AMENDMENT

TO RULES COMMITTEE PRINT 115–72

OFFERED BY MR. VALADAO OF CALIFORNIA

At the end of the bill, add the following:

TITLE V—CENTRAL VALLEY
Subtitle A—Central Valley
Conservation Plan

SEC. 501. CENTRAL VALLEY CONSERVATION PLAN.

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

(b) COMPREHENSIVE PLAN.—

(1) PURPOSE.—By not later than August 31, 2020, the Secretary of the Interior shall, in cooperation with the Secretary of Commerce, the California Department of Water Resources, the California Department of Fish and Wildlife, and public water agencies that contract to receive water from the Central Valley Project and the California State Water Project, develop and submit to Congress a multi-species plan to protect, restore, and enhance fish, wildlife, and associated habitats in the Sac-
rament - San Joaquin Delta ecosystem. The plan shall—

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

(B) include an operations plan for the Central Valley Project and the California State Water Project to achieve the water supply objectives set forth in subtitle D.

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

(3) Costs.— Fifty percent of the costs associated with implementation of this section shall be borne by the United States as a nonreimbursable cost; the remaining 50 percent shall be borne by the State of California. The Secretary shall enter into a
binding cost-share agreement with the State of California with respect to the timely reimbursement of costs allocated to the State. Such agreement shall provide for consideration of the value of direct reimbursements or other contributions in-kind that would supplement existing programs and that would, as determined by the Secretary, materially contribute to attainment of the goals and objectives of this section.

Subtitle B—Central Valley Project Water Reliability

Sec. 511. Restoration Fund.

(a) Report on Expenditure of Funds.—The Secretary’s annual report to Congress under section 3407(f) of the Central Valley Project Improvement Act (106 Stat. 4714) shall contain a cost-effectiveness analysis for each planned expenditure of funds deposited into the Central Valley Project Restoration Fund during the preceding fiscal year.

(b) Advisory Committee.—

(1) Establishment.—The Secretary of the Interior is authorized and directed to establish a Restoration Fund Advisory Committee (hereinafter in this section referred to as the “Advisory Committee”) composed of members selected by the Sec-
retary. The members shall be selected so as to rep-
resent the various Central Valley Project stake-
holders, including CVP agricultural users, CVP mu-
unicipal and industrial users, CVP power contractors,
CVP refuge contractors, fisheries restoration organi-
zations, and other stakeholders at the discretion of
the Secretary. The Secretary of the Interior and the
Secretary of Commerce may each designate a rep-
resentative to act as an observer of the Advisory
Committee.

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

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

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

(C) Not later than December 31, 2019,
and annually thereafter, to transmit to the Sec-
retary of the Interior recommendations required under subparagraph (A).

(D) Not later than December 31, 2019, and biennially thereafter, to transmit to Congress a report that details the progress made in achieving the actions mandated under section 3406.

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

(c) RESTORATION FUND EFFICIENCY.—The Secretary of the Interior shall prioritize expenditures from the Central Valley Project Restoration Fund that most directly meet the mandatory fish and wildlife obligations set forth in the Central Valley Project Improvement Act, and shall take the following actions to improve the efficiency of the Restoration Fund:

(1) The Secretary of the Interior shall make a one-time adjustment in the collection of payments under the Central Valley Project Improvement Act in order to achieve consistency in the annual level of expenditures from the Restoration Fund. To implement this adjustment the Secretary of the Interior is authorized to reduce collections to the Restoration
Fund for no more than two consecutive years, whereupon full collections shall resume subject to the limitations in section 3407(d) of the Central Valley Project Improvement Act.

(2) The Secretary of the Interior shall waive administrative overhead charges associated with the shared administration of the Restoration Fund by the Bureau of Reclamation and U.S. Fish and Wildlife Service.

SEC. 512. ADDITIONAL AUTHORITIES.

(a) PROJECT YIELD INCREASE.—

(1) The Secretary of the Interior shall submit to Congress, on a priority basis and not later than September 30, 2020, an update to the plan required by section 3408(j) of the Central Valley Project Improvement Act. The updated plan shall include recommendations on appropriate cost-sharing arrangements or other measures needed to implement the intent, purposes, and provisions of section 3408(j), and a description of how the Secretary of the Interior intends to use the construction of new water storage facilities, and water banking and recharge, in addition to the options listed in section 3408(j).

(2) AUTHORIZATION.—In the event Congress fails to enact legislation to reject the plan prepared
pursuant to subsection (1) within one year from the
date of its submission, the Secretary shall be author-
ized to implement the plan.

