

115TH CONGRESS
1ST SESSION

H. R. 4419

To facilitate and streamline the Bureau of Reclamation and Bureau of Indian Affairs processes for creating or expanding certain water projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2017

Mr. NEWHOUSE (for himself and Mr. REICHERT) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To facilitate and streamline the Bureau of Reclamation and Bureau of Indian Affairs processes for creating or expanding certain water projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 This Act may be cited as the “Bureau of Reclamation
5 and Bureau of Indian Affairs Water Project Streamlining
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) ENVIRONMENTAL IMPACT STATEMENT.—

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

7 (2) ENVIRONMENTAL REVIEW PROCESS.—

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

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

22 (3) FEDERAL JURISDICTIONAL AGENCY.—The
23 term “Federal jurisdictional agency” means a Fed-
24 eral agency with jurisdiction delegated by law, regu-
25 lation, order, or otherwise over a review, analysis,

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

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

7 (5) PROJECT.—The term “project” means—

8 (A) a surface water project, a project
9 under the purview of title XVI of Public Law
10 102–575, a rural water supply project inves-
11 tigated under Public Law 109–451, or a Fed-
12 eral portion of an integrated water resource
13 management plan that has been subject to a re-
14 view under the National Environmental Policy
15 Act of 1969 (42 U.S.C. 4321 et seq.) and is to
16 be carried out, funded or operated in whole or
17 in party by the Secretary pursuant to the Act
18 of June 17, 1902 (32 Stat. 388, chapter 1093),
19 and Acts supplemental to and amendatory of
20 that Act (43 U.S.C. 371 et seq.); or

21 (B) Indian irrigation projects in the west-
22 ern United States that, on the date of enact-
23 ment of this Act, are owned by the Federal
24 Government, as listed in the Federal inventory
25 required by Executive Order 13327 (40 U.S.C.

1 121 note; relating to Federal real property
2 asset management).

3 (6) PROJECT SPONSOR.—The term “project
4 sponsor” means a State, regional, tribal, or local au-
5 thority or instrumentality or other qualifying entity,
6 such as a water conservation district, irrigation dis-
7 trict, water conservancy district, joint powers au-
8 thority, mutual water company, canal company,
9 rural water district or association, or any other enti-
10 ty that has the capacity to contract with the United
11 States under Federal reclamation law.

12 (7) PROJECT STUDY.—The term “project
13 study” means a feasibility study for a project carried
14 out pursuant to the Act of June 17, 1902 (32 Stat.
15 388, chapter 1093), and Acts supplemental to and
16 amendatory of that Act (43 U.S.C. 371 et seq.).

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

19 (9) SURFACE WATER STORAGE.—The term
20 “surface water storage” means any surface water
21 reservoir or impoundment that would be owned,
22 funded or operated in whole or in part by the Bu-
23 reau of Reclamation or the Bureau of Indian Affairs
24 or that would be integrated into a larger system
25 owned, operated or administered in whole or in part

1 by the Bureau of Reclamation or the Bureau of In-
2 dian Affairs.

3 **SEC. 3. ACCELERATION OF STUDIES.**

4 (a) IN GENERAL.—To the extent practicable, a
5 project study initiated by the Secretary, after the date of
6 enactment of this Act, shall—

7 (1) result in the completion of a final feasibility
8 report not later than 3 years after the date of initi-
9 ation;

10 (2) have a maximum Federal cost of
11 \$3,000,000; and

12 (3) ensure that personnel from the local project
13 area, region, and headquarters levels of the Bureau
14 of Reclamation or the Bureau of Indian Affairs con-
15 currently conduct the review required under that
16 section.

17 (b) EXTENSION.—If the Secretary determines that a
18 project study described in subsection (a) will not be con-
19 ducted in accordance with subsection (a), the Secretary,
20 not later than 30 days after the date of making the deter-
21 mination, shall—

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

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

1 (3) provide written notice to the Committee on
2 Natural Resources of the House of Representatives
3 and the Committee on Energy and Natural Re-
4 sources of the Senate as to the reasons the require-
5 ments of subsection (a) are not attainable.

6 (c) EXCEPTION.—

7 (1) IN GENERAL.—Notwithstanding the re-
8 quirements of subsection (a), the Secretary may ex-
9 tend the timeline of a project study by a period not
10 to exceed 3 years, if the Secretary determines that
11 the project study is too complex to comply with the
12 requirements of subsection (a).

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

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

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

21 (C) whether the project will require signifi-
22 cant action by other Federal, State, or local
23 agencies;

1 (D) whether there is significant public dis-
2 pute as to the nature or effects of the project;
3 and

4 (E) whether there is significant public dis-
5 pute as to the economic or environmental costs
6 or benefits of the project.

7 (3) NOTIFICATION.—Each time the Secretary
8 makes a determination under this subsection, the
9 Secretary shall provide written notice to the Com-
10 mittee on Natural Resources of the House of Rep-
11 resentatives and the Committees on Energy and
12 Natural Resources and Indian Affairs of the Senate
13 as to the results of that determination, including an
14 identification of the specific one or more factors
15 used in making the determination that the project is
16 complex.

17 (4) LIMITATION.—The Secretary shall not ex-
18 tend the timeline for a project study for a period of
19 more than 7 years, and any project study that is not
20 completed before that date shall no longer be au-
21 thorized.

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

1 (1) take all steps necessary to initiate the proc-
2 ess for completing federally mandated reviews that
3 the Secretary is required to complete as part of the
4 study, including the environmental review process
5 under section 5;

6 (2) convene a meeting of all Federal, tribal, and
7 State agencies identified under section 5(d) that
8 may—

9 (A) have jurisdiction over the project;

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

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

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

20 (e) INTERIM REPORT.—Not later than 18 months
21 after the date of enactment of this Act, the Secretary shall
22 submit to the Committee on Natural Resources of the
23 House of Representatives and the Committees on Energy
24 and Natural Resources and Indian Affairs of the Senate
25 and make publicly available a report that describes—

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

4 (2) a review of project delivery schedules, in-
5 cluding a description of any delays on those studies
6 initiated prior to the date of the enactment of this
7 Act; and

8 (3) any recommendations for additional author-
9 ity necessary to support efforts to expedite the
10 project.

