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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

# H. R.

To facilitate and streamline the Bureau of Reclamation process for creating or expanding surface water storage under Reclamation law.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. NEWHOUSE introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To facilitate and streamline the Bureau of Reclamation process for creating or expanding surface water storage under Reclamation law.

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 Surface Water Storage 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 to be carried out, funded or  
8 operated in whole or in party by the Secretary pur-  
9 suant to the Act of June 17, 1902 (32 Stat. 388,  
10 chapter 1093), and Acts supplemental to and  
11 amendatory of that Act (43 U.S.C. 371 et seq.).

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

21 (7) PROJECT STUDY.—The term “project  
22 study” means a feasibility study for a project carried  
23 out pursuant to the Act of June 17, 1902 (32 Stat.  
24 388, chapter 1093), and Acts supplemental to and  
25 amendatory of that Act (43 U.S.C. 371 et seq.).

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

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

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

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

16           (1) result in the completion of a final feasibility  
17           report not later than 3 years after the date of initi-  
18           ation;

19           (2) have a maximum Federal cost of  
20           \$3,000,000; and

21           (3) ensure that personnel from the local project  
22           area, region, and headquarters levels of the Bureau  
23           of Reclamation concurrently conduct the review re-  
24           quired under that section.

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

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

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

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

15 (c) EXCEPTION.—

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

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

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

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

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

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

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

14 (3) NOTIFICATION.—Each time the Secretary  
15 makes a determination under this subsection, the  
16 Secretary shall provide written notice to the Com-  
17 mittee on Natural Resources of the House of Rep-  
18 resentatives and the Committee on Energy and Nat-  
19 ural Resources of the Senate as to the results of  
20 that determination, including an identification of the  
21 specific 1 or more factors used in making the deter-  
22 mination that the project is complex.

23 (4) LIMITATION.—The Secretary shall not ex-  
24 tend the timeline for a project study for a period of  
25 more than 7 years, and any project study that is not

1 completed before that date shall no longer be au-  
2 thorized.

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

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

11 (2) convene a meeting of all Federal, tribal, and  
12 State agencies identified under section 5(d) 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; and

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

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

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

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

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

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

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

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

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

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

10 The Secretary shall—

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

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

20 **SEC. 5. PROJECT ACCELERATION.**

21 (a) APPLICABILITY.—

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

23                   (A) each project study that is initiated  
24 after the date of enactment of this Act and for  
25 which an environmental impact statement is

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

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

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

15 (i) is located in a river basin where  
16 other Bureau of Reclamation water  
17 projects are located;

18 (ii) will create additional water sup-  
19 plies that support Bureau of Reclamation  
20 water projects; or

21 (iii) will become integrated into the  
22 operation of Bureau of Reclamation water  
23 projects.

24 (2) FLEXIBILITY.—Any authority granted  
25 under this section may be exercised, and any re-

1        requirement established under this section may be sat-  
2        isfied, for the conduct of an environmental review  
3        process for a project study, a class of project stud-  
4        ies, or a program of project studies.

5            (3) LIST OF PROJECT STUDIES.—

6            (A) IN GENERAL.—The Secretary shall an-  
7            nually prepare, and make publicly available, a  
8            list of all project studies that the Secretary has  
9            determined—

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

12            (ii) does not have adequate funding to  
13            make substantial progress toward the com-  
14            pletion of the project study.

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

20            (b) PROJECT REVIEW PROCESS.—

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

24            (2) COORDINATED REVIEW.—The coordinated  
25            environmental review process described in paragraph

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

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

15 (c) LEAD AGENCIES.—

16 (1) JOINT LEAD AGENCIES.—

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

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

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

10 (ii) prepare any environmental review  
11 process document under the National En-  
12 vironmental Policy Act of 1969 (42 U.S.C.  
13 4321 et seq.) required in support of any  
14 action or approval by the Secretary if—

15 (I) the Secretary provides guid-  
16 ance in the preparation process and  
17 independently evaluates that docu-  
18 ment;

19 (II) the project sponsor complies  
20 with all requirements applicable to the  
21 Secretary under—