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

(b) WATER STORAGE PROJECT CONSTRUCTION.—
The Secretary of the Interior, acting through the Commiss-
ioner of the Bureau of Reclamation, may partner or enter
into an agreement on the water storage projects identified
in section 103(d)(1) of the Water Supply Reliability, and
Environmental Improvement Act (Public Law 108–361)
(and Acts supplemental and amendatory to the Act) with
local joint powers authorities formed pursuant to State
law by irrigation districts and other local water districts
and local governments within the applicable hydrologic re-
gion, to advance these projects. No additional Federal
funds are authorized for the activities authorized in sec-
tions 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and
103(d)(1)(A)(iii) of Public Law 108–361. However, each water storage project under sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and 103(d)(1)(A)(iii) of Public Law 108–361 is authorized for construction if non-Federal funds are used for financing and constructing the project.

c (c) Restoration of Conveyance Capacity.—The Secretary is authorized and directed—

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

(2) to recover the cost of implementing subsection (a) pursuant to Federal Reclamation law.

SEC. 513. LEVEL 2 DIVERSIFICATION.

(a) To better diversify sources of refuge water supply under section 3406(d)(2) of the Central Valley Project Improvement Act, the Secretary shall—

(1) continue to pursue proposals for third-party investments in the construction or operation of facilities that increase deliveries of water to Central Valley refuges and wildlife habitat areas in exchange for Central Valley Project water delivered to third-party investors;

(2) approve transfers of conserved water among Central Valley refuges and wildlife habitat areas, in-
including transfers between hydrologic basins, on an acre-foot to acre-foot basis;

(3) prioritize investments that maximize long-term reliable deliveries of water to Central Valley refuges and wildlife habitat areas from regional sources, including but not limited to new water storage projects, groundwater recharge, recycled water, riparian or appropriative water rights, mitigation measures adopted by the Federal Energy Regulatory Commission or other Federal or State agency, and the authorized use of unstored flood flows or environmental restoration flows.

(b) The Secretary shall streamline and expedite environmental review under the National Environmental Policy Act for the refuge water diversification proposals described in subsection (a).

SEC. 514. SAN JOAQUIN RIVER SETTLEMENT.

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

(b) In section 10009 (b)(1) strike “$250,000,000” and insert “such funds as needed,” and strike from “provided however” through “or the Settlement.”
Subtitle C—Calfed Storage

Feasibility Studies

SEC. 521. STUDIES.

The Secretary of the Interior, through the Commissioner of Reclamation, shall—

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

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

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

(4) complete the feasibility study described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate
committees of the House of Representatives and the Senate not later than November 30, 2019;

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

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

(7) communicate, coordinate and cooperate with public water agencies that contract with the United States for Central Valley Project water and that are expected to participate in the cost pools that will be
created for the projects proposed in the feasibility studies under this section.

SEC. 522. TEMPERANCE FLAT.

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

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


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

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

(1) the Project; or

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

(c) DUTIES OF SECRETARY UPON DETERMINATION OF FEASIBILITY.—The Congress finds that the planning, design, construction, and operation of Temperance Flat Dam shall be in all regards, senior to, and take priority
over, any designation, recommendation to designate, or
management, of any lands in the Project area under the
Wild and Scenic Rivers Act (16 USC 1271).

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

SEC. 523. WATER STORAGE PROJECT CONSTRUCTION.

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

SEC. 524. GEOPHYSICAL SURVEY.

The Bureau of Reclamation, in cooperation with the
United States Geological Survey, the State of California,
and local and State water agencies, may conduct detailed
geophysical characterization activities of subsurface aqui-
fer systems and groundwater vulnerability in California,
which has experienced a critical, multi-year drought that
resulted in severe groundwater overdraft in some areas,
followed by less than optimal recharge from the heavy
rainstorms and flooding during the 2016–2017 winter
season. This geophysical survey should include data per-
taining to the following:

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

(2) Aquifer storage and transmission character-
istics.

(3) Areas of greatest recharge potential.

SEC. 525. HEADWATER-RESTORATION SCOPING STUDY.

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

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

(2) Identify areas on public and private land
that have high biomass densities and ET, and assess
potential changes in ET that would ensue from for-
est restoration.
(3) Assess role of subsurface storage in providing drought resilience of forests, based on long-term historical estimates of precipitation, drought severity and stream discharge.

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

Subtitle D—Water Supply

Protections

SEC. 531. AREA OF ORIGIN PROTECTIONS.

The Secretary of the Interior is directed, in the operation of the Central Valley Project, to adhere to California’s water rights laws governing water rights priorities and to honor water rights senior to those held by the United States for operation of the Central Valley Project, regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of chapter 1 of part 2 of division 2, sections 10505, 10505.5, 11128, 11460, 11461, 11462, and 11463, and sections 12200 through 12220, inclusive).

SEC. 532. NO REDIRECTED ADVERSE IMPACTS.

