

113TH CONGRESS  
2D SESSION

# H. R. 5412

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2014

Mr. HASTINGS of Washington introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ENVIRONMENTAL IMPACT STATEMENT.—

9 The term “environmental impact statement” means  
10 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           (5) PROJECT.—The term “project” means a  
4           surface water project to be carried out or funded by  
5           the Secretary pursuant to the Act of June 17, 1902  
6           (32 Stat. 388, chapter 1093), and Acts supple-  
7           mental to and amendatory of that Act (43 U.S.C.  
8           371 et seq.).

9           (6) PROJECT SPONSOR.—The term “project  
10          sponsor” means a State, regional, or local authority  
11          or other qualifying entity, such as a water conserva-  
12          tion district, irrigation district, water conservancy  
13          district, or rural water district or association.

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

19          (8) SECRETARY.—The term “Secretary” means  
20          the Secretary of the Interior.

21          (9) SURFACE WATER STORAGE.—The term  
22          “surface water storage” means any surface water  
23          reservoir or impoundment that would be owned,  
24          funded, or operated by the Bureau of Reclamation.

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

2 (a) IN GENERAL.—To the extent practicable, a  
3 project study initiated by the Secretary, after the date of  
4 enactment of this Act, under the Reclamation Act of 1902  
5 (32 Stat. 388), and all Acts amendatory thereof or supple-  
6 mentary thereto, shall—

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

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

12 (3) ensure that personnel from the local project  
13 area, region, and headquarters levels of the Bureau  
14 of Reclamation concurrently conduct the review re-  
15 quired under that section.

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

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

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

25 (3) provide written notice to the Committee on  
26 Natural Resources of the House of Representatives

1 and the Committee on Energy and Natural Re-  
2 sources of the Senate as to the reasons the require-  
3 ments of subsection (a) are not attainable.

4 (c) EXCEPTION.—

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

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

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

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

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

22 (D) whether there is significant public dis-  
23 pute as to the nature or effects of the project;  
24 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 Committee on Energy and Nat-  
9           ural Resources of the Senate as to the results of  
10          that determination, including an identification of the  
11          specific 1 or more factors used in making the deter-  
12          mination that the project is complex.

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

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

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

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

4                   (A) have jurisdiction over the project;

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

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

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

15          (e) INTERIM REPORT.—Not later than 18 months  
16          after the date of enactment of this Act, the Secretary shall  
17          submit to the Committee on Natural Resources of the  
18          House of Representatives and the Committee on Energy  
19          and Natural Resources of the Senate and make publicly  
20          available a report that describes—

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

24                   (2) a review of project delivery schedules, in-  
25          cluding a description of any delays on those studies

1 initiated prior to the date of the enactment of this  
2 Act; and

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

6 (f) FINAL REPORT.—Not later than 4 years after the  
7 date of enactment of this Act, the Secretary shall submit  
8 to the Committee on Natural Resources of the House of  
9 Representatives and the Committee on Energy and Nat-  
10 ural Resources of the Senate and make publicly available  
11 a report that describes—

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

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

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

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

24 The Secretary shall—



1           (1) expedite the completion of any ongoing  
2 project study initiated before the date of enactment  
3 of this Act; and

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

10 **SEC. 5. PROJECT ACCELERATION.**

11       (a) APPLICABILITY.—

12           (1) IN GENERAL.—This section shall apply to  
13 each project study that is initiated after the date of  
14 enactment of this Act and for which an environ-  
15 mental impact statement is prepared under the Na-  
16 tional Environmental Policy Act of 1969 (42 U.S.C.  
17 4321 et seq.).

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

24           (3) LIST OF PROJECT STUDIES.—

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

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

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

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

15 (b) PROJECT REVIEW PROCESS.—

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

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

1 the maximum extent practicable, concurrently with  
2 any other applicable governmental agency or Indian  
3 tribe.

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

10 (c) LEAD AGENCIES.—

11 (1) JOINT LEAD AGENCIES.—

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

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

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

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

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

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

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

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

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

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

23 (III) the Secretary approves and  
24 adopts the document before the Sec-  
25 retary takes any subsequent action or

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

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

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

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

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

24 (A) the National Environmental Policy Act  
25 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 enactment of the Bureau of Reclamation  
14          Surface Water Storage Streamlining Act) shall gov-  
15          ern the identification and the participation of a co-  
16          operating agency.

