 provement Act, the Secretary shall—

17 (1) continue to pursue proposals for third-party
18 investments in the construction or operation of fa-
19 cilities that increase deliveries of water to Central
20 Valley refuges and wildlife habitat areas in exchange
21 for Central Valley Project water delivered to third-
22 party investors;

23 (2) approve transfers of conserved water among
24 Central Valley refuges and wildlife habitat areas, in-

1 including transfers between hydrologic basins, on an
2 acre-foot to acre-foot basis;

3 (3) prioritize investments that maximize long-
4 term reliable deliveries of water to Central Valley
5 refuges and wildlife habitat areas from regional
6 sources, including but not limited to new water stor-
7 age projects, groundwater recharge, recycled water,
8 riparian or appropriative water rights, mitigation
9 measures adopted by the Federal Energy Regulatory
10 Commission or other Federal or State agency, and
11 the authorized use of unstored flood flows or envi-
12 ronmental restoration flows.

13 (b) The Secretary shall streamline and expedite envi-
14 ronmental review under the National Environmental Pol-
15 icy Act for the refuge water diversification proposals de-
16 scribed in subsection (a).

17 **SEC. 514. SAN JOAQUIN RIVER SETTLEMENT.**

18 (a) In section 10009 (a)(1) strike “\$250,000,000”
19 and insert “such funds as needed.”

20 (b) In section 10009 (b)(1) strike “\$250,000,000”
21 and insert “such funds as needed,” and strike from “pro-
22 vided however” through “or the Settlement.”

1 **Subtitle C—Calfed Storage**
2 **Feasibility Studies**

3 **SEC. 521. STUDIES.**

4 The Secretary of the Interior, through the Commis-
5 sioner of Reclamation, shall—

6 (1) complete the feasibility studies described in
7 clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of
8 Public Law 108–361 (118 Stat. 1684) and submit
9 such studies to the appropriate committees of the
10 House of Representatives and the Senate not later
11 than November 30, 2018;

12 (2) complete the feasibility study described in
13 clause (i)(II) of section 103(d)(1)(A) of Public Law
14 108–361 and submit such study to the appropriate
15 committees of the House of Representatives and the
16 Senate not later than November 30, 2018;

17 (3) complete a publicly available draft of the
18 feasibility study described in clause (ii)(I) of section
19 103(d)(1)(A) of Public Law 108–361 and submit
20 such study to the appropriate committees of the
21 House of Representatives and the Senate not later
22 than November 30, 2018;

23 (4) complete the feasibility study described in
24 clause (ii)(I) of section 103(d)(1)(A) of Public Law
25 108–361 and submit such study to the appropriate

1 committees of the House of Representatives and the
2 Senate not later than November 30, 2019;

3 (5) complete the feasibility study described in
4 section 103(f)(1)(A) of Public Law 108–361 (118
5 Stat. 1694) and submit such study to the appro-
6 priate committees of the House of Representatives
7 and the Senate not later than December 31, 2019;

8 (6) in conducting any feasibility study under
9 this Act, the reclamation laws, the Central Valley
10 Project Improvement Act (title XXXIV of Public
11 Law 102–575; 106 Stat. 4706), the Fish and Wild-
12 life Coordination Act (16 U.S.C. 661 et seq.), the
13 Endangered Species Act of 1973 (16 U.S.C. 1531 et
14 seq.), and other applicable law, for the purposes of
15 determining feasibility the Secretary shall document,
16 delineate, and publish costs directly relating to the
17 engineering and construction of a water storage
18 project separately from the costs resulting from reg-
19 ulatory compliance or the construction of auxiliary
20 facilities necessary to achieve regulatory compliance;
21 and

22 (7) communicate, coordinate and cooperate with
23 public water agencies that contract with the United
24 States for Central Valley Project water and that are
25 expected to participate in the cost pools that will be

1 created for the projects proposed in the feasibility
2 studies under this section.

3 **SEC. 522. TEMPERANCE FLAT.**

4 (a) DEFINITIONS.—For the purposes of this section:

5 (1) PROJECT.—The term “Project” means the
6 Temperance Flat Reservoir Project on the Upper
7 San Joaquin River.

8 (2) RMP.—The term “RMP” means the docu-
9 ment titled “Bakersfield Field Office, Record of De-
10 cision and Approved Resource Management Plan”,
11 dated December 2014.

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (b) APPLICABILITY OF RMP.—The RMP and find-
15 ings related thereto shall have no effect on or applicability
16 to the Secretary’s determination of feasibility of, or on any
17 findings or environmental review documents related to—

18 (1) the Project; or

19 (2) actions taken by the Secretary pursuant to
20 section 103(d)(1)(A)(ii)(II) of the Bay-Delta Au-
21 thorization Act (title I of Public Law 108–361).

22 (c) DUTIES OF SECRETARY UPON DETERMINATION
23 OF FEASIBILITY.—The Congress finds that the planning,
24 design, construction, and operation of Temperance Flat
25 Dam shall be in all regards, senior to, and take priority

1 over, any designation, recommendation to designate, or
2 management, of any lands in the Project area under the
3 Wild and Scenic Rivers Act (16 USC 1271).

4 (d) RESERVED WATER RIGHTS.—Effective Decem-
5 ber 22, 2017, there shall be no Federal reserved water
6 rights to any segment of the San Joaquin River related
7 to the Project as a result of any designation made under
8 the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

9 **SEC. 523. WATER STORAGE PROJECT CONSTRUCTION.**

10 The Secretary of the Interior, acting through the
11 Commissioner of the Bureau of Reclamation, may partner
12 or enter into an agreement on the water storage projects
13 identified in section 103(d)(1) of the Water Supply Reli-
14 ability and Environmental Improvement Act (Public Law
15 108–361) (and Acts supplemental and amendatory to the
16 Act) with local joint powers authorities formed pursuant
17 to State law by irrigation districts and other local water
18 districts and local governments within the applicable hy-
19 drologic region, to advance those projects.

20 **SEC. 524. GEOPHYSICAL SURVEY.**

21 The Bureau of Reclamation, in cooperation with the
22 United States Geological Survey, the State of California,
23 and local and State water agencies, may conduct detailed
24 geophysical characterization activities of subsurface aqi-
25 fer systems and groundwater vulnerability in California,

1 which has experienced a critical, multi-year drought that
2 resulted in severe groundwater overdraft in some areas,
3 followed by less than optimal recharge from the heavy
4 rainstorms and flooding during the 2016– 2017 winter
5 season. This geophysical survey should include data per-
6 taining to the following:

7 (1) Subsurface system framework: occurrence
8 and geometry of aquifer and non-aquifer zones.

9 (2) Aquifer storage and transmission character-
10 istics.

11 (3) Areas of greatest recharge potential.

12 **SEC. 525. HEADWATER-RESTORATION SCOPING STUDY.**

13 The Bureau of Reclamation may partner with aca-
14 demia, specifically the University of California, and State
15 and local water agencies, to develop a study to enhance
16 mountain runoff to Central Valley Project reservoirs from
17 headwater restoration with the following aims:

18 (1) Estimate forest biomass density and annual
19 evapotranspiration (ET) across the Shasta Lake wa-
20 tershed for the past decade using satellite and other
21 available spatial data.

22 (2) Identify areas on public and private land
23 that have high biomass densities and ET, and assess
24 potential changes in ET that would ensue from for-
25 est restoration.

1 (3) Assess role of subsurface storage in pro-
2 viding drought resilience of forests, based on long-
3 term historical estimates of precipitation, drought
4 severity and stream discharge.

5 (4) Assess role of snowpack in annual water
6 balance across the watersheds.

7 **Subtitle D—Water Supply** 8 **Protections**

9 **SEC. 531. AREA OF ORIGIN PROTECTIONS.**

10 The Secretary of the Interior is directed, in the oper-
11 ation of the Central Valley Project, to adhere to Califor-
12 nia’s water rights laws governing water rights priorities
13 and to honor water rights senior to those held by the
14 United States for operation of the Central Valley Project,
15 regardless of the source of priority, including any appro-
16 priative water rights initiated prior to December 19, 1914,
17 as well as water rights and other priorities perfected or
18 to be perfected pursuant to California Water Code Part
19 2 of Division 2. Article 1.7 (commencing with section 1215
20 of chapter 1 of part 2 of division 2, sections 10505,
21 10505.5, 11128, 11460, 11461, 11462, and 11463, and
22 sections 12200 through 12220, inclusive).

