

116TH CONGRESS
1ST SESSION

H. R. 5217

To provide for western water security, reliability, modernization, and abundance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2019

Mr. McCLINTOCK (for himself, Mr. McCARTHY, Mr. BISHOP of Utah, Mr. CALVERT, Mr. NUNES, Mr. NEWHOUSE, Mr. FULCHER, Mr. COOK, Mr. LAMALFA, Mr. HUNTER, Mr. GOSAR, and Mr. TIPTON) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, Agriculture, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for western water security, reliability, modernization, and abundance, 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 “Water Optimization
5 for the West Act” or the “WOW Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—WATER INFRASTRUCTURE

- Sec. 1001. WIIN Act amendments.

TITLE II—SACRAMENTO-SAN JOAQUIN VALLEY WATER
RELIABILITY ACT

Subtitle A—Central Valley Project Water Reliability

- Sec. 2001. Amendment to purposes.
- Sec. 2002. Amendment to definition.
- Sec. 2003. Contracts.
- Sec. 2004. Water transfers, improved water management, and conservation.
- Sec. 2005. Fish, wildlife, and habitat restoration.
- Sec. 2006. Restoration fund.
- Sec. 2007. Additional authorities.
- Sec. 2008. Amendments to Central Valley Project authorizations.
- Sec. 2009. Regulatory streamlining.

Subtitle B—San Joaquin River Restoration

- Sec. 2101. Repeal of the San Joaquin River Settlement.
- Sec. 2102. Purpose.
- Sec. 2103. Definitions.
- Sec. 2104. Implementation of restoration.
- Sec. 2105. Disposal of property; title to facilities.
- Sec. 2106. Compliance with applicable law.
- Sec. 2107. Compliance with Central Valley Project Improvement Act.
- Sec. 2108. No private right of action.
- Sec. 2109. Implementation.
- Sec. 2110. Repayment contracts and acceleration of repayment of construction costs.
- Sec. 2111. Repeal.
- Sec. 2112. Water supply mitigation.
- Sec. 2113. Additional authorities.
- Sec. 2114. Protections.

TITLE III—REPURPOSING ASSETS TO INCREASE LONG-TERM
WATER AVAILABILITY AND YIELD ACT

- Sec. 3001. Treatment of certain funds dedicated for high-speed rail development in the State of California.
- Sec. 3002. Nitrate contamination reduction grants.
- Sec. 3003. New well construction grants.

TITLE IV—HETCH HETCHY DAM

- Sec. 4001. Hetch Hetchy rental fee update.

TITLE V—BUREAU OF RECLAMATION AND BUREAU OF INDIAN
AFFAIRS WATER PROJECT STREAMLINING ACT

- Sec. 5001. Definitions.
- Sec. 5002. Acceleration of studies.
- Sec. 5003. Expedited completion of reports.

- Sec. 5004. Project acceleration.
- Sec. 5005. Annual report to Congress.
- Sec. 5006. Applicability of the WIIN Act.

TITLE VI—WATER SUPPLY PERMITTING COORDINATION ACT

- Sec. 6001. Definitions.
- Sec. 6002. Establishment of lead agency and cooperating agencies.
- Sec. 6003. Bureau responsibilities.
- Sec. 6004. Cooperating agency responsibilities.
- Sec. 6005. Funding to process permits.

TITLE VII—FEDERALLY INTEGRATED SPECIES HEALTH ACT

- Sec. 7001. Transfer of functions with respect to anadromous species and catadromous species.
- Sec. 7002. Miscellaneous provisions.
- Sec. 7003. Definitions.

TITLE VIII—AQUIFER RECHARGE FLEXIBILITY PILOT PROGRAM

- Sec. 8001. Definitions.
- Sec. 8002. Use of Bureau facilities.
- Sec. 8003. Aquifer recharge on eligible land.
- Sec. 8004. Sense of Congress.
- Sec. 8005. Conveyance for aquifer recharge purposes.
- Sec. 8006. Report.
- Sec. 8007. Effect.
- Sec. 8008. Exemption.

TITLE IX—BIG SAND WASH PROJECT TITLE TRANSFER ACT

- Sec. 9001. Definitions.
- Sec. 9002. Conveyance of facilities and land.
- Sec. 9003. Relationship to Uinta Basin Replacement Project.
- Sec. 9004. Report.

TITLE X—KENNEWICK IRRIGATION DISTRICT TITLE TRANSFER ACT

- Sec. 10001. Definitions.
- Sec. 10002. Agreement, conveyance, report.
- Sec. 10003. Liability.
- Sec. 10004. Benefits.
- Sec. 10005. Compliance with other laws.
- Sec. 10006. Payment.
- Sec. 10007. Miscellaneous.
- Sec. 10008. Limitations.

TITLE XI—WATER RIGHTS PROTECTION ACT

- Sec. 11001. Definitions.
- Sec. 11002. Treatment of water rights.
- Sec. 11003. Policy development.
- Sec. 11004. Effect.

TITLE XII—COULEE DAM REDESIGNATION

Sec. 12001. Redesignation of facility.
 Sec. 12002. References.

TITLE XIII—NUTRIA ERADICATION AND CONTROL ACT
 REAUTHORIZATION

Sec. 13001. Nutria eradication.
 Sec. 13002. Deauthorizations.

1 **TITLE I—WATER**
 2 **INFRASTRUCTURE**

3 **SEC. 1001. WIIN ACT AMENDMENTS.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—The
 5 WIIN Act (Public Law 114–322) is amended—

6 (1) in section 4007 (43 U.S.C. 390(b) note)—

7 (A) in subsection (h)(1)—

8 (i) by striking “\$335,000,000 of fund-
 9 ing in section 4011(e) is authorized” and
 10 inserting “\$134,000,000 is authorized”;
 11 and

12 (ii) by striking “to remain available
 13 until expended” and inserting “to be ap-
 14 propriated for each of fiscal years 2021
 15 through 2025 to carry out this section”;
 16 and

17 (B) in subsection (h)(2)—

18 (i) by striking “Congress.” and insert-
 19 ing “Congress; and”; and

20 (ii) by adding at the end the fol-
 21 lowing:

1 “(A) After approval by Congress of an ini-
2 tial award for a federally owned storage project
3 or a State-led storage project, the Secretary
4 may award additional funding for the federally
5 owned storage project or State-led storage
6 project without further congressional approval;
7 and

8 “(B) previously authorized projects remain
9 eligible to receive funding under this provi-
10 sion.”; and

11 (C) in subsection (i), by striking “January
12 1, 2021” and inserting “January 1, 2028”; and
13 (2) in section 4013 (43 U.S.C. 390(b) note)—

14 (A) by striking “the date that is 5 years
15 after the date of its enactment” and inserting
16 “December 16, 2028”; and

17 (B) by striking “10 years after the date of
18 its enactment” and inserting “on December 16,
19 2033”.

20 (b) STATE WATER PROJECT PROTECTIONS.—Sub-
21 section (b)(2) of section 4005 of the WIIN Act (Public
22 Law 114–322) is amended by striking “smelt biological
23 opinion and the salmonid biological opinion;” and insert-
24 ing “then current smelt biological opinion and the then
25 current salmonid biological opinion;”.

1 (c) WATER DESALINATION ACT AMENDMENT.—Sec-
2 tion 4(a)(1)(F) of the Water Desalination Act of 1996 (42
3 U.S.C. 10301 note; Public Law 104–298), as amended by
4 section 4009 of the WIIN Act, is further amended by
5 striking “\$30,000,000 of funding is authorized to remain
6 available until expended; and” and inserting “\$12,000,000
7 is authorized to be appropriated for each of fiscal years
8 2021 through 2025.”.

9 (d) RECLAMATION WASTEWATER AND GROUND
10 WATER STUDY AND FACILITIES ACT AMENDMENT.—Sec-
11 tion 1602(g) of the Reclamation Wastewater and Ground-
12 water Study and Facilities Act (title XVI of Public Law
13 102–575; 43 U.S.C. 390h(g)), as amended by section
14 4009 of the WIIN Act, is further amended by striking
15 “\$50,000,000 to remain available until expended” and in-
16 serting “\$20,000,000 for each of fiscal years 2021
17 through 2025”.

18 (e) CALFED AUTHORIZATION.—Title I of Public
19 Law 108–361 (the CALFED Bay-Delta Authorization
20 Act) (118 Stat. 1681; 123 Stat. 2860; 128 Stat. 164; 128
21 Stat. 2312) (as amended by section 4007(k) of the WIIN
22 Act (130 Stat. 1866)) is amended by striking “2019” each
23 place it appears and inserting “2025”.

1 (f) BLUEPRINT PARTICIPATION.—Section 4009 of
2 the WIIN Act (Public Law 114–322) is amended by add-
3 ing after subsection (a) the following:

4 “(b) AUTHORIZATION TO PARTICIPATE.—The Sec-
5 retary of the Interior is authorized to participate in the
6 development of the Water Blueprint for the San Joaquin
7 Valley, including the development of policy and infrastruc-
8 ture recommendations that—

9 “(1) increase surface water availability and reli-
10 ability; and

11 “(2) reduce groundwater overdraft.”.

12 (g) STORAGE PROJECT FEASIBILITY.—Section
13 4007(a) of the WIIN Act (43 U.S.C. 390b(a)) is amended
14 by adding at the end the following:

15 “(3) FEASIBLE.—The term ‘feasible’ in regards
16 to any Federally owned storage project or State-led
17 storage project, means any such project for which
18 the Secretary of the Interior determines that—

19 “(A) engineering and cost estimates have
20 been completed consistent with the level of de-
21 tail required for typical feasibility studies used
22 to assist in the selection of a preferred plan or
23 alternative in order to ensure the project is con-
24 structible and estimated costs support feasi-
25 bility;

1 “(B) there is reasonable certainty that en-
2 vironmental compliance and permitting, con-
3 sistent with applicable Federal and State laws,
4 shall be completed and any potential changes to
5 the project that may be required by those laws
6 have been identified; and

7 “(C) the maximum amount of Federal
8 funds provided is no less than the projected
9 Federal benefits, including, but not limited to,
10 water supply, irrigation, flood control, hydro-
11 electric power, navigation, recreation, fish and
12 wildlife enhancement, water quality, or road im-
13 provement, maintenance, or relocation provided
14 by the project.”.

15 (h) STORAGE PROJECT FLEXIBILITY.—Section
16 4007(b)(1) of the WIIN Act (Public Law 114–322) is
17 amended by striking “or any public agency” and inserting
18 “any public agency, or any other entity”.

1 **TITLE II—SACRAMENTO-SAN**
2 **JOAQUIN VALLEY WATER RE-**
3 **LIABILITY ACT**

4 **Subtitle A—Central Valley Project**
5 **Water Reliability**

6 **SEC. 2001. AMENDMENT TO PURPOSES.**

7 Section 3402 of the Central Valley Project Improve-
8 ment Act (106 Stat. 4706) is amended—

9 (1) in subsection (f), by striking the period at
10 the end; and

11 (2) by adding at the end the following:

12 “(g) to ensure that water dedicated to fish and wild-
13 life purposes by this title is replaced and provided to Cen-
14 tral Valley Project water contractors by December 31,
15 2023, at the lowest cost reasonably achievable; and

16 “(h) to facilitate and expedite water transfers in ac-
17 cordance with this Act.”.

18 **SEC. 2002. AMENDMENT TO DEFINITION.**

19 Section 3403 of the Central Valley Project Improve-
20 ment Act (106 Stat. 4707) is amended—

21 (1) by amending subsection (a) to read as fol-
22 lows:

23 “(a) the term ‘anadromous fish’ means those native
24 stocks of salmon (including steelhead) and sturgeon that,
25 as of October 30, 1992, were present in the Sacramento

1 and San Joaquin Rivers and their tributaries and ascend
2 those rivers and their tributaries to reproduce after matur-
3 ing in San Francisco Bay or the Pacific Ocean;”;

4 (2) in subsection (h), by striking “(h) The term
5 ‘natural production’ means fish produced to adult-
6 hood without direct human intervention in the
7 spawning, rearing, or migration processes;” and by
8 redesignating subsections (i) through (m) as sub-
9 sections (h) through (l), respectively;

10 (3) in subsection (k), by striking “and,” after
11 “this title”;

12 (4) in subsection (l), by striking the period and
13 inserting “; and”; and

14 (5) by adding at the end the following:

15 “(m) the term ‘reasonable flows’ means water flows
16 capable of being maintained taking into account com-
17 peting consumptive uses of water and economic, environ-
18 mental, and social factors.”.

19 **SEC. 2003. CONTRACTS.**

20 Section 3404 of the Central Valley Project Improve-
21 ment Act (106 Stat. 4708) is amended—

22 (1) in the heading, by striking “**LIMITATION**
23 **ON CONTRACTING AND CONTRACT REFORM**”
24 and inserting “**CONTRACTS**”; and

1 (2) by striking the language of the section and
2 by adding:

3 “(a) RENEWAL OF EXISTING LONG-TERM CON-
4 TRACTS.—Upon request of the contractor, the Secretary
5 shall renew any existing long-term repayment or water
6 service contract that provides for the delivery of water
7 from the Central Valley Project for a period of 40 years.
8 In renewing the contract, the Secretary shall not have dis-
9 cretion to reduce the quantity of water to be delivered
10 under the contract.

11 “(b) ADMINISTRATION OF CONTRACTS.—Except as
12 expressly provided by this Act, any existing long-term re-
13 payment or water service contract for the delivery of water
14 from the Central Valley Project shall be administered pur-
15 suant to the Reclamation laws applicable to the contract,
16 including the Act of July 2, 1956 (70 Stat. 483), when
17 applicable.

18 “(c) PRICING BASED ON WATER DELIVERIES.—Be-
19 ginning on the date of the enactment of this Act, the Sec-
20 retary shall charge contractors only for water actually de-
21 livered. The Secretary shall incorporate this term in all
22 contracts for the delivery of water from the Central Valley
23 Project.”.

1 **SEC. 2004. WATER TRANSFERS, IMPROVED WATER MANAGE-**
2 **MENT, AND CONSERVATION.**

3 Section 3405 of the Central Valley Project Improve-
4 ment Act (106 Stat. 4709) is amended as follows:

5 (1) In subsection (a)—

6 (A) by inserting before “Except as pro-
7 vided herein” the following: “The Secretary
8 shall take all necessary actions to facilitate and
9 expedite transfers of Central Valley Project
10 water in accordance with this Act or any other
11 provision of Federal Reclamation laws and the
12 National Environmental Policy Act of 1969.”;

13 (B) in paragraph (1)(A), by striking “to
14 combination” and inserting “or combination”;

15 (C) in paragraph (2), by adding at the end
16 the following:

17 “(E) The contracting district from which
18 the water is coming, the agency, or the Sec-
19 retary shall determine if a written transfer pro-
20 posal is complete within 45 days after the date
21 of submission of such proposal. If such district
22 or agency or the Secretary determines that such
23 proposal is incomplete, such district or agency
24 or the Secretary shall state with specificity
25 what must be added to or revised in order for
26 such proposal to be complete.