(a) IN GENERAL.—The Secretary of the Interior shall ensure that actions taken in compliance with legal obliga-
tions imposed pursuant to or as a result of this subtitle, including such actions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other applicable Federal and State laws, shall not directly or indirectly—

(1) result in the involuntary reduction of water supply or fiscal impacts to individuals or districts who receive water from either the State Water Project or the United States under water rights settlement contracts, exchange contracts, water service contracts, repayment contracts, water supply contracts, or refuge contracts; or

(2) cause redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed, the San Joaquin River watershed or the State Water Project service area.

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

(c) Rights and Obligations Not Modified or Amended.—Nothing in this subtitle shall modify or
amend the rights and obligations of the parties to any exist-
ing—

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

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

SEC. 533. ALLOCATIONS FOR CENTRAL VALLEY PROJECT

CONTRACTORS.

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

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

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

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

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

(D) Not less than 50 percent of their con-
tract totals in a “Dry” year.
(E) Not less than 20 percent of their contract totals or twice the allocation percentage made available to Delta Division Central Valley Project agricultural water service contractors, whichever is greater, in a “Critical” year.

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

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

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

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

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

(E) Not less than ten percent of their respective contract totals in a “Critical” year.

(3) The allocations provided in paragraph (2) are the minimum allocations the Secretary of the Interior is directed, in the operation of the Central
Valley Project, to make available to existing Delta
Division Central Valley Project agricultural water
service contractors. The Secretary of the Interior
shall seek to increase the allocations by at least 15
percent of the contact totals, if new storage or con-
veyance facilities are available to the Secretary of
the Interior to appropriate Central Valley Project
water for the benefit of the Delta Division and as
the Central Valley Conservation Plan is imple-
mented.

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

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

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

(A) modify any provision of a water service
contract that addresses municipal and indus-
trial water shortage policies of the Secretary;
(B) affect or limit the authority of the Secretary to adopt or modify municipal and industrial water shortage policies;

(C) affect or limit the authority of the Secretary to implement municipal and industrial water shortage policies; or

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

(3) NO EFFECT ON AMERICAN RIVER DIVISION ALLOCATIONS.—Nothing in subsection (a) shall reduce the amount of water allocated to contractors in the American River Division or result in the involuntary reduction of contract water allocations to American River Division contractors.

(4) NO EFFECT ON FRIANT DIVISION ALLOCATIONS.—Nothing in subsection (a) shall reduce the amount of water allocated to contractors in the Friant Division or result in the involuntary reduction in contract water allocations to Friant Division contractors.

(c) PROGRAM FOR WATER RESCHEDULING.—The Secretary of the Interior shall develop and implement a program, not later than 1 year after the date of the enactment of this Act, to provide the opportunity for individuals
or districts that receive Central Valley Project Water under water service or repayment contracts, water rights settlement contracts, or refuge contracts within the American River, Sacramento River, Shasta and Trinity River Divisions to reschedule water provided for under their Central Valley Project water service, repayment, refuge, or settlement contracts, within the same year or from one year to the next.

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

SEC. 534. EXPORTS BY THE CALIFORNIA STATE WATER PROJECT.

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

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

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

(3) in a “Below Normal” year – 2,480,000 acre-feet;
(4) in a “Dry” year – 1,950,000 acre-feet; and
(5) in a “Critical” year – 1,140,000 acre-feet.

SEC. 535. EFFECT ON EXISTING OBLIGATIONS.

Nothing in this subtitle preempts or modifies any exist-
ing obligation of the United States under Federal re-
clamation law to operate the Central Valley Project in con-
formity with water right priorities established under State
law.

Subtitle E—Miscellaneous

SEC. 541. OPERATIONS OF THE TRINITY RIVER DIVISION.

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

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

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

(3) A maximum of 647,000 acre-feet in a “Nor-
mal” year.
(4) A maximum of 701,000 acre-feet in a “Wet” year.

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

SEC. 542. REPORT ON RESULTS OF WATER USAGE.

The Secretary of the Interior, in consultation with the Secretary of Commerce and the Secretary of Natural Resources of the State of California, shall publish an annual report detailing instream flow releases from the Central Valley Project and California State Water Project, their explicit purpose and authority, and all measured environmental benefit as a result of the releases.

SEC. 543. DURATION.

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

SEC. 544. WIIN ACT DURATION.

Sections 4004 and 4011 of Subtitle J of the Water Infrastructure Improvements for the Nation Act shall remain in effect until repealed or amended by an Act of Congress.

Subtitle F—Bureau of Reclamation Project Streamlining

SEC. 551. SHORT TITLE.

This subtitle may be cited as the “Bureau of Reclamation Project Streamlining Act”.
SEC. 552. DEFINITIONS.

In this subtitle:

(1) ENVIRONMENTAL IMPACT STATEMENT.—

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

(2) ENVIRONMENTAL REVIEW PROCESS.—

(A) IN GENERAL.—The term “environmental review process” means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project study.

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

(3) FEDERAL JURISDICTIONAL AGENCY.—The term “Federal jurisdictional agency” means a Federal agency with jurisdiction delegated by law, regu-
lation, order, or otherwise over a review, analysis, 
opinion, statement, permit, license, or other approval 
or decision required for a project study under appli-
cable Federal laws (including regulations).