23 **SEC. 532. NO REDIRECTED ADVERSE IMPACTS.**

24 (a) IN GENERAL.—The Secretary of the Interior shall
25 ensure that actions taken in compliance with legal obliga-

1 tions imposed pursuant to or as a result of this subtitle,
2 including such actions under section 7 of the Endangered
3 Species Act of 1973 (16 U.S.C. 1531 et seq.) and other
4 applicable Federal and State laws, shall not directly or in-
5 directly—

6 (1) result in the involuntary reduction of water
7 supply or fiscal impacts to individuals or districts
8 who receive water from either the State Water
9 Project or the United States under water rights set-
10 tlement contracts, exchange contracts, water service
11 contracts, repayment contracts, water supply con-
12 tracts, or refuge contracts; or

13 (2) cause redirected adverse water supply or fis-
14 cal impacts to those within the Sacramento River
15 watershed, the San Joaquin River watershed or the
16 State Water Project service area.

17 (b) COSTS.—To the extent that costs are incurred
18 solely pursuant to or as a result of this subtitle and would
19 not otherwise have been incurred by any entity or public
20 or local agency or subdivision of the State of California,
21 such costs shall not be borne by any such entity, agency,
22 or subdivision of the State of California, unless such costs
23 are incurred on a voluntary basis.

24 (c) RIGHTS AND OBLIGATIONS NOT MODIFIED OR
25 AMENDED.—Nothing in this subtitle shall modify or

1 amend the rights and obligations of the parties to any ex-
2 isting—

3 (1) water service, repayment, settlement, pur-
4 chase, refuge, or exchange contract with the United
5 States; or

6 (2) State Water Project water supply or settle-
7 ment contract with the State.

8 **SEC. 533. ALLOCATIONS FOR CENTRAL VALLEY PROJECT**
9 **CONTRACTORS.**

10 (a) ALLOCATIONS.—Subject to subsection (b), the
11 Secretary of the Interior is directed, in the operation of
12 the Central Valley Project, to make available:

13 (1) To existing Central Valley Project agricul-
14 tural water service contractors within the Sac-
15 ramento River Watershed in compliance with the fol-
16 lowing:

17 (A) Not less than 100 percent of their con-
18 tract totals in a “Wet” year.

19 (B) Not less than 100 percent of their con-
20 tract totals in an “Above Normal” year.

21 (C) Not less than 100 percent of their con-
22 tract totals in a “Below Normal” year.

23 (D) Not less than 50 percent of their con-
24 tract totals in a “Dry” year.

1 (E) Not less than 20 percent of their con-
2 tract totals or twice the allocation percentage
3 made available to Delta Division Central Valley
4 Project agricultural water service contractors,
5 whichever is greater, in a “Critical” year.

6 (2) To existing Delta Division Central Valley
7 Project agricultural water service contractors:

8 (A) Not less than seventy-five percent of
9 their respective contract totals in a “Wet” year
10 or an “Above Normal” year.

11 (B) Not less than sixty percent of their re-
12 spective contract totals in a “Below Normal”
13 year in which precipitation is above the long-
14 term average.

15 (C) Not less than forty percent of their re-
16 spective contract totals in a “Below Normal”
17 year in which precipitation is less than the long-
18 term average.

19 (D) Not less than twenty-five percent of
20 their respective contract totals in a “Dry” year.

21 (E) Not less than ten percent of their re-
22 spective contract totals in a “Critical” year.

23 (3) The allocations provided in paragraph (2)
24 are the minimum allocations the Secretary of the In-
25 terior is directed, in the operation of the Central

1 Valley Project, to make available to existing Delta
2 Division Central Valley Project agricultural water
3 service contractors. The Secretary of the Interior
4 shall seek to increase the allocations by at least 15
5 percent of the contact totals, if new storage or con-
6 veyance facilities are available to the Secretary of
7 the Interior to appropriate Central Valley Project
8 water for the benefit of the Delta Division and as
9 the Central Valley Conservation Plan is imple-
10 mented.

11 (b) CONDITIONS.—The Secretary's actions under
12 subsection (a) shall be subject to—

13 (1) the Secretary's obligation to make water
14 available to existing Sacramento Valley settlement
15 contractors, San Joaquin River Exchange Contrac-
16 tors, including the Purchase Contract, or San Joa-
17 quin River settlement contractors, and refuge con-
18 tractors those quantities of water specified in their
19 respective contracts or memoranda of understanding.

20 (2) PROTECTION OF MUNICIPAL AND INDUS-
21 TRIAL SUPPLIES.—Nothing in subsection (a) shall be
22 deemed to—

23 (A) modify any provision of a water service
24 contract that addresses municipal and indus-
25 trial water shortage policies of the Secretary;

1 (B) affect or limit the authority of the Sec-
2 retary to adopt or modify municipal and indus-
3 trial water shortage policies;

4 (C) affect or limit the authority of the Sec-
5 retary to implement municipal and industrial
6 water shortage policies; or

7 (D) affect allocations to Central Valley
8 Project municipal and industrial contractors
9 pursuant to such policies.

10 (3) NO EFFECT ON AMERICAN RIVER DIVISION
11 ALLOCATIONS.—Nothing in subsection (a) shall re-
12 duce the amount of water allocated to contractors in
13 the American River Division or result in the involun-
14 tary reduction of contract water allocations to Amer-
15 ican River Division contractors.

16 (4) NO EFFECT ON FRIANT DIVISION ALLOCA-
17 TIONS.—Nothing in subsection (a) shall reduce the
18 amount of water allocated to contractors in the
19 Friant Division or result in the involuntary reduc-
20 tion in contract water allocations to Friant Division
21 contractors.

22 (c) PROGRAM FOR WATER RESCHEDULING.—The
23 Secretary of the Interior shall develop and implement a
24 program, not later than 1 year after the date of the enact-
25 ment of this Act, to provide the opportunity for individuals

1 or districts that receive Central Valley Project Water
2 under water service or repayment contracts, water rights
3 settlement contracts, or refuge contracts within the Amer-
4 ican River, Sacramento River, Shasta and Trinity River
5 Divisions to reschedule water provided for under their
6 Central Valley Project water service, repayment, refuge,
7 or settlement contracts, within the same year or from one
8 year to the next.

9 (d) DEFINITION.—The year type terms used in sub-
10 section (a) and section 404 have the meaning given those
11 year types in the Sacramento Valley Water Year Type
12 (40–30–30) Index.

13 **SEC. 534. EXPORTS BY THE CALIFORNIA STATE WATER**
14 **PROJECT.**

15 (a) Neither the Secretary of the Interior nor the Sec-
16 retary of Commerce shall impose under Federal law any
17 condition or restriction on operations of the California
18 State Water Project that would restrict the diversion of
19 water at the Harvey O. Banks Pumping Plant to less
20 than—

21 (1) in a “Wet” year – 3,300,000 acre-feet;

22 (2) in an “Above Normal” year – 2,850,000
23 acre-feet;

24 (3) in a “Below Normal” year – 2,480,000
25 acre-feet;

1 (4) in a “Dry” year – 1,950,000 acre-feet; and

2 (5) in a “Critical” year – 1,140,000 acre-feet.

3 **SEC. 535. EFFECT ON EXISTING OBLIGATIONS.**

4 Nothing in this subtitle preempts or modifies any ex-
5 isting obligation of the United States under Federal rec-
6 lamation law to operate the Central Valley Project in con-
7 formity with water right priorities established under State
8 law.

9 **Subtitle E—Miscellaneous**

10 **SEC. 541. OPERATIONS OF THE TRINITY RIVER DIVISION.**

11 (a) The Secretary of the Interior, in the operation
12 of the Trinity River Division of the Central Valley Project,
13 shall not make releases from Lewiston Dam in excess of
14 the volume for each water-year type required by the U.S.
15 Department of the Interior Record of Decision, Trinity
16 River Mainstem Fishery Restoration Final Environmental
17 Impact Statement/Environmental Impact Report dated
18 December 2000.

19 (1) A maximum of 369,000 acre-feet in a
20 “Critically Dry” year.

21 (2) A maximum of 453,000 acre-feet in a
22 “Dry” year.

23 (3) A maximum of 647,000 acre-feet in a “Nor-
24 mal” year.

1 (4) A maximum of 701,000 acre-feet in a
2 “Wet” year.

3 (5) A maximum of 815,000 acre-feet in an
4 “Extremely Wet” year.

5 **SEC. 542. REPORT ON RESULTS OF WATER USAGE.**

6 The Secretary of the Interior, in consultation with the
7 Secretary of Commerce and the Secretary of Natural Re-
8 sources of the State of California, shall publish an annual
9 report detailing instream flow releases from the Central
10 Valley Project and California State Water Project, their
11 explicit purpose and authority, and all measured environ-
12 mental benefit as a result of the releases.

13 **SEC. 543. DURATION.**

14 This Act shall remain in effect until repealed or
15 amended by an act of Congress.

16 **SEC. 544. WIIN ACT DURATION.**

17 Sections 4004 and 4011 of Subtitle J of the Water
18 Infrastructure Improvements for the Nation Act shall re-
19 main in effect until repealed or amended by an Act of Con-
20 gress.