1 “(F) Except as provided in this section,
2 the Secretary shall not impose mitigation or
3 other requirements on a proposed transfer, but
4 the contracting district from which the water is
5 coming or the agency shall retain all authority
6 under State law to approve or condition a pro-
7 posed transfer.”; and

8 (D) by adding at the end the following:

9 “(4) Notwithstanding any other provision of
10 Federal Reclamation laws—

11 “(A) the authority to make transfers or ex-
12 changes of, or banking or recharge arrange-
13 ments using, Central Valley Project water that
14 could have been conducted before October 30,
15 1992, is valid, and such transfers, exchanges,
16 or arrangements shall not be subject to, limited,
17 or conditioned by this title; and

18 “(B) this title shall not supersede or re-
19 voke the authority to transfer, exchange, bank,
20 or recharge Central Valley Project water that
21 existed prior to October 30, 1992.”.

22 (2) In subsection (b)—

23 (A) in the heading, by striking “METER-
24 ING” and inserting “MEASUREMENT”; and

1 (B) by inserting after the first sentence
2 the following: “The contracting district or agen-
3 cy shall ensure that all surface water delivery
4 systems owned or operated by that contracting
5 district or agency within its boundaries measure
6 surface water at the district or agency’s facili-
7 ties up to the point the surface water is com-
8 mingled with other water supplies.”.

9 (3) By striking subsection (d).

10 (4) By redesignating subsections (e) and (f) as
11 subsections (d) and (e), respectively.

12 (5) By amending subsection (e) (as redesign-
13 nated by paragraph (4))—

14 (A) by striking “as a result of the in-
15 creased repayment” and inserting “that exceed
16 the cost-of-service”;

17 (B) by inserting “the delivery of” after
18 “rates applicable to”;

19 (C) by striking “, and all increased reve-
20 nues received by the Secretary as a result of the
21 increased water prices established under sub-
22 section 3405(d) of this section,”; and

23 (D) by striking “covered” and inserting
24 “deposited”.

1 **SEC. 2005. FISH, WILDLIFE, AND HABITAT RESTORATION.**

2 Section 3406 of the Central Valley Project Improve-
3 ment Act (106 Stat. 4714) is amended as follows:

4 (1) In subsection (a) by striking paragraphs (1)
5 and (2), and redesignating paragraphs (3) and (4)
6 as (1) and (2);

7 (2) In subsection (b)—

8 (A) by striking “establishing” and insert-
9 ing “that establish”; and

10 (B) by inserting “, that the Secretary has
11 determined are not inconsistent with the con-
12 gressionally authorized purposes of the
13 project,” after “California State Water Re-
14 sources Control Board”;

15 (C) in paragraph (1)—

16 (i) by striking “natural production
17 of”;

18 (ii) by striking “levels not less than
19 twice”; and

20 (iii) by striking “title; And provided
21 further,” and all that follows through the
22 period and inserting “title.”;

23 (D) in paragraph (1)(B)—

24 (i) by striking “is authorized and di-
25 rected to” and inserting “may”;

1 (ii) by inserting “reasonable water”
2 after “to provide”;

3 (iii) by striking “anadromous fish, ex-
4 cept that such” and inserting “anad-
5 romous fish. Such”;

6 (iv) by striking “remaining contrac-
7 tual obligations” and inserting “contrac-
8 tual obligations”;

9 (v) by striking “Instream flow” and
10 inserting “Reasonable instream flow”;

11 (vi) by inserting “and the National
12 Marine Fisheries Service” after “United
13 States Fish and Wildlife Service”; and

14 (vii) by striking “after consultation
15 with the California Department of Fish
16 and Game”;

17 (E) in paragraph (2)—

18 (i) by striking “primary purpose” and
19 inserting “purposes”;

20 (ii) by striking “but not limited to”
21 before “additional obligations”; and

22 (iii) by adding after the period the fol-
23 lowing: “All Central Valley Project water
24 used for the purposes specified in this
25 paragraph shall be credited to the quantity

1 of Central Valley Project yield dedicated
2 and managed under this paragraph by de-
3 termining how the dedication and manage-
4 ment of such water would affect the deliv-
5 ery capability of the Central Valley Project
6 during the 1928 to 1934 drought period
7 after fishery, water quality, and other flow
8 and operational requirements imposed by
9 terms and conditions existing in licenses,
10 permits, and other agreements pertaining
11 to the Central Valley Project under appli-
12 cable State or Federal law existing on Oc-
13 tober 30, 1992, have been met. To the full-
14 est extent possible and in accordance with
15 section 3411, Central Valley Project water
16 dedicated and managed pursuant to this
17 paragraph shall be reused to fulfill the
18 Secretary's contractual obligations to pro-
19 vide Central Valley Project water for agri-
20 cultural or municipal and industrial pur-
21 poses.”;

22 (F) by amending paragraph (2)(B) to
23 read:

24 “(B) Such quantity of water shall be man-
25 aged by the Bureau of Reclamation after con-

1 sultation with the United States Fish and Wild-
2 life Service and the National Marine Fisheries
3 Service.”;

4 (G) by amending paragraph 2(C) to read:

5 “(C) If by March 15th of any year the
6 quantity of Central Valley Project water fore-
7 casted to be made available to water service or
8 repayment contractors in the Delta Division of
9 the Central Valley Project is below 75 percent
10 of the total quantity of water to be made avail-
11 able under said contracts, the quantity of Cen-
12 tral Valley Project yield dedicated and managed
13 for that year under this paragraph shall be re-
14 duced by 25 percent.”.

15 (3) In subsection (c) in paragraph (1) by strik-
16 ing “naturally reproducing”.

17 (4) In subsection (d)—

18 (A) in paragraph (1), by striking “para-
19 graph (1) of this subsection” and inserting
20 “paragraph (2) of this subsection”.

21 (B) by amending paragraph (4) to read as
22 follows:

23 “(4) If by March 15th of any year the quantity
24 of Central Valley Project water forecasted to be
25 made available to water service or repayment con-

1 tractors in the Delta Division of the Central Valley
2 Project is below 75 percent of the total quantity of
3 water to be made available under said contracts, the
4 quantity of water dedicated under paragraph (1) of
5 this subsection shall be reduced by 25 percent.”.

6 (5) In subsection (e)—

7 (A) in paragraph (2), by striking “*Pro-*
8 *vided*, That additional hatchery production shall
9 only be used to supplement or to re-establish
10 natural production while avoiding adverse ef-
11 fects on remaining wild stocks;” and

12 (B) in paragraph (6), by striking “restore,
13 and enhance natural production of salmon and
14 steelhead trout” and inserting “and restore
15 anadromous fish”.

16 (6) By adding at the end the following:

17 “(i) NATURAL AND ARTIFICIAL PRODUCTION OF
18 SPECIES.—Regardless of the date of listing, the Secre-
19 taries of the Interior and Commerce shall not distinguish
20 between natural production and artificial propagation or
21 artificial production strains of a species in making any de-
22 termination under the Endangered Species Act of 1973
23 (16 U.S.C. 1531 et seq.) that relates to any anadromous
24 fish species present in the Sacramento and San Joaquin
25 Rivers or their tributaries and ascend those rivers and

1 their tributaries to reproduce after maturing in San Fran-
2 cisco Bay or the Pacific Ocean.

3 “(j) SATISFACTION OF PURPOSES.—By pursuing the
4 activities described in this section, the Secretary shall be
5 deemed to have met the fish and wildlife mitigation, pro-
6 tection, restoration, and enhancement purposes of this
7 title.”.

8 **SEC. 2006. RESTORATION FUND.**

9 (a) IN GENERAL.—Section 3407(a) of the Central
10 Valley Project Improvement Act (106 Stat. 4726) is
11 amended as follows:

12 (1) By inserting “(1) IN GENERAL.—There is
13 hereby”.

14 (2) By striking “Not less than 67 percent” and
15 all that follows through “Monies” and inserting
16 “Monies”.

17 (3) By adding at the end the following:

18 “(2) PROHIBITIONS.—The Secretary may not
19 directly or indirectly require a donation or other
20 payment to the Restoration Fund—

21 “(A) or environmental restoration or miti-
22 gation fees not otherwise provided by law, as a
23 condition to—

24 “(i) providing for the storage or con-
25 veyance of non-Central Valley Project

1 water pursuant to Federal reclamation
2 laws; or

3 “(ii) the delivery of water pursuant to
4 section 215 of the Reclamation Reform Act
5 of 1982 (Public Law 97–293; 96 Stat.
6 1270); or

7 “(B) for any water that is delivered with
8 the intent of groundwater recharge or bank-
9 ing.”.

10 (b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the
11 Central Valley Project Improvement Act is amended—

12 (1) by striking “provided for or”; and

13 (2) by striking “of fish, wildlife” and all that
14 follows through the period and inserting “of carrying
15 out all activities described in this title.”.

16 (c) ADJUSTMENT AND ASSESSMENT OF MITIGATION
17 AND RESTORATION PAYMENTS.—Section 3407(d)(2)(A)
18 of the Central Valley Project Improvement Act is amended
19 by inserting “, or after October 1, 2013, \$4 per megawatt-
20 hour for Central Valley Project power sold to power con-
21 tractors (October 2013 price levels)” after “\$12 per acre-
22 foot (October 1992 price levels) for municipal and indus-
23 trial water sold and delivered by the Central Valley
24 Project”.

1 (d) COMPLETION OF ACTIONS.—Section
2 3407(d)(2)(A) of the Central Valley Project Improvement
3 Act is amended by inserting “not later than December 31,
4 2025,” after “That upon the completion of the fish, wild-
5 life, and habitat mitigation and restoration actions man-
6 dated under section 3406,”.

7 (e) REPORT; ADVISORY BOARD.—Section 3407 of the
8 Central Valley Project Improvement Act (106 Stat. 4714)
9 is amended by adding at the end the following:

10 “(g) REPORT ON EXPENDITURE OF FUNDS.—At the
11 end of each fiscal year, the Secretary, in consultation with
12 the Restoration Fund Advisory Board, shall submit to
13 Congress a plan for the expenditure of all of the funds
14 deposited into the Restoration Fund during the preceding
15 fiscal year. Such plan shall contain a cost-effectiveness
16 analysis of each expenditure.

17 “(h) ADVISORY BOARD.—

18 “(1) ESTABLISHMENT.—There is hereby estab-
19 lished the Restoration Fund Advisory Board (herein-
20 after in this section referred to as the ‘Advisory
21 Board’) composed of 12 members selected by the
22 Secretary, each for four-year terms, one of whom
23 shall be designated by the Secretary as Chairman.
24 The members shall be selected so as to represent the
25 various Central Valley Project stakeholders, four of

1 whom shall be from CVP agricultural users, three
2 from CVP municipal and industrial users, three
3 from CVP power contractors, and two at the discre-
4 tion of the Secretary. The Secretary and the Sec-
5 retary of Commerce may each designate a represent-
6 ative to act as an observer of the Advisory Board.

7 “(2) DUTIES.—The duties of the Advisory
8 Board are as follows:

9 “(A) To meet at least semiannually to de-
10 velop and make recommendations to the Sec-
11 retary regarding priorities and spending levels
12 on projects and programs carried out pursuant
13 to the Central Valley Project Improvement Act.

14 “(B) To ensure that any advice or rec-
15 ommendation made by the Advisory Board to
16 the Secretary reflect the independent judgment
17 of the Advisory Board.

18 “(C) Not later than December 31, 2021,
19 and annually thereafter, to transmit to the Sec-
20 retary and Congress recommendations required
21 under subparagraph (A).

22 “(D) Not later than December 31, 2021,
23 and biennially thereafter, to transmit to Con-
24 gress a report that details the progress made in

1 achieving the actions mandated under section
2 3406.

3 “(3) ADMINISTRATION.—With the consent of
4 the appropriate agency head, the Advisory Board
5 may use the facilities and services of any Federal
6 agency.”.

7 **SEC. 2007. ADDITIONAL AUTHORITIES.**

8 (a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section
9 3408 of the Central Valley Project Improvement Act (106
10 Stat. 4728) is amended—

11 (1) by amending subdivision (c) to read as fol-
12 lows:

13 “(c) ADDITIONAL STORAGE AND DELIVERY OF
14 WATER.—

15 “(1) IN GENERAL.—Pursuant to Federal Rec-
16 lamation laws and this title, the Secretary is author-
17 ized to enter into contracts or agreements with any
18 Federal agency, California water user or water agen-
19 cy, State agency, joint powers authority, or private
20 organization for the exchange, impoundment, stor-
21 age, carriage, and delivery of non-project water for
22 domestic, municipal, industrial, fish and wildlife,
23 groundwater recharge or banking, and any other
24 beneficial purpose.

1 “(2) LIMITATION.—Nothing in this subsection
2 shall be deemed to supersede the provisions of sec-
3 tion 103 of Public Law 99–546 (100 Stat. 3051).

4 “(3) AUTHORITY FOR CERTAIN ACTIVITIES.—
5 The Secretary shall use the authority granted by
6 this subsection in connection with requests to ex-
7 change, impound, store, carry, or deliver non-project
8 water using Central Valley Project facilities for any
9 beneficial purpose where such facilities are not oth-
10 erwise committed or required to fulfill project pur-
11 poses, including deliveries under existing contracts,
12 or other Federal obligations.

13 “(4) RATES.—The Secretary shall develop rates
14 not to exceed the amount required to recover the
15 reasonable costs incurred by the Secretary in con-
16 nection with a beneficial purpose under this sub-
17 section. Such rates shall be charged to a party using
18 Central Valley Project facilities for such purpose.
19 Such costs shall not include any donation or other
20 payment to the Restoration Fund.

21 “(5) CONSTRUCTION.—This subsection shall be
22 construed and implemented to facilitate and encour-
23 age the use of Central Valley Project facilities to ex-
24 change, carry, or deliver non-project water for any
25 beneficial purpose.”; and

1 (2) by striking subsection (d) and redesignating
2 subsections (e) through (k) as subsections (d)
3 through (j).

4 (b) REPORTING REQUIREMENTS.—Section 3408(e)
5 of the Central Valley Project Improvement Act (106 Stat.
6 4729) is amended—

7 (1) by striking “Interior and Insular Affairs
8 and the Committee on Merchant Marine and Fish-
9 eries” and inserting “Natural Resources”;

10 (2) in the second sentence, by inserting before
11 the period at the end the following: “, including
12 progress on the plan required by subsection (i)”;

13 (3) by adding at the end the following: “The fil-
14 ing and adequacy of such report shall be personally
15 certified to the Committees referenced above by the
16 Regional Director of the Mid-Pacific Region of the
17 Bureau of Reclamation.”.

18 (c) PROJECT YIELD INCREASE.—Section 3408(i) of
19 the Central Valley Project Improvement Act (106 Stat.
20 4730) is amended as follows:

21 (1) By redesignating paragraphs (1) through
22 (7) as subparagraphs (A) through (G), respectively.

23 (2) By striking “In order to minimize adverse
24 effects, if any, upon” and inserting “(1) IN GEN-
25 ERAL.—In order to minimize adverse effects upon”.

1 (3) By striking “needs, the Secretary,” and all
2 that follows through “submit to the Congress, a”
3 and inserting “needs, the Secretary, on a priority
4 basis and not later than September 30, 2020, shall
5 submit to Congress a”.