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

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

(6) PROJECT SPONSOR.—The term "project 
sponsor" means a State, regional, or local authority 
or instrumentality or other qualifying entity, such as 
a water conservation district, irrigation district, 
water conservancy district, joint powers authority, 
mutual water company, canal company, rural water 
district or association, or any other entity that has 
the capacity to contract with the United States 
under Federal reclamation law.
(7) PROJECT STUDY.—The term “project study” means a feasibility study for a project carried out pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

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

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

SEC. 553. ACCELERATION OF STUDIES.

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

(1) result in the completion of a final feasibility report not later than 3 years after the date of initiation;

(2) have a maximum Federal cost of $3,000,000; and
(3) ensure that personnel from the local project area, region, and headquarters levels of the Bureau of Reclamation concurrently conduct the review required under this section.

(b) Extension.—If the Secretary determines that a project study described in subsection (a) will not be conducted in accordance with subsection (a), the Secretary, not later than 30 days after the date of making the determination, shall—

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

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

(3) provide written notice to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as to the reasons the requirements of subsection (a) are not attainable.

(c) Exception.—

(1) In general.—Notwithstanding the requirements of subsection (a), the Secretary may extend the timeline of a project study by a period not to exceed 3 years, if the Secretary determines that the project study is too complex to comply with the requirements of subsection (a).
(2) FACTORS.—In making a determination that a study is too complex to comply with the requirements of subsection (a), the Secretary shall consider—

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

(B) whether the project will use any innovative design or construction techniques;

(C) whether the project will require significant action by other Federal, State, or local agencies;

(D) whether there is significant public dispute as to the nature or effects of the project; and

(E) whether there is significant public dispute as to the economic or environmental costs or benefits of the project.

(3) NOTIFICATION.—Each time the Secretary makes a determination under this subsection, the Secretary shall provide written notice to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as to the results of that determination, including an identification of the
specific one or more factors used in making the determination that the project is complex.

(4) LIMITATION.—The Secretary shall not extend the timeline for a project study for a period of more than 7 years, and any project study that is not completed before that date shall no longer be authorized.

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

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

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

(A) have jurisdiction over the project;

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

(C) be required to make a determination on issuing a permit, license, or other approval or decision for the project study; and
(3) take all steps necessary to provide information that will enable required reviews and analyses related to the project to be conducted by other agencies in a thorough and timely manner.

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

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

(2) a review of project delivery schedules, including a description of any delays on those studies initiated prior to the date of the enactment of this Act; and

(3) any recommendations for additional authority necessary to support efforts to expedite the project.

(e) FINAL REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Nat-
ural Resources of the Senate and make publicly available a report that describes—

(1) the status of the implementation of this section, including a description of each project study subject to the requirements of this section;

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

(3) any recommendations for additional authority necessary to support efforts to expedite the project study process, including an analysis of whether the limitation established by subsection (a)(2) needs to be adjusted to address the impacts of inflation.

SEC. 554. EXPEDITED COMPLETION OF REPORTS.

The Secretary shall—

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

(2) if the Secretary determines that the project is justified in a completed report, proceed directly to preconstruction planning, engineering, and design of the project in accordance with the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.
SEC. 555. PROJECT ACCELERATION.

(a) APPLICABILITY.—

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

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

(B) the extent determined appropriate by the Secretary, to other project studies initiated before the date of enactment of this Act and for which an environmental review process document is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any project study for the development of a nonfederally owned and operated surface water storage project for which the Secretary determines there is a demonstrable Federal interest and the project—

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

(ii) will create additional water supplies that support Bureau of Reclamation water projects; or
(iii) will become integrated into the operation of Bureau of Reclamation water projects.

(2) FLEXIBILITY.—Any authority granted under this section may be exercised, and any requirement established under this section may be satisfied, for the conduct of an environmental review process for a project study, a class of project studies, or a program of project studies.

(3) LIST OF PROJECT STUDIES.—

(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a list of all project studies that the Secretary has determined—

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

(ii) does not have adequate funding to make substantial progress toward the completion of the project study.

(B) INCLUSIONS.—The Secretary shall include for each project study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the project study.

(b) PROJECT REVIEW PROCESS.—
(1) In general.—The Secretary shall develop and implement a coordinated environmental review process for the development of project studies.

(2) Coordinated review.—The coordinated environmental review process described in paragraph (1) shall require that any review, analysis, opinion, statement, permit, license, or other approval or decision issued or made by a Federal, State, or local governmental agency or an Indian tribe for a project study described in subsection (b) be conducted, to the maximum extent practicable, concurrently with any other applicable governmental agency or Indian tribe.