22 (aa) the National Environ-  
23 mental Policy Act of 1969 (42  
24 U.S.C. 4321 et seq.);

1 (bb) any regulation imple-  
2 menting that Act; and

3 (cc) any other applicable  
4 Federal law; and

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

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

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

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

24 (3) ADOPTION AND USE OF DOCUMENTS.—Any  
25 environmental document prepared in accordance

1 with this subsection shall be adopted and used by  
2 any Federal agency making any determination re-  
3 lated to the project study to the same extent that  
4 the Federal agency could adopt or use a document  
5 prepared by another Federal agency under—

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

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

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

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

20 (B) to prepare or ensure that any required  
21 environmental impact statement or other envi-  
22 ronmental review document for a project study  
23 required to be completed under the National  
24 Environmental Policy Act of 1969 (42 U.S.C.

1           4321 et seq.) is completed in accordance with  
2           this section and applicable Federal law.

3           (d) PARTICIPATING AND COOPERATING AGENCIES.—

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

11                   (A) have jurisdiction over the project;

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

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

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

24                   (A) have jurisdiction over the project;

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

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

7 (3) INVITATION.—

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

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

20 (4) PROCEDURES.—Section 1501.6 of title 40,  
21 Code of Federal Regulations (as in effect on the  
22 date of enactment of the Bureau of Reclamation  
23 Surface Water Storage Streamlining Act) shall gov-  
24 ern the identification and the participation of a co-  
25 operating agency.

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

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

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

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

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

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

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

24           (A) supports a proposed project; or

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

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

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

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

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

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

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

8 (g) PROGRAMMATIC COMPLIANCE.—

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

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

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

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

22 (D) complies with—

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

25 (ii) all other applicable laws.

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

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

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

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

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

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

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

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

9 (iii) describe—

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

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

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

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

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

23 (h) COORDINATED REVIEWS.—

24 (1) COORDINATION PLAN.—

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

10           (B) SCHEDULE.—

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

1 (ii) FACTORS FOR CONSIDERATION.—

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

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

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

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

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

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

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

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

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

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

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

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

10 (II) made available to the public.

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

15 (A) DRAFT ENVIRONMENTAL IMPACT  
16 STATEMENTS.—For comments by Federal and  
17 States 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       mittee on Natural Resources of the House of Rep-  
2       resentatives and the Committee on Energy and Nat-  
3       ural Resources of the Senate—

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

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

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

20              (5) TRANSPARENCY REPORTING.—

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

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

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

17       (i) ISSUE IDENTIFICATION AND 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) NO FAULT OF AGENCY.—

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

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

20                   (II) significant new information,  
21           including from public comments, or  
22           circumstances, including a major  
23           modification to an aspect of the  
24           project, requires additional analysis

1 for the agency to make a decision on  
2 the project application; or

3 (III) the agency lacks the finan-  
4 cial resources to complete the review  
5 under the scheduled timeframe, in-  
6 cluding a description of the number of  
7 full-time employees required to com-  
8 plete the review, the amount of fund-  
9 ing required to complete the review,  
10 and a justification as to why not  
11 enough funding is available to com-  
12 plete the review by the deadline.

13 (ii) LACK OF FINANCIAL RE-  
14 SOURCES.—If the agency provides notice  
15 under clause (i)(III), the Inspector General  
16 of the agency shall—

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

19 (II) not later than 90 days after  
20 the date on which the review described  
21 in subclause (I) is completed, submit  
22 to the Committee on Natural Re-  
23 sources of the House of Representa-  
24 tives and the Committee on Energy

1 and Natural Resources of the Senate  
2 a report on the notice.

3 (E) LIMITATION.—The Federal agency  
4 from which funds are transferred pursuant to  
5 this paragraph shall not reprogram funds to the  
6 office of the head of the agency, or equivalent  
7 office, to reimburse that office for the loss of  
8 the funds.

9 (F) EFFECT OF PARAGRAPH.—Nothing in  
10 this paragraph affects or limits the application  
11 of, or obligation to comply with, any Federal,  
12 State, local, or tribal law.