6 (4) By striking “increase,” and all that follows
7 through “options:” and inserting “increase, as soon
8 as possible but not later than September 30, 2023
9 (except for the construction of new facilities which
10 shall not be limited by that deadline), the water of
11 the Central Valley Project by the amount dedicated
12 and managed for fish and wildlife purposes under
13 this title and otherwise required to meet the pur-
14 poses of the Central Valley Project including satis-
15 fying contractual obligations. All costs incurred in
16 the development and implementation of the plan re-
17 quired by this subsection shall not be reimbursable
18 to the United States and shall include recommenda-
19 tions on authorizing legislation or other measures
20 needed to implement the intent, purposes, and provi-
21 sions of this subsection and a description of how the
22 Secretary intends to use the following options:”.

23 (5) In subparagraph (A), by inserting “, includ-
24 ing construction of new water storage facilities” be-
25 fore the semicolon.

1 (6) In subparagraph (F), by striking “and” at
2 the end.

3 (7) In subparagraph (G), by striking the period
4 and all that follows through the end of the sub-
5 section and inserting “; and”.

6 (8) By inserting after subparagraph (G) the fol-
7 lowing:

8 “(H) Water banking and recharge.”.

9 (9) By adding at the end the following:

10 “(2) IMPLEMENTATION OF PLAN.—The Sec-
11 retary shall implement the plan required by para-
12 graph (1) commencing on October 1, 2020.

13 “(3) FAILURE OF THE PLAN.—Notwithstanding
14 any other provision of Federal Reclamation laws, if
15 by September 30, 2023, the plan required by para-
16 graph (1) fails to increase the annual delivery capa-
17 bility of the Central Valley Project by 800,000 acre-
18 feet, implementation of any non-mandatory action
19 under section 3406(b)(2) shall be suspended until
20 the plan achieves an increase in the annual delivery
21 capability of the Central Valley Project by 800,000
22 acre-feet.”.

23 (d) TECHNICAL CORRECTION.—Section 3408(g) of
24 the Central Valley Project Improvement Act (106 Stat.
25 4729) is amended—

1 (1) in paragraph (1), by striking “paragraph
2 (h)(2)” and inserting “paragraph (2)”; and

3 (2) in paragraph (2), by striking “paragraph
4 (h)(i)” and inserting “paragraph (1)”.

5 **SEC. 2008. AMENDMENTS TO CENTRAL VALLEY PROJECT**
6 **AUTHORIZATIONS.**

7 Section 2 of the Act of August 26, 1937 (chapter
8 832; 50 Stat. 850), as amended, is further amended as
9 follows:

10 (1) In the last proviso of subsection (a)—

11 (A) by striking “second, for irrigation and
12 domestic uses” and inserting “second, for irri-
13 gation, domestic, and municipal and industrial
14 uses;”;

15 (B) by striking “and fish and wildlife miti-
16 gation, protection and restoration purposes;”;

17 (C) by striking “and, third,” and inserting
18 “third;”;

19 (D) by striking “power and fish and wild-
20 life enhancement” and inserting “power genera-
21 tion;”;

22 (E) by inserting after “power generation;”
23 “fourth, for purposes of mitigating impacts to
24 fish and wildlife caused by the construction, op-
25 eration, or maintenance of the Central Valley

1 Project; and fifth, for purposes of protecting,
2 enhancing, or helping to restore fish and wild-
3 life.”; and

4 (F) by adding at the end the following:
5 “When there is insufficient Central Valley
6 Project yield to meet all the demands for water
7 deliveries from the Central Valley Project, the
8 Secretary shall apply these priorities in making
9 allocations of available water.”.

10 (2) In subsection (b)(1), by striking the last
11 sentence.

12 **SEC. 2009. REGULATORY STREAMLINING.**

13 (a) **APPLICABILITY OF CERTAIN LAWS.**—Filing of a
14 Notice of Determination or a Notice of Exemption for any
15 project, including the issuance of a permit under State
16 law, related to any project of the Central Valley Project
17 or the delivery of water therefrom in accordance with the
18 California Environmental Quality Act shall be deemed to
19 meet the requirements of section 102(2)(C) of the Na-
20 tional Environmental Protection Act of 1969 (42 U.S.C.
21 4332(2)(C)) for that project or permit.

22 (b) **CONTINUATION OF PROJECT.**—The Bureau of
23 Reclamation shall not be required to cease or modify any
24 major Federal action or other activity related to any
25 project of the Central Valley Project or the delivery of

1 water therefrom pending completion of judicial review of
2 any determination made under the National Environ-
3 mental Protection Act of 1969 (42 U.S.C. 4332(2)(C)).

4 (c) PROJECT DEFINED.—For the purposes of this
5 section, the term “project”—

6 (1) means an activity that—

7 (A) is undertaken by a public agency,
8 funded by a public agency, or that requires an
9 issuance of a permit by a public agency;

10 (B) has a potential to result in physical
11 change to the environment; and

12 (C) may be subject to several discretionary
13 approvals by governmental agencies;

14 (2) may include construction activities, clearing
15 or grading of land, improvements to existing struc-
16 tures, and activities or equipment involving the
17 issuance of a permit; or

18 (3) qualifies as a project under the California
19 Environmental Quality Act as defined in section
20 21065 of the California Public Resource Code.

21 (d) CONGRESSIONAL DIRECTION REGARDING CEN-
22 TRAL VALLEY PROJECT AND CALIFORNIA STATE WATER
23 PROJECT OPERATIONS.—Notwithstanding any other pro-
24 vision of law, complying with the Biological Opinion for
25 Reinitiation of Consultation on the Coordinated Oper-

1 ations of the Central Valley Project and State Water
2 Project, released by the United States Fish and Wildlife
3 Service and the National Marine Fisheries Service on Oc-
4 tober 21, 2019, combined with efforts carried out pursu-
5 ant to Public Law 102–575 and Public Law 114–322,
6 fully meet all requirements of applicable Federal environ-
7 mental laws, including the Endangered Species Act (16
8 U.S.C. 1531 et seq.) for the Central Valley Project and
9 the State Water Project.

10 **Subtitle B—San Joaquin River** 11 **Restoration**

12 **SEC. 2101. REPEAL OF THE SAN JOAQUIN RIVER SETTLE-** 13 **MENT.**

14 As of the date of the enactment of this title, the Sec-
15 retary shall cease any action to implement the Stipulation
16 of Settlement (Natural Resources Defense Council, et al.
17 v. Kirk Rodgers, et al., Eastern District of California, No.
18 Civ. S–88–1658 LKK/GGH).

19 **SEC. 2102. PURPOSE.**

20 Section 10002 of the San Joaquin River Restoration
21 Settlement Act (Public Law 111–11) is amended by strik-
22 ing “implementation of the Settlement” and inserting
23 “restoration of the San Joaquin River”.

1 **SEC. 2103. DEFINITIONS.**

2 Section 10003 of the San Joaquin River Restoration
3 Settlement Act (Public Law 111–11) is amended—

4 (1) by striking paragraph (1) and inserting the
5 following:

6 “(1) The term ‘Restoration Flows’ means the
7 additional water released or bypassed from Friant
8 Dam to insure that the target flow entering
9 Mendota Pool, located approximately 62 river miles
10 downstream from Friant Dam, does not fall below
11 50 cubic feet per second.”;

12 (2) by striking paragraph (3) and inserting the
13 following:

14 “(3) The term ‘Water Year’ means March 1
15 through the last day of February of the following
16 Calendar Year, both dates inclusive.”; and

17 (3) by adding at the end the following new
18 paragraph:

19 “(4) The term ‘Critical Water Year’ means
20 when the total unimpaired runoff at Friant Dam is
21 less than 400,000 acre-feet, as forecasted as of
22 March 1 of that water year by the California De-
23 partment of Water Resources.”.

24 **SEC. 2104. IMPLEMENTATION OF RESTORATION.**

25 Section 10004 of the San Joaquin River Restoration
26 Settlement Act (Public Law 111–11) is amended—

1 (1) in subsection (a)—

2 (A) in the matter preceding paragraph (1),
3 by striking “authorized and directed” and all
4 that follows through “in the Settlement:” and
5 inserting “authorized to carry out the fol-
6 lowing:”;

7 (B) by striking paragraphs (1), (2), (4),
8 and (5);

9 (C) in paragraph (3)—

10 (i) by striking “(3)” and inserting
11 “(1)”; and

12 (ii) by striking “paragraph 13 of the
13 Settlement” and inserting “this part”; and

14 (D) by adding at the end the following new
15 paragraphs:

16 “(2) In each Water Year, commencing in the
17 Water Year starting on March 1, 2021—

18 “(A) shall modify Friant Dam operations
19 so as to release the Restoration Flows for that
20 Water Year, except in any Critical Water Year;

21 “(B) shall ensure that the release of Res-
22 toration Flows are maintained at the level pre-
23 scribed by this part, but that Restoration Flows
24 do not reach downstream of Mendota Pool;

1 “(C) shall release the Restoration Flows in
2 a manner that improves the fishery in the San
3 Joaquin River below Friant Dam, but upstream
4 of Gravelly Ford in existence as of the date of
5 the enactment of this part, and the associated
6 riparian habitat; and

7 “(D) may, without limiting the actions re-
8 quired under paragraphs (A) and (C) and sub-
9 ject to subsections 10004(a)(3) and 10004(l),
10 use the Restoration Flows to enhance or restore
11 a warm water fishery downstream of Gravelly
12 Ford to and including Mendota Pool, if the Sec-
13 retary determines that it is reasonable, prudent,
14 and feasible to do so.

15 “(3) Not later than 1 year after the date of the
16 enactment of this section, the Secretary shall develop
17 and implement, in cooperation with the State of
18 California, a reasonable plan, to fully recirculate, re-
19 capture, reuse, exchange, or transfer all Restoration
20 Flows and provide such recirculated, recaptured, re-
21 used, exchanged, or transferred flows to those con-
22 tractors within the Friant Division, Hidden Unit,
23 and Buchanan Unit of the Central Valley Project
24 that relinquished the Restoration Flows so recir-
25 culated, recaptured, reused, exchanged, or trans-

1 ferred. Such a plan shall address any impact on
2 ground water resources within the service area of
3 the Friant Division, Hidden Unit, and Buchanan
4 Unit of the Central Valley Project and mitigation
5 may include ground water banking and recharge
6 projects. Such a plan shall not impact the water
7 supply or water rights of any entity outside the
8 Friant Division, Hidden Unit, and Buchanan Unit
9 of the Central Valley Project. Such a plan shall be
10 subject to applicable provisions of California water
11 law and the Secretary’s use of Central Valley Project
12 facilities to make Project water (other than water
13 released from Friant Dam pursuant to this part)
14 and water acquired through transfers available to
15 existing south-of-Delta Central Valley Project con-
16 tractors.”;

17 (2) in subsection (b)—

18 (A) in paragraph (1), by striking “the Set-
19 tlement” and inserting “this part”; and

20 (B) in paragraph (2), by striking “the Set-
21 tlement” and inserting “this part”;

22 (3) in subsection (c), by striking “the Settle-
23 ment” and inserting “this part”;

24 (4) by striking subsection (d) and inserting the
25 following:

1 “(d) MITIGATION OF IMPACTS.—Prior to October 1,
2 2020, the Secretary shall identify—

3 “(1) the impacts associated with the release of
4 Restoration Flows prescribed in this part;

5 “(2) the measures which shall be implemented
6 to mitigate impacts on adjacent and downstream
7 water users, landowners and agencies as a result of
8 Restoration Flows prescribed in this part; and

9 “(3) prior to the implementation of decisions or
10 agreements to construct, improve, operate, or main-
11 tain facilities that the Secretary determines are
12 needed to implement this part, the Secretary shall
13 implement all mitigations measures identified in sub-
14 section (d)(2) before Restoration Flows are com-
15 menced.”;

16 (5) in subsection (e), by striking “the Settle-
17 ment” and inserting “this part”;

18 (6) in subsection (f), by striking “the Settle-
19 ment” and all that follows through “section 10011”
20 and insert “this part”;

21 (7) in subsection (g)—

22 (A) by striking “the Settlement and” be-
23 fore this part; and

1 (B) by striking “or exchange contract” and
2 inserting “exchange contract, or water rights
3 settlement or holding contracts”;

4 (8) in subsection (h)—

5 (A) by striking “INTERIM” in the header;

6 (B) in paragraph (1)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “Interim Flows
9 under the Settlement” and inserting “Res-
10 toration Flows under this part”;

11 (ii) in subparagraph (C)—

12 (I) in clause (i), by striking “In-
13 terim” and inserting “Restoration”;
14 and

15 (II) in clause (ii), by inserting
16 “and” after the semicolon;

17 (iii) in subparagraph (D), by striking
18 “and” at the end; and

19 (iv) by striking subparagraph (E);

20 (C) in paragraph (2)—

21 (i) by striking “Interim” and insert-
22 ing “Restoration”;

23 (ii) by striking subparagraph (A); and

24 (iii) by striking “(B) exceed” and in-
25 serting “exceed”;

1 (D) in paragraph (3), by striking “In-
2 terim” and inserting “Restoration”; and

3 (E) by striking paragraph (4) and insert-
4 ing the following:

5 “(4) CLAIMS.—Not later than 60 days after the
6 date of the enactment of this Act the Secretary shall
7 promulgate a rule establishing a claims process to
8 address current and future claims including, but not
9 limited to, ground water seepage, flooding, or levee
10 instability damages caused as a result of, arising out
11 of, or related to implementation of subtitle A of title
12 X of Public Law 111–11.”;

13 (9) in subsection (i)—

14 (A) in paragraph (1)—

15 (i) in the matter preceding subpara-
16 graph (A), by striking “the Settlement and
17 parts I and III” and inserting “this part”;

18 (ii) in subparagraph (A), by inserting
19 “and” after the semicolon;

20 (iii) in subparagraph (B)—

21 (I) by striking “additional
22 amounts authorized to be appro-
23 priated, including the”; and

24 (II) by striking “; and” and in-
25 serting a period; and

1 (iv) by striking subparagraph (C); and
2 (B) by striking paragraph (3); and
3 (10) by adding at the end the following new
4 subsections:

5 “(k) NO IMPACTS ON OTHER INTERESTS.—No Cen-
6 tral Valley Project or other water other than San Joaquin
7 River water impounded by or bypassed from Friant Dam
8 shall be used to implement subsection (a)(2) unless such
9 use is on a voluntary basis. No cost associated with the
10 implementation of this section shall be imposed directly
11 or indirectly on any Central Valley Project contractor, or
12 any other person or entity, outside the Friant Division,
13 the Hidden Unit, or the Buchanan Unit, unless such costs
14 are incurred on a voluntary basis. The implementation of
15 this part shall not result directly or indirectly in any re-
16 duction in water supplies to or water reliability for any
17 Central Valley Project contractor, any State Water
18 Project contractor, or any other person or entity, outside
19 the Friant Division, the Hidden Unit, or the Buchanan
20 Unit, unless such reductions or costs are incurred on a
21 voluntary basis.