11 (f) FINAL REPORT.—Not later than 4 years after the
12 date of enactment of this Act, the Secretary shall submit
13 to the Committee on Natural Resources of the House of
14 Representatives and the Committees on Energy and Nat-
15 ural Resources and Indian Affairs of the Senate and make
16 publicly available a report that describes—

17 (1) the status of the implementation of this sec-
18 tion, including a description of each project study
19 subject to the requirements of this section;

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

22 (3) any recommendations for additional author-
23 ity necessary to support efforts to expedite the
24 project study process, including an analysis of
25 whether the limitation established by subsection

1 (a)(2) needs to be adjusted to address the impacts
2 of inflation.

3 **SEC. 4. EXPEDITED COMPLETION OF REPORTS.**

4 The Secretary shall—

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

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

14 **SEC. 5. PROJECT ACCELERATION.**

15 (a) APPLICABILITY.—

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

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

22 (B) the extent determined appropriate by
23 the Secretary, to other project studies initiated
24 before the date of enactment of this Act and for
25 which an environmental review process docu-

1 ment is prepared under the National Environ-
2 mental Policy Act of 1969 (42 U.S.C. 4321 et
3 seq.); and

4 (C) any project study for the development
5 of a non-federally owned and operated surface
6 water storage project for which the Secretary
7 determines there is a demonstrable Federal in-
8 terest and the project—

9 (i) is located in a river basin where
10 other Bureau of Reclamation or the Bu-
11 reau of Indian Affairs water projects are
12 located;

13 (ii) will create additional water sup-
14 plies that support Bureau of Reclamation
15 or the Bureau of Indian Affairs water
16 projects; or

17 (iii) will become integrated into the
18 operation of Bureau of Reclamation or the
19 Bureau of Indian Affairs water projects.

20 (2) FLEXIBILITY.—Any authority granted
21 under this section may be exercised, and any re-
22 quirement established under this section may be sat-
23 isfied, for the conduct of an environmental review
24 process for a project study, a class of project stud-
25 ies, or a program of project studies.

1 (3) LIST OF PROJECT STUDIES.—

2 (A) IN GENERAL.—The Secretary shall an-
3 nually prepare, and make publicly available, a
4 list of all project studies that the Secretary has
5 determined—

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

8 (ii) does not have adequate funding to
9 make substantial progress toward the com-
10 pletion of the project study.

11 (B) INCLUSIONS.—The Secretary shall in-
12 clude for each project study on the list under
13 subparagraph (A) a description of the estimated
14 amounts necessary to make substantial progress
15 on the project study.

16 (b) PROJECT REVIEW PROCESS.—

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

20 (2) COORDINATED REVIEW.—The coordinated
21 environmental review process described in paragraph
22 (1) shall require that any review, analysis, opinion,
23 statement, permit, license, or other approval or deci-
24 sion issued or made by a Federal, State, or local
25 governmental agency or an Indian tribe for a project

1 study described in subsection (b) be conducted, to
2 the maximum extent practicable, concurrently with
3 any other applicable governmental agency or Indian
4 tribe.

5 (3) TIMING.—The coordinated environmental
6 review process under this subsection shall be com-
7 pleted not later than the date on which the Sec-
8 retary, in consultation and concurrence with the
9 agencies identified under section 5(d), establishes
10 with respect to the project study.

11 (c) LEAD AGENCIES.—

12 (1) JOINT LEAD AGENCIES.—

13 (A) IN GENERAL.—Subject to the require-
14 ments of the National Environmental Policy
15 Act of 1969 (42 U.S.C. 4321 et seq.) and the
16 requirements of section 1506.8 of title 40, Code
17 of Federal Regulations (or successor regula-
18 tions), including the concurrence of the pro-
19 posed joint lead agency, a project sponsor may
20 serve as the joint lead agency.

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

24 (i) with the concurrence of the Sec-
25 retary, serve as a joint lead agency with

1 the Federal lead agency for purposes of
2 preparing any environmental document
3 under the National Environmental Policy
4 Act of 1969 (42 U.S.C. 4321 et seq.); and

5 (ii) prepare any environmental review
6 process document under the National En-
7 vironmental Policy Act of 1969 (42 U.S.C.
8 4321 et seq.) required in support of any
9 action or approval by the Secretary if—

10 (I) the Secretary provides guid-
11 ance in the preparation process and
12 independently evaluates that docu-
13 ment;

14 (II) the project sponsor complies
15 with all requirements applicable to the
16 Secretary under—

17 (aa) the National Environ-
18 mental Policy Act of 1969 (42
19 U.S.C. 4321 et seq.);

20 (bb) any regulation imple-
21 menting that Act; and

22 (cc) any other applicable
23 Federal law; and

24 (III) the Secretary approves and
25 adopts the document before the Sec-

1 retary takes any subsequent action or
2 makes any approval based on that
3 document, regardless of whether the
4 action or approval of the Secretary re-
5 sults in Federal funding.

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

8 (A) the project sponsor complies with all
9 design and mitigation commitments made joint-
10 ly by the Secretary and the project sponsor in
11 any environmental document prepared by the
12 project sponsor in accordance with this sub-
13 section; and

14 (B) any environmental document prepared
15 by the project sponsor is appropriately supple-
16 mented to address any changes to the project
17 the Secretary determines are necessary.

18 (3) ADOPTION AND USE OF DOCUMENTS.—Any
19 environmental document prepared in accordance
20 with this subsection shall be adopted and used by
21 any Federal agency making any determination re-
22 lated to the project study to the same extent that
23 the Federal agency could adopt or use a document
24 prepared by another Federal agency under—

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

3 (B) parts 1500 through 1508 of title 40,
4 Code of Federal Regulations (or successor regu-
5 lations).

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

10 (A) to take such actions as are necessary
11 and proper and within the authority of the Fed-
12 eral lead agency to facilitate the expeditious
13 resolution of the environmental review process
14 for the project study; and

15 (B) to prepare or ensure that any required
16 environmental impact statement or other envi-
17 ronmental review document for a project study
18 required to be completed under the National
19 Environmental Policy Act of 1969 (42 U.S.C.
20 4321 et seq.) is completed in accordance with
21 this section and applicable Federal law.

22 (d) PARTICIPATING AND COOPERATING AGENCIES.—

23 (1) IDENTIFICATION OF JURISDICTIONAL AGEN-
24 CIES.—With respect to carrying out the environ-
25 mental review process for a project study, the Sec-

1 retary shall identify, as early as practicable in the
2 environmental review process, all Federal, State, and
3 local government agencies and Indian tribes that
4 may—

5 (A) have jurisdiction over the project;

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

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

12 (2) STATE AUTHORITY.—If the environmental
13 review process is being implemented by the Sec-
14 retary for a project study within the boundaries of
15 a State, the State, consistent with State law, may
16 choose to participate in the process and to make
17 subject to the process all State agencies that—

18 (A) have jurisdiction over the project;

19 (B) are required to conduct or issue a re-
20 view, analysis, opinion, or statement for the
21 project study; or

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

25 (3) INVITATION.—

1 (A) IN GENERAL.—The Federal lead agen-
2 cy shall invite, as early as practicable in the en-
3 vironmental review process, any agency identi-
4 fied under paragraph (1) to become a partici-
5 pating or cooperating agency, as applicable, in
6 the environmental review process for the project
7 study.