(3) Timing.—The coordinated environmental review process under this subsection shall be completed not later than the date on which the Secretary, in consultation and concurrence with the agencies identified under section 705(d), establishes with respect to the project study.

(e) Lead agencies.—

(1) Joint lead agencies.—

(A) In general.—Subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the requirements of section 1506.8 of title 40, Code
of Federal Regulations (or successor regulations), including the concurrence of the proposed joint lead agency, a project sponsor may serve as the joint lead agency.

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

(i) with the concurrence of the Secretary, serve as a joint lead agency with the Federal lead agency for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) prepare any environmental review process document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) required in support of any action or approval by the Secretary if—

(I) the Secretary provides guidance in the preparation process and independently evaluates that document;

(II) the project sponsor complies with all requirements applicable to the Secretary under—
(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(bb) any regulation implementing that Act; and (cc) any other applicable Federal law; and

(III) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.

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

(A) the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection; and

(B) any environmental document prepared by the project sponsor is appropriately supplemented to address any changes to the project the Secretary determines are necessary.
(3) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection shall be adopted and used by any Federal agency making any determination related to the project study to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency under—

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

(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(4) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project study, the Federal lead agency shall have authority and responsibility—

(A) to take such actions as are necessary and proper and within the authority of the Federal lead agency to facilitate the expeditious resolution of the environmental review process for the project study; and

(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a project study required to be completed under the National
Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

(d) Participating and Cooperating Agencies.—

(1) Identification of Jurisdictional Agencies.—With respect to carrying out the environmental review process for a project study, the Secretary shall identify, as early as practicable in the environmental review process, all Federal, State, and local government agencies and Indian tribes that may—

(A) have jurisdiction over the project;

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

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

(2) State Authority.—If the environmental review process is being implemented by the Secretary for a project study within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

(A) have jurisdiction over the project;
(B) are required to conduct or issue a review, analysis, opinion, or statement for the project study; or

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

(3) INVITATION.—

(A) IN GENERAL.—The Federal lead agency shall invite, as early as practicable in the environmental review process, any agency identified under paragraph (1) to become a participating or cooperating agency, as applicable, in the environmental review process for the project study.

(B) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the Federal lead agency for good cause.

(4) PROCEDURES.—Section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Bureau of Reclamation Project Streamlining Act), shall govern the identification and the participation of a cooperating agency.
(5) Federal Cooperating Agencies.—Any Federal agency that is invited by the Federal lead agency to participate in the environmental review process for a project study shall be designated as a cooperating agency by the Federal lead agency unless the invited agency informs the Federal lead agency, in writing, by the deadline specified in the invitation that the invited agency—

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

(ii) has no expertise or information relevant to the project; or

(iii) does not have adequate funds to participate in the project; and

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

(6) Administration.—A participating or cooperating agency shall comply with this section and any schedule established under this section.

(7) Effect of Designation.—Designation as a participating or cooperating agency under this subsection shall not imply that the participating or cooperating agency—

(A) supports a proposed project; or
(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

(8) **Concurrent Reviews.**—Each participating or cooperating agency shall—

(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would prevent the participating or cooperating agency from conducting needed analysis or otherwise carrying out those obligations; and

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(e) **Non-Federal Projects Integrated Into Reclamation Systems.**—The Federal lead agency shall serve in that capacity for the entirety of all non-Federal projects that will be integrated into a larger system owned, operated or administered in whole or in part by the Bureau of Reclamation.

(f) **Non-Federal Project.**—If the Secretary determines that a project can be expedited by a non-Federal
sponsor and that there is a demonstrable Federal interest in expediting that project, the Secretary shall take such actions as are necessary to advance such a project as a non-Federal project, including, but not limited to, entering into agreements with the non-Federal sponsor of such project to support the planning, design and permitting of such project as a non-Federal project.

(g) PROGRAMMATIC COMPLIANCE.—

(1) IN GENERAL.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that—

(A) eliminates repetitive discussions of the same issues;

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

(C) establishes a formal process for coordinating with participating and cooperating agencies, including the creation of a list of all data that are needed to carry out an environmental review process; and

(D) complies with—

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

(ii) all other applicable laws.
(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

(A) as the first step in drafting guidance under that paragraph, consult with relevant Federal, State, and local governmental agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;

(B) emphasize the importance of collaboration among relevant Federal, State, and local governmental agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographical scope;

(C) ensure that the programmatic reviews—

(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, and local governmental agencies, Indian tribes, or the public, and the temporal and special scales to be used to analyze those issues;
(ii) use accurate and timely information in the environmental review process, including—

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

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

(iii) describe—

(I) the relationship between programmatic analysis and future tiered analysis; and

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

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

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

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

(h) COORDINATED REVIEWS.—

(1) COORDINATION PLAN.—
(A) Establishment.—The Federal lead agency shall, after consultation with and with the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a project study or a category of project studies.