13 (j) MEMORANDUM OF AGREEMENTS FOR EARLY CO-  
14 ORDINATION.—

15 (1) SENSE OF CONGRESS.—It is the sense of  
16 Congress that—

17 (A) the Secretary and other Federal agen-  
18 cies with relevant jurisdiction in the environ-  
19 mental review process should cooperate with  
20 each other, State and local agencies, and Indian  
21 tribes on environmental review and Bureau of  
22 Reclamation project delivery activities at the  
23 earliest practicable time to avoid delays and du-  
24 plication of effort later in the process, prevent  
25 potential conflicts, and ensure that planning

1           and project development decisions reflect envi-  
2           ronmental values; and

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

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

19           (3) MEMORANDUM OF AGENCY AGREEMENT.—  
20          If requested at any time by a State or project spon-  
21          sor, the Federal lead agency, in consultation with  
22          other Federal agencies with relevant jurisdiction in  
23          the environmental review process, may establish  
24          memoranda of agreement with the project sponsor,  
25          Indian tribes, State and local governments, and

1 other appropriate entities to carry out the early co-  
2 ordination activities, including providing technical  
3 assistance in identifying potential impacts and miti-  
4 gation issues in an integrated fashion.

5 (k) LIMITATIONS.—Nothing in this section preempts  
6 or interferes with—

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

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

11 (B) any other Federal environmental law;

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

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

17 (4) any power, jurisdiction, responsibility, duty,  
18 or authority that a Federal, State, or local govern-  
19 mental agency, Indian tribe, or project sponsor has  
20 with respect to carrying out a project or any other  
21 provision of law applicable to projects.

22 (l) TIMING OF CLAIMS.—

23 (1) TIMING.—

24 (A) IN GENERAL.—Notwithstanding any  
25 other provision of law, a claim arising under

1 Federal law seeking judicial review of a permit,  
2 license, or other approval issued by a Federal  
3 agency for a project study shall be barred un-  
4 less the claim is filed not later than 3 years  
5 after publication of a notice in the Federal Reg-  
6 ister announcing that the permit, license, or  
7 other approval is final pursuant to the law  
8 under which the agency action is taken, unless  
9 a shorter time is specified in the Federal law  
10 that allows judicial review.

11 (B) APPLICABILITY.—Nothing in this sub-  
12 section creates a right to judicial review or  
13 places any limit on filing a claim that a person  
14 has violated the terms of a permit, license, or  
15 other approval.

16 (2) NEW INFORMATION.—

17 (A) IN GENERAL.—The Secretary shall  
18 consider new information received after the  
19 close of a comment period if the information  
20 satisfies the requirements for a supplemental  
21 environmental impact statement under title 40,  
22 Code of Federal Regulations (including suc-  
23 cessor regulations).

24 (B) SEPARATE ACTION.—The preparation  
25 of a supplemental environmental impact state-

1           ment or other environmental document, if re-  
2           quired under this section, shall be considered a  
3           separate final agency action and the deadline  
4           for filing a claim for judicial review of the ac-  
5           tion shall be 3 years after the date of publica-  
6           tion of a notice in the Federal Register an-  
7           nouncing the action relating to such supple-  
8           mental environmental impact statement or  
9           other environmental document.

10       (m) CATEGORICAL EXCLUSIONS.—

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

14           (A) survey the use by the Bureau of Rec-  
15       lamation of categorical exclusions in projects  
16       since 2005;

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

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

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

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

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

16 (n) REVIEW OF PROJECT ACCELERATION RE-  
17 FORMS.—

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

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

22 (B) not later than 5 years and not later  
23 than 10 years after the date of enactment of  
24 this Act, submit to the Committee on Natural  
25 Resources of the House of Representatives and

1           the Committee on Energy and Natural Re-  
2           sources of the Senate a report that describes  
3           the results of the assessment.

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

7                   (A) project delivery;

8                   (B) compliance with environmental laws;

9                   and

10                  (C) the environmental impact of projects.

11          (o) PERFORMANCE MEASUREMENT.—The Secretary  
12 shall establish a program to measure and report on  
13 progress made toward improving and expediting the plan-  
14 ning and environmental review process.