8 (B) DEADLINE.—An invitation to partici-
9 pate issued under subparagraph (A) shall set a
10 deadline by which a response to the invitation
11 shall be submitted, which may be extended by
12 the Federal lead agency for good cause.

13 (4) PROCEDURES.—Section 1501.6 of title 40,
14 Code of Federal Regulations (as in effect on the
15 date of enactment of this Act), shall govern the iden-
16 tification and the participation of a cooperating
17 agency.

18 (5) FEDERAL COOPERATING AGENCIES.—Any
19 Federal agency that is invited by the Federal lead
20 agency to participate in the environmental review
21 process for a project study shall be designated as a
22 cooperating agency by the Federal lead agency un-
23 less the invited agency informs the Federal lead
24 agency, in writing, by the deadline specified in the
25 invitation that the invited agency—

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

3 (ii) has no expertise or information rel-
4 evant to the project; or

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

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

9 (6) ADMINISTRATION.—A participating or co-
10 operating agency shall comply with this section and
11 any schedule established under this section.

12 (7) EFFECT OF DESIGNATION.—Designation as
13 a participating or cooperating agency under this
14 subsection shall not imply that the participating or
15 cooperating agency—

16 (A) supports a proposed project; or

17 (B) has any jurisdiction over, or special ex-
18 pertise with respect to evaluation of, the
19 project.

20 (8) CONCURRENT REVIEWS.—Each partici-
21 pating or cooperating agency shall—

22 (A) carry out the obligations of that agen-
23 cy under other applicable law concurrently and
24 in conjunction with the required environmental
25 review process, unless doing so would prevent

1 the participating or cooperating agency from
2 conducting needed analysis or otherwise car-
3 rying out those obligations; and

4 (B) formulate and implement administra-
5 tive, policy, and procedural mechanisms to en-
6 able the agency to ensure completion of the en-
7 vironmental review process in a timely, coordi-
8 nated, and environmentally responsible manner.

9 (e) NON-FEDERAL PROJECTS INTEGRATED INTO
10 RECLAMATION SYSTEMS.—The Federal lead agency shall
11 serve in that capacity for the entirety of all non-Federal
12 projects that will be integrated into a larger system owned,
13 operated or administered in whole or in part by the Bu-
14 reau of Reclamation or the Bureau of Indian Affairs.

15 (f) NON-FEDERAL PROJECT.—If the Secretary deter-
16 mines that a project can be expedited by a non-Federal
17 sponsor and that there is a demonstrable Federal interest
18 in expediting that project, the Secretary shall take such
19 actions as are necessary to advance such a project as a
20 non-Federal project, including, but not limited to, entering
21 into agreements with the non-Federal sponsor of such
22 project to support the planning, design and permitting of
23 such project as a non-Federal project.

24 (g) PROGRAMMATIC COMPLIANCE.—

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

5 (A) eliminates repetitive discussions of the
6 same issues;

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

9 (C) establishes a formal process for coordi-
10 nating with participating and cooperating agen-
11 cies, including the creation of a list of all data
12 that are needed to carry out an environmental
13 review process; and

14 (D) complies with—

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

17 (ii) all other applicable laws.

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

20 (A) as the first step in drafting guidance
21 under that paragraph, consult with relevant
22 Federal, State, and local governmental agen-
23 cies, Indian tribes, and the public on the appro-
24 priate use and scope of the programmatic ap-
25 proaches;

1 (B) emphasize the importance of collabora-
2 tion among relevant Federal, State, and local
3 governmental agencies, and Indian tribes in un-
4 dertaking programmatic reviews, especially with
5 respect to including reviews with a broad geo-
6 graphical scope;

7 (C) ensure that the programmatic re-
8 views—

9 (i) promote transparency, including of
10 the analyses and data used in the environ-
11 mental review process, the treatment of
12 any deferred issues raised by Federal,
13 State, and local governmental agencies, In-
14 dian tribes, or the public, and the temporal
15 and special scales to be used to analyze
16 those issues;

17 (ii) use accurate and timely informa-
18 tion in the environmental review process,
19 including—

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

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

25 (iii) describe—

1 (I) the relationship between pro-
2 grammatic analysis and future tiered
3 analysis; and

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

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

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

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

14 (h) COORDINATED REVIEWS.—

15 (1) COORDINATION PLAN.—

16 (A) ESTABLISHMENT.—The Federal lead
17 agency shall, after consultation with and with
18 the concurrence of each participating and co-
19 operating agency and the project sponsor or
20 joint lead agency, as applicable, establish a plan
21 for coordinating public and agency participation
22 in, and comment on, the environmental review
23 process for a project study or a category of
24 project studies.

25 (B) SCHEDULE.—

1 (i) IN GENERAL.—As soon as prac-
2 ticable but not later than 45 days after the
3 close of the public comment period on a
4 draft environmental impact statement, the
5 Federal lead agency, after consultation
6 with and the concurrence of each partici-
7 pating and cooperating agency and the
8 project sponsor or joint lead agency, as ap-
9 plicable, shall establish, as part of the co-
10 ordination plan established in subpara-
11 graph (A), a schedule for completion of the
12 environmental review process for the
13 project study.

14 (ii) FACTORS FOR CONSIDERATION.—
15 In establishing a schedule, the Secretary
16 shall consider factors such as—

17 (I) the responsibilities of partici-
18 pating and cooperating agencies under
19 applicable laws;

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

24 (III) the overall size and com-
25 plexity of the project;

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

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

6 (iii) MODIFICATIONS.—The Secretary
7 may—

8 (I) lengthen a schedule estab-
9 lished under clause (i) for good cause;
10 and

11 (II) shorten a schedule only with
12 concurrence of the affected partici-
13 pating and cooperating agencies and
14 the project sponsor or joint lead agen-
15 cy, as applicable.

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

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

23 (II) made available to the public.