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



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

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

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

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

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

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

16 (A) supports a proposed project; or

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

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

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

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

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

9 (e) PROGRAMMATIC COMPLIANCE.—

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

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

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

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

23 (D) complies with—

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

1 (ii) all other applicable laws.

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

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

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

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

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

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

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

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

9 (iii) describe—

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

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

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

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

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

23 (f) COORDINATED REVIEWS.—

24 (1) COORDINATION PLAN.—

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

10 (B) SCHEDULE.—

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

1 (ii) FACTORS FOR CONSIDERATION.—

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

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

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

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

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

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

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

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

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

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

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

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

10 (II) made available to the public.

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

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

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

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

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

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

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

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

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



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

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

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

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

20           (5) TRANSPARENCY REPORTING.—

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

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

9           (B) PROJECT STUDY TRANSPARENCY.—

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

17          (g) ISSUE IDENTIFICATION AND RESOLUTION.—

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

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

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

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

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

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

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

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

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

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

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

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

3           (D) ELEVATION OF ISSUE RESOLUTION.—

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

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

18          (5) FINANCIAL PENALTY PROVISIONS.—

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

24          (B) FAILURE TO DECIDE.—

25                  (i) IN GENERAL.—

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

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

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

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

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

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

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

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

4 (C) LIMITATIONS.—

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

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

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



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

6           (D) NO FAULT OF AGENCY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (B) any other Federal environmental law;

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

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

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

22 (j) TIMING OF CLAIMS.—

23 (1) TIMING.—

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

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

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

16 (2) NEW INFORMATION.—

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

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

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

10       (k) CATEGORICAL EXCLUSIONS.—

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

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

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

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

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

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

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

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

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

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

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



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

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

7                   (A) project delivery;

8                   (B) compliance with environmental laws;

9                   and

10                   (C) the environmental impact of projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (b) REQUESTS FOR PROPOSALS.—

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

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

1       ister in order for the proposals to be considered for  
2       inclusion in the annual report.

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

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

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

13       (c) CONTENTS.—

14               (1) PROJECT REPORTS, PROPOSED PROJECT  
15       STUDIES, AND PROPOSED MODIFICATIONS.—

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

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

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

4           (iii) have not been congressionally au-  
5           thorized;

6           (iv) have not been included in any  
7           previous annual report; and

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

10       (B) DESCRIPTION OF BENEFITS.—

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

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

24                   (I) the protection of human life  
25                   and property;

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

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

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

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

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

1 that is the subject of the proposed  
2 feasibility study or the proposed modi-  
3 fication to an authorized project  
4 study); and

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

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

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

18 (i) the project report;

19 (ii) the proposed project study;

20 (iii) the authorized project study for  
21 which the modification is proposed; or

22 (iv) construction of—

23 (I) the surface water storage  
24 project that is the subject of—

25 (aa) the water report;

1 (bb) the proposed project  
2 study; or

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

6 (II) the proposed modification to  
7 a surface water storage development  
8 project;

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

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

19 (D) an estimate, to the extent practicable,  
20 of the Federal, non-Federal, and total costs  
21 of—

22 (i) the proposed modification to an  
23 authorized project study; and

24 (ii) construction of—



1 (I) the surface water storage de-  
2 velopment project that is the subject  
3 of—

4 (aa) the project report; or

5 (bb) the authorized project  
6 study for which a modification is  
7 proposed, with respect to the  
8 change in costs resulting from  
9 such modification; or

10 (II) the proposed modification to  
11 an authorized surface water storage  
12 development project; and

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

15 (i) the surface water storage develop-  
16 ment 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 surface water storage develop-  
24 ment project.

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

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

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

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

21                (2) include in such notice a requirement that  
22                non-Federal interests submit to the Secretary any  
23                proposals described in subsection (b)(1) by not later  
24                than 120 days after the date of publication of such  
25                notice in the Federal Register in order for such pro-

1        proposals to be considered for inclusion in the first an-  
2        nual report developed by the Secretary under this  
3        section.

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

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

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