

116TH CONGRESS  
1ST SESSION

# H. R. 5217

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

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## 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

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## 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.

**TITLE I—WATER  
 INFRASTRUCTURE**

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

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

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

(A) in subsection (h)(1)—

(i) by striking “\$335,000,000 of funding in section 4011(e) is authorized” and inserting “\$134,000,000 is authorized”;  
 and

(ii) by striking “to remain available until expended” and inserting “to be appropriated for each of fiscal years 2021 through 2025 to carry out this section”;  
 and

(B) in subsection (h)(2)—

(i) by striking “Congress.” and inserting “Congress; and”; and

(ii) by adding at the end the following:

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)”; and

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. 1922–1936c)  
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, concur-

rently with any other applicable governmental agency or Indian Tribe.

(3) TIMING.—The coordinated environmental review process under this subsection shall be completed not later than the date on which the Secretary, in consultation and concurrence with the agencies identified under section 5(d), establishes with respect to the project study.

(c) LEAD AGENCIES.—

(1) JOINT LEAD AGENCIES.—

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

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

(i) with the concurrence of the Secretary, serve as a joint lead agency with the Federal lead agency for purposes of preparing any environmental document

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

comment during the environmental review process  
for a project study:

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

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

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

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

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-

ing data sources, including geographic information systems mapping.

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

(4) ACCELERATED ISSUE RESOLUTION AND ELEVATION.—

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

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

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

close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under title 40, Code of Federal Regulations (including successor regulations).

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

(m) CATEGORICAL EXCLUSIONS.—

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

(A) survey the use by the Bureau of Reclamation and the Bureau of Indian Affairs of categorical exclusions in projects since 2005;

(B) publish a review of the survey that includes 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, effective  
5 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 increases  
10 the liability of the United States beyond that provided  
11 in chapter 171 of title 28, United States Code (popularly  
12 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 reclamation  
17 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 Division,  
22 except benefits that would be available to a similarly situated  
23 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) Kealahou Water Recycling Project.

○