(B) Schedule.—

(i) In general.—As soon as practicable but not later than 45 days after the close of the public comment period on a draft environmental impact statement, the Federal lead agency, after consultation with and the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, shall establish, as part of the coordination plan established in subparagraph (A), a schedule for completion of the environmental review process for the project study.
(ii) FACTORS FOR CONSIDERATION.—

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

(I) the responsibilities of participating and cooperating agencies under applicable laws;

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

(III) the overall size and complexity of the project;

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

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

(iii) MODIFICATIONS.—The Secretary may—

(I) lengthen a schedule established under clause (i) for good cause; and

(II) shorten a schedule only with concurrence of the affected participating and cooperating agencies and
the project sponsor or joint lead agency, as applicable.

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

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

(II) made available to the public.

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

(A) DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—For comments by Federal and State agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—

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

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

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

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

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

(3) DEADLINES FOR DECISIONS UNDER OTHER
LAWS.—In any case in which a decision under any
Federal law relating to a project study, including the
issuance or denial of a permit or license, is required
to be made by the date described in subsection
(i)(5)(B), the Secretary shall submit to the Com-
mittee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

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

(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project study have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection reduces any time period provided for public comment in the environmental review process under applicable Federal law (including regulations).

(5) TRANSPARENCY REPORTING.—

(A) REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish and maintain an electronic database and, in coordination with other Federal and State agencies, issue re-
porting requirements to make publicly available
the status and progress with respect to compli-
ance with applicable requirements of the Na-
tional Environmental Policy Act of 1969 (42
U.S.C. 4321 et seq.) and any other Federal,
State, or local approval or action required for a
project study for which this section is applica-
able.

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

(i) ISSUE IDENTIFICATION AND RESO-
LUTION.—

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

(A) **In general.**—The Federal lead agency shall make information available to the cooperating agencies and participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) **Data sources.**—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) **Cooperating and participating agency responsibilities.**—Based on information received from the Federal lead agency, cooperating and participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project study.
(4) ACCELERATED ISSUE RESOLUTION AND ELEVATION.—

(A) IN GENERAL.—On the request of a participating or cooperating agency or project sponsor, the Secretary shall convene an issue resolution meeting with the relevant participating and cooperating agencies and the project sponsor or joint lead agency, as applicable, to resolve issues that may—

(i) delay completion of the environmental review process; or

(ii) result in denial of any approval required for the project study under applicable laws.

(B) MEETING DATE.—A meeting requested under this paragraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.

(C) NOTIFICATION.—On receipt of a request for a meeting under this paragraph, the Secretary shall notify all relevant participating and cooperating agencies of the request, includ-
ing the issue to be resolved and the date for the meeting.

(D) ELEVATION OF ISSUE RESOLUTION.—
If a resolution cannot be achieved within the 30-day period beginning on the date of a meeting under this paragraph and a determination is made by the Secretary that all information necessary to resolve the issue has been obtained, the Secretary shall forward the dispute to the heads of the relevant agencies for resolution.

(E) CONVENTION BY SECRETARY.—The Secretary may convene an issue resolution meeting under this paragraph at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under subparagraph (A).

(5) FINANCIAL PENALTY PROVISIONS.—

(A) IN GENERAL.—A Federal jurisdictional agency shall complete any required approval or decision for the environmental review process on an expeditious basis using the shortest existing applicable process.

(B) FAILURE TO DECIDE.—

(i) IN GENERAL.—
(I) Transfer of Funds.—If a Federal jurisdictional agency fails to render a decision required under any Federal law relating to a project study that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, statement, opinion, or other approval by the date described in clause (ii), the amount of funds made available to support the office of the head of the Federal jurisdictional agency shall be reduced by an amount of funding equal to the amount specified in item (aa) or (bb) of subclause (II), and those funds shall be made available to the division of the Federal jurisdictional agency charged with rendering the decision by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C).
(II) AMOUNT TO BE TRANSFERRED.—The amount referred to in subclause (I) is—

(aa) $20,000 for any project study requiring the preparation of an environmental assessment or environmental impact statement; or

(bb) $10,000 for any project study requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.

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

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

(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the
project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) LIMITATIONS.—

(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual project study shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

(ii) FAILURE TO DECIDE.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.

(iii) AGGREGATE.—Notwithstanding any other provision of law, for each fiscal year, the aggregate amount of financial penalties assessed against each applicable agency office under this subtitle and any other Federal law as a result of a failure of the agency to make a decision by an applicable deadline for environmental review,
including the total amount transferred
under this paragraph, shall not exceed an
amount equal to 9.5 percent of the funds
made available for the agency office for
that fiscal year.