22 “(l) PRIORITY.—All actions taken under this part
23 shall be subordinate to the Secretary’s use of Central Val-
24 ley Project facilities to make Project water available to

1 Project contractors, other than water released from the
2 Friant Dam pursuant to this part.

3 “(m) IN GENERAL.—Notwithstanding section 8 of
4 the Reclamation Act of 1902, except as expressly provided
5 in this part, including title II of this Act, this part pre-
6 empts and supersedes any State law, regulation, or re-
7 quirement that imposes more restrictive requirements or
8 regulations on the activities authorized under this part.
9 Nothing in this part shall alter or modify the obligations,
10 if any, of the Friant Division, Hidden Unit, and Buchanan
11 Unit of the Central Valley Project, or other water users
12 on the San Joaquin River or its tributaries, under orders
13 issued by the State Water Resources Control Board pursu-
14 ant to the Porter-Cologne Water Quality Control Act
15 (California Water Code sections 13000 et seq.). Any such
16 order shall be consistent with the congressional authoriza-
17 tion for any affected Federal facility as it pertains to the
18 Central Valley Project.

19 “(n) PROJECT IMPLEMENTATION.—Projects to im-
20 plement this title shall be phased such that each project
21 shall follow the sequencing identified below and include at
22 least the—

23 “(1) project purpose and need;

24 “(2) identification of mitigation measures;

25 “(3) appropriate environmental review; and

1 “(4) prior to releasing Restoration Flows under
2 this part, the Secretary shall—

3 “(A) complete the implementation of miti-
4 gation measures required; and

5 “(B) complete implementation of the
6 project.”.

7 **SEC. 2105. DISPOSAL OF PROPERTY; TITLE TO FACILITIES.**

8 Section 10005 of the San Joaquin River Restoration
9 Settlement Act (Public Law 111–11) is amended—

10 (1) in subsection (a), by striking “the Settle-
11 ment authorized by this part” and inserting “this
12 part”;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) by striking “(1) IN GENERAL.—
16 The Secretary”; and

17 (ii) by striking “the Settlement au-
18 thorized by this part” and inserting “this
19 part”; and

20 (B) by striking paragraph (2); and

21 (3) in subsection (c)—

22 (A) in paragraph (1), by striking “the Set-
23 tlement” and inserting “this part”;

24 (B) in paragraph (2)—

1 (i) by striking “through the exercise
2 of its eminent domain authority”; and

3 (ii) by striking “the Settlement” and
4 inserting “this part”; and

5 (C) in paragraph (3), by striking “section
6 10009(c)” and inserting “section 10009”.

7 **SEC. 2106. COMPLIANCE WITH APPLICABLE LAW.**

8 Section 10006 of the San Joaquin River Restoration
9 Settlement Act (Public Law 111–11) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by inserting “unless
12 otherwise provided by this part” before the pe-
13 riod at the end; and

14 (B) in paragraph (2), by striking “the Set-
15 tlement” and inserting “this part”;

16 (2) in subsection (b), by inserting “, unless oth-
17 erwise provided by this part” before the period at
18 the end;

19 (3) in subsection (c)—

20 (A) in paragraph (2), by striking “section
21 10004” and inserting “this part”; and

22 (B) in paragraph (3), by striking “the Set-
23 tlement” and inserting “this part”; and

24 (4) in subsection (d)—

1 (A) by inserting “, including without limi-
2 tation to sections 10004(d) and 10004(h)(4) of
3 this part,” after “implementing this part”; and

4 (B) by striking “for implementation of the
5 Settlement”.

6 **SEC. 2107. COMPLIANCE WITH CENTRAL VALLEY PROJECT**
7 **IMPROVEMENT ACT.**

8 Section 10007 of the San Joaquin River Restoration
9 Settlement Act (Public Law 111–11) is amended—

10 (1) in the matter preceding paragraph (1)—

11 (A) by striking “the Settlement” and in-
12 serting “enactment of this part”; and

13 (B) by inserting: “and the obligations of
14 the Secretary and all other parties to protect
15 and keep in good condition any fish that may
16 be planted or exist below Friant Dam including
17 any obligations under section 5937 of the Cali-
18 fornia Fish and Game Code and the public
19 trust doctrine, and those of the Secretary and
20 all other parties under the Endangered Species
21 Act of 1973 (16 U.S.C. 1531 et seq.)” before
22 “, provided”; and

23 (2) in paragraph (1), by striking “, as provided
24 in the Settlement”.

1 **SEC. 2108. NO PRIVATE RIGHT OF ACTION.**

2 Section 10008(a) of the San Joaquin River Restora-
3 tion Settlement Act (Public Law 111–11) is amended—

4 (1) by striking “not a party to the Settlement”
5 after “person or entity”; and

6 (2) by striking “or the Settlement” before the
7 period and inserting “unless otherwise provided by
8 this part. Any Central Valley Project long-term
9 water service or repayment contractor within the
10 Friant Division, Hidden Unit, or Buchanan Unit ad-
11 versely affected by the Secretary’s failure to comply
12 with section 10004(a)(3) of this part may bring an
13 action against the Secretary for injunctive relief or
14 damages, or both.”.

15 **SEC. 2109. IMPLEMENTATION.**

16 Section 10009 of the San Joaquin River Restoration
17 Settlement Act (Public Law 111–11) is amended—

18 (1) in the header by striking “; **SETTLEMENT**
19 **FUND**”;

20 (2) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) by striking “the Settlement” the
23 first place it appears and inserting “this
24 part”;

1 (ii) by striking “, estimated to total”
2 and all that follows through “subsection
3 (b)(1),”; and

4 (iii) by striking “provided however,”
5 and all that follows through
6 “\$110,000,000 of State funds”;

7 (B) in paragraph (2)—

8 (i) in subparagraph (A), by striking
9 “(A) IN GENERAL.—The Secretary” and
10 inserting “The Secretary”; and

11 (ii) by striking subparagraph (B); and
12 (C) in paragraph (3)—

13 (i) by striking “Except as provided in
14 the Settlement, to” and inserting “To”;
15 and

16 (ii) by striking “this Settlement” and
17 inserting “this part”;

18 (3) in subsection (b)(1)—

19 (A) by striking “In addition” through
20 “however, that the” and inserting “The”;

21 (B) by striking “such additional appropria-
22 tions only in amounts equal to”; and

23 (C) by striking “or the Settlement” before
24 the period;

25 (4) in subsection (c)—

1 (A) in paragraph (1)—

2 (i) in the matter preceding subpara-
3 graph (A), by striking “the Settlement”
4 and inserting “this part”;

5 (ii) in subparagraph (C), by striking
6 “from the sale of water pursuant to the
7 Settlement, or”; and

8 (iii) in subparagraph (D), by striking
9 “the Settlement” and inserting “this
10 part”;

11 (B) in paragraph (2), by striking “the Set-
12 tlement and” before “this part”; and

13 (5) by striking subsections (d) through (f).

14 **SEC. 2110. REPAYMENT CONTRACTS AND ACCELERATION**
15 **OF REPAYMENT OF CONSTRUCTION COSTS.**

16 Section 10010 of the San Joaquin River Restoration
17 Settlement Act (Public Law 111–11) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (3)(D), by striking “the
20 Settlement and” before “this part”; and

21 (B) in paragraph (4)(C), by striking “the
22 Settlement and” before “this part”;

23 (2) in subsection (c), by striking paragraph (3);

1 (3) in subsection (d)(1), by striking “the Settle-
2 ment” in both places it appears and inserting “this
3 part”;

4 (4) in subsection (e)—

5 (A) in paragraph (1)—

6 (i) by striking “Interim Flows or Res-
7 toration Flows, pursuant to paragraphs 13
8 or 15 of the Settlement” and inserting
9 “Restoration Flows, pursuant to this
10 part”;

11 (ii) by striking “Interim Flows or” be-
12 fore “Restoration Flows”; and

13 (iii) by striking “the Interim Flows or
14 Restoration Flows or is intended to other-
15 wise facilitate the Water Management
16 Goal, as described in the Settlement” and
17 inserting “Restoration Flows”; and

18 (B) in paragraph (2)—

19 (i) by striking “except as provided in
20 paragraph 16(b) of the Settlement” after
21 “Friant Division long-term contractor”;
22 and

23 (ii) by striking “the Interim Flows or
24 Restoration Flows or to facilitate the

1 Water Management Goal” and inserting
2 “Restoration Flows”.

3 **SEC. 2111. REPEAL.**

4 Section 10011 of the San Joaquin River Restoration
5 Settlement Act (Public Law 111–11) is repealed.

6 **SEC. 2112. WATER SUPPLY MITIGATION.**

7 Section 10202(b) of the San Joaquin River Restora-
8 tion Settlement Act (Public Law 111–11) is amended—

9 (1) in paragraph (1), by striking “the Interim
10 or Restoration Flows authorized in part I of this
11 subtitle” and inserting “Restoration Flows author-
12 ized in this part”;

13 (2) in paragraph (2), by striking “the Interim
14 or Restoration Flows authorized in part I of this
15 subtitle” and inserting “Restoration Flows author-
16 ized in this part”; and

17 (3) in paragraph (3)—

18 (A) in subparagraph (A), by striking
19 “meet the Restoration Goal as described in part
20 I of this subtitle” and inserting “recover Res-
21 toration Flows as described in this part”; and

22 (B) in subparagraph (C)—

23 (i) by striking “the Interim or Res-
24 toration Flows authorized in part I of this

1 subtitle” and inserting “Restoration Flows
2 authorized in this part”; and

3 (ii) by striking “, and for ensuring ap-
4 propriate adjustment in the recovered
5 water account pursuant to section
6 10004(a)(5)”.

7 **SEC. 2113. ADDITIONAL AUTHORITIES.**

8 Section 10203 of the San Joaquin River Restoration
9 Settlement Act (Public Law 111–11) is amended—

10 (1) in subsection (b)—

11 (A) by striking “section 10004(a)(4)” and
12 inserting “section 10004(a)(3)”; and

13 (B) by striking “, provided” and all that
14 follows through “section 10009(f)(2)”; and

15 (2) by striking subsection (c).

16 **SEC. 2114. PROTECTIONS.**

17 Section 4005 of Public Law 114–322, as amended
18 by this Act, shall apply to this title.”

1 **TITLE III—REPURPOSING AS-**
2 **SETS TO INCREASE LONG-**
3 **TERM WATER AVAILABILITY**
4 **AND YIELD ACT**

5 **SEC. 3001. TREATMENT OF CERTAIN FUNDS DEDICATED**
6 **FOR HIGH-SPEED RAIL DEVELOPMENT IN**
7 **THE STATE OF CALIFORNIA.**

8 (a) TREATMENT OF FUNDS.—Notwithstanding any
9 other law, the covered funds described in subsection (b)
10 shall be immediately deposited as follows:

11 (1) Ninety percent of funds in the Reclamation
12 Water Storage Account which shall be made avail-
13 able to the Secretary of the Interior for water stor-
14 age projects authorized pursuant to section 4007 of
15 the Water Infrastructure Improvements for the Na-
16 tion Act (Public Law 114–322) (43 U.S.C. 390b
17 note).

18 (2) Five percent of funds in the Rural Water
19 and Waste Disposal Program Account which shall be
20 made available to the Secretary of Agriculture for
21 grants under section 306F of the Consolidated Farm
22 and Rural Development Act.

23 (3) Five percent of funds in the Rural Water
24 and Waste Disposal Program Account which shall be
25 made available to the Secretary of Agriculture for

1 grants under section 306G of the Consolidated Farm
2 and Rural Development Act.

3 (b) COVERED FUNDS.—The covered funds are the
4 following:

5 (1) The Federal funds received by the Depart-
6 ment of Transportation as a result of the Depart-
7 ment of Transportation’s termination and de-obliga-
8 tion of Cooperative Agreement No. FR–HSR–0118–
9 12–01–01 between the Federal Railroad Administra-
10 tion and the California High-Speed Rail Authority,
11 notwithstanding the Omnibus Appropriations Act,
12 2010 (Public Law 111–117).

13 (2) The Federal funds that are recovered by the
14 Department of Transportation relating to Coopera-
15 tive Agreement No. FR–HSR–0009–10–01–06 be-
16 tween the Federal Railroad Administration and the
17 California High-Speed Rail Authority, notwith-
18 standing the American Recovery and Reinvestment
19 Act of 2009 (Public Law 111–5).

20 (3) Any funds determined to be offsets by the
21 Federal Railroad Administration or the Department
22 of Transportation, consistent with Cooperative
23 Agreement No. FRA–HSR–0009–10–01–06.

24 (c) COST SHARE FOR WATER STORAGE PROJECTS.—
25 Funds made available pursuant this Act shall not count

1 toward the cost-share provisions of section 4007 of the
2 Water Infrastructure Improvements for the Nation Act.

3 **SEC. 3002. NITRATE CONTAMINATION REDUCTION GRANTS.**

4 (a) IN GENERAL.—Subtitle A of the Consolidated
5 Farm and Rural Development Act (7 U.S.C. 1922–1936e)
6 is amended by inserting after section 306E the following:

7 **“SEC. 306F. NITRATE CONTAMINATION REDUCTION**
8 **GRANTS.**

9 “(a) IN GENERAL.—The Secretary shall provide
10 grants in accordance with this section to public or private
11 nonprofit entities for projects designed to reduce the level
12 of nitrates in, or remove nitrates from, drinking water in
13 a rural community where the level of nitrates in drinking
14 water exceeds applicable Federal or State standards.

15 “(b) USE OF FUNDS.—Grants made under this sec-
16 tion may be used—

17 “(1) for waterline extensions from existing sys-
18 tems, laying of new waterlines, repairs or mainte-
19 nance to an existing system, digging of new wells or
20 development of other sources of water designed to
21 replace sources of drinking water with high levels of
22 nitrates, equipment replacement, and hook-up fees;
23 and

24 “(2) in the case of a project designed to benefit
25 a rural community outside the jurisdiction of the

1 grantee, to maintain existing water supplies of the
2 grantee that will be reduced as a result of the
3 project.

4 “(c) RURAL COMMUNITY.—In this section, the term
5 ‘rural community’ does not include—

6 “(1) any area in any city or town with a popu-
7 lation in excess of 10,000 inhabitants according to
8 the most recent decennial census of the United
9 States; or

10 “(2) any area with a median household income
11 in excess of the State nonmetropolitan median
12 household income.

13 “(d) FULL FUNDING.—Grants under this section
14 shall be made in an amount equal to 100 percent of the
15 costs of the projects conducted under this section.

16 “(e) APPLICATION.—Subsection (h) of section 306A
17 shall apply with respect to the administration of applica-
18 tions for grants under this section.”.

19 (b) REPEAL.—Effective 5 years after the date of the
20 enactment of this Act, section 306F of the Consolidated
21 Farm and Rural Development Act, as added by the
22 amendment made by subsection (a), is repealed.

23 **SEC. 3003. NEW WELL CONSTRUCTION GRANTS.**

24 (a) IN GENERAL.—Subtitle A of the Consolidated
25 Farm and Rural Development Act (7 U.S.C. 1922–1936c)

1 is further amended by inserting after section 306F the
2 following:

3 **“SEC. 306G. NEW WELL CONSTRUCTION GRANTS.**

4 “(a) IN GENERAL.—The Secretary shall provide
5 grants in accordance with this section to public or private
6 nonprofit entities for projects designed to supply drinking
7 water to rural communities in which a significant number
8 of dwellings with private drinking water wells have wells
9 that are not producing water.