21 **Subtitle F—Bureau of Reclamation**
22 **Project Streamlining**

23 **SEC. 551. SHORT TITLE.**

24 This subtitle may be cited as the “Bureau of Rec-
25 lamation Project Streamlining Act”.

1 **SEC. 552. DEFINITIONS.**

2 In this subtitle:

3 (1) ENVIRONMENTAL IMPACT STATEMENT.—

4 The term “environmental impact statement” means
5 the detailed statement of environmental impacts of
6 a project required to be prepared pursuant to the
7 National Environmental Policy Act of 1969 (42
8 U.S.C. 4321 et seq.).

9 (2) ENVIRONMENTAL REVIEW PROCESS.—

10 (A) IN GENERAL.—The term “environ-
11 mental review process” means the process of
12 preparing an environmental impact statement,
13 environmental assessment, categorical exclusion,
14 or other document under the National Environ-
15 mental Policy Act of 1969 (42 U.S.C. 4321 et
16 seq.) for a project study.

17 (B) INCLUSIONS.—The term “environ-
18 mental review process” includes the process for
19 and completion of any environmental permit,
20 approval, review, or study required for a project
21 study under any Federal law other than the
22 National Environmental Policy Act of 1969 (42
23 U.S.C. 4321 et seq.).

24 (3) FEDERAL JURISDICTIONAL AGENCY.—The
25 term “Federal jurisdictional agency” means a Fed-
26 eral agency with jurisdiction delegated by law, regu-

1 lation, order, or otherwise over a review, analysis,
2 opinion, statement, permit, license, or other approval
3 or decision required for a project study under appli-
4 cable Federal laws (including regulations).

5 (4) FEDERAL LEAD AGENCY.—The term “Fed-
6 eral lead agency” means the Bureau of Reclamation.

7 (5) PROJECT.—The term “project” means a
8 surface water project, a project under the purview of
9 title XVI of Public Law 102–575, or a rural water
10 supply project investigated under Public Law 109–
11 451 to be carried out, funded or operated in whole
12 or in part by the Secretary pursuant to the Act of
13 June 17, 1902 (32 Stat. 388, chapter 1093), and
14 Acts supplemental to and amendatory of that Act
15 (43 U.S.C. 371 et seq.).

16 (6) PROJECT SPONSOR.—The term “project
17 sponsor” means a State, regional, or local authority
18 or instrumentality or other qualifying entity, such as
19 a water conservation district, irrigation district,
20 water conservancy district, joint powers authority,
21 mutual water company, canal company, rural water
22 district or association, or any other entity that has
23 the capacity to contract with the United States
24 under Federal reclamation law.

1 (7) PROJECT STUDY.—The term “project
2 study” means a feasibility study for a project carried
3 out pursuant to the Act of June 17, 1902 (32 Stat.
4 388, chapter 1093), and Acts supplemental to and
5 amendatory of that Act (43 U.S.C. 371 et seq.).

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

8 (9) SURFACE WATER STORAGE.—The term
9 “surface water storage” means any surface water
10 reservoir or impoundment that would be owned,
11 funded or operated in whole or in part by the Bu-
12 reau of Reclamation or that would be integrated into
13 a larger system owned, operated or administered in
14 whole or in part by the Bureau of Reclamation.

15 **SEC. 553. ACCELERATION OF STUDIES.**

16 (a) IN GENERAL.—To the extent practicable, a
17 project study initiated by the Secretary, after the date of
18 enactment of this Act, under the Reclamation Act of 1902
19 (32 Stat. 388), and all Acts amendatory thereof or supple-
20 mentary thereto, shall—

21 (1) result in the completion of a final feasibility
22 report not later than 3 years after the date of initi-
23 ation;

24 (2) have a maximum Federal cost of
25 \$3,000,000; and

1 (3) ensure that personnel from the local project
2 area, region, and headquarters levels of the Bureau
3 of Reclamation concurrently conduct the review re-
4 quired under this section.

5 (b) EXTENSION.—If the Secretary determines that a
6 project study described in subsection (a) will not be con-
7 ducted in accordance with subsection (a), the Secretary,
8 not later than 30 days after the date of making the deter-
9 mination, shall—

10 (1) prepare an updated project study schedule
11 and cost estimate;

12 (2) notify the non-Federal project cost-sharing
13 partner that the project study has been delayed; and

14 (3) provide written notice to the Committee on
15 Natural Resources of the House of Representatives
16 and the Committee on Energy and Natural Re-
17 sources of the Senate as to the reasons the require-
18 ments of subsection (a) are not attainable.

19 (c) EXCEPTION.—

20 (1) IN GENERAL.—Notwithstanding the re-
21 quirements of subsection (a), the Secretary may ex-
22 tend the timeline of a project study by a period not
23 to exceed 3 years, if the Secretary determines that
24 the project study is too complex to comply with the
25 requirements of subsection (a).

1 (2) FACTORS.—In making a determination that
2 a study is too complex to comply with the require-
3 ments of subsection (a), the Secretary shall con-
4 sider—

5 (A) the type, size, location, scope, and
6 overall cost of the project;

7 (B) whether the project will use any inno-
8 vative design or construction techniques;

9 (C) whether the project will require signifi-
10 cant action by other Federal, State, or local
11 agencies;

12 (D) whether there is significant public dis-
13 pute as to the nature or effects of the project;
14 and

15 (E) whether there is significant public dis-
16 pute as to the economic or environmental costs
17 or benefits of the project.

18 (3) NOTIFICATION.—Each time the Secretary
19 makes a determination under this subsection, the
20 Secretary shall provide written notice to the Com-
21 mittee on Natural Resources of the House of Rep-
22 resentatives and the Committee on Energy and Nat-
23 ural Resources of the Senate as to the results of
24 that determination, including an identification of the

1 specific one or more factors used in making the de-
2 termination that the project is complex.

3 (4) LIMITATION.—The Secretary shall not ex-
4 tend the timeline for a project study for a period of
5 more than 7 years, and any project study that is not
6 completed before that date shall no longer be au-
7 thORIZED.

8 (d) REVIEWS.—Not later than 90 days after the date
9 of the initiation of a project study described in subsection
10 (a), the Secretary shall—

11 (1) take all steps necessary to initiate the proc-
12 ess for completing federally mandated reviews that
13 the Secretary is required to complete as part of the
14 study, including the environmental review process
15 under section 805;

16 (2) convene a meeting of all Federal, tribal, and
17 State agencies identified under section 605(d) that
18 may—

19 (A) have jurisdiction over the project;

20 (B) be required by law to conduct or issue
21 a review, analysis, opinion, or statement for the
22 project study; or

23 (C) be required to make a determination
24 on issuing a permit, license, or other approval
25 or decision for the project study; and

1 (3) take all steps necessary to provide informa-
2 tion that will enable required reviews and analyses
3 related to the project to be conducted by other agen-
4 cies in a thorough and timely manner.

5 (d) INTERIM REPORT.—Not later than 18 months
6 after the date of enactment of this Act, the Secretary shall
7 submit to the Committee on Natural Resources of the
8 House of Representatives and the Committee on Energy
9 and Natural Resources of the Senate and make publicly
10 available a report that describes—

11 (1) the status of the implementation of the
12 planning process under this section, including the
13 number of participating projects;

14 (2) a review of project delivery schedules, in-
15 cluding a description of any delays on those studies
16 initiated prior to the date of the enactment of this
17 Act; and

18 (3) any recommendations for additional author-
19 ity necessary to support efforts to expedite the
20 project.

21 (e) FINAL REPORT.—Not later than 4 years after the
22 date of enactment of this Act, the Secretary shall submit
23 to the Committee on Natural Resources of the House of
24 Representatives and the Committee on Energy and Nat-

1 ural Resources of the Senate and make publicly available
2 a report that describes—

3 (1) the status of the implementation of this sec-
4 tion, including a description of each project study
5 subject to the requirements of this section;

6 (2) the amount of time taken to complete each
7 project study; and

8 (3) any recommendations for additional author-
9 ity necessary to support efforts to expedite the
10 project study process, including an analysis of
11 whether the limitation established by subsection
12 (a)(2) needs to be adjusted to address the impacts
13 of inflation.

14 **SEC. 554. EXPEDITED COMPLETION OF REPORTS.**

15 The Secretary shall—

16 (1) expedite the completion of any ongoing
17 project study initiated before the date of enactment
18 of this Act; and

19 (2) if the Secretary determines that the project
20 is justified in a completed report, proceed directly to
21 preconstruction planning, engineering, and design of
22 the project in accordance with the Reclamation Act
23 of 1902 (32 Stat. 388), and all Acts amendatory
24 thereof or supplementary thereto.