24 (2) COMMENT DEADLINES.—The Federal lead
25 agency shall establish the following deadlines for

1 comment during the environmental review process
2 for a project study:

3 (A) DRAFT ENVIRONMENTAL IMPACT
4 STATEMENTS.—For comments by Federal and
5 State agencies and the public on a draft envi-
6 ronmental impact statement, a period of not
7 more than 60 days after publication in the Fed-
8 eral Register of notice of the date of public
9 availability of the draft environmental impact
10 statement, unless—

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

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

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

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

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

8 (3) DEADLINES FOR DECISIONS UNDER OTHER
9 LAWS.—In any case in which a decision under any
10 Federal law relating to a project study, including the
11 issuance or denial of a permit or license, is required
12 to be made by the date described in subsection
13 (i)(5)(B), the Secretary shall submit to the Com-
14 mittee on Natural Resources of the House of Rep-
15 resentatives and the Committees on Energy and
16 Natural Resources and Indian Affairs of the Sen-
17 ate—

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

22 (B) every 60 days thereafter until such
23 date as all decisions of the Federal agency re-
24 lating to the project study have been made by
25 the Federal agency, an additional notice that

1 describes the number of decisions of the Fed-
2 eral agency that remain outstanding as of the
3 date of the additional notice.

4 (4) INVOLVEMENT OF THE PUBLIC.—Nothing
5 in this subsection reduces any time period provided
6 for public comment in the environmental review
7 process under applicable Federal law (including reg-
8 ulations).

9 (5) TRANSPARENCY REPORTING.—

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

23 (B) PROJECT STUDY TRANSPARENCY.—
24 Consistent with the requirements established
25 under subparagraph (A), the Secretary shall

1 make publicly available the status and progress
2 of any Federal, State, Tribal, or local decision,
3 action, or approval required under applicable
4 laws for each project study for which this sec-
5 tion is applicable.

6 (i) ISSUE IDENTIFICATION AND RESOLUTION.—

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

14 (2) FEDERAL LEAD AGENCY RESPONSIBIL-
15 ITIES.—

16 (A) IN GENERAL.—The Federal lead agen-
17 cy shall make information available to the co-
18 operating agencies and participating agencies as
19 early as practicable in the environmental review
20 process regarding the environmental and socio-
21 economic resources located within the project
22 area and the general locations of the alter-
23 natives under consideration.

24 (B) DATA SOURCES.—The information
25 under subparagraph (A) may be based on exist-

1 ing data sources, including geographic informa-
2 tion systems mapping.

3 (3) COOPERATING AND PARTICIPATING AGENCY
4 RESPONSIBILITIES.—Based on information received
5 from the Federal lead agency, cooperating and par-
6 ticipating agencies shall identify, as early as prac-
7 ticable, any issues of concern regarding the potential
8 environmental or socioeconomic impacts of the
9 project, including any issues that could substantially
10 delay or prevent an agency from granting a permit
11 or other approval that is needed for the project
12 study.

13 (4) ACCELERATED ISSUE RESOLUTION AND
14 ELEVATION.—

15 (A) IN GENERAL.—On the request of a
16 participating or cooperating agency or project
17 sponsor, the Secretary shall convene an issue
18 resolution meeting with the relevant partici-
19 pating and cooperating agencies and the project
20 sponsor or joint lead agency, as applicable, to
21 resolve issues that may—

22 (i) delay completion of the environ-
23 mental review process; or

1 (ii) result in denial of any approval re-
2 quired for the project study under applica-
3 ble laws.

4 (B) MEETING DATE.—A meeting requested
5 under this paragraph shall be held not later
6 than 21 days after the date on which the Sec-
7 retary receives the request for the meeting, un-
8 less the Secretary determines that there is good
9 cause to extend that deadline.

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

16 (D) ELEVATION OF ISSUE RESOLUTION.—
17 If a resolution cannot be achieved within the
18 30-day period beginning on the date of a meet-
19 ing under this paragraph and a determination
20 is made by the Secretary that all information
21 necessary to resolve the issue has been ob-
22 tained, the Secretary shall forward the dispute
23 to the heads of the relevant agencies for resolu-
24 tion.

1 (E) CONVENTION BY SECRETARY.—The
2 Secretary may convene an issue resolution
3 meeting under this paragraph at any time, at
4 the discretion of the Secretary, regardless of
5 whether a meeting is requested under subpara-
6 graph (A).

7 (5) FINANCIAL PENALTY PROVISIONS.—

8 (A) IN GENERAL.—A Federal jurisdictional
9 agency shall complete any required approval or
10 decision for the environmental review process
11 on an expeditious basis using the shortest exist-
12 ing applicable process.

13 (B) FAILURE TO DECIDE.—

14 (i) IN GENERAL.—

15 (I) TRANSFER OF FUNDS.—If a
16 Federal jurisdictional agency fails to
17 render a decision required under any
18 Federal law relating to a project study
19 that requires the preparation of an
20 environmental impact statement or
21 environmental assessment, including
22 the issuance or denial of a permit, li-
23 cense, statement, opinion, or other ap-
24 proval by the date described in clause
25 (ii), the amount of funds made avail-

1 able to support the office of the head
2 of the Federal jurisdictional agency
3 shall be reduced by an amount of
4 funding equal to the amount specified
5 in item (aa) or (bb) of subclause (II),
6 and those funds shall be made avail-
7 able to the division of the Federal ju-
8 risdictional agency charged with ren-
9 dering the decision by not later than
10 1 day after the applicable date under
11 clause (ii), and once each week there-
12 after until a final decision is rendered,
13 subject to subparagraph (C).

14 (II) AMOUNT TO BE TRANS-
15 FERRED.—The amount referred to in
16 subclause (I) is—

17 (aa) \$20,000 for any project
18 study requiring the preparation
19 of an environmental assessment
20 or environmental impact state-
21 ment; or

22 (bb) \$10,000 for any project
23 study requiring any type of re-
24 view under the National Environ-
25 mental Policy Act of 1969 (42

1 U.S.C. 4321 et seq.) other than
2 an environmental assessment or
3 environmental impact statement.

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

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

11 (II) the date that is 180 days
12 after the date on which the Federal
13 lead agency issues a decision on the
14 project under the National Environ-
15 mental Policy Act of 1969 (42 U.S.C.
16 4321 et seq.).

17 (C) LIMITATIONS.—

18 (i) IN GENERAL.—No transfer of
19 funds under subparagraph (B) relating to
20 an individual project study shall exceed, in
21 any fiscal year, an amount equal to 1 per-
22 cent of the funds made available for the
23 applicable agency office.