15          (p) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—  
16 For the repair, reconstruction, or rehabilitation of a Bu-  
17 reau of Reclamation surface water storage project that is  
18 in operation or under construction when damaged by an  
19 event or incident that results in a declaration by the Presi-  
20 dent of a major disaster or emergency pursuant to the  
21 Robert T. Stafford Disaster Relief and Emergency Assist-  
22 ance Act (42 U.S.C. 5121 et seq.), the Secretary shall  
23 treat such repair, reconstruction, or rehabilitation activity  
24 as a class of action categorically excluded from the re-  
25 quirements relating to environmental assessments or envi-

1 ronmental impact statements under section 1508.4 of title  
2 40, Code of Federal Regulations (or successor regula-  
3 tions), if the repair or reconstruction activity is—

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

8 (2) commenced within a 2-year period begin-  
9 ning on the date of a declaration described in this  
10 subsection.

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

12 (a) IN GENERAL.—Not later than February 1 of each  
13 year, the Secretary shall develop and submit to the Com-  
14 mittee on Natural Resources of the House of Representa-  
15 tives and the Committee on Energy and Natural Re-  
16 sources of the Senate an annual report, to be entitled “Re-  
17 port to Congress on Future Surface Water Storage Devel-  
18 opment”, that identifies the following:

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

22 (2) PROPOSED PROJECT STUDIES.—Any pro-  
23 posed project study submitted to the Secretary by a  
24 non-Federal interest pursuant to subsection (b) that

1 meets the criteria established in subsection  
2 (c)(1)(A).

3 (3) PROPOSED MODIFICATIONS.—Any proposed  
4 modification to an authorized surface water storage  
5 project or project study that meets the criteria es-  
6 tablished in subsection (c)(1)(A) that—

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

9 (B) is identified by the Secretary for au-  
10 thorization.

11 (4) EXPEDITED COMPLETION OF REPORT AND  
12 DETERMINATIONS.—Any project study that was ex-  
13 pedited and any Secretarial determinations under  
14 section 4 of this Act.

15 (b) REQUESTS FOR PROPOSALS.—

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

23 (2) DEADLINE FOR REQUESTS.—The Secretary  
24 shall include in each notice required by this sub-  
25 section a requirement that non-Federal interests

1 submit to the Secretary any proposals described in  
2 paragraph (1) by not later than 120 days after the  
3 date of publication of the notice in the Federal Reg-  
4 ister in order for the proposals to be considered for  
5 inclusion in the annual report.

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

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

11 (B) provide written notification of the pub-  
12 lication to the Committee on Natural Resources  
13 of the House of Representatives and the Com-  
14 mittee on Energy and Natural Resources of the  
15 Senate.

16 (c) CONTENTS.—

17 (1) PROJECT REPORTS, PROPOSED PROJECT  
18 STUDIES, AND PROPOSED MODIFICATIONS.—

19 (A) CRITERIA FOR INCLUSION IN RE-  
20 PORT.—The Secretary shall include in the an-  
21 nual report only those project reports, proposed  
22 project studies, and proposed modifications to  
23 authorized surface water storage projects and  
24 project studies that—

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

3 (ii) require specific congressional au-  
4 thorization, including by an Act of Con-  
5 gress;

6 (iii) have not been congressionally au-  
7 thorized;

8 (iv) have not been included in any  
9 previous annual report; and

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

12 (B) DESCRIPTION OF BENEFITS.—

13 (i) DESCRIPTION.—The Secretary  
14 shall describe in the annual report, to the  
15 extent applicable and practicable, for each  
16 proposed project study and proposed modi-  
17 fication to an authorized water resources  
18 development project or project study in-  
19 cluded in the annual report, the benefits,  
20 as described in clause (ii), of each such  
21 study or proposed modification.

22 (ii) BENEFITS.—The benefits (or ex-  
23 pected benefits, in the case of a proposed  
24 project study) described in this clause are  
25 benefits to—

- 1 (I) the protection of human life
- 2 and property;
- 3 (II) improvement to domestic ir-
- 4 rrigated water and power supplies;
- 5 (III) the national economy;
- 6 (IV) the environment; or
- 7 (V) the national security inter-
- 8 ests of the United States.