1 **SEC. 555. PROJECT ACCELERATION.**

2 (a) APPLICABILITY.—

3 (1) IN GENERAL.—This section shall apply to—

4 (A) each project study that is initiated
5 after the date of enactment of this Act and for
6 which an environmental impact statement is
7 prepared under the National Environmental
8 Policy Act of 1969 (42 U.S.C. 4321 et seq.);

9 (B) the extent determined appropriate by
10 the Secretary, to other project studies initiated
11 before the date of enactment of this Act and for
12 which an environmental review process docu-
13 ment is prepared under the National Environ-
14 mental Policy Act of 1969 (42 U.S.C. 4321 et
15 seq.); and

16 (C) any project study for the development
17 of a nonfederally owned and operated surface
18 water storage project for which the Secretary
19 determines there is a demonstrable Federal in-
20 terest and the project—

21 (i) is located in a river basin where
22 other Bureau of Reclamation water
23 projects are located,

24 (ii) will create additional water sup-
25 plies that support Bureau of Reclamation
26 water projects; or

1 (iii) will become integrated into the
2 operation of Bureau of Reclamation water
3 projects.

4 (2) FLEXIBILITY.—Any authority granted
5 under this section may be exercised, and any re-
6 quirement established under this section may be sat-
7 isfied, for the conduct of an environmental review
8 process for a project study, a class of project stud-
9 ies, or a program of project studies.

10 (3) LIST OF PROJECT STUDIES.—

11 (A) IN GENERAL.—The Secretary shall an-
12 nually prepare, and make publicly available, a
13 list of all project studies that the Secretary has
14 determined—

15 (i) meets the standards described in
16 paragraph (1); and

17 (ii) does not have adequate funding to
18 make substantial progress toward the com-
19 pletion of the project study.

20 (B) INCLUSIONS.—The Secretary shall in-
21 clude for each project study on the list under
22 subparagraph (A) a description of the estimated
23 amounts necessary to make substantial progress
24 on the project study.

25 (b) PROJECT REVIEW PROCESS.—

1 (1) IN GENERAL.—The Secretary shall develop
2 and implement a coordinated environmental review
3 process for the development of project studies.

4 (2) COORDINATED REVIEW.—The coordinated
5 environmental review process described in paragraph
6 (1) shall require that any review, analysis, opinion,
7 statement, permit, license, or other approval or deci-
8 sion issued or made by a Federal, State, or local
9 governmental agency or an Indian tribe for a project
10 study described in subsection (b) be conducted, to
11 the maximum extent practicable, concurrently with
12 any other applicable governmental agency or Indian
13 tribe.

14 (3) TIMING.—The coordinated environmental
15 review process under this subsection shall be com-
16 pleted not later than the date on which the Sec-
17 retary, in consultation and concurrence with the
18 agencies identified under section 705(d), establishes
19 with respect to the project study.

20 (c) LEAD AGENCIES.—

21 (1) JOINT LEAD AGENCIES.—

22 (A) IN GENERAL.—Subject to the require-
23 ments of the National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.) and the
25 requirements of section 1506.8 of title 40, Code

1 of Federal Regulations (or successor regula-
2 tions), including the concurrence of the pro-
3 posed joint lead agency, a project sponsor may
4 serve as the joint lead agency.

5 (B) PROJECT SPONSOR AS JOINT LEAD
6 AGENCY.—A project sponsor that is a State or
7 local governmental entity may—

8 (i) with the concurrence of the Sec-
9 retary, serve as a joint lead agency with
10 the Federal lead agency for purposes of
11 preparing any environmental document
12 under the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4321 et seq.); and

14 (ii) prepare any environmental review
15 process document under the National En-
16 vironmental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.) required in support of any
18 action or approval by the Secretary if—

19 (I) the Secretary provides guid-
20 ance in the preparation process and
21 independently evaluates that docu-
22 ment;

23 (II) the project sponsor complies
24 with all requirements applicable to the
25 Secretary under—

1 (aa) the National Environ-
2 mental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.);

4 (bb) any regulation imple-
5 menting that Act; and (cc) any
6 other applicable Federal law; and

7 (III) the Secretary approves and
8 adopts the document before the Sec-
9 retary takes any subsequent action or
10 makes any approval based on that
11 document, regardless of whether the
12 action or approval of the Secretary re-
13 sults in Federal funding.

14 (2) DUTIES.—The Secretary shall ensure
15 that—

16 (A) the project sponsor complies with all
17 design and mitigation commitments made joint-
18 ly by the Secretary and the project sponsor in
19 any environmental document prepared by the
20 project sponsor in accordance with this sub-
21 section; and

22 (B) any environmental document prepared
23 by the project sponsor is appropriately supple-
24 mented to address any changes to the project
25 the Secretary determines are necessary.

1 (3) ADOPTION AND USE OF DOCUMENTS.—Any
2 environmental document prepared in accordance
3 with this subsection shall be adopted and used by
4 any Federal agency making any determination re-
5 lated to the project study to the same extent that
6 the Federal agency could adopt or use a document
7 prepared by another Federal agency under—

8 (A) the National Environmental Policy Act
9 of 1969 (42 U.S.C. 4321 et seq.); and

10 (B) parts 1500 through 1508 of title 40,
11 Code of Federal Regulations (or successor regu-
12 lations).

13 (4) ROLES AND RESPONSIBILITY OF LEAD
14 AGENCY.—With respect to the environmental review
15 process for any project study, the Federal lead agen-
16 cy shall have authority and responsibility—

17 (A) to take such actions as are necessary
18 and proper and within the authority of the Fed-
19 eral lead agency to facilitate the expeditious
20 resolution of the environmental review process
21 for the project study; and

22 (B) to prepare or ensure that any required
23 environmental impact statement or other envi-
24 ronmental review document for a project study
25 required to be completed under the National

1 Environmental Policy Act of 1969 (42 U.S.C.
2 4321 et seq.) is completed in accordance with
3 this section and applicable Federal law.

4 (d) PARTICIPATING AND COOPERATING AGENCIES.—

5 (1) IDENTIFICATION OF JURISDICTIONAL AGEN-
6 CIES.—With respect to carrying out the environ-
7 mental review process for a project study, the Sec-
8 retary shall identify, as early as practicable in the
9 environmental review process, all Federal, State, and
10 local government agencies and Indian tribes that
11 may—

12 (A) have jurisdiction over the project;

13 (B) be required by law to conduct or issue
14 a review, analysis, opinion, or statement for the
15 project study; or

16 (C) be required to make a determination
17 on issuing a permit, license, or other approval
18 or decision for the project study.

19 (2) STATE AUTHORITY.—If the environmental
20 review process is being implemented by the Sec-
21 retary for a project study within the boundaries of
22 a State, the State, consistent with State law, may
23 choose to participate in the process and to make
24 subject to the process all State agencies that—

25 (A) have jurisdiction over the project;

1 (B) are required to conduct or issue a re-
2 view, analysis, opinion, or statement for the
3 project study; or

4 (C) are required to make a determination
5 on issuing a permit, license, or other approval
6 or decision for the project study.

7 (3) INVITATION.—

8 (A) IN GENERAL.—The Federal lead agen-
9 cy shall invite, as early as practicable in the en-
10 vironmental review process, any agency identi-
11 fied under paragraph (1) to become a partici-
12 pating or cooperating agency, as applicable, in
13 the environmental review process for the project
14 study.

15 (B) DEADLINE.—An invitation to partici-
16 pate issued under subparagraph (A) shall set a
17 deadline by which a response to the invitation
18 shall be submitted, which may be extended by
19 the Federal lead agency for good cause.

20 (4) PROCEDURES.—Section 1501.6 of title 40,
21 Code of Federal Regulations (as in effect on the
22 date of enactment of the Bureau of Reclamation
23 Project Streamlining Act), shall govern the identi-
24 fication and the participation of a cooperat-
25 ing agency.

1 (5) FEDERAL COOPERATING AGENCIES.—Any
2 Federal agency that is invited by the Federal lead
3 agency to participate in the environmental review
4 process for a project study shall be designated as a
5 cooperating agency by the Federal lead agency un-
6 less the invited agency informs the Federal lead
7 agency, in writing, by the deadline specified in the
8 invitation that the invited agency—

9 (A)(i) has no jurisdiction or authority with
10 respect to the project;

11 (ii) has no expertise or information rel-
12 evant to the project; or

13 (iii) does not have adequate funds to par-
14 ticipate in the project; and

15 (B) does not intend to submit comments
16 on the project.

17 (6) ADMINISTRATION.—A participating or co-
18 operating agency shall comply with this section and
19 any schedule established under this section.

20 (7) EFFECT OF DESIGNATION.—Designation as
21 a participating or cooperating agency under this
22 subsection shall not imply that the participating or
23 cooperating agency—

24 (A) supports a proposed project; or

1 (B) has any jurisdiction over, or special ex-
2 pertise with respect to evaluation of, the
3 project.

4 (8) CONCURRENT REVIEWS.—Each partici-
5 pating or cooperating agency shall—

6 (A) carry out the obligations of that agen-
7 cy under other applicable law concurrently and
8 in conjunction with the required environmental
9 review process, unless doing so would prevent
10 the participating or cooperating agency from
11 conducting needed analysis or otherwise car-
12 rying out those obligations; and

13 (B) formulate and implement administra-
14 tive, policy, and procedural mechanisms to en-
15 able the agency to ensure completion of the en-
16 vironmental review process in a timely, coordi-
17 nated, and environmentally responsible manner.