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

(i) the decision;

(ii) the project study involved;

(iii) the amount of each transfer
under subparagraph (B) in that fiscal year
relating to the decision;

(iv) the total amount of all transfers
under subparagraph (B) in that fiscal year
relating to the decision; and

(v) the total amount of all transfers of
the agency under subparagraph (B) in that
fiscal year.
(E) NO FAULT OF AGENCY.—

(i) IN GENERAL.—A transfer of funds under this paragraph shall not be made if the applicable agency described in subparagraph (A) notifies, with a supporting explanation, the Federal lead agency, cooperating agencies, and project sponsor, as applicable, that—

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

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

(III) the agency lacks the financial resources to complete the review under the scheduled timeframe, including a description of the number of
full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why not enough funding is available to complete the review by the deadline.

(ii) LACK OF FINANCIAL RESOURCES.—If the agency provides notice under clause (i)(III), the Inspector General of the agency shall—

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

(II) not later than 90 days after the date on which the review described in subclause (I) is completed, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of the audit conducted under subclause (I).

(F) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent
office, to reimburse that office for the loss of
the funds.

(G) Effect of Paragraph.—Nothing in
this paragraph affects or limits the application
of, or obligation to comply with, any Federal,
State, local, or tribal law.

(i) Memorandum of Agreements for Early Co-
ordination.—

(1) Sense of Congress.—It is the sense of
Congress that—

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

(B) the cooperation referred to in subpara-
graph (A) should include the development of
policies and the designation of staff that advise
planning agencies and project sponsors of stud-
ies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

(2) **TECHNICAL ASSISTANCE.**—If requested at any time by a State or project sponsor, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or project sponsor in carrying out early coordination activities.

(3) **MEMORANDUM OF AGENCY AGREEMENT.**—If requested at any time by a State or project sponsor, the Federal lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the project sponsor, Indian tribes, State and local governments, and other appropriate entities to carry out the early coordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in an integrated fashion.

(j) **LIMITATIONS.**—Nothing in this section preempts or interferes with—
(1) any obligation to comply with the provisions of any Federal law, including—

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

(B) any other Federal environmental law;

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

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

(4) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Indian tribe, or project sponsor has with respect to carrying out a project or any other provision of law applicable to projects.

(k) TIMING OF CLAIMS.—

(1) TIMING.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or other approval issued by a Federal agency for a project study shall be barred unless the claim is filed not later than 3 years after publication of a notice in the Federal Register announcing that the permit, license, or
other approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law that allows judicial review.

(B) APPLICABILITY.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of a permit, license, or other approval.

(2) NEW INFORMATION.—

(A) IN GENERAL.—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under title 40, Code of Federal Regulations (including successor regulations).

(B) SEPARATE ACTION.—The preparation of a supplemental environmental impact statement or other environmental document, if required under this section, shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the action shall be 3 years after the date of publication of a notice in the Federal Register an-
nouncing the action relating to such supple-
mental environmental impact statement or
other environmental document.

(l) CATEGORICAL EXCLUSIONS.—

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

(A) survey the use by the Bureau of Recl-
amation of categorical exclusions in projects
since 2005;

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

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

and

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

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

(2) NEW CATEGORICAL EXCLUSIONS.—Not
later than 1 year after the date of enactment of this
Act, if the Secretary has identified a category of ac-
tivities that merit establishing a categorical exclusion
that did not exist on the day before the date of en-
actment this Act based on the review under para-
graph (1), the Secretary shall publish a notice of
proposed rulemaking to propose that new categorical
exclusion, to the extent that the categorical exclusion
meets the criteria for a categorical exclusion under
section 1508.4 of title 40, Code of Federal Regu-
tions (or successor regulation).

(m) REVIEW OF PROJECT ACCELERATION Re-
FORMS.—

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

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

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

(2) CONTENTS.—The reports under paragraph
(1) shall include an evaluation of impacts of the re-
forms carried out under this section on—
(A) project delivery;
(B) compliance with environmental laws;
and
(C) the environmental impact of projects.

(n) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress made toward improving and expediting the planning and environmental review process.

(o) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—For the repair, reconstruction, or rehabilitation of a Bureau of Reclamation surface water storage project that is in operation or under construction when damaged by an event or incident that results in a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary shall treat such repair, reconstruction, or rehabilitation activity as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations (or successor regulations), if the repair or reconstruction activity is—

(1) in the same location with the same capacity, dimensions, and design as the original Bureau of
Reclamation surface water storage project as before the declaration described in this section; and

(2) commenced within a 2-year period beginning on the date of a declaration described in this subsection.

SEC. 556. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than February 1 of each year, the Secretary shall develop and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report, to be entitled “Report to Congress on Future Water Project Development”, that identifies the following:

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

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

(3) PROPOSED MODIFICATIONS.—Any proposed modification to an authorized water project or project study that meets the criteria established in subsection (c)(1)(A) that—
(A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (b); or

(B) is identified by the Secretary for authorization.

(4) EXPEDITED COMPLETION OF REPORT AND DETERMINATIONS.—Any project study that was expedited and any Secretarial determinations under section 804.

