

115TH CONGRESS  
1ST SESSION

# H. R. 875

To facilitate and streamline the Bureau of Reclamation process for creating or expanding water storage, rural water supply, and water recycling projects under Reclamation law, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2017

Mr. NEWHOUSE introduced the following bill; which was referred to the  
Committee on Natural Resources

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## A BILL

To facilitate and streamline the Bureau of Reclamation process for creating or expanding water storage, rural water supply, and water recycling projects under Reclamation law, 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.**

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

6 **SEC. 2. DEFINITIONS.**

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

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

24 (7) PROJECT STUDY.—The term “project  
25 study” means a feasibility study for a project carried

1 out pursuant to the Act of June 17, 1902 (32 Stat.  
2 388, chapter 1093), and Acts supplemental to and  
3 amendatory of that Act (43 U.S.C. 371 et seq.).

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

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

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

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

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

22 (2) have a maximum Federal cost of  
23 \$3,000,000; and

24 (3) ensure that personnel from the local project  
25 area, region, and headquarters levels of the Bureau

1 of Reclamation concurrently conduct the review re-  
2 quired under that section.

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

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

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

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

17 (c) EXCEPTION.—

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

24 (2) FACTORS.—In making a determination that  
25 a study is too complex to comply with the require-

1       ments of subsection (a), the Secretary shall con-  
2       sider—

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

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

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

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

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

16              (3) NOTIFICATION.—Each time the Secretary  
17       makes a determination under this subsection, the  
18       Secretary shall provide written notice to the Com-  
19       mittee on Natural Resources of the House of Rep-  
20       resentatives and the Committee on Energy and Nat-  
21       ural Resources of the Senate as to the results of  
22       that determination, including an identification of the  
23       specific one or more factors used in making the de-  
24       termination that the project is complex.

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

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

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

14                   (2) convene a meeting of all Federal, tribal, and  
15                  State agencies identified under section 5(d) that  
16                  may—

17                           (A) have jurisdiction over the project;

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

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

24                   (3) take all steps necessary to provide informa-  
25                  tion that will enable required reviews and analyses

1 related to the project to be conducted by other agen-  
2 cies in a thorough and timely manner.

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

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

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

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

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



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

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

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

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

13          The Secretary shall—

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

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

23 **SEC. 5. PROJECT ACCELERATION.**

24          (a) APPLICABILITY.—

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

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

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

13 (C) any project study for the development  
14 of a non-federally owned and operated surface  
15 water storage project for which the Secretary  
16 determines there is a demonstrable Federal in-  
17 terest and the project—

18 (i) is located in a river basin where  
19 other Bureau of Reclamation water  
20 projects are located;

21 (ii) will create additional water sup-  
22 plies that support Bureau of Reclamation  
23 water projects; or

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

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

10 (3) LIST OF PROJECT STUDIES.—

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

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

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

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

25 (b) PROJECT REVIEW PROCESS.—

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

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

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

20           (c) LEAD AGENCIES.—

21           (1) JOINT LEAD AGENCIES.—

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

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

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

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

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

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

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

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

4 (bb) any regulation imple-  
5 menting that Act; and

6 (cc) any other applicable  
7 Federal law; and

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

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

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

23 (B) any environmental document prepared  
24 by the project sponsor is appropriately supple-

1           mented to address any changes to the project  
2           the Secretary determines are necessary.

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

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

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

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

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

24                   (B) to prepare or ensure that any required  
25                   environmental impact statement or other envi-

1           ronmental review document for a project study  
2           required to be completed under the National  
3           Environmental Policy Act of 1969 (42 U.S.C.  
4           4321 et seq.) is completed in accordance with  
5           this section and applicable Federal law.

6           (d) PARTICIPATING AND COOPERATING AGENCIES.—

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

14                   (A) have jurisdiction over the project;  
15                   (B) be required by law to conduct or issue  
16                   a review, analysis, opinion, or statement for the  
17                   project study; or  
18                   (C) be required to make a determination  
19                   on issuing a permit, license, or other approval  
20                   or decision for the project study.

21          (2) STATE AUTHORITY.—If the environmental  
22          review process is being implemented by the Sec-  
23          retary for a project study within the boundaries of  
24          a State, the State, consistent with State law, may



1 choose to participate in the process and to make  
2 subject to the process all State agencies that—

3 (A) have jurisdiction over the project;

4 (B) are required to conduct or issue a re-  
5 view, analysis, opinion, or statement for the  
6 project study; or

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

10 (3) INVITATION.—

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

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

23 (4) PROCEDURES.—Section 1501.6 of title 40,  
24 Code of Federal Regulations (as in effect on the  
25 date of enactment of the Bureau of Reclamation

1 Project Streamlining Act), shall govern the identi-  
2 fication and the participation of a cooperating agen-  
3 cy.

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

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

14 (ii) has no expertise or information rel-  
15 evant to the project; or

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

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

20 (6) ADMINISTRATION.—A participating or co-  
21 operating agency shall comply with this section and  
22 any schedule established under this section.