18 (e) NON-FEDERAL PROJECTS INTEGRATED INTO
19 RECLAMATION SYSTEMS.—The Federal lead agency shall
20 serve in that capacity for the entirety of all non-Federal
21 projects that will be integrated into a larger system owned,
22 operated or administered in whole or in part by the Bu-
23 reau of Reclamation.

24 (f) NON-FEDERAL PROJECT.—If the Secretary deter-
25 mines that a project can be expedited by a non-Federal

1 sponsor and that there is a demonstrable Federal interest
2 in expediting that project, the Secretary shall take such
3 actions as are necessary to advance such a project as a
4 non-Federal project, including, but not limited to, entering
5 into agreements with the non-Federal sponsor of such
6 project to support the planning, design and permitting of
7 such project as a non-Federal project.

8 (g) PROGRAMMATIC COMPLIANCE.—

9 (1) IN GENERAL.—The Secretary shall issue
10 guidance regarding the use of programmatic ap-
11 proaches to carry out the environmental review proc-
12 ess that—

13 (A) eliminates repetitive discussions of the
14 same issues;

15 (B) focuses on the actual issues ripe for
16 analyses at each level of review;

17 (C) establishes a formal process for coordi-
18 nating with participating and cooperating agen-
19 cies, including the creation of a list of all data
20 that are needed to carry out an environmental
21 review process; and

22 (D) complies with—

23 (i) the National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.); and

25 (ii) all other applicable laws.

1 (2) REQUIREMENTS.—In carrying out para-
2 graph (1), the Secretary shall—

3 (A) as the first step in drafting guidance
4 under that paragraph, consult with relevant
5 Federal, State, and local governmental agen-
6 cies, Indian tribes, and the public on the appro-
7 priate use and scope of the programmatic ap-
8 proaches;

9 (B) emphasize the importance of collabora-
10 tion among relevant Federal, State, and local
11 governmental agencies, and Indian tribes in un-
12 dertaking programmatic reviews, especially with
13 respect to including reviews with a broad geo-
14 graphical scope;

15 (C) ensure that the programmatic re-
16 views—

17 (i) promote transparency, including of
18 the analyses and data used in the environ-
19 mental review process, the treatment of
20 any deferred issues raised by Federal,
21 State, and local governmental agencies, In-
22 dian tribes, or the public, and the temporal
23 and special scales to be used to analyze
24 those issues;

1 (ii) use accurate and timely informa-
2 tion in the environmental review process,
3 including—

4 (I) criteria for determining the
5 general duration of the usefulness of
6 the review; and

7 (II) the timeline for updating any
8 out-of-date review;

9 (iii) describe—

10 (I) the relationship between pro-
11 grammatic analysis and future tiered
12 analysis; and

13 (II) the role of the public in the
14 creation of future tiered analysis; and

15 (iv) are available to other relevant
16 Federal, State, and local governmental
17 agencies, Indian tribes, and the public;

18 (D) allow not fewer than 60 days of public
19 notice and comment on any proposed guidance;
20 and

21 (E) address any comments received under
22 subparagraph (D).

23 (h) COORDINATED REVIEWS.—

24 (1) COORDINATION PLAN.—

1 (A) ESTABLISHMENT.—The Federal lead
2 agency shall, after consultation with and with
3 the concurrence of each participating and co-
4 operating agency and the project sponsor or
5 joint lead agency, as applicable, establish a plan
6 for coordinating public and agency participation
7 in, and comment on, the environmental review
8 process for a project study or a category of
9 project studies.

10 (B) SCHEDULE.—

11 (i) IN GENERAL.—As soon as prac-
12 ticable but not later than 45 days after the
13 close of the public comment period on a
14 draft environmental impact statement, the
15 Federal lead agency, after consultation
16 with and the concurrence of each partici-
17 pating and cooperating agency and the
18 project sponsor or joint lead agency, as ap-
19 plicable, shall establish, as part of the co-
20 ordination plan established in subpara-
21 graph (A), a schedule for completion of the
22 environmental review process for the
23 project study.

1 (ii) FACTORS FOR CONSIDERATION.—

2 In establishing a schedule, the Secretary
3 shall consider factors such as—

4 (I) the responsibilities of partici-
5 pating and cooperating agencies under
6 applicable laws;

7 (II) the resources available to the
8 project sponsor, joint lead agency, and
9 other relevant Federal and State
10 agencies, as applicable;

11 (III) the overall size and com-
12 plexity of the project;

13 (IV) the overall schedule for and
14 cost of the project; and

15 (V) the sensitivity of the natural
16 and historical resources that could be
17 affected by the project.

18 (iii) MODIFICATIONS.—The Secretary
19 may—

20 (I) lengthen a schedule estab-
21 lished under clause (i) for good cause;
22 and

23 (II) shorten a schedule only with
24 concurrence of the affected partici-
25 pating and cooperating agencies and

1 the project sponsor or joint lead agen-
2 cy, as applicable.

3 (iv) DISSEMINATION.—A copy of a
4 schedule established under clause (i) shall
5 be—

6 (I) provided to each participating
7 and cooperating agency and the
8 project sponsor or joint lead agency,
9 as applicable; and

10 (II) made available to the public.

11 (2) COMMENT DEADLINES.—The Federal lead
12 agency shall establish the following deadlines for
13 comment during the environmental review process
14 for a project study:

15 (A) DRAFT ENVIRONMENTAL IMPACT
16 STATEMENTS.—For comments by Federal and
17 State agencies and the public on a draft envi-
18 ronmental impact statement, a period of not
19 more than 60 days after publication in the Fed-
20 eral Register of notice of the date of public
21 availability of the draft environmental impact
22 statement, unless—

23 (i) a different deadline is established
24 by agreement of the Federal lead agency,
25 the project sponsor or joint lead agency, as

1 applicable, and all participating and co-
2 operating agencies; or

3 (ii) the deadline is extended by the
4 Federal lead agency for good cause.

5 (B) OTHER ENVIRONMENTAL REVIEW
6 PROCESSES.—For all other comment periods es-
7 tablished by the Federal lead agency for agency
8 or public comments in the environmental review
9 process, a period of not more than 30 days
10 after the date on which the materials on which
11 comment is requested are made available, un-
12 less—

13 (i) a different deadline is established
14 by agreement of the Federal lead agency,
15 the project sponsor, or joint lead agency,
16 as applicable, and all participating and co-
17 operating agencies; or

18 (ii) the deadline is extended by the
19 Federal lead agency for good cause.

20 (3) DEADLINES FOR DECISIONS UNDER OTHER
21 LAWS.—In any case in which a decision under any
22 Federal law relating to a project study, including the
23 issuance or denial of a permit or license, is required
24 to be made by the date described in subsection
25 (i)(5)(B), the Secretary shall submit to the Com-

1 committee on Natural Resources of the House of Rep-
2 resentatives and the Committee on Energy and Nat-
3 ural Resources of the Senate—

4 (A) as soon as practicable after the 180-
5 day period described in subsection (i)(5)(B), an
6 initial notice of the failure of the Federal agen-
7 cy to make the decision; and

8 (B) every 60 days thereafter until such
9 date as all decisions of the Federal agency re-
10 lating to the project study have been made by
11 the Federal agency, an additional notice that
12 describes the number of decisions of the Fed-
13 eral agency that remain outstanding as of the
14 date of the additional notice.

15 (4) INVOLVEMENT OF THE PUBLIC.—Nothing
16 in this subsection reduces any time period provided
17 for public comment in the environmental review
18 process under applicable Federal law (including reg-
19 ulations).

20 (5) TRANSPARENCY REPORTING.—

21 (A) REPORTING REQUIREMENTS.—Not
22 later than 1 year after the date of enactment of
23 this Act, the Secretary shall establish and main-
24 tain an electronic database and, in coordination
25 with other Federal and State agencies, issue re-

1 porting requirements to make publicly available
2 the status and progress with respect to compli-
3 ance with applicable requirements of the Na-
4 tional Environmental Policy Act of 1969 (42
5 U.S.C. 4321 et seq.) and any other Federal,
6 State, or local approval or action required for a
7 project study for which this section is applica-
8 ble.

9 (B) PROJECT STUDY TRANSPARENCY.—
10 Consistent with the requirements established
11 under subparagraph (A), the Secretary shall
12 make publicly available the status and progress
13 of any Federal, State, or local decision, action,
14 or approval required under applicable laws for
15 each project study for which this section is ap-
16 plicable.

17 (i) ISSUE IDENTIFICATION AND RESO-
18 LUTION.—

19 (1) COOPERATION.—The Federal lead agency,
20 the cooperating agencies, and any participating
21 agencies shall work cooperatively in accordance with
22 this section to identify and resolve issues that could
23 delay completion of the environmental review process
24 or result in the denial of any approval required for
25 the project study under applicable laws.