(b) REQUESTS FOR PROPOSALS.—

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

(2) DEADLINE FOR REQUESTS.—The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.
(3) Notification.—On the date of publication of each notice required by this subsection, the Secretary shall—

(A) make the notice publicly available, including on the Internet; and

(B) provide written notification of the publication to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) Contents.—

(1) Project reports, proposed project studies, and proposed modifications.—

(A) Criteria for inclusion in report.—The Secretary shall include in the annual report only those project reports, proposed project studies, and proposed modifications to authorized projects and project studies that—

(i) are related to the missions and authorities of the Bureau of Reclamation;

(ii) require specific congressional authorization, including by an Act of Congress;

(iii) have not been congressionally authorized;
(iv) have not been included in any previous annual report; and

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

(B) DESCRIPTION OF BENEFITS.—

(i) DESCRIPTION.—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed project study and proposed modification to an authorized water resources development project or project study included in the annual report, the benefits, as described in clause (ii), of each such study or proposed modification.

(ii) BENEFITS.—The benefits (or expected benefits, in the case of a proposed project study) described in this clause are benefits to—

(I) the protection of human life and property;

(II) improvement to domestic irrigated water and power supplies;

(III) the national economy;

(IV) the environment; or
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(V) the national security interests of the United States.

(C) IDENTIFICATION OF OTHER FACTORS.—The Secretary shall identify in the annual report, to the extent practicable—

(i) for each proposed project study included in the annual report, the non-Federal interest that submitted the proposed project study pursuant to subsection (b); and

(ii) for each proposed project study and proposed modification to a project or project study included in the annual report, whether the non-Federal interest has demonstrated—

(I) that local support exists for the proposed project study or proposed modification to an authorized project or project study (including the surface water storage development project that is the subject of the proposed feasibility study or the proposed modification to an authorized project study); and
(II) the financial ability to provide the required non-Federal cost share.

(2) TRANSPARENCY.—The Secretary shall include in the annual report, for each project report, proposed project study, and proposed modification to a project or project study included under paragraph (1)(A)—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

(i) the project report;

(ii) the proposed project study;

(iii) the authorized project study for which the modification is proposed; or

(iv) construction of—

(I) the project that is the subject of—

(aa) the water report;

(bb) the proposed project study; or
(ee) the authorized project study for which a modification is proposed; or

(II) the proposed modification to a project;

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

(C) the purpose of the feasibility report, proposed feasibility study, or proposed modification to a project or project study;

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

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

(ii) construction of—

(I) the project that is the subject of—

(aa) the project report; or

(bb) the authorized project study for which a modification is proposed, with respect to the
change in costs resulting from such modification; or

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

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

(i) the project that is the subject of—

(I) the project report; or

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

(ii) the proposed modification to an authorized project.

(3) CERTIFICATION.—The Secretary shall include in the annual report a certification stating that each feasibility report, proposed feasibility study, and proposed modification to a project or project study included in the annual report meets the criteria established in paragraph (1)(A).

(4) APPENDIX.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (b) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined...
that those proposals did not meet the criteria for inclusion under such paragraph.

(d) Special Rule for Initial Annual Report.—Notwithstanding any other deadlines required by this section, the Secretary shall—

(1) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a notice required by subsection (b)(1); and

(2) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (b)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.

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

(f) Definition.—In this section, the term “project report” means a final feasibility report developed under the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.
Subtitle G—Accelerated Revenue, Repayment, and Surface Water Storage Enhancement

SEC. 561. SHORT TITLE.

This subtitle may be cited as the "Accelerated Revenue, Repayment, and Surface Water Storage Enhancement Act".

SEC. 562. PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND CONTRACTORS OF FEDERALLY DEVELOPED WATER SUPPLIES.

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

Subtitle H—Safety of Dams

SEC. 571. AUTHORIZATION OF ADDITIONAL PROJECT BENEFITS.

The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 3, by striking "Construction" and inserting "Except as provided in section 5B, construction"; and

(2) by inserting after section 5A (43 U.S.C. 509) the following:
SEC. 5B. AUTHORIZATION OF ADDITIONAL PROJECT BENEFITS.

Notwithstanding section 3, if the Secretary determines that additional project benefits, including but not limited to additional conservation storage capacity, are feasible and not inconsistent with the purposes of this Act, the Secretary is authorized to develop additional project benefits through the construction of new or supplementary works on a project in conjunction with the Secretary’s activities under section 2 and subject to the conditions described in the feasibility study, provided—

“(1) the Secretary determines that developing additional project benefits through the construction of new or supplementary works on a project will promote more efficient management of water and water-related facilities;

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

“(3) the costs associated with developing the additional project benefits are agreed to in writing between the Secretary and project proponents and shall be allocated to the authorized purposes of the structure and repaid consistent with all provisions of Federal Reclamation law (the Act of June 17, 1902,
43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act.”.

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