10 “(b) USE OF FUNDS.—Grants made under this sec-
11 tion may be used—

12 “(1) for waterline extensions from existing sys-
13 tems, laying of new waterlines, repairs or mainte-
14 nance to an existing system, digging of new wells or
15 development of other sources of water designed to
16 replace sources of drinking water with high levels of
17 nitrates, equipment replacement, and hook-up fees;
18 and

19 “(2) in the case of a project designed to benefit
20 a rural community outside the jurisdiction of the
21 grantee, to maintain existing water supplies of the
22 grantee that will be reduced as a result of the
23 project.

24 “(c) RURAL COMMUNITY.—In this section, the term
25 ‘rural community’ does not include—

1 “(1) any area in any city or town with a popu-
 2 lation in excess of 10,000 inhabitants according to
 3 the most recent decennial census of the United
 4 States; or

5 “(2) any area with a median household income
 6 in excess of the State nonmetropolitan median
 7 household income.

8 “(d) FULL FUNDING.—Grants under this section
 9 shall be made in an amount equal to 100 percent of the
 10 costs of the projects conducted under this section.

11 “(e) APPLICATION.—Subsection (h) of section 306A
 12 shall apply with respect to the administration of applica-
 13 tions for grants under this section.”.

14 (b) REPEAL.—Effective 5 years after the date of the
 15 enactment of this Act, section 306G of the Consolidated
 16 Farm and Rural Development Act, as added by the
 17 amendment made by subsection (a), is repealed.

18 **TITLE IV—HETCH HETCHY DAM**

19 **SEC. 4001. HETCH HETCHY RENTAL FEE UPDATE.**

20 Section 7 of the Act of December 13, 1913 (38 Stat.
 21 242), is amended—

22 (1) by striking “pay the sum of \$30,000” and
 23 all that follows in the first sentence and inserting
 24 “pay an amount determined annually by the Sec-
 25 retary in accordance with the formula used by the

1 Federal Energy Regulatory Commission for applica-
2 tion to licenses of hydroelectric projects under the
3 Federal Power Act (16 U.S.C. 791 et seq.), provided
4 that, in no event shall such amount be less than
5 \$597,000.00. Said amount to be paid on the first
6 day of July of each year.”; and

7 (2) by amending the second and third sentences
8 to read as follows: “These funds shall be placed in
9 a separate fund by the United States and, notwith-
10 standing any other provision of law, shall not be
11 available for obligation or expenditure until appro-
12 priated by Congress. The highest priority use of the
13 funds shall be for annual operation of Yosemite Na-
14 tional Park, with the remainder of any funds to be
15 used to fund operations of other national parks in
16 the State of California.”.

17 **TITLE V—BUREAU OF RECLAMA-**
18 **TION AND BUREAU OF INDIAN**
19 **AFFAIRS WATER PROJECT**
20 **STREAMLINING ACT**

21 **SEC. 5001. DEFINITIONS.**

22 In this title:

23 (1) ENVIRONMENTAL IMPACT STATEMENT.—

24 The term “environmental impact statement” means
25 the detailed statement of environmental impacts of

1 a project required to be prepared pursuant to the
2 National Environmental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.).

4 (2) ENVIRONMENTAL REVIEW PROCESS.—

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

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

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

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

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

5 (A) a surface water project, a project
6 under the purview of title XVI of Public Law
7 102–575, a rural water supply project inves-
8 tigated under Public Law 109–451, or a Fed-
9 eral portion of an integrated water resource
10 management plan that has been subject to a re-
11 view under the National Environmental Policy
12 Act of 1969 (42 U.S.C. 4321 et seq.) and is to
13 be carried out, funded or operated in whole or
14 in party by the Secretary pursuant to the Act
15 of June 17, 1902 (32 Stat. 388, chapter 1093),
16 and Acts supplemental to and amendatory of
17 that Act (43 U.S.C. 371 et seq.); or

18 (B) Indian irrigation projects in the west-
19 ern United States that, on the date of the en-
20 actment of this Act, are owned by the Federal
21 Government, as listed in the Federal inventory
22 required by Executive Order 13327 (40 U.S.C.
23 121 note; relating to Federal real property
24 asset management).

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

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

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

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

1 **SEC. 5002. ACCELERATION OF STUDIES.**

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

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

8 (2) have a maximum Federal cost of
9 \$3,000,000; and

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

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

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

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

24 (3) provide written notice to the Committee on
25 Natural Resources of the House of Representatives
26 and the Committee on Energy and Natural Re-

1 sources of the Senate as to the reasons the require-
2 ments of subsection (a) are not attainable.

3 (c) EXCEPTION.—

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

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

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

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

18 (C) whether the project will require signifi-
19 cant action by other Federal, State, or local
20 agencies;

21 (D) whether there is significant public dis-
22 pute as to the nature or effects of the project;
23 and

1 (E) whether there is significant public dis-
2 pute as to the economic or environmental costs
3 or benefits of the project.

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

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

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

22 (1) take all steps necessary to initiate the proc-
23 ess for completing federally mandated reviews that
24 the Secretary is required to complete as part of the

1 study, including the environmental review process
2 under section 5;

3 (2) convene a meeting of all Federal, Tribal,
4 and State agencies identified under section 5(d) that
5 may—

6 (A) have jurisdiction over the project;

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

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

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

17 (e) INTERIM REPORT.—Not later than 18 months
18 after the date of the enactment of this Act, the Secretary
19 shall submit to the Committee on Natural Resources of
20 the House of Representatives and the Committees on En-
21 ergy and Natural Resources and Indian Affairs of the Sen-
22 ate and make publicly available a report that describes—

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

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

5 (3) any recommendations for additional author-
6 ity necessary to support efforts to expedite the
7 project.

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

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

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

19 (3) any recommendations for additional author-
20 ity necessary to support efforts to expedite the
21 project study process, including an analysis of
22 whether the limitation established by subsection
23 (a)(2) needs to be adjusted to address the impacts
24 of inflation.

1 **SEC. 5003. EXPEDITED COMPLETION OF REPORTS.**

2 The Secretary shall—

3 (1) expedite the completion of any ongoing
4 project study initiated before the date of the enact-
5 ment of this Act; and

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

12 **SEC. 5004. PROJECT ACCELERATION.**

13 (a) APPLICABILITY.—

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

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

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

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

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

10 (ii) will create additional water sup-
11 plies that support Bureau of Reclamation
12 or the Bureau of Indian Affairs water
13 projects; or

14 (iii) will become integrated into the
15 operation of Bureau of Reclamation or the
16 Bureau of Indian Affairs water projects.

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

23 (3) LIST OF PROJECT STUDIES.—

24 (A) IN GENERAL.—The Secretary shall an-
25 nually prepare, and make publicly available, a

1 list of all project studies that the Secretary has
2 determined—

3 (i) meet the standards described in
4 paragraph (1); and

5 (ii) do not have adequate funding to
6 make substantial progress toward the com-
7 pletion of the project study.

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

13 (b) PROJECT REVIEW PROCESS.—

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

17 (2) COORDINATED REVIEW.—The coordinated
18 environmental review process described in paragraph
19 (1) shall require that any review, analysis, opinion,
20 statement, permit, license, or other approval or deci-
21 sion issued or made by a Federal, State, or local
22 governmental agency or an Indian Tribe for a
23 project study described in subsection (b) be con-
24 ducted, to the maximum extent practicable, concu-

1 rently with any other applicable governmental agen-
2 cy or Indian Tribe.

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

9 (c) LEAD AGENCIES.—

10 (1) JOINT LEAD AGENCIES.—

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

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

22 (i) with the concurrence of the Sec-
23 retary, serve as a joint lead agency with
24 the Federal lead agency for purposes of
25 preparing any environmental document

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

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

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

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

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

18 (bb) any regulation imple-
19 menting that Act; and

20 (cc) any other applicable
21 Federal law; and

22 (III) the Secretary approves and
23 adopts the document before the Sec-
24 retary takes any subsequent action or
25 makes any approval based on that

1 document, regardless of whether the
2 action or approval of the Secretary re-
3 sults in Federal funding.

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

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

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

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

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

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

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

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

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

20 (d) PARTICIPATING AND COOPERATING AGENCIES.—

21 (1) IDENTIFICATION OF JURISDICTIONAL AGEN-
22 CIES.—With respect to carrying out the environ-
23 mental review process for a project study, the Sec-
24 retary shall identify, as early as practicable in the
25 environmental review process, all Federal, State, and

1 local government agencies and Indian Tribes that
2 may—

3 (A) have jurisdiction over the project;

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

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

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

16 (A) have jurisdiction over the project;

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

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

23 (3) INVITATION.—

24 (A) IN GENERAL.—The Federal lead agen-
25 cy shall invite, as early as practicable in the en-

1 vironmental review process, any agency identi-
2 fied under paragraph (1) to become a partici-
3 pating or cooperating agency, as applicable, in
4 the environmental review process for the project
5 study.

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

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

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

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

1 (ii) has no expertise or information rel-
2 evant to the project; or

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

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

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

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

14 (A) supports a proposed project; or

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

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

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

1 conducting needed analysis or otherwise car-
2 rying out those obligations; and

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

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

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

23 (g) PROGRAMMATIC COMPLIANCE.—

24 (1) IN GENERAL.—The Secretary shall issue
25 guidance regarding the use of programmatic ap-

1 proaches to carry out the environmental review proc-
2 ess that—

3 (A) eliminates repetitive discussions of the
4 same issues;

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

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

12 (D) complies with—

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

15 (ii) all other applicable laws.

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

18 (A) as the first step in drafting guidance
19 under that paragraph, consult with relevant
20 Federal, State, and local governmental agen-
21 cies, Indian Tribes, and the public on the ap-
22 propriate use and scope of the programmatic
23 approaches;

24 (B) emphasize the importance of collabora-
25 tion among relevant Federal, State, and local

1 governmental agencies, and Indian Tribes in
2 undertaking programmatic reviews, especially
3 with respect to including reviews with a broad
4 geographical scope;

5 (C) ensure that the programmatic re-
6 views—

7 (i) promote transparency, including of
8 the analyses and data used in the environ-
9 mental review process, the treatment of
10 any deferred issues raised by Federal,
11 State, and local governmental agencies, In-
12 dian Tribes, or the public, and the tem-
13 poral and special scales to be used to ana-
14 lyze those issues;

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

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

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

23 (iii) describe—

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

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

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

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

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

14 (h) COORDINATED REVIEWS.—

15 (1) COORDINATION PLAN.—

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

25 (B) SCHEDULE.—

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

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

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

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

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

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

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

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

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

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

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

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

23 (II) made available to the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (5) TRANSPARENCY REPORTING.—

10 (A) REPORTING REQUIREMENTS.—Not
11 later than 1 year after the date of the enact-
12 ment of this Act, the Secretary shall establish
13 and maintain an electronic database and, in co-
14 ordination with other Federal and State agen-
15 cies, issue reporting requirements to make pub-
16 licly available the status and progress with re-
17 spect to compliance with applicable require-
18 ments of the National Environmental Policy
19 Act of 1969 (42 U.S.C. 4321 et seq.) and any
20 other Federal, State, or local approval or action
21 required for a project study for which this sec-
22 tion is applicable.

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

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

6 (i) ISSUE IDENTIFICATION AND RESOLUTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (5) FINANCIAL PENALTY PROVISIONS.—

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

13 (B) FAILURE TO DECIDE.—

14 (i) IN GENERAL.—

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

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

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

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

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

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

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

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

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

17 (C) LIMITATIONS.—

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

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

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

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

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

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

3 (i) the decision;

4 (ii) the project study involved;

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

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

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

14 (E) NO FAULT OF AGENCY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (3) MEMORANDUM OF AGENCY AGREEMENT.—

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

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

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

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

18 (B) any other Federal environmental law;

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

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

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

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

4 (l) TIMING OF CLAIMS.—

5 (1) TIMING.—

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

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

23 (2) NEW INFORMATION.—

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

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

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

17 (m) CATEGORICAL EXCLUSIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

16 (A) project delivery;

17 (B) compliance with environmental laws;

18 and

19 (C) the environmental impact of projects.

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

24 (p) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—

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

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

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

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

20 **SEC. 5005. ANNUAL REPORT TO CONGRESS.**

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

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

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

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

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

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

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

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

23 (b) REQUESTS FOR PROPOSALS.—

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

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

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

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

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

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

23 (c) CONTENTS.—

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

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

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

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

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

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

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

19 (B) DESCRIPTION OF BENEFITS.—

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

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

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

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

10 (II) domestic irrigated water and
11 power supplies;

12 (III) the national economy;

13 (IV) the environment; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Notwithstanding any other deadlines required by this sec-
14 tion, the Secretary shall—

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

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

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

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

9 **SEC. 5006. APPLICABILITY OF THE WIIN ACT.**

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

13 **TITLE VI—WATER SUPPLY PER-**
14 **MITTING COORDINATION ACT**

15 **SEC. 6001. DEFINITIONS.**

16 In this title:

17 (1) BUREAU.—The term “Bureau” means the
18 Bureau of Reclamation.

19 (2) COOPERATING AGENCIES.—The term “co-
20 operating agency” means a Federal agency with ju-
21 risdiction over a review, analysis, opinion, statement,
22 permit, license, or other approval or decision re-
23 quired for a qualifying project under applicable Fed-
24 eral laws and regulations, or a State agency subject
25 to section 3(c).

1 (3) QUALIFYING PROJECTS.—The term “quali-
2 fying projects” means new surface water storage
3 projects in the States covered under the Act of June
4 17, 1902 (32 Stat. 388, chapter 1093), and Acts
5 supplemental to and amendatory of that Act (43
6 U.S.C. 371 et seq.) constructed on lands adminis-
7 tered by the Department of the Interior or the De-
8 partment of Agriculture, exclusive of any easement,
9 right-of-way, lease, or any private holding, unless the
10 project applicant elects not to participate in the
11 process authorized by this Act. Such term shall also
12 include State-led projects (as defined in section
13 4007(a)(2) of the WIIN Act) for new surface water
14 storage projects in the States covered under the Act
15 of June 17, 1902 (32 Stat. 388, chapter 1093), and
16 Acts supplemental to and amendatory of that Act
17 (43 U.S.C. 371 et seq.), constructed on lands ad-
18 ministered by the Department of the Interior or the
19 Department of Agriculture, exclusive of any ease-
20 ment, right-of-way, lease, or any private holding, un-
21 less the project applicant elects not to participate in
22 the process authorized by this Act.

23 (4) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

1 **SEC. 6002. ESTABLISHMENT OF LEAD AGENCY AND CO-**
2 **OPERATING AGENCIES.**

3 (a) **ESTABLISHMENT OF LEAD AGENCY.**—The Bu-
4 reau is established as the lead agency for purposes of co-
5 ordinating all reviews, analyses, opinions, statements, per-
6 mits, licenses, or other approvals or decisions required
7 under Federal law to construct qualifying projects.