1 (2) FEDERAL LEAD AGENCY RESPONSIBIL-
2 ITIES.—

3 (A) IN GENERAL.—The Federal lead agen-
4 cy shall make information available to the co-
5 operating agencies and participating agencies as
6 early as practicable in the environmental review
7 process regarding the environmental and socio-
8 economic resources located within the project
9 area and the general locations of the alter-
10 natives under consideration.

11 (B) DATA SOURCES.—The information
12 under subparagraph (A) may be based on exist-
13 ing data sources, including geographic informa-
14 tion systems mapping.

15 (3) COOPERATING AND PARTICIPATING AGENCY
16 RESPONSIBILITIES.—Based on information received
17 from the Federal lead agency, cooperating and par-
18 ticipating agencies shall identify, as early as prac-
19 ticable, any issues of concern regarding the potential
20 environmental or socioeconomic impacts of the
21 project, including any issues that could substantially
22 delay or prevent an agency from granting a permit
23 or other approval that is needed for the project
24 study.

1 (4) ACCELERATED ISSUE RESOLUTION AND
2 ELEVATION.—

3 (A) IN GENERAL.—On the request of a
4 participating or cooperating agency or project
5 sponsor, the Secretary shall convene an issue
6 resolution meeting with the relevant partici-
7 pating and cooperating agencies and the project
8 sponsor or joint lead agency, as applicable, to
9 resolve issues that may—

10 (i) delay completion of the environ-
11 mental review process; or

12 (ii) result in denial of any approval re-
13 quired for the project study under applica-
14 ble laws.

15 (B) MEETING DATE.—A meeting requested
16 under this paragraph shall be held not later
17 than 21 days after the date on which the Sec-
18 retary receives the request for the meeting, un-
19 less the Secretary determines that there is good
20 cause to extend that deadline.

21 (C) NOTIFICATION.—On receipt of a re-
22 quest for a meeting under this paragraph, the
23 Secretary shall notify all relevant participating
24 and cooperating agencies of the request, includ-

1 ing the issue to be resolved and the date for the
2 meeting.

3 (D) ELEVATION OF ISSUE RESOLUTION.—

4 If a resolution cannot be achieved within the
5 30-day period beginning on the date of a meet-
6 ing under this paragraph and a determination
7 is made by the Secretary that all information
8 necessary to resolve the issue has been ob-
9 tained, the Secretary shall forward the dispute
10 to the heads of the relevant agencies for resolu-
11 tion.

12 (E) CONVENTION BY SECRETARY.—The
13 Secretary may convene an issue resolution
14 meeting under this paragraph at any time, at
15 the discretion of the Secretary, regardless of
16 whether a meeting is requested under subpara-
17 graph (A).

18 (5) FINANCIAL PENALTY PROVISIONS.—

19 (A) IN GENERAL.—A Federal jurisdictional
20 agency shall complete any required approval or
21 decision for the environmental review process
22 on an expeditious basis using the shortest exist-
23 ing applicable process.

24 (B) FAILURE TO DECIDE.—

25 (i) IN GENERAL.—

1 (I) TRANSFER OF FUNDS.—If a
2 Federal jurisdictional agency fails to
3 render a decision required under any
4 Federal law relating to a project study
5 that requires the preparation of an
6 environmental impact statement or
7 environmental assessment, including
8 the issuance or denial of a permit, li-
9 cense, statement, opinion, or other ap-
10 proval by the date described in clause
11 (ii), the amount of funds made avail-
12 able to support the office of the head
13 of the Federal jurisdictional agency
14 shall be reduced by an amount of
15 funding equal to the amount specified
16 in item (aa) or (bb) of subclause (II),
17 and those funds shall be made avail-
18 able to the division of the Federal ju-
19 risdictional agency charged with ren-
20 dering the decision by not later than
21 1 day after the applicable date under
22 clause (ii), and once each week there-
23 after until a final decision is rendered,
24 subject to subparagraph (C).

1 (II) AMOUNT TO BE TRANS-
2 FERRED.—The amount referred to in
3 subclause (I) is—

4 (aa) \$20,000 for any project
5 study requiring the preparation
6 of an environmental assessment
7 or environmental impact state-
8 ment; or

9 (bb) \$10,000 for any project
10 study requiring any type of re-
11 view under the National Environ-
12 mental Policy Act of 1969 (42
13 U.S.C. 4321 et seq.) other than
14 an environmental assessment or
15 environmental impact statement.

16 (ii) DESCRIPTION OF DATE.—The
17 date referred to in clause (i) is the later
18 of—

19 (I) the date that is 180 days
20 after the date on which an application
21 for the permit, license, or approval is
22 complete; and

23 (II) the date that is 180 days
24 after the date on which the Federal
25 lead agency issues a decision on the

1 project under the National Environ-
2 mental Policy Act of 1969 (42 U.S.C.
3 4321 et seq.).

4 (C) LIMITATIONS.—

5 (i) IN GENERAL.—No transfer of
6 funds under subparagraph (B) relating to
7 an individual project study shall exceed, in
8 any fiscal year, an amount equal to 1 per-
9 cent of the funds made available for the
10 applicable agency office.

11 (ii) FAILURE TO DECIDE.—The total
12 amount transferred in a fiscal year as a re-
13 sult of a failure by an agency to make a
14 decision by an applicable deadline shall not
15 exceed an amount equal to 5 percent of the
16 funds made available for the applicable
17 agency office for that fiscal year.

18 (iii) AGGREGATE.—Notwithstanding
19 any other provision of law, for each fiscal
20 year, the aggregate amount of financial
21 penalties assessed against each applicable
22 agency office under this subtitle and any
23 other Federal law as a result of a failure
24 of the agency to make a decision by an ap-
25 plicable deadline for environmental review,

1 including the total amount transferred
2 under this paragraph, shall not exceed an
3 amount equal to 9.5 percent of the funds
4 made available for the agency office for
5 that fiscal year.

6 (D) NOTIFICATION OF TRANSFERS.—Not
7 later than 10 days after the last date in a fiscal
8 year on which funds of the Federal jurisdic-
9 tional agency may be transferred under sub-
10 paragraph (B)(5) with respect to an individual
11 decision, the agency shall submit to the appro-
12 priate committees of the House of Representa-
13 tives and the Senate written notification that
14 includes a description of—

- 15 (i) the decision;
- 16 (ii) the project study involved;
- 17 (iii) the amount of each transfer
18 under subparagraph (B) in that fiscal year
19 relating to the decision;
- 20 (iv) the total amount of all transfers
21 under subparagraph (B) in that fiscal year
22 relating to the decision; and
- 23 (v) the total amount of all transfers of
24 the agency under subparagraph (B) in that
25 fiscal year.

1 (E) NO FAULT OF AGENCY.—

2 (i) IN GENERAL.—A transfer of funds
3 under this paragraph shall not be made if
4 the applicable agency described in subpara-
5 graph (A) notifies, with a supporting ex-
6 planation, the Federal lead agency, cooper-
7 ating agencies, and project sponsor, as ap-
8 plicable, that—

9 (I) the agency has not received
10 necessary information or approvals
11 from another entity in a manner that
12 affects the ability of the agency to
13 meet any requirements under Federal,
14 State, or local law;

15 (II) significant new information,
16 including from public comments, or
17 circumstances, including a major
18 modification to an aspect of the
19 project, requires additional analysis
20 for the agency to make a decision on
21 the project application; or

22 (III) the agency lacks the finan-
23 cial resources to complete the review
24 under the scheduled timeframe, in-
25 cluding a description of the number of

1 full-time employees required to com-
2 plete the review, the amount of fund-
3 ing required to complete the review,
4 and a justification as to why not
5 enough funding is available to com-
6 plete the review by the deadline.

7 (ii) LACK OF FINANCIAL RE-
8 SOURCES.—If the agency provides notice
9 under clause (i)(III), the Inspector General
10 of the agency shall—

11 (I) conduct a financial audit to
12 review the notice; and

13 (II) not later than 90 days after
14 the date on which the review described
15 in subclause (I) is completed, submit
16 to the Committee on Natural Re-
17 sources of the House of Representa-
18 tives and the Committee on Energy
19 and Natural Resources of the Senate
20 the results of the audit conducted
21 under subclause (I).

22 (F) LIMITATION.—The Federal agency
23 from which funds are transferred pursuant to
24 this paragraph shall not reprogram funds to the
25 office of the head of the agency, or equivalent

1 office, to reimburse that office for the loss of
2 the funds.

3 (G) EFFECT OF PARAGRAPH.—Nothing in
4 this paragraph affects or limits the application
5 of, or obligation to comply with, any Federal,
6 State, local, or tribal law.