23 (7) EFFECT OF DESIGNATION.—Designation as  
24 a participating or cooperating agency under this

1 subsection shall not imply that the participating or  
2 cooperating agency—

3 (A) supports a proposed project; or

4 (B) has any jurisdiction over, or special ex-  
5 pertise with respect to evaluation of, the  
6 project.

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

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

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

21 (e) NON-FEDERAL PROJECTS INTEGRATED INTO  
22 RECLAMATION SYSTEMS.—The Federal lead agency shall  
23 serve in that capacity for the entirety of all non-Federal  
24 projects that will be integrated into a larger system owned,

1 operated or administered in whole or in part by the Bu-  
2 reau of Reclamation.

3 (f) NON-FEDERAL PROJECT.—If the Secretary deter-  
4 mines that a project can be expedited by a non-Federal  
5 sponsor and that there is a demonstrable Federal interest  
6 in expediting that project, the Secretary shall take such  
7 actions as are necessary to advance such a project as a  
8 non-Federal project, including, but not limited to, entering  
9 into agreements with the non-Federal sponsor of such  
10 project to support the planning, design and permitting of  
11 such project as a non-Federal project.

12 (g) PROGRAMMATIC COMPLIANCE.—

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

17 (A) eliminates repetitive discussions of the  
18 same issues;

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

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

1 (D) complies with—

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

4 (ii) all other applicable laws.

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

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

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

19 (C) ensure that the programmatic re-  
20 views—

21 (i) promote transparency, including of  
22 the analyses and data used in the environ-  
23 mental review process, the treatment of  
24 any deferred issues raised by Federal,  
25 State, and local governmental agencies, In-

1           dian tribes, or the public, and the temporal  
2           and special scales to be used to analyze  
3           those issues;

4           (ii) use accurate and timely informa-  
5           tion in the environmental review process,  
6           including—

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

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

12           (iii) describe—

13                   (I) the relationship between pro-  
14                   grammatic analysis and future tiered  
15                   analysis; and

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

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

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

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

1 (h) COORDINATED REVIEWS.—

2 (1) COORDINATION PLAN.—

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

12 (B) SCHEDULE.—

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

1 (ii) FACTORS FOR CONSIDERATION.—

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

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

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

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

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

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

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

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

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



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

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

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

10 (II) made available to the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

20           (5) TRANSPARENCY REPORTING.—

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

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

9           (B) PROJECT STUDY TRANSPARENCY.—

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

17          (i) ISSUE IDENTIFICATION AND RESOLUTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18          (5) FINANCIAL PENALTY PROVISIONS.—

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

24           (B) FAILURE TO DECIDE.—

25           (i) IN GENERAL.—

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



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

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

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

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

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

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

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

4 (C) LIMITATIONS.—

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

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

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

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

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

15                 (i) the decision;

16                 (ii) the project study involved;

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

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

23                 (v) the total amount of all transfers of  
24                 the agency under subparagraph (B) in that  
25                 fiscal year.

1 (E) NO FAULT OF AGENCY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5                   (B) any other Federal environmental law;

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

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

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

16 (l) TIMING OF CLAIMS.—

17           (1) TIMING.—

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



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

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

10 (2) NEW INFORMATION.—

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

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

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

4           (m) CATEGORICAL EXCLUSIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (o) PERFORMANCE MEASUREMENT.—The Secretary

6 shall establish a program to measure and report on

7 progress made toward improving and expediting the plan-

8 ning and environmental review process.

9 (p) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—

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

11 reau of Reclamation surface water storage project that is

12 in operation or under construction when damaged by an

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

14 dent of a major disaster or emergency pursuant to the

15 Robert T. Stafford Disaster Relief and Emergency Assist-

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

17 treat such repair, reconstruction, or rehabilitation activity

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

19 quirements relating to environmental assessments or envi-

20 ronmental impact statements under section 1508.4 of title

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

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

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

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

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

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

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

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

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

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

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

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

9 (b) REQUESTS FOR PROPOSALS.—

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

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

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

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

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

11 (c) CONTENTS.—

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

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

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

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

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

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

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

5 (B) DESCRIPTION OF BENEFITS.—

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

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

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

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

23 (III) the national economy;

24 (IV) the environment; or



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

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

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

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

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

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

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

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

14 (i) the project report;

15 (ii) the proposed project study;

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

18 (iv) construction of—

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

21 (aa) the water report;

22 (bb) the proposed project  
23 study; or

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

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

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

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

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

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

18                   (ii) construction of—

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

21                   (aa) the project report; or

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

1 change in costs resulting from  
2 such modification; or

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

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

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

8 (I) the project report; or

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 7. APPLICABILITY OF WIIN ACT.**

2       Sections 4007 and 4009 of the WIIN Act (Public  
3 Law 114–322) shall not apply to any project (as defined  
4 in section 2 of this Act).

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