8 (b) **IDENTIFICATION AND ESTABLISHMENT OF CO-**
9 **OPERATING AGENCIES.**—The Commissioner of the Bureau
10 shall—

11 (1) identify, as early as practicable upon receipt
12 of an application for a qualifying project, any Fed-
13 eral agency that may have jurisdiction over a review,
14 analysis, opinion, statement, permit, license, ap-
15 proval, or decision required for a qualifying project
16 under applicable Federal laws and regulations; and

17 (2) notify any such agency, within a reasonable
18 timeframe, that the agency has been designated as
19 a cooperating agency in regards to the qualifying
20 project unless that agency responds to the Bureau in
21 writing, within a timeframe set forth by the Bureau,
22 notifying the Bureau that the agency—

23 (A) has no jurisdiction or authority with
24 respect to the qualifying project;

25 (B) has no expertise or information rel-
26 evant to the qualifying project or any review,

1 analysis, opinion, statement, permit, license, or
2 other approval or decision associated therewith;
3 or

4 (C) does not intend to submit comments
5 on the qualifying project or conduct any review
6 of such a project or make any decision with re-
7 spect to such project in a manner other than in
8 cooperation with the Bureau.

9 (c) STATE AUTHORITY.—A State in which a quali-
10 fying project is being considered may choose, consistent
11 with State law—

12 (1) to participate as a cooperating agency; and
13 (2) to make subject to the processes of this Act
14 all State agencies that—

15 (A) have jurisdiction over the qualifying
16 project;

17 (B) are required to conduct or issue a re-
18 view, analysis, or opinion for the qualifying
19 project; or

20 (C) are required to make a determination
21 on issuing a permit, license, or approval for the
22 qualifying project.

23 **SEC. 6003. BUREAU RESPONSIBILITIES.**

24 (a) IN GENERAL.—The principal responsibilities of
25 the Bureau under this Act are—

1 (1) to serve as the point of contact for appli-
2 cants, State agencies, Indian Tribes, and others re-
3 garding proposed qualifying projects;

4 (2) to coordinate preparation of unified environ-
5 mental documentation that will serve as the basis for
6 all Federal decisions necessary to authorize the use
7 of Federal lands for qualifying projects; and

8 (3) to coordinate all Federal agency reviews
9 necessary for project development and construction
10 of qualifying projects.

11 (b) COORDINATION PROCESS.—The Bureau shall
12 have the following coordination responsibilities:

13 (1) PREAPPLICATION COORDINATION.—Notify
14 cooperating agencies of proposed qualifying projects
15 not later than 30 days after receipt of a proposal
16 and facilitate a preapplication meeting for prospec-
17 tive applicants, relevant Federal and State agencies,
18 and Indian Tribes—

19 (A) to explain applicable processes, data
20 requirements, and applicant submissions nec-
21 essary to complete the required Federal agency
22 reviews within the timeframe established; and

23 (B) to establish the schedule for the quali-
24 fying project.

1 (2) CONSULTATION WITH COOPERATING AGEN-
2 CIES.—Consult with the cooperating agencies
3 throughout the Federal agency review process, iden-
4 tify and obtain relevant data in a timely manner,
5 and set necessary deadlines for cooperating agencies.

6 (3) SCHEDULE.—Work with the qualifying
7 project applicant and cooperating agencies to estab-
8 lish a project schedule. In establishing the schedule,
9 the Bureau shall consider, among other factors—

10 (A) the responsibilities of cooperating
11 agencies under applicable laws and regulations;

12 (B) the resources available to the cooper-
13 ating agencies and the non-Federal qualifying
14 project sponsor, as applicable;

15 (C) the overall size and complexity of the
16 qualifying project;

17 (D) the overall schedule for and cost of the
18 qualifying project; and

19 (E) the sensitivity of the natural and his-
20 toric resources that may be affected by the
21 qualifying project.

22 (4) ENVIRONMENTAL COMPLIANCE.—Prepare a
23 unified environmental review document for each
24 qualifying project application, incorporating a single
25 environmental record on which all cooperating agen-

1 cies with authority to issue approvals for a given
2 qualifying project shall base project approval deci-
3 sions. Help ensure that cooperating agencies make
4 necessary decisions, within their respective authori-
5 ties, regarding Federal approvals in accordance with
6 the following timelines:

7 (A) Not later than 1 year after acceptance
8 of a completed project application when an en-
9 vironmental assessment and finding of no sig-
10 nificant impact is determined to be the appro-
11 priate level of review under the National Envi-
12 ronmental Policy Act of 1969 (42 U.S.C. 4321
13 et seq.).

14 (B) Not later than 1 year and 30 days
15 after the close of the public comment period for
16 a draft environmental impact statement under
17 the National Environmental Policy Act of 1969
18 (42 U.S.C. 4321 et seq.), when an environ-
19 mental impact statement is required under the
20 same.

21 (5) CONSOLIDATED ADMINISTRATIVE
22 RECORD.—Maintain a consolidated administrative
23 record of the information assembled and used by the
24 cooperating agencies as the basis for agency deci-
25 sions.

1 (6) PROJECT DATA RECORDS.—To the extent
2 practicable and consistent with Federal law, ensure
3 that all project data is submitted and maintained in
4 generally accessible electronic format, compile, and
5 where authorized under existing law, make available
6 such project data to cooperating agencies, the quali-
7 fying project applicant, and to the public.

8 (7) PROJECT MANAGER.—Appoint a project
9 manager for each qualifying project. The project
10 manager shall have authority to oversee the project
11 and to facilitate the issuance of the relevant final
12 authorizing documents, and shall be responsible for
13 ensuring fulfillment of all Bureau responsibilities set
14 forth in this section and all cooperating agency re-
15 sponsibilities under section 5.

16 **SEC. 6004. COOPERATING AGENCY RESPONSIBILITIES.**

17 (a) ADHERENCE TO BUREAU SCHEDULE.—

18 (1) TIMEFRAMES.—On notification of an appli-
19 cation for a qualifying project, the head of each co-
20 operating agency shall submit to the Bureau a time-
21 frame under which the cooperating agency reason-
22 ably will be able to complete the authorizing respon-
23 sibilities of the cooperating agency.

24 (2) SCHEDULE.—

1 (A) USE OF TIMEFRAMES.—The Bureau
2 shall use the timeframes submitted under this
3 subsection to establish the project schedule
4 under section 4.

5 (B) ADHERENCE.—Each cooperating agen-
6 cy shall adhere to the project schedule estab-
7 lished by the Bureau under subparagraph (A).

8 (b) ENVIRONMENTAL RECORD.—The head of each
9 cooperating agency shall submit to the Bureau all environ-
10 mental review material produced or compiled in the course
11 of carrying out activities required under Federal law, con-
12 sistent with the project schedule established by the Bureau
13 under subsection (a)(2).

14 (c) DATA SUBMISSION.—To the extent practicable
15 and consistent with Federal law, the head of each cooper-
16 ating agency shall submit all relevant project data to the
17 Bureau in a generally accessible electronic format, subject
18 to the project schedule established by the Bureau under
19 subsection (a)(2).

20 **SEC. 6005. FUNDING TO PROCESS PERMITS.**

21 (a) IN GENERAL.—The Secretary, after public notice
22 in accordance with subchapter II of chapter 5, and chapter
23 7, of title 5, United States Code (commonly known as the
24 “Administrative Procedure Act”), may accept and expend
25 funds contributed by a non-Federal public entity to expe-

1 dite the evaluation of a permit of that entity related to
2 a qualifying project.

3 (b) EFFECT ON PERMITTING.—

4 (1) EVALUATION OF PERMITS.—In carrying out
5 this section, the Secretary shall ensure that the eval-
6 uation of permits carried out using funds accepted
7 under this section shall—

8 (A) be reviewed by the Regional Director
9 of the Bureau of the region in which the quali-
10 fying project or activity is located (or a des-
11 ignee); and

12 (B) use the same procedures for decisions
13 that would otherwise be required for the evalua-
14 tion of permits for similar projects or activities
15 not carried out using funds authorized under
16 this section.

17 (2) IMPARTIAL DECISION MAKING.—In carrying
18 out this section, the Secretary and the head of each
19 cooperating agency receiving funds under this sec-
20 tion for a qualifying project shall ensure that the use
21 of the funds accepted under this section for the
22 qualifying project shall not—

23 (A) substantively or procedurally impact
24 impartial decision making with respect to the
25 issuance of permits; or

1 (B) diminish, modify, or otherwise affect
2 the statutory or regulatory authorities of the
3 cooperating agency.

4 (c) LIMITATION ON USE OF FUNDS.—None of the
5 funds accepted under this section shall be used to carry
6 out a review of the evaluation of permits required under
7 subsection (b)(1)(A).

8 (d) PUBLIC AVAILABILITY.—The Secretary shall en-
9 sure that all final permit decisions carried out using funds
10 authorized under this section are made available to the
11 public, including on the internet.

12 **TITLE VII—FEDERALLY INTE-**
13 **GRATED SPECIES HEALTH**
14 **ACT**

15 **SEC. 7001. TRANSFER OF FUNCTIONS WITH RESPECT TO**
16 **ANADROMOUS SPECIES AND CATADROMOUS**
17 **SPECIES.**

18 (a) TRANSFER OF FUNCTIONS.—All functions with
19 respect to anadromous species and catadromous species
20 under the Endangered Species Act of 1973 (16 U.S.C.
21 1531 et seq.) that were vested in the Secretary of Com-
22 merce or the National Marine Fisheries Service imme-
23 diately before the enactment of this Act are transferred
24 to the Secretary of the Interior.

1 (b) CONFORMING AMENDMENTS.—The Endangered
2 Species Act of 1973 is amended—

3 (1) in section 3(15) (16 U.S.C. 1532(15))—

4 (A) by inserting “(A)” after “(15)”; and

5 (B) by adding at the end the following:

6 “(B) Notwithstanding subparagraph (A),
7 with respect to anadromous species and
8 catadromous species, the term ‘Secretary’
9 means the Secretary of the Interior.”; and

10 (2) in section 3 (16 U.S.C. 1532) by adding at
11 the end the following:

12 “(22) The term ‘anadromous species’ means a
13 species of fish that spawn in fresh or estuarine
14 waters and that migrate to ocean waters.

15 “(23) The term ‘catadromous species’ means a
16 species of fish that spawn in ocean waters and mi-
17 grate to fresh waters.”.

18 **SEC. 7002. MISCELLANEOUS PROVISIONS.**

19 (a) REFERENCES.—Any reference in any other Fed-
20 eral law, Executive order, rule, regulation, or delegation
21 of authority, or any document of or pertaining to a depart-
22 ment or office from which a function is transferred by this
23 Act—

24 (1) to the head of such department or office is
25 deemed to refer to the Secretary of the Interior; or

1 (2) to such department or office is deemed to
2 refer to the Department of the Interior.

3 (b) EXERCISE OF AUTHORITIES.—Except as other-
4 wise provided by law, the Secretary of the Interior may,
5 for purposes of performing the functions transferred by
6 this Act, exercise all authorities under the Endangered
7 Species Act of 1973 that were available with respect to
8 the performance of that function immediately before the
9 effective date of the transfer of the function under this
10 Act.

11 (c) SAVINGS PROVISIONS.—

12 (1) LEGAL DOCUMENTS.—All orders, deter-
13 minations, rules, regulations, permits, grants, loans,
14 contracts, agreements, certificates, licenses, and
15 privileges—

16 (A) that have been issued, made, granted,
17 or allowed to become effective by the Secretary
18 of Commerce, any officer or employee of the
19 Department of Commerce, or any other Govern-
20 ment official in the performance of any function
21 that is transferred by this Act, or by a court of
22 competent jurisdiction with respect to such per-
23 formance; and

24 (B) that are in effect on the effective date
25 of this Act (or become effective after such date

1 pursuant to their terms as in effect on such ef-
2 fective date),
3 shall continue in effect according to their terms until
4 modified, terminated, superseded, set aside, or re-
5 voked in accordance with law by the President, any
6 other authorized official, a court of competent juris-
7 diction, or operation of law.

8 (2) PROCEEDINGS.—

9 (A) IN GENERAL.—This Act shall not af-
10 fect any proceedings or any application for any
11 benefits, service, license, permit, certificate, or
12 financial assistance pending on the date of the
13 enactment of this Act before an office trans-
14 ferred by this Act. Such proceedings and appli-
15 cations shall be continued. Orders shall be
16 issued in such proceedings, appeals shall be
17 taken therefrom, and payments shall be made
18 pursuant to such orders, as if this Act had not
19 been enacted, and orders issued in any such
20 proceeding shall continue in effect until modi-
21 fied, terminated, superseded, or revoked by a
22 duly authorized official, by a court of competent
23 jurisdiction, or by operation of law.

24 (B) LIMITATION.—Nothing in this para-
25 graph shall be considered to prohibit the dis-

1 continuance or modification of any such pro-
2 ceeding under the same terms and conditions
3 and to the same extent that such proceeding
4 could have been discontinued or modified if this
5 Act had not been enacted.

6 (3) SUITS.—This Act shall not affect suits com-
7 menced before the date of the enactment of this Act,
8 and in all such suits, proceeding shall be had, ap-
9 peals taken, and judgments rendered in the same
10 manner and with the same effect as if this Act had
11 not been enacted.

12 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
13 tion, or other proceeding commenced by or against
14 the Department of Commerce or the Secretary of
15 Commerce, or by or against any individual in the of-
16 ficial capacity of such individual as an officer or em-
17 ployee of the Department of Commerce, shall abate
18 by reason of the enactment of this Act.

19 (5) CONTINUANCE OF SUITS.—If any Govern-
20 ment officer in the official capacity of such officer
21 is party to a suit with respect to a function of the
22 officer, and under this Act such function is trans-
23 ferred to any other officer or office, then such suit
24 shall be continued with the other officer or the head

1 of such other office, as applicable, substituted or
2 added as a party.

3 (6) ADMINISTRATIVE PROCEDURE AND JUDI-
4 CIAL REVIEW.—Except as otherwise provided by this
5 Act, any statutory requirements relating to notice,
6 hearings, action upon the record, or administrative
7 or judicial review that apply to any function trans-
8 ferred by this Act shall apply to the exercise of such
9 function by the head of the Federal agency, and
10 other officers of the agency, to which such function
11 is transferred by this Act.

12 **SEC. 7003. DEFINITIONS.**

13 In this title:

14 (1) ANADROMOUS SPECIES AND CATADROMOUS
15 SPECIES.—Each of the terms “anadromous species”
16 and “catadromous species” has the meaning that
17 term has under section 3 of the Endangered Species
18 Act of 1973, as amended by section 3 of this title.

19 (2) FUNCTION.—The term “function” includes
20 any duty, obligation, power, authority, responsibility,
21 right, privilege, activity, or program.

22 (3) OFFICE.—The term “office” includes any
23 office, administration, agency, bureau, institute,
24 council, unit, organizational entity, or component
25 thereof.

1 **TITLE VIII—AQUIFER RE-**
2 **CHARGE FLEXIBILITY PILOT**
3 **PROGRAM**

4 **SEC. 8001. DEFINITIONS.**

5 In this title:

6 (1) BUREAU.—The term “Bureau” means the
7 Bureau of Reclamation.

8 (2) COMMISSIONER.—The term “Commis-
9 sioner” means the Commissioner of Reclamation.

10 (3) ELIGIBLE LAND.—The term “eligible land”,
11 with respect to a Reclamation project, means land
12 that—

13 (A) is authorized to receive water under
14 State law; and

15 (B) shares an aquifer with land located in
16 the service area of the Reclamation project.

17 (4) NET WATER STORAGE BENEFIT.—The term
18 “net water storage benefit” means an increase in the
19 volume of water that is—

20 (A) stored in one or more aquifers; and

21 (B)(i) available for use within the author-
22 ized service area of a Reclamation project; or

23 (ii) stored on a long-term basis to avoid or
24 reduce groundwater overdraft.