7 (i) MEMORANDUM OF AGREEMENTS FOR EARLY CO-
8 ORDINATION.—

9 (1) SENSE OF CONGRESS.—It is the sense of
10 Congress that—

11 (A) the Secretary and other Federal agen-
12 cies with relevant jurisdiction in the environ-
13 mental review process should cooperate with
14 each other, State and local agencies, and Indian
15 tribes on environmental review and Bureau of
16 Reclamation project delivery activities at the
17 earliest practicable time to avoid delays and du-
18 plication of effort later in the process, prevent
19 potential conflicts, and ensure that planning
20 and project development decisions reflect envi-
21 ronmental values; and

22 (B) the cooperation referred to in subpara-
23 graph (A) should include the development of
24 policies and the designation of staff that advise
25 planning agencies and project sponsors of stud-

1 ies or other information foreseeably required for
2 later Federal action and early consultation with
3 appropriate State and local agencies and Indian
4 tribes.

5 (2) TECHNICAL ASSISTANCE.—If requested at
6 any time by a State or project sponsor, the Sec-
7 retary and other Federal agencies with relevant ju-
8 risdiction in the environmental review process, shall,
9 to the maximum extent practicable and appropriate,
10 as determined by the agencies, provide technical as-
11 sistance to the State or project sponsor in carrying
12 out early coordination activities.

13 (3) MEMORANDUM OF AGENCY AGREEMENT.—
14 If requested at any time by a State or project spon-
15 sor, the Federal lead agency, in consultation with
16 other Federal agencies with relevant jurisdiction in
17 the environmental review process, may establish
18 memoranda of agreement with the project sponsor,
19 Indian tribes, State and local governments, and
20 other appropriate entities to carry out the early co-
21 ordination activities, including providing technical
22 assistance in identifying potential impacts and miti-
23 gation issues in an integrated fashion.

24 (j) LIMITATIONS.—Nothing in this section preempts
25 or interferes with—

1 (1) any obligation to comply with the provisions
2 of any Federal law, including—

3 (A) the National Environmental Policy Act
4 of 1969 (42 U.S.C. 4321 et seq.); and

5 (B) any other Federal environmental law;

6 (2) the reviewability of any final Federal agency
7 action in a court of the United States or in the court
8 of any State;

9 (3) any requirement for seeking, considering, or
10 responding to public comment; or

11 (4) any power, jurisdiction, responsibility, duty,
12 or authority that a Federal, State, or local govern-
13 mental agency, Indian tribe, or project sponsor has
14 with respect to carrying out a project or any other
15 provision of law applicable to projects.

16 (k) TIMING OF CLAIMS.—

17 (1) TIMING.—

18 (A) IN GENERAL.—Notwithstanding any
19 other provision of law, a claim arising under
20 Federal law seeking judicial review of a permit,
21 license, or other approval issued by a Federal
22 agency for a project study shall be barred un-
23 less the claim is filed not later than 3 years
24 after publication of a notice in the Federal Reg-
25 ister announcing that the permit, license, or

1 other approval is final pursuant to the law
2 under which the agency action is taken, unless
3 a shorter time is specified in the Federal law
4 that allows judicial review.

5 (B) APPLICABILITY.—Nothing in this sub-
6 section creates a right to judicial review or
7 places any limit on filing a claim that a person
8 has violated the terms of a permit, license, or
9 other approval.

10 (2) NEW INFORMATION.—

11 (A) IN GENERAL.—The Secretary shall
12 consider new information received after the
13 close of a comment period if the information
14 satisfies the requirements for a supplemental
15 environmental impact statement under title 40,
16 Code of Federal Regulations (including suc-
17 cessor regulations).

18 (B) SEPARATE ACTION.—The preparation
19 of a supplemental environmental impact state-
20 ment or other environmental document, if re-
21 quired under this section, shall be considered a
22 separate final agency action and the deadline
23 for filing a claim for judicial review of the ac-
24 tion shall be 3 years after the date of publica-
25 tion of a notice in the Federal Register an-

1 nouncing the action relating to such supple-
2 mental environmental impact statement or
3 other environmental document.

4 (l) CATEGORICAL EXCLUSIONS.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Sec-
7 retary shall—

8 (A) survey the use by the Bureau of Rec-
9 lamation of categorical exclusions in projects
10 since 2005;

11 (B) publish a review of the survey that in-
12 cludes a description of—

13 (i) the types of actions that were cat-
14 egorically excluded or could be the basis
15 for developing a new categorical exclusion;
16 and

17 (ii) any requests previously received
18 by the Secretary for new categorical exclu-
19 sions; and

20 (C) solicit requests from other Federal
21 agencies and project sponsors for new categor-
22 ical exclusions.

23 (2) NEW CATEGORICAL EXCLUSIONS.—Not
24 later than 1 year after the date of enactment of this
25 Act, if the Secretary has identified a category of ac-

1 activities that merit establishing a categorical exclusion
2 that did not exist on the day before the date of en-
3 actment this Act based on the review under para-
4 graph (1), the Secretary shall publish a notice of
5 proposed rulemaking to propose that new categorical
6 exclusion, to the extent that the categorical exclusion
7 meets the criteria for a categorical exclusion under
8 section 1508.4 of title 40, Code of Federal Regula-
9 tions (or successor regulation).

10 (m) REVIEW OF PROJECT ACCELERATION RE-
11 FORMS.—

12 (1) IN GENERAL.—The Comptroller General of
13 the United States shall—

14 (A) assess the reforms carried out under
15 this section; and

16 (B) not later than 5 years and not later
17 than 10 years after the date of enactment of
18 this Act, submit to the Committee on Natural
19 Resources of the House of Representatives and
20 the Committee on Energy and Natural Re-
21 sources of the Senate a report that describes
22 the results of the assessment.

23 (2) CONTENTS.—The reports under paragraph
24 (1) shall include an evaluation of impacts of the re-
25 forms carried out under this section on—

- 1 (A) project delivery;
- 2 (B) compliance with environmental laws;
- 3 and
- 4 (C) the environmental impact of projects.

5 (n) PERFORMANCE MEASUREMENT.—The Secretary

6 shall establish a program to measure and report on

7 progress made toward improving and expediting the plan-

8 ning and environmental review process.

9 (o) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—

10 For the repair, reconstruction, or rehabilitation of a Bu-

11 reau of Reclamation surface water storage project that is

12 in operation or under construction when damaged by an

13 event or incident that results in a declaration by the Presi-

14 dent of a major disaster or emergency pursuant to the

15 Robert T. Stafford Disaster Relief and Emergency Assist-

16 ance Act (42 U.S.C. 5121 et seq.), the Secretary shall

17 treat such repair, reconstruction, or rehabilitation activity

18 as a class of action categorically excluded from the re-

19 quirements relating to environmental assessments or envi-

20 ronmental impact statements under section 1508.4 of title

21 40, Code of Federal Regulations (or successor regula-

22 tions), if the repair or reconstruction activity is—

- 23 (1) in the same location with the same capacity,
- 24 dimensions, and design as the original Bureau of

1 Reclamation surface water storage project as before
2 the declaration described in this section; and

3 (2) commenced within a 2-year period begin-
4 ning on the date of a declaration described in this
5 subsection.

6 **SEC. 556. ANNUAL REPORT TO CONGRESS.**

7 (a) IN GENERAL.—Not later than February 1 of each
8 year, the Secretary shall develop and submit to the Com-
9 mittee on Natural Resources of the House of Representa-
10 tives and the Committee on Energy and Natural Re-
11 sources of the Senate an annual report, to be entitled “Re-
12 port to Congress on Future Water Project Development”,
13 that identifies the following:

14 (1) PROJECT REPORTS.—Each project report
15 that meets the criteria established in subsection
16 (c)(1)(A).

17 (2) PROPOSED PROJECT STUDIES.—Any pro-
18 posed project study submitted to the Secretary by a
19 non-Federal interest pursuant to subsection (b) that
20 meets the criteria established in subsection
21 (c)(1)(A).

22 (3) PROPOSED MODIFICATIONS.—Any proposed
23 modification to an authorized water project or
24 project study that meets the criteria established in
25 subsection (c)(1)(A) that—

1 (A) is submitted to the Secretary by a non-
2 Federal interest pursuant to subsection (b); or
3 (B) is identified by the Secretary for au-
4 thorization.

5 (4) EXPEDITED COMPLETION OF REPORT AND
6 DETERMINATIONS.—Any project study that was ex-
7 pedited and any Secretarial determinations under
8 section 804.

9 (b) REQUESTS FOR PROPOSALS.—

10 (1) PUBLICATION.—Not later than May 1 of
11 each year, the Secretary shall publish in the Federal
12 Register a notice requesting proposals from non-
13 Federal interests for proposed project studies and
14 proposed modifications to authorized projects and
15 project studies to be included in the annual report.