24 (ii) FAILURE TO DECIDE.—The total
25 amount transferred in a fiscal year as a re-

1 sult of a failure by an agency to make a
2 decision by an applicable deadline shall not
3 exceed an amount equal to 5 percent of the
4 funds made available for the applicable
5 agency office for that fiscal year.

6 (iii) AGGREGATE.—Notwithstanding
7 any other provision of law, for each fiscal
8 year, the aggregate amount of financial
9 penalties assessed against each applicable
10 agency office under this Act and any other
11 Federal law as a result of a failure of the
12 agency to make a decision by an applicable
13 deadline for environmental review, includ-
14 ing the total amount transferred under this
15 paragraph, shall not exceed an amount
16 equal to 9.5 percent of the funds made
17 available for the agency office for that fis-
18 cal year.

19 (D) NOTIFICATION OF TRANSFERS.—Not
20 later than 10 days after the last date in a fiscal
21 year on which funds of the Federal jurisdic-
22 tional agency may be transferred under sub-
23 paragraph (B)(5) with respect to an individual
24 decision, the agency shall submit to the appro-
25 priate committees of the House of Representa-

1 tives and the Senate written notification that
2 includes a description of—

3 (i) the decision;

4 (ii) the project study involved;

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

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

11 (v) the total amount of all transfers of
12 the agency under subparagraph (B) in that
13 fiscal year.

14 (E) NO FAULT OF AGENCY.—

15 (i) IN GENERAL.—A transfer of funds
16 under this paragraph shall not be made if
17 the applicable agency described in subpara-
18 graph (A) notifies, with a supporting ex-
19 planation, the Federal lead agency, cooper-
20 ating agencies, and project sponsor, as ap-
21 plicable, that—

22 (I) the agency has not received
23 necessary information or approvals
24 from another entity in a manner that
25 affects the ability of the agency to

1 meet any requirements under Federal,
2 State, or local law;

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

10 (III) the agency lacks the finan-
11 cial resources to complete the review
12 under the scheduled timeframe, in-
13 cluding a description of the number of
14 full-time employees required to com-
15 plete the review, the amount of fund-
16 ing required to complete the review,
17 and a justification as to why not
18 enough funding is available to com-
19 plete the review by the deadline.

20 (ii) LACK OF FINANCIAL RE-
21 SOURCES.—If the agency provides notice
22 under clause (i)(III), the Inspector General
23 of the agency shall—

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

1 (II) not later than 90 days after
2 the date on which the review described
3 in subclause (I) is completed, submit
4 to the Committee on Natural Re-
5 sources of the House of Representa-
6 tives and the Committee on Energy
7 and Natural Resources of the Senate
8 the results of the audit conducted
9 under subclause (I).

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

16 (G) EFFECT OF PARAGRAPH.—Nothing in
17 this paragraph affects or limits the application
18 of, or obligation to comply with, any Federal,
19 State, local, or tribal law.

20 (j) MEMORANDUM OF AGREEMENTS FOR EARLY CO-
21 ORDINATION.—

22 (1) SENSE OF CONGRESS.—It is the sense of
23 Congress that—

24 (A) the Secretary and other Federal agen-
25 cies with relevant jurisdiction in the environ-

1 mental review process should cooperate with
2 each other, State and local agencies, and Indian
3 tribes on environmental review and Bureau of
4 Reclamation project delivery activities at the
5 earliest practicable time to avoid delays and du-
6 plication of effort later in the process, prevent
7 potential conflicts, and ensure that planning
8 and project development decisions reflect envi-
9 ronmental values; and

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

18 (2) TECHNICAL ASSISTANCE.—If requested at
19 any time by a State or project sponsor, the Sec-
20 retary and other Federal agencies with relevant ju-
21 risdiction in the environmental review process, shall,
22 to the maximum extent practicable and appropriate,
23 as determined by the agencies, provide technical as-
24 sistance to the State or project sponsor in carrying
25 out early coordination activities.

1 (3) MEMORANDUM OF AGENCY AGREEMENT.—

2 If requested at any time by a State or project spon-
3 sor, the Federal lead agency, in consultation with
4 other Federal agencies with relevant jurisdiction in
5 the environmental review process, may establish
6 memoranda of agreement with the project sponsor,
7 Indian tribes, State and local governments, and
8 other appropriate entities to carry out the early co-
9 ordination activities, including providing technical
10 assistance in identifying potential impacts and miti-
11 gation issues in an integrated fashion.

12 (k) LIMITATIONS.—Nothing in this section preempts
13 or interferes with—

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

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

18 (B) any other Federal environmental law;

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

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

24 (4) any power, jurisdiction, responsibility, duty,
25 or authority that a Federal, State, or local govern-

1 mental agency, Indian tribe, or project sponsor has
2 with respect to carrying out a project or any other
3 provision of law applicable to projects.

4 (l) TIMING OF CLAIMS.—

5 (1) TIMING.—

6 (A) IN GENERAL.—Notwithstanding any
7 other provision of law, a claim arising under
8 Federal law seeking judicial review of a permit,
9 license, or other approval issued by a Federal
10 agency for a project study shall be barred un-
11 less the claim is filed not later than 3 years
12 after publication of a notice in the Federal Reg-
13 ister announcing that the permit, license, or
14 other approval is final pursuant to the law
15 under which the agency action is taken, unless
16 a shorter time is specified in the Federal law
17 that allows judicial review.

18 (B) APPLICABILITY.—Nothing in this sub-
19 section creates a right to judicial review or
20 places any limit on filing a claim that a person
21 has violated the terms of a permit, license, or
22 other approval.

23 (2) NEW INFORMATION.—

24 (A) IN GENERAL.—The Secretary shall
25 consider new information received after the

1 close of a comment period if the information
2 satisfies the requirements for a supplemental
3 environmental impact statement under title 40,
4 Code of Federal Regulations (including suc-
5 cessor regulations).

6 (B) SEPARATE ACTION.—The preparation
7 of a supplemental environmental impact state-
8 ment or other environmental document, if re-
9 quired under this section, shall be considered a
10 separate final agency action and the deadline
11 for filing a claim for judicial review of the ac-
12 tion shall be 3 years after the date of publica-
13 tion of a notice in the Federal Register an-
14 nouncing the action relating to such supple-
15 mental environmental impact statement or
16 other environmental document.