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

12 (i) for each proposed project study in-  
13 cluded in the annual report, the non-Fed-  
14 eral interest that submitted the proposed  
15 project study pursuant to subsection (b);  
16 and

17 (ii) for each proposed project study  
18 and proposed modification to a surface  
19 water storage project or project study in-  
20 cluded in the annual report, whether the  
21 non-Federal interest has demonstrated—

22 (I) that local support exists for  
23 the proposed project study or pro-  
24 posed modification to an authorized  
25 surface water storage project or

1 project study (including the surface  
2 water storage development project  
3 that is the subject of the proposed  
4 feasibility study or the proposed modi-  
5 fication to an authorized project  
6 study); and

7 (II) the financial ability to pro-  
8 vide the required non-Federal cost  
9 share.

10 (2) TRANSPARENCY.—The Secretary shall in-  
11 clude in the annual report, for each project report,  
12 proposed project study, and proposed modification to  
13 a surface water storage project or project study in-  
14 cluded under paragraph (1)(A)—

15 (A) the name of the associated non-Fed-  
16 eral interest, including the name of any non-  
17 Federal interest that has contributed, or is ex-  
18 pected to contribute, a non-Federal share of the  
19 cost of—

20 (i) the project report;

21 (ii) the proposed project study;

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

24 (iv) construction of—

1 (I) the surface water storage  
2 project that is the subject of—

3 (aa) the water report;

4 (bb) the proposed project  
5 study; or

6 (cc) the authorized project  
7 study for which a modification is  
8 proposed; or

9 (II) the proposed modification to  
10 a surface water storage development  
11 project;

12 (B) a letter or statement of support for the  
13 water report, proposed project study, or pro-  
14 posed modification to an authorized surface  
15 water storage development project or project  
16 study from each associated non-Federal inter-  
17 est;

18 (C) the purpose of the feasibility report,  
19 proposed feasibility study, or proposed modi-  
20 fication to an authorized surface water storage  
21 project or project study;

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

- 1 (i) the proposed modification to an
- 2 authorized project study; and
- 3 (ii) construction of—
- 4 (I) the surface water storage de-
- 5 velopment project that is the subject
- 6 of—
- 7 (aa) the project report; or
- 8 (bb) the authorized project
- 9 study for which a modification is
- 10 proposed, with respect to the
- 11 change in costs resulting from
- 12 such modification; or
- 13 (II) the proposed modification to
- 14 an authorized surface water storage
- 15 development project; and
- 16 (E) an estimate, to the extent practicable,
- 17 of the monetary and nonmonetary benefits of—
- 18 (i) the surface water storage develop-
- 19 ment project that is the subject of—
- 20 (I) the project report; or
- 21 (II) the authorized project study
- 22 for which a modification is proposed,
- 23 with respect to the benefits of such
- 24 modification; or

1 (ii) the proposed modification to an  
2 authorized surface water storage develop-  
3 ment project.

4 (3) CERTIFICATION.—The Secretary shall in-  
5 clude in the annual report a certification stating  
6 that each feasibility report, proposed feasibility  
7 study, and proposed modification to a surface water  
8 storage project or project study included in the an-  
9 nual report meets the criteria established in para-  
10 graph (1)(A).

11 (4) APPENDIX.—The Secretary shall include in  
12 the annual report an appendix listing the proposals  
13 submitted under subsection (b) that were not in-  
14 cluded in the annual report under paragraph (1)(A)  
15 and a description of why the Secretary determined  
16 that those proposals did not meet the criteria for in-  
17 clusion under such paragraph.

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

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

24 (2) include in such notice a requirement that  
25 non-Federal interests submit to the Secretary any

1 proposals described in subsection (b)(1) by not later  
2 than 120 days after the date of publication of such  
3 notice in the Federal Register in order for such pro-  
4 posals to be considered for inclusion in the first an-  
5 nual report developed by the Secretary under this  
6 section.

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

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