16 (2) DEADLINE FOR REQUESTS.—The Secretary
17 shall include in each notice required by this sub-
18 section a requirement that non-Federal interests
19 submit to the Secretary any proposals described in
20 paragraph (1) by not later than 120 days after the
21 date of publication of the notice in the Federal Reg-
22 ister in order for the proposals to be considered for
23 inclusion in the annual report.

1 (3) NOTIFICATION.—On the date of publication
2 of each notice required by this subsection, the Sec-
3 retary shall—

4 (A) make the notice publicly available, in-
5 cluding on the Internet; and

6 (B) provide written notification of the pub-
7 lication to the Committee on Natural Resources
8 of the House of Representatives and the Com-
9 mittee on Energy and Natural Resources of the
10 Senate.

11 (c) CONTENTS.—

12 (1) PROJECT REPORTS, PROPOSED PROJECT
13 STUDIES, AND PROPOSED MODIFICATIONS.—

14 (A) CRITERIA FOR INCLUSION IN RE-
15 PORT.—The Secretary shall include in the an-
16 nual report only those project reports, proposed
17 project studies, and proposed modifications to
18 authorized projects and project studies that—

19 (i) are related to the missions and au-
20 thorities of the Bureau of Reclamation;

21 (ii) require specific congressional au-
22 thorization, including by an Act of Con-
23 gress;

24 (iii) have not been congressionally au-
25 thorized;

1 (iv) have not been included in any
2 previous annual report; and

3 (v) if authorized, could be carried out
4 by the Bureau of Reclamation.

5 (B) DESCRIPTION OF BENEFITS.—

6 (i) DESCRIPTION.—The Secretary
7 shall describe in the annual report, to the
8 extent applicable and practicable, for each
9 proposed project study and proposed modi-
10 fication to an authorized water resources
11 development project or project study in-
12 cluded in the annual report, the benefits,
13 as described in clause (ii), of each such
14 study or proposed modification.

15 (ii) BENEFITS.—The benefits (or ex-
16 pected benefits, in the case of a proposed
17 project study) described in this clause are
18 benefits to—

19 (I) the protection of human life
20 and property;

21 (II) improvement to domestic ir-
22 rigated water and power supplies;

23 (III) the national economy;

24 (IV) the environment; or

1 (V) the national security inter-
2 ests of the United States.

3 (C) IDENTIFICATION OF OTHER FAC-
4 TORS.—The Secretary shall identify in the an-
5 nual report, to the extent practicable—

6 (i) for each proposed project study in-
7 cluded in the annual report, the non-Fed-
8 eral interest that submitted the proposed
9 project study pursuant to subsection (b);
10 and

11 (ii) for each proposed project study
12 and proposed modification to a project or
13 project study included in the annual re-
14 port, whether the non-Federal interest has
15 demonstrated—

16 (I) that local support exists for
17 the proposed project study or pro-
18 posed modification to an authorized
19 project or project study (including the
20 surface water storage development
21 project that is the subject of the pro-
22 posed feasibility study or the proposed
23 modification to an authorized project
24 study); and

1 (II) the financial ability to pro-
2 vide the required non-Federal cost
3 share.

4 (2) TRANSPARENCY.—The Secretary shall in-
5 clude in the annual report, for each project report,
6 proposed project study, and proposed modification to
7 a project or project study included under paragraph
8 (1)(A)—

9 (A) the name of the associated non-Fed-
10 eral interest, including the name of any non-
11 Federal interest that has contributed, or is ex-
12 pected to contribute, a non-Federal share of the
13 cost of—

14 (i) the project report;
15 (ii) the proposed project study;
16 (iii) the authorized project study for
17 which the modification is proposed; or
18 (iv) construction of—

19 (I) the project that is the subject
20 of—

21 (aa) the water report;
22 (bb) the proposed project
23 study; or

1 (cc) the authorized project
2 study for which a modification is
3 proposed; or

4 (II) the proposed modification to
5 a project;

6 (B) a letter or statement of support for the
7 water report, proposed project study, or pro-
8 posed modification to a project or project study
9 from each associated non-Federal interest;

10 (C) the purpose of the feasibility report,
11 proposed feasibility study, or proposed modi-
12 fication to a project or project study;

13 (D) an estimate, to the extent practicable,
14 of the Federal, non-Federal, and total costs
15 of—

16 (i) the proposed modification to an
17 authorized project study; and

18 (ii) construction of—

19 (I) the project that is the subject
20 of—

21 (aa) the project report; or

22 (bb) the authorized project
23 study for which a modification is
24 proposed, with respect to the

1 change in costs resulting from
2 such modification; or

3 (II) the proposed modification to
4 an authorized project; and

5 (E) an estimate, to the extent practicable,
6 of the monetary and nonmonetary benefits of—

7 (i) the project that is the subject of—

8 (I) the project report; or

9 (II) the authorized project study
10 for which a modification is proposed,
11 with respect to the benefits of such
12 modification; or

13 (ii) the proposed modification to an
14 authorized project.

15 (3) CERTIFICATION.—The Secretary shall in-
16 clude in the annual report a certification stating
17 that each feasibility report, proposed feasibility
18 study, and proposed modification to a project or
19 project study included in the annual report meets
20 the criteria established in paragraph (1)(A).

21 (4) APPENDIX.—The Secretary shall include in
22 the annual report an appendix listing the proposals
23 submitted under subsection (b) that were not in-
24 cluded in the annual report under paragraph (1)(A)
25 and a description of why the Secretary determined

1 that those proposals did not meet the criteria for in-
2 clusion under such paragraph.

3 (d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—

4 Notwithstanding any other deadlines required by this sec-
5 tion, the Secretary shall—

6 (1) not later than 60 days after the date of en-
7 actment of this Act, publish in the Federal Register
8 a notice required by subsection (b)(1); and

9 (2) include in such notice a requirement that
10 non-Federal interests submit to the Secretary any
11 proposals described in subsection (b)(1) by not later
12 than 120 days after the date of publication of such
13 notice in the Federal Register in order for such pro-
14 posals to be considered for inclusion in the first an-
15 nual report developed by the Secretary under this
16 section.

17 (e) PUBLICATION.—Upon submission of an annual
18 report to Congress, the Secretary shall make the annual
19 report publicly available, including through publication on
20 the Internet.

21 (f) DEFINITION.—In this section, the term “project
22 report” means a final feasibility report developed under
23 the Reclamation Act of 1902 (32 Stat. 388), and all Acts
24 amendatory thereof or supplementary thereto.

1 **Subtitle G—Accelerated Revenue,**
2 **Repayment, and Surface Water**
3 **Storage Enhancement**

4 **SEC. 561. SHORT TITLE.**

5 This subtitle may be cited as the “Accelerated Rev-
6 enue, Repayment, and Surface Water Storage Enhance-
7 ment Act”.

8 **SEC. 562. PREPAYMENT OF CERTAIN REPAYMENT CON-**
9 **TRACTS BETWEEN THE UNITED STATES AND**
10 **CONTRACTORS OF FEDERALLY DEVELOPED**
11 **WATER SUPPLIES.**

12 Section 4013 of the WIIN Act (Public Law 114–322)
13 is amended by adding after “enactment” in 4013(1) “and
14 4011, which shall remain in effect until repealed by an
15 act of Congress.”.

16 **Subtitle H—Safety of Dams**

17 **SEC. 571. AUTHORIZATION OF ADDITIONAL PROJECT BENE-**
18 **FITS.**

19 The Reclamation Safety of Dams Act of 1978 is
20 amended—

21 (1) in section 3, by striking “Construction” and
22 inserting “Except as provided in section 5B, con-
23 struction”; and

24 (2) by inserting after section 5A (43 U.S.C.
25 509) the following:

1 **“SEC. 5B. AUTHORIZATION OF ADDITIONAL PROJECT BEN-**
2 **EFITS.**

3 “Notwithstanding section 3, if the Secretary deter-
4 mines that additional project benefits, including but not
5 limited to additional conservation storage capacity, are
6 feasible and not inconsistent with the purposes of this Act,
7 the Secretary is authorized to develop additional project
8 benefits through the construction of new or supplementary
9 works on a project in conjunction with the Secretary’s ac-
10 tivities under section 2 and subject to the conditions de-
11 scribed in the feasibility study, provided—

12 “(1) the Secretary determines that developing
13 additional project benefits through the construction
14 of new or supplementary works on a project will pro-
15 mote more efficient management of water and
16 water-related facilities;

17 “(2) the feasibility study pertaining to addi-
18 tional project benefits has been authorized pursuant
19 to section 8 of the Federal Water Project Recreation
20 Act of 1965 (16 U.S.C. 4601–18); and

21 “(3) the costs associated with developing the
22 additional project benefits are agreed to in writing
23 between the Secretary and project proponents and
24 shall be allocated to the authorized purposes of the
25 structure and repaid consistent with all provisions of
26 Federal Reclamation law (the Act of June 17, 1902,

1 43 U.S.C. 371 et seq.) and Acts supplemental to
2 and amendatory of that Act.”.