17 (m) CATEGORICAL EXCLUSIONS.—

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

21 (A) survey the use by the Bureau of Rec-
22 lamation and the Bureau of Indian Affairs of
23 categorical exclusions in projects since 2005;

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

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

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

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

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

23 (n) REVIEW OF PROJECT ACCELERATION RE-
24 FORMS.—

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

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

5 (B) not later than 5 years and not later
6 than 10 years after the date of enactment of
7 this Act, submit to the Committee on Natural
8 Resources of the House of Representatives and
9 the Committees on Energy and Natural Re-
10 sources and Indian Affairs of the Senate a re-
11 port that describes the results of the assess-
12 ment.

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

16 (A) project delivery;

17 (B) compliance with environmental laws;

18 and

19 (C) the environmental impact of projects.

20 (o) PERFORMANCE MEASUREMENT.—The Secretary
21 shall establish a program to measure and report on
22 progress made toward improving and expediting the plan-
23 ning and environmental review process.

24 (p) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—

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

1 reau of Reclamation or Bureau of Indian Affairs project
2 that is in operation or under construction when damaged
3 by an event or incident that results in a declaration by
4 the President of a major disaster or emergency pursuant
5 to the Robert T. Stafford Disaster Relief and Emergency
6 Assistance Act (42 U.S.C. 5121 et seq.), the Secretary
7 shall treat such repair, reconstruction, or rehabilitation
8 activity as a class of action categorically excluded from
9 the requirements relating to environmental assessments or
10 environmental impact statements under section 1508.4 of
11 title 40, Code of Federal Regulations (or successor regula-
12 tions), if the repair or reconstruction activity is—

13 (1) in the same location with the same capacity,
14 dimensions, and design as the original Bureau of
15 Reclamation or Bureau of Indian Affairs project as
16 before the declaration described in this section; and

17 (2) commenced within a 2-year period begin-
18 ning on the date of a declaration described in this
19 subsection.

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

21 (a) IN GENERAL.—Not later than February 1 of each
22 year, the Secretary shall develop and submit to the Com-
23 mittee on Natural Resources of the House of Representa-
24 tives and the Committees on Energy and Natural Re-
25 sources and Indian Affairs of the Senate an annual report,

1 to be entitled “Report to Congress on Future Water
2 Project Development”, that identifies the following:

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

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

11 (3) PROPOSED MODIFICATIONS.—Any proposed
12 modification to an authorized water project or
13 project study that meets the criteria established in
14 subsection (c)(1)(A) that—

15 (A) is submitted to the Secretary by a non-
16 Federal interest pursuant to subsection (b); or

17 (B) is identified by the Secretary for au-
18 thorization.

19 (4) EXPEDITED COMPLETION OF REPORT AND
20 DETERMINATIONS.—Any project study that was ex-
21 pedited and any Secretarial determinations under
22 section 4 of this Act.

23 (b) REQUESTS FOR PROPOSALS.—

24 (1) PUBLICATION.—Not later than May 1 of
25 each year, the Secretary shall publish in the Federal

1 Register a notice requesting proposals from non-
2 Federal interests for proposed project studies and
3 proposed modifications to authorized projects and
4 project studies to be included in the annual report.

5 (2) DEADLINE FOR REQUESTS.—The Secretary
6 shall include in each notice required by this sub-
7 section a requirement that non-Federal interests
8 submit to the Secretary any proposals described in
9 paragraph (1) by not later than 120 days after the
10 date of publication of the notice in the Federal Reg-
11 ister in order for the proposals to be considered for
12 inclusion in the annual report.

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

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

18 (B) provide written notification of the pub-
19 lication to the Committee on Natural Resources
20 of the House of Representatives and the Com-
21 mittees on Energy and Natural Resources and
22 Indian Affairs of the Senate.

23 (c) CONTENTS.—

24 (1) PROJECT REPORTS, PROPOSED PROJECT
25 STUDIES, AND PROPOSED MODIFICATIONS.—

1 (A) CRITERIA FOR INCLUSION IN RE-
2 PORT.—The Secretary shall include in the an-
3 nual report only those project reports, proposed
4 project studies, and proposed modifications to
5 authorized projects and project studies that—

6 (i) are related to the missions and au-
7 thorities of the Bureau of Reclamation or
8 the Bureau of Indian Affairs;

9 (ii) require specific congressional au-
10 thorization, including by an Act of Con-
11 gress;

12 (iii) have not been congressionally au-
13 thorized;

14 (iv) have not been included in any
15 previous annual report; and

16 (v) if authorized, could be carried out
17 by the Bureau of Reclamation or the Bu-
18 reau of Indian Affairs.

19 (B) DESCRIPTION OF BENEFITS.—

20 (i) DESCRIPTION.—The Secretary
21 shall describe in the annual report, to the
22 extent applicable and practicable, for each
23 proposed project study and proposed modi-
24 fication to an authorized water resources
25 development project or project study in-

1 cluded in the annual report, the benefits,
2 as described in clause (ii), of each such
3 study or proposed modification.

4 (ii) BENEFITS.—The benefits (or ex-
5 pected benefits, in the case of a proposed
6 project study) described in this clause are
7 benefits to—

8 (I) the protection of human life
9 and property;

10 (II) improvement to domestic ir-
11 rigated water and power supplies;

12 (III) the national economy;

13 (IV) the environment; or

14 (V) the national security inter-
15 ests of the United States.

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

19 (i) for each proposed project study in-
20 cluded in the annual report, the non-Fed-
21 eral interest that submitted the proposed
22 project study pursuant to subsection (b);
23 and

24 (ii) for each proposed project study
25 and proposed modification to a project or

1 project study included in the annual re-
2 port, whether the non-Federal interest has
3 demonstrated—

4 (I) that local support exists for
5 the proposed project study or pro-
6 posed modification to an authorized
7 project or project study (including the
8 surface water storage development
9 project that is the subject of the pro-
10 posed feasibility study or the proposed
11 modification to an authorized project
12 study); and

13 (II) the financial ability to pro-
14 vide the required non-Federal cost
15 share.