1 (5) RECLAMATION FACILITY.—The term “Rec-
2 lamation facility” means each of the infrastructure
3 assets that are owned by the Bureau at a Reclama-
4 tion project.

5 (6) RECLAMATION PROJECT.—The term “Rec-
6 lamation project” means any reclamation or irriga-
7 tion project, including incidental features thereof,
8 authorized by Federal reclamation law or the Act of
9 August 11, 1939 (commonly known as the “Water
10 Conservation and Utilization Act”) (53 Stat. 1418,
11 chapter 717; 16 U.S.C. 590y et seq.), or constructed
12 by the United States pursuant to such law, or in
13 connection with which there is a repayment or water
14 service contract executed by the United States pur-
15 suant to such law, or any project constructed by the
16 Secretary through the Bureau for the reclamation of
17 land.

18 (7) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 **SEC. 8002. USE OF BUREAU FACILITIES.**

21 (1) IN GENERAL.—The Commissioner may
22 allow the use of excess capacity in Reclamation fa-
23 cilities for aquifer recharge of non-Reclamation
24 project water, subject to applicable rates, charges,

1 and public participation requirements, on the condi-
2 tion that—

3 (A) the use—

4 (i) shall not be implemented in a man-
5 ner that is detrimental to—

6 (I) any power service or water
7 contract for the Reclamation project;

8 or

9 (II) any obligations for fish, wild-
10 life, or water quality protection appli-
11 cable to the Reclamation project;

12 (ii) shall be consistent with water
13 quality guidelines for the Reclamation
14 project;

15 (iii) shall comply with all applicable—

16 (I) Federal laws; and

17 (II) policies of the Bureau; and

18 (B) the non-Federal party to an existing
19 contract for water or water capacity in a Rec-
20 lamation facility consents to the use of the Rec-
21 lamation facility under this subsection.

22 (2) EFFECT ON EXISTING CONTRACTS.—Noth-
23 ing in this subsection affects a contract—

24 (A) in effect on the date of the enactment
25 of this title; and

1 (B) under which the use of excess capacity
2 in a Bureau conveyance facility for carriage of
3 non-Reclamation project water for aquifer re-
4 charge is allowed.

5 **SEC. 8003. AQUIFER RECHARGE ON ELIGIBLE LAND.**

6 (1) IN GENERAL.—Subject to paragraphs (3)
7 and (4), the Secretary may contract with a holder of
8 a water service or repayment contract for a Rec-
9 lamation project to allow the contractor, in accord-
10 ance with applicable State laws and policies—

11 (A) to directly use water available under
12 the contract for aquifer recharge on eligible
13 land; or

14 (B) to enter into an agreement with an in-
15 dividual or entity to transfer water available
16 under the contract for aquifer recharge on eligi-
17 ble land.

18 (2) AUTHORIZED PROJECT USE.—The use of a
19 Reclamation facility for aquifer recharge under para-
20 graph (1) shall be considered an authorized use for
21 the Reclamation project if requested by a holder of
22 a water service or repayment contract for the Rec-
23 lamation facility.

24 (3) MODIFICATIONS TO CONTRACTS.—The Sec-
25 retary may contract with a holder of a water service

1 or repayment contract for a Reclamation project
2 under paragraph (1) if the Secretary determines
3 that a new contract or contract amendment de-
4 scribed in that paragraph is—

5 (A) necessary to allow for the use of water
6 available under the contract for aquifer re-
7 charge under this subsection;

8 (B) in the best interest of the Reclamation
9 project and the United States; and

10 (C) approved by the contractor that is re-
11 sponsible for repaying the cost of construction,
12 operations, and maintenance of the facility that
13 delivers the water under the contract.

14 (4) REQUIREMENTS.—The use of Reclamation
15 facilities for the use or transfer of water for aquifer
16 recharge under this subsection shall be subject to
17 the requirements that—

18 (A) the use or transfer shall not be imple-
19 mented in a manner that materially impacts
20 any power service or water contract for the
21 Reclamation project; and

22 (B) before the use or transfer, the Sec-
23 retary shall determine that the use or trans-
24 fer—

- 1 (i) results in a net water storage ben-
2 efit for the Reclamation project; or
3 (ii) contributes to the recharge of an
4 aquifer on eligible land; and
5 (C) the use or transfer complies with all
6 applicable—
7 (i) Federal laws and policies; and
8 (ii) interstate water compacts.

9 **SEC. 8004. SENSE OF CONGRESS.**

10 It is the sense of Congress that—

11 (1) the Secretary should encourage the use of
12 public land administered by the Bureau of Land
13 Management for aquifer recharge, where appro-
14 priate, consistent with—

15 (A) the existing grant of right-of-way;

16 (B) as applicable, the Federal Land Policy
17 and Management Act of 1976 (43 U.S.C. 1701
18 et seq.); and

19 (C) applicable land and resource manage-
20 ment plans; and

21 (2) the Secretary should consider whether aqui-
22 fer recharge may be appropriate in certain areas of
23 critical environmental concern, if aquifer recharge—

1 (A) would enhance the values for which the
2 area of critical environmental concern has been
3 designated; and

4 (B) is consistent with the management re-
5 quirements for the area of critical environ-
6 mental concern.

7 **SEC. 8005. CONVEYANCE FOR AQUIFER RECHARGE PUR-**
8 **POSES.**

9 The holder of a right-of-way, easement, permit, or
10 other authorization to transport water across public land
11 administered by the Bureau of Land Management may
12 transport water for aquifer recharge purposes, including
13 outside of the regular period of use, without requiring ad-
14 ditional authorization from the Secretary where the use
15 does not expand or modify the operation of the right-of-
16 way, easement, permit, or other authorization across pub-
17 lic land.

18 **SEC. 8006. REPORT.**

19 No later than 18 months after the enactment of this
20 law, the Secretary of the Interior shall submit to the Com-
21 mittee on Natural Resources of the House of Representa-
22 tives and the Committees on Energy and Natural Re-
23 sources of the Senate a report that describes the status
24 of the pilot; and describes obstacles, if any, to imple-
25 menting the pilot.

1 **SEC. 8007. EFFECT.**

2 Nothing in this Act—

3 (1) creates, impairs, alters, or supersedes a
4 Federal or State water right; or

5 (2) alters or supersedes State sovereignty and
6 authority regarding State water rights and the use
7 of water.

8 **SEC. 8008. EXEMPTION.**

9 This title shall not apply to the State of California.

10 **TITLE IX—BIG SAND WASH**
11 **PROJECT TITLE TRANSFER ACT**

12 **SEC. 9001. DEFINITIONS.**

13 In this title:

14 (1) **ACQUIRED LANDS.**—The term “Acquired
15 Lands” means those lands that were acquired by the
16 Central Utah Water Conservancy District with Fed-
17 eral and District funds for the purpose of water
18 storage and conveyance in the Big Sand Wash Fa-
19 cilities.

20 (2) **ASSOCIATION.**—The term “Association”
21 means the Moon Lake Water Users Association, an
22 association of 8 irrigation companies in Utah.

23 (3) **BIG SAND WASH FACILITIES.**—The term
24 “Big Sand Wash Facilities”—

25 (A) means the following features that are
26 part of the Uinta Basin Replacement Project

1 authorized by the Central Utah Project Comple-
2 tion Act (Public Law 102–575)—

3 (i) the Big Sand Wash Dam, includ-
4 ing the enlarged reservoir and outlet
5 works;

6 (ii) the Feeder Pipeline;

7 (iii) the Feeder Diversion;

8 (iv) the Roosevelt Pipeline; and

9 (v) the Big Sand Wash Facilities; and

10 (B) does not include—

11 (i) the Moon Lake Dam and Res-
12 ervoir; and

13 (ii) the modified outlet works.

14 (4) DISTRICT.—The term “District” means the
15 Central Utah Water Conservancy District, a political
16 subdivision of the State of Utah with certain respon-
17 sibilities for the implementation of the Central Utah
18 Project Completion Act.

19 (5) DUCHESNE COUNTY.—The term “Duchesne
20 County” means the Duchesne County Water Conser-
21 vancy District in Duchesne County, Utah.

22 (6) FEDERAL LANDS.—The term “Federal
23 Lands” means parcels of federally owned lands and
24 easements acquired for the expansion of the Big
25 Sand Wash Facilities, and includes those original,

1 Association lands deeded to the United States in No-
2 vember 2001 as a permanent easement for the con-
3 veyance and storage of water and the right of in-
4 gress and egress.

5 (7) FEEDER DIVERSION.—The term “Feeder
6 Diversion” means the diversion structure and appur-
7 tenances constructed in the Lake Fork River to di-
8 vert water into the Big Sand Wash Project, and in-
9 cludes the property acquired by easement for the di-
10 version structure and rights of egress and ingress to
11 the property.

12 (8) FEEDER PIPELINE.—The term “Feeder
13 Pipeline” means the pipeline and appurtenances con-
14 structed from the Feeder Diversion to the Big Sand
15 Wash Reservoir, and includes the property acquired
16 by easement for the pipeline.

17 (9) ROOSEVELT PIPELINE.—The term “Roo-
18 sevelt Pipeline” means the pipeline and appur-
19 tenances constructed to deliver project and non-
20 project water from the Big Sand Wash Facilities for
21 the Association and Duchesne County, and includes
22 the property acquired by easement for the pipeline.

23 (10) SECRETARY.—The term “Secretary”
24 means the Secretary of the Interior or a designee of
25 the Secretary.

1 (11) UINTA BASIN REPLACEMENT PROJECT.—
2 The term “Uinta Basin Replacement Project” ap-
3 plies to the project that was authorized by the Cen-
4 tral Utah Project Completion Act to enlarge the Big
5 Sand Wash Dam and Reservoir, construct the Feed-
6 er Diversion, construct the Feeder Pipeline, con-
7 struct the Roosevelt Pipeline, modify the Moon Lake
8 outlet works, develop mitigation lands, and develop
9 other facilities as required to complete project pur-
10 poses.

11 **SEC. 9002. CONVEYANCE OF FACILITIES AND LAND.**

12 (a) IN GENERAL.—Subject to subsection (b) and in
13 consideration of the District assuming from the United
14 States all liability for administration, operation, and main-
15 tenance of the Big Sand Wash Facilities, the Secretary
16 shall convey to the District all right, title, and interest
17 of the United States in and to the Acquired Lands, the
18 Federal Lands, and the Big Sand Wash Facilities in exist-
19 ence on the date of the enactment of this Title.

20 (b) CONDITIONS.—The conveyance under subsection
21 (a) shall not be completed until all of the following occur:

22 (1) The District pays to the Secretary the net
23 present value of the remaining repayment obliga-
24 tions identified in the Water Service Contract, Sup-
25 plement No. 2, Contract No. 14–06–400–4286 and

1 Block Notice Number UBRP1, as determined by Of-
2 fice of Management and Budget Circular A-129 (in
3 effect on the date of the enactment of this title).
4 Such prepayment shall not affect the contract to de-
5 liver water between the District and Duchesne Coun-
6 ty and shall remedy all outstanding issues relating
7 to the District's expenditure of Federal funds for
8 land acquisition.

9 (2) The Association, the District, and Duchesne
10 County enter into an agreement, only as mutually
11 deemed necessary by the Parties, reflecting as much
12 as possible the existing operating agreement, Agree-
13 ment No. 01-07-40-R7020 dated November 15,
14 2001, that provides for the future operation of and
15 delivery of water from the Big Sand Wash Facilities.

16 (3) The Association and the District enter into
17 an agreement to convey Acquired Lands, Federal
18 Lands, the Feeder Diversion, and the Feeder Pipe-
19 line to the Association.

20 (4) The Association and the District enter into
21 an agreement that ensures the minimum stream flow
22 requirements contained in the Final Environmental
23 Assessment, section 203(a), Uinta Basin Replace-
24 ment Project, dated October 2001.

1 (5) The District and the United States enter
2 into an agreement that ensures the minimum stream
3 flow requirements contained in the Final Environ-
4 mental Assessment, section 203(a), Uinta Basin Re-
5 placement Project, dated October 2001.

6 (6) The District enters into an agreement to
7 convey Acquired Lands and Federal Lands to the
8 Utah Department of Transportation.

9 (7) The District enters into an agreement to
10 convey the Roosevelt Pipeline to Duchesne County.

11 (c) PREPAYMENT AUTHORITY.—The District is here-
12 by granted authority to prepay, at net present value as
13 determined by Office of Management and Budget Circular
14 A-129 (as in effect on the date of the enactment of this
15 title), all irrigation block notices associated with the Bon-
16 neville Unit of the Central Utah Project.

17 (d) PAYMENT OF COSTS.—The District shall pay any
18 necessary and reasonable administrative and real estate
19 transfer costs incurred by the Secretary in carrying out
20 the conveyance authorized by subsection (a).

21 (e) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

22 (1) IN GENERAL.—Before conveying land and
23 facilities under subsection (a), the Secretary shall
24 comply with all applicable requirements under—

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

3 (B) the Endangered Species Act of 1973
4 (16 U.S.C. 1531 et seq.); and

5 (C) any other law applicable to the land
6 and facilities.

7 (2) EFFECT.—Nothing in this title modifies or
8 alters any obligations under—

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

11 (B) the Endangered Species Act of 1973
12 (16 U.S.C. 1531 et seq.).

13 **SEC. 9003. RELATIONSHIP TO UINTA BASIN REPLACEMENT**
14 **PROJECT.**

15 After the conveyance authorized under section 3(a),
16 the United States shall not be liable for damages arising
17 out of any act, omission, or occurrence relating to the Big
18 Sand Wash Facilities, Acquired Lands, and Federal
19 Lands, except for damages caused by acts of negligence
20 committed by the United States or by any employee or
21 agent of the United States before the date of the convey-
22 ance, consistent with chapter 171 of title 28, United
23 States Code.

1 **SEC. 9004. REPORT.**

2 If the conveyance authorized by section 3(a) is not
3 completed by the date that is 12 months after the date
4 of the enactment of this Title, the Secretary shall submit
5 to Congress a report that—

6 (1) describes the status of the conveyance;

7 (2) describes any obstacles to completing the
8 conveyance; and

9 (3) specifies an anticipated date for completion
10 of the conveyance.

11 **TITLE X—KENNEWICK IRRIGA-**
12 **TION DISTRICT TITLE TRANS-**
13 **FER ACT**

14 **SEC. 10001. DEFINITIONS.**

15 In this title:

16 (1) **AGREEMENT.**—The term “Agreement”
17 means the agreement required under section 2(a).

18 (2) **DISTRICT.**—The term “District” means the
19 Kennewick Irrigation District, located in Benton
20 County, Washington, which operates and maintains
21 a portion of the Kennewick Division of the Yakima
22 Project constructed by the United States to enable
23 the Kennewick Irrigation District to carry out au-
24 thorized purposes pursuant to the Act of June 12,
25 1948 (62 Stat. 382).

1 (3) DISTRICT'S HEAD GATE.—The term “Dis-
2 trict's head gate” means the point of diversion for
3 the Kennewick Irrigation District, identified as the
4 KID Main Canal Headworks at the following loca-
5 tion: KID Main Canal Headworks, 200 feet east and
6 1100 feet north, more or less, from the southwest
7 corner of section 16, being within the northwest $\frac{1}{4}$
8 of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of section
9 16, T. 9 N., 26 E.W.M.