16 (2) TRANSPARENCY.—The Secretary shall in-
17 clude in the annual report, for each project report,
18 proposed project study, and proposed modification to
19 a project or project study included under paragraph
20 (1)(A)—

21 (A) the name of the associated non-Fed-
22 eral interest, including the name of any non-
23 Federal interest that has contributed, or is ex-
24 pected to contribute, a non-Federal share of the
25 cost of—

- 1 (i) the project report;
- 2 (ii) the proposed project study;
- 3 (iii) the authorized project study for
- 4 which the modification is proposed; or
- 5 (iv) construction of—
- 6 (I) the project that is the subject
- 7 of—
- 8 (aa) the water report;
- 9 (bb) the proposed project
- 10 study; or
- 11 (cc) the authorized project
- 12 study for which a modification is
- 13 proposed; or
- 14 (II) the proposed modification to
- 15 a project;
- 16 (B) a letter or statement of support for the
- 17 water report, proposed project study, or pro-
- 18 posed modification to a project or project study
- 19 from each associated non-Federal interest;
- 20 (C) the purpose of the feasibility report,
- 21 proposed feasibility study, or proposed modi-
- 22 fication to a project or project study;
- 23 (D) an estimate, to the extent practicable,
- 24 of the Federal, non-Federal, and total costs
- 25 of—

- 1 (i) the proposed modification to an
2 authorized project study; and
- 3 (ii) construction of—
- 4 (I) the project that is the subject
5 of—
- 6 (aa) the project report; or
7 (bb) the authorized project
8 study for which a modification is
9 proposed, with respect to the
10 change in costs resulting from
11 such modification; or
- 12 (II) the proposed modification to
13 an authorized project; and
- 14 (E) an estimate, to the extent practicable,
15 of the monetary and nonmonetary benefits of—
- 16 (i) the project that is the subject of—
- 17 (I) the project report; or
18 (II) the authorized project study
19 for which a modification is proposed,
20 with respect to the benefits of such
21 modification; or
- 22 (ii) the proposed modification to an
23 authorized project.
- 24 (3) CERTIFICATION.—The Secretary shall in-
25 clude in the annual report a certification stating

1 that each feasibility report, proposed feasibility
2 study, and proposed modification to a project or
3 project study included in the annual report meets
4 the criteria established in paragraph (1)(A).

5 (4) APPENDIX.—The Secretary shall include in
6 the annual report an appendix listing the proposals
7 submitted under subsection (b) that were not in-
8 cluded in the annual report under paragraph (1)(A)
9 and a description of why the Secretary determined
10 that those proposals did not meet the criteria for in-
11 clusion under such paragraph.

12 (d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—
13 Notwithstanding any other deadlines required by this sec-
14 tion, the Secretary shall—

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

18 (2) include in such notice a requirement that
19 non-Federal interests submit to the Secretary any
20 proposals described in subsection (b)(1) by not later
21 than 120 days after the date of publication of such
22 notice in the Federal Register in order for such pro-
23 posals to be considered for inclusion in the first an-
24 nual report developed by the Secretary under this
25 section.

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

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

9 **SEC. 7. APPLICABILITY OF THE WIIN ACT.**

10 Sections 3221 through 3226, 4007 and 4009 of the
 11 WIIN Act (Public Law 114–322) shall not apply to any
 12 project (as defined in section 2 of this Act).

13 **SEC. 8. PROJECT AUTHORIZATIONS.**

14 The following projects for water resources develop-
 15 ment and conservation and other purposes, as identified
 16 in the following reports and correspondence are authorized
 17 to be carried out by the Secretary substantially in accord-
 18 ance with the plans, and subject to the conditions, de-
 19 scribed in the respective reports and correspondence des-
 20 ignated in this section:

State	Name	Date of Feasibility Report	Estimated Costs
WA	Phase III of the Yakima River Basin Water Enhancement Project	March 2, 2012	Non-Federal: \$500,000,000 Federal: \$237,100,000 Total: \$737,100,000

State	Name	Date of Feasibility Report	Estimated Costs
KS	Equus Beds Division of the Wichita Project	January 19, 2010	Non-Federal: \$90,000,000 Federal: \$30,000,000 Total: \$120,000,000
MT	Musselshell-Judith Rural Water System	July 31, 2015	Non-Federal: \$21,801,000 Federal: \$65,301,000 Total: \$87,102,000
CA	Shasta Lake Water Resources Investigation	July 29, 2015	Non-Federal: \$350,000 Federal: \$36,420,000 Total: \$36,770,000

1 **SEC. 9. DEAUTHORIZATIONS.**

2 (a) **PURPOSES; DEFINITIONS.—**

3 (1) **PURPOSES.—**The purposes of this section
4 are—

5 (A) to identify \$368,821,000 in Bureau of
6 Reclamation projects and programs that are no
7 longer feasible due to—

8 (i) a lack of local support;

9 (ii) a lack of available Federal or non-
10 Federal resources; or

11 (iii) an authorized purpose that is no
12 longer relevant or feasible;

13 (B) to establish an efficient and trans-
14 parent process for deauthorizing Bureau of
15 Reclamation projects and programs that have
16 failed to receive a minimum level of investment,
17 thereby ensuring active projects can move for-

1 ward while reducing the backlog of authorized
2 projects;

3 (C) to create an expedited and definitive
4 process to deauthorize Reclamation projects and
5 programs;

6 (D) to allow the continued authorization of
7 programs and projects that are feasible; and

8 (E) to establish a process for identifying
9 authorized Bureau of Reclamation projects and
10 programs that are no longer—

11 (i) in the Federal interest; or

12 (ii) feasible.

13 (2) DEFINITIONS.—In this section:

14 (A) SECRETARY.—The term “Secretary”
15 means the Secretary of the Interior.

16 (B) RECLAMATION PROJECT OR PRO-
17 GRAM.—The term “Reclamation project and
18 program” includes any project or program that
19 is administered by the Bureau of Reclamation.

20 (b) COMPREHENSIVE REPORTS.—

21 (1) MINIMUM FUNDING LIST.—Not later than
22 180 days after the date of the enactment of this Act,
23 the Secretary shall submit to the Committee on En-
24 ergy and Natural Resources of the Senate and the
25 Committee on Natural Resources of the House of

1 Representatives, and make available on a publicly
2 accessible Internet website in a manner that is
3 downloadable, searchable, and sortable, a list of—

4 (A) reclamation programs that are author-
5 ized and for which funding was obligated dur-
6 ing the current fiscal year or any of the pre-
7 ceding 5 fiscal years;

8 (B) projects or separable elements of
9 projects authorized for construction for which
10 funding has been obligated during the current
11 fiscal year or any of the 5 preceding fiscal
12 years; and

13 (C) for each project or element of a project
14 listed pursuant to subparagraph (B)—

15 (i) the amount of funding obligated
16 for each such project or separable element
17 per fiscal year;

18 (ii) the current phase of each such
19 project or separable element; and

20 (iii) the amount required to complete
21 the current phase of each such project or
22 separable element.

23 (2) BACKLOG REPORT.—With the report re-
24 quired under paragraph (1), the Secretary shall sub-
25 mit to the Committee on Energy and Natural Re-

1 sources of the Senate and the Committee on Natural
2 Resources of the House of Representatives, and
3 make available on a publicly accessible Internet
4 website in a manner that is downloadable, search-
5 able, and sortable, a list of—

6 (A) programs that are authorized and for
7 which funding was not obligated during the cur-
8 rent fiscal year or any of the preceding 5 fiscal
9 years;

10 (B) projects or separable elements that are
11 authorized for construction but have not been
12 completed; and

13 (C) for each project or separable element
14 listed pursuant to subparagraph (B)—

15 (i) the date of authorization of the
16 project or separable element, including any
17 subsequent modifications to the original
18 authorization;

19 (ii) the original budget authority for
20 the project or separable element;

21 (iii) a brief description of the project
22 or separable element;

23 (iv) the estimated date of completion
24 of the project or separable element;

1 (v) the estimated cost of completion of
2 the project or separable element; and

3 (vi) any amounts appropriated for the
4 project or separable element that remain
5 unobligated.

6 (c) INTERIM DEAUTHORIZATION LIST.—

7 (1) IN GENERAL.—The Secretary shall develop
8 an interim deauthorization list that identifies each
9 Reclamation program or project, or separable ele-
10 ment of a program or project, authorized 5 years
11 prior to enactment of this Act, for which Federal
12 and non-Federal funding was obligated to before the
13 date of the enactment of this Act, but for which no
14 Federal or non-Federal funds were obligated for the
15 program, project, or separable element of the pro-
16 gram or project during the current fiscal year or any
17 of the 5 preceding fiscal years.

18 (2) SPECIAL RULE FOR PROJECTS RECEIVING
19 FUNDS FOR POST-AUTHORIZATION STUDY.—A
20 project or separable element of a project may not be
21 identified on the interim deauthorization list, or the
22 final deauthorization list developed under subsection
23 (d), if the project or separable element received Fed-
24 eral funding for a post-authorization study during

1 the current fiscal year or any of the 5 preceding fis-
2 cal years.

3 (3) PUBLIC COMMENT AND CONSULTATION.—

4 The Secretary shall solicit comments from the public
5 and the Governors of each applicable State on the
6 interim deauthorization list developed under para-
7 graph (1). The public comment period shall be 90
8 days.

9 (4) SUBMISSION TO CONGRESS; PUBLICA-
10 TION.—Not later than 90 days after the date of the
11 submission of the list required by subsection (b), the
12 Secretary shall—

13 (A) submit the interim deauthorization list
14 to the Committee on Energy and Natural Re-
15 sources of the Senate and the Committee on
16 Natural Resources of the House of Representa-
17 tives; and

18 (B) publish the interim deauthorization list
19 in the Federal Register.

20 (d) FINAL DEAUTHORIZATION LIST.—

21 (1) IN GENERAL.—The Secretary shall develop
22 a final deauthorization list of each Reclamation pro-
23 gram or project, or separable element of a program
24 or project, described in subsection (c)(1) that is
25 identified pursuant to this subsection.

1 (2) DEAUTHORIZATION AMOUNT.—The Sec-
2 retary shall include on the final deauthorization list
3 projects and separable elements of projects that
4 have, in the aggregate, an estimated Federal cost to
5 complete that is at least \$368,821,000.

6 (3) IDENTIFICATION OF PROJECTS.—

7 (A) SEQUENCING OF PROJECTS.—

8 (i) IN GENERAL.—The Secretary shall
9 identify projects and separable elements of
10 projects for inclusion on the final de-
11 authorization list according to the order in
12 which the projects and separable elements
13 of the projects were authorized, beginning
14 with the earliest authorized projects and
15 separable elements of projects and ending
16 once the last project or separable element
17 of a project necessary to meet the aggre-
18 gate amount under paragraph (2) is identi-
19 fied.

20 (ii) FACTORS TO CONSIDER.—The
21 Secretary may identify programs, projects,
22 and separable elements of programs and
23 projects for exclusion from the final de-
24 authorization list if the Secretary deter-
25 mines, on a case-by-case basis, that a

1 project or separable element of a project is
2 critical for interests of the United States,
3 based on the possible impact of the project
4 or separable element of the project on pub-
5 lic health and safety, the national economy,
6 or the environment.

7 (iii) CONSIDERATION OF PUBLIC COM-
8 MENTS.—In making determinations under
9 clauses (i) and (ii), the Secretary shall con-
10 sider any comments received under sub-
11 section (c)(3).

12 (B) APPENDIX.—The Secretary shall in-
13 clude as part of the final deauthorization list an
14 appendix that—

15 (i) identifies each program, project,
16 and separable element of a program or
17 project on the interim deauthorization list
18 developed under subsection (c) that is not
19 included on the final deauthorization list;
20 and

21 (ii) describes the reasons why the pro-
22 gram, project, or separable element is not
23 included.

24 (4) SUBMISSION TO CONGRESS; PUBLICA-
25 TION.—Not later than 120 days after the date on

1 which the public comment period under subsection
2 (c)(3) expires, the Secretary shall—

3 (A) submit the final deauthorization list
4 and the appendix to the final deauthorization
5 list to the Committee on Energy and Natural
6 Resources of the Senate and the Committee on
7 Natural Resources of the House of Representa-
8 tives; and

9 (B) publish the final deauthorization list
10 and the appendix to the final deauthorization
11 list in the Federal Register.

12 (e) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 after the date that is 180 days after the date of sub-
15 mission of the final deauthorization report under
16 subsection (d), a program, project, or separable ele-
17 ment of a program or project identified in the report
18 is deauthorized, unless Congress passes a joint reso-
19 lution disapproving the final deauthorization report
20 prior to the end of that period.

21 (2) NON-FEDERAL CONTRIBUTIONS.—A pro-
22 gram, project, or separable element of a program or
23 project identified in the final deauthorization report
24 under subsection (d) shall not be deauthorized under
25 this subsection if, before the expiration of the 180-

1 day period referred to in paragraph (1), the non-
2 Federal interest of the program, project, or sepa-
3 rable element of the project provides sufficient funds
4 to complete the program, project, or separable ele-
5 ment of the project.

6 (f) TREATMENT OF PROJECT MODIFICATIONS.—For
7 purposes of this section, if an authorized water resources
8 development program, project, or separable element of the
9 program or project has been modified by an Act of Con-
10 gress, the date of authorization of the program, project,
11 or separable element shall be deemed to be the date of
12 the most recent modification.

13 (g) EXEMPTION.—This subsection shall not apply to
14 any project that would yield more than 200,000 acre-feet
15 of water per year on average.

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