10 (4) DIVISION.—The term “Division” means the
11 Kennewick Division, including the Transferred
12 Works.

13 (5) TRANSFERRED WORKS.—The term “Trans-
14 ferred Works” means the canals, laterals, and ap-
15 purtenant works and lands, which begin at the Dis-
16 trict's head gate and extends approximately 40 miles
17 east to the Columbia River built to serve the place
18 of use of the 20,201 acres of currently irrigated irri-
19 gable lands entitled to delivery of water within the
20 Kennewick Irrigation District.

21 (6) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 **SEC. 10002. AGREEMENT, CONVEYANCE, REPORT.**

24 (a) AGREEMENT.—Not later than 2 years after the
25 date of the enactment of this Act, the Secretary, acting

1 through the Bureau of Reclamation, shall enter into an
2 agreement with the District to determine the legal, institu-
3 tional, and financial terms related to the conveyance of
4 the Transferred Works. The Agreement shall be completed
5 after the requirements in section 5(a) are satisfied. This
6 Agreement shall be in accordance with and subject to
7 Memorandum of Agreement No: R18MA13703 between
8 the District and the Bureau of Reclamation.

9 (b) CONVEYANCE.—Subject to valid leases, permits,
10 rights-of-way, easements, and other existing rights and in
11 accordance the terms and conditions set forth in the
12 Agreement and this Act, the Secretary shall convey to the
13 District all right, title, and interest of the United States
14 in and to the Transferred Works.

15 (c) REPORT.—If the conveyance authorized by sub-
16 section (b) is not completed within 2 years after the date
17 of the enactment of this Act, the Secretary shall submit
18 to Congress a report that—

- 19 (1) describes the status of the conveyance;
- 20 (2) describes any obstacles to completing the
21 conveyance; and
- 22 (3) specifies an anticipated date for completion
23 of the conveyance.

1 **SEC. 10003. LIABILITY.**

2 (a) DAMAGES.—Except as otherwise provided by law
3 and for damages caused by acts of negligence committed
4 by the United States or by its employees or agents, effec-
5 tive upon the date of the conveyance authorized by section
6 2, the United States shall not be held liable by any court
7 for damages of any kind arising out of any act, omission,
8 or occurrence relating to the Transferred Works.

9 (b) TORTS CLAIMS.—Nothing in this section in-
10 creases the liability of the United States beyond that pro-
11 vided in chapter 171 of title 28, United States Code (pop-
12 ularly known as the “Federal Tort Claims Act”).

13 **SEC. 10004. BENEFITS.**

14 (a) STATUS OF LAND.—After conveyance of the
15 Transferred Works under this Act, the Transferred Works
16 shall not be considered to be a part of a Federal reclama-
17 tion project.

18 (b) BENEFITS IF ENTIRE DIVISION CONVEYED.—If
19 the entire Division is conveyed out of Federal ownership,
20 the District shall not be eligible to receive any benefits,
21 including project power, with respect to the conveyed Divi-
22 sion, except benefits that would be available to a similarly
23 situated entity with respect to property that is not part
24 of a Federal reclamation project.

1 **SEC. 10005. COMPLIANCE WITH OTHER LAWS.**

2 (a) COMPLIANCE WITH ENVIRONMENTAL AND HIS-
3 TORIC PRESERVATION LAWS.—Before making the convey-
4 ance authorized by this Act, the Secretary shall complete
5 all actions required under the National Environmental
6 Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endan-
7 gered Species Act of 1973 (16 U.S.C. 1531 et seq.), sub-
8 title III of title 54, United States Code, and all other ap-
9 plicable laws.

10 (b) COMPLIANCE BY THE DISTRICT.—After convey-
11 ance of the Transferred Works under this Act, the District
12 shall comply with all applicable Federal, State, and local
13 laws and regulations in its operation of the Transferred
14 Works.

15 (c) APPLICABLE AUTHORITY.—All provisions of Fed-
16 eral Reclamation law (the Act of June 17, 1902 (43
17 U.S.C. 371 et seq.), and Acts supplemental to and amend-
18 atory of that Act) shall continue to be applicable to project
19 water provided to the District.

20 **SEC. 10006. PAYMENT.**

21 (a) ADMINISTRATIVE COSTS.—Except as provided in
22 subsection (b), administrative costs for conveyance of the
23 Transferred Works under this Act shall be paid in equal
24 shares by the Secretary and the District.

25 (b) REAL ESTATE TRANSFER COST.—Costs of all
26 boundary surveys, title searches, cadastral surveys, ap-

1 praisals, and other real estate transactions required for
2 the conveyance of the Transferred Works shall be paid by
3 the District.

4 (c) COSTS OF COMPLIANCE WITH OTHER LAWS.—
5 Costs associated with any review required under the Na-
6 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
7 et seq.), the Endangered Species Act of 1973 (16 U.S.C.
8 1531 et seq.), subtitle III of title 54, United States Code,
9 and all other applicable laws for conveyance of the Trans-
10 ferred Works shall be paid in equal shares by the Sec-
11 retary and the District.

12 **SEC. 10007. MISCELLANEOUS.**

13 (a) APPLICABILITY OF OTHER LAW.—Section 1212
14 of Public Law 103–434 shall apply to and be incorporated
15 into this Act.

16 (b) STATUTORY CONSTRUCTION.—Nothing in this
17 Act shall or shall be construed for any purpose—

18 (1) to transfer, affect, reduce, modify, or impair
19 the water rights of any person;

20 (2) to affect, reduce, modify, or impair the
21 United States authority to regulate and manage
22 water in the Yakima Basin, including water diverted
23 into the Chandler Power Canal and Prosser Dam
24 through and including the Kennewick Irrigation Dis-
25 trict’s head gate;

1 (3) to change how water is diverted at Prosser
2 Dam and delivered to the Kennewick Irrigation Dis-
3 trict through the Chandler pumps through the Dis-
4 trict's head gate; and

5 (4) to affect, reduce, modify, or impair the
6 United States control, management, and ownership
7 of the "Reserved works" as defined in the United
8 States Bureau of Reclamation and Kennewick Irri-
9 gation District Amendatory Repayment Contract
10 (1953) (Contract No. 14-06-W-56) as amended, at
11 pp. 2-3, which Reserved works include but are not
12 limited to Prosser Dam, the Chandler Power Canal
13 and hydroelectric and pumping plant, all Yakima
14 Project facilities, and the siphon under the Yakima
15 River to the District's head gate.

16 **SEC. 10008. LIMITATIONS.**

17 After completing the requirements of the National
18 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
19 seq.), the Secretary of the Interior shall convey title, if
20 the Secretary affirms in writing to the House Committee
21 on Natural Resources and the Senate Committee on En-
22 ergy and Natural Resources that the following criteria
23 have been met:

24 (1) The Kennewick Irrigation District agrees to
25 accept title to the property proposed for transfer.

1 (2) The proposed title transfer will not have an
2 unmitigated negative effect on the environment.

3 (3) The transfer is consistent with the Sec-
4 retary's responsibility to protect land and water re-
5 sources held in trust for federally recognized Indian
6 Tribes.

7 (4) The transfer is consistent with the Sec-
8 retary's responsibility to ensure compliance with
9 international treaties and interstate compacts.

10 (5) The Kennewick Irrigation District agrees to
11 provide, as consideration for the assets to be con-
12 veyed, compensation to the United States worth the
13 equivalent of the present value of any repayment ob-
14 ligation to the United States or other income stream
15 the United States derives from the assets to be
16 transferred at the time of the transfer.

17 **TITLE XI—WATER RIGHTS**
18 **PROTECTION ACT**

19 **SEC. 11001. DEFINITIONS.**

20 In this title:

21 (1) **SECRETARY.**—The term “Secretary”
22 means, as applicable—

23 (A) the Secretary of Agriculture; or

24 (B) the Secretary of the Interior.

1 (2) WATER RIGHT.—The term “water right”
2 means any surface, groundwater, or storage use
3 filed, permitted, certificated, confirmed, decreed, ad-
4 judicated, or otherwise recognized by a judicial pro-
5 ceeding or by the State in which the user acquires
6 possession of the water or puts it to beneficial use.
7 Such term shall include water rights for federally
8 recognized Indian Tribes.

9 **SEC. 11002. TREATMENT OF WATER RIGHTS.**

10 The Secretary shall not—

11 (1) condition the issuance, renewal, amendment,
12 or extension of any permit, approval, license, lease,
13 allotment, easement, right-of-way, or other land use
14 or occupancy agreement on the transfer of any water
15 right (including joint and sole ownership) directly or
16 indirectly to the United States, or on any impair-
17 ment of title or interest, in whole or in part, granted
18 or otherwise recognized under State law, by Federal
19 or State adjudication, decree, or other judgment, or
20 pursuant to any interstate water compact; or

21 (2) require any water user (including any feder-
22 ally recognized Indian Tribe) to apply for or acquire
23 a water right in the name of the United States
24 under State law as a condition of the issuance, re-
25 newal, amendment, or extension of any permit, ap-

1 proval, license, lease, allotment, easement, right-of-
2 way, or other land use or occupancy agreement.

3 **SEC. 11003. POLICY DEVELOPMENT.**

4 In developing any rule, policy, directive, management
5 plan, or similar Federal action relating to the issuance,
6 renewal, amendment, or extension of any permit, approval,
7 license, lease, allotment, easement, right-of-way, or other
8 land use or occupancy agreement, the Secretary—

9 (1) shall—

10 (A) recognize the longstanding authority of
11 the States relating to evaluating, protecting, al-
12 locating, regulating, permitting, and adjudi-
13 cating water use; and

14 (B) coordinate with the States to ensure
15 that any rule, policy, directive, management
16 plan, or similar Federal action is consistent
17 with, and imposes no greater restriction or reg-
18 ulatory requirement, than applicable State
19 water law; and

20 (2) shall not—

21 (A) adversely affect—

22 (i) the authority of a State in—

23 (I) permitting the beneficial use
24 of water; or

25 (II) adjudicating water rights;

1 (ii) any definition established by a
2 State with respect to the term “beneficial
3 use”, “priority of water rights”, or “terms
4 of use”; or

5 (iii) any other right or obligation of a
6 State established under State law; or

7 (B) assert any connection between surface
8 and groundwater that is inconsistent with such
9 a connection recognized by State water laws.

10 **SEC. 11004. EFFECT.**

11 (a) **EXISTING AUTHORITY.**—Nothing in this Act lim-
12 its or expands any existing legally recognized authority of
13 the Secretary to issue, grant, or condition any permit, ap-
14 proval, license, lease, allotment, easement, right-of-way, or
15 other land use or occupancy agreement on Federal land
16 that is subject to the jurisdiction of the Secretary.

17 (b) **RECLAMATION CONTRACTS.**—Nothing in this Act
18 in any way interferes with any existing or future Bureau
19 of Reclamation contract entered into pursuant to Federal
20 Reclamation law (the Act of June 17, 1902 (32 Stat. 388,
21 chapter 1093), and Acts supplemental to and amendatory
22 of that Act).

23 (c) **ENDANGERED SPECIES ACT.**—Nothing in this
24 Act affects the implementation of the Endangered Species
25 Act of 1973 (16 U.S.C. 1531 et seq.).

1 (d) FEDERAL RESERVED WATER RIGHTS.—Nothing
2 in this Act limits or expands any existing reserved water
3 rights of the Federal Government on land administered
4 by the Secretary.

5 (e) FEDERAL POWER ACT.—Nothing in this Act lim-
6 its or expands authorities pursuant to section 4(e), 10(j),
7 or 18 of the Federal Power Act (16 U.S.C. 797(e), 803(j),
8 811).

9 (f) INDIAN WATER RIGHTS.—Nothing in this Act
10 limits or expands any existing reserved water right or trea-
11 ty right of any federally recognized Indian Tribe.

12 (g) FEDERALLY HELD STATE WATER RIGHTS.—
13 Nothing in this Act limits the ability of the Secretary,
14 through applicable State procedures, to acquire, use, en-
15 force, or protect a State water right owned by the United
16 States.

17 **TITLE XII—COULEE DAM** 18 **REDESIGNATION**

19 **SEC. 12001. REDESIGNATION OF FACILITY.**

20 The facility of the Bureau of Reclamation located at
21 Highway–155, Coulee Dam, Washington 99116, known as
22 the Third Powerplant, shall be known and designated as
23 the “Nathaniel ‘Nat’ Washington Power Plant”.

1 **SEC. 12002. REFERENCES.**

2 Any reference in a law, map, regulation, document,
3 paper or other record of the United States to the facility
4 referred to in section 1 shall be deemed to be a reference
5 to the Nathaniel “Nat” Washington Power Plant.

6 **TITLE XIII—NUTRIA ERADI-**
7 **CATION AND CONTROL ACT**
8 **REAUTHORIZATION**

9 **SEC. 13001. NUTRIA ERADICATION.**

10 The Nutria Eradication and Control Act of 2003
11 (Public Law 108–16) is amended—

12 (1) in section 2—

13 (A) in subsection (a)—

14 (i) in paragraph (1), by striking
15 “Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana” and inserting
16 “Wetlands, tidal marshes, and agricultural
17 lands”;

18 (ii) in paragraph (2), by striking “in
19 Maryland and Louisiana”; and

20 (iii) in paragraph (3), by striking “in
21 Maryland” and all that follows to the pe-
22 riod and inserting “Consequently, marsh
23 loss, loss of public and private wetlands,
24 and loss of agricultural lands are accel-
25 erating.”; and
26

1 (B) in subsection (b), by striking “the
2 State of Maryland and the State of Louisiana”
3 and inserting “any state that has demonstrated
4 the need”; and
5 (2) in section 3—

6 (A) by amending subsection (a) to read as
7 follows:

8 “(a) GRANT AUTHORITY.—The Secretary of the Inte-
9 rior (referred to in this Act as the ‘Secretary’), subject
10 to the availability of appropriations, may provide financial
11 assistance to any state that has demonstrated to the Sec-
12 retary sufficient need for a program to implement meas-
13 ures to eradicate or control nutria and restore marshland,
14 public and private wetlands, and agricultural lands dam-
15 aged by nutria.”;

16 (B) by amending subsection (b) to read as
17 follows:

18 “(b) GOALS.—The goals of the program shall be to—

19 “(1) eradicate or control nutria in affected
20 States;

21 “(2) restore marshland, public and private wet-
22 lands, and agricultural lands damaged by nutria.”;
23 and

24 (C) in subsection (f), by striking
25 “\$4,000,000” and all that follows and inserting

1 “12,000,000 for any qualifying state program
2 for each of fiscal years 2021 through 2025.”.

3 **SEC. 13002. DEAUTHORIZATIONS.**

4 The following projects authorized by section 1638 of
5 the Reclamation Projects Authorization and Adjustment
6 Act of 1992 (43 U.S.C. 390h–20; Public Law 102–575)
7 are hereby deauthorized:

- 8 (1) Kalaeloa Seawater Desalination Project.
- 9 (2) Lahaina Water Recycling Project #3.
- 10 (3) Kealakehe Water Recycling Project.

○