BUREAU OF
RECLAMATION

RECLAMATION AND RELATED LAWS

2011 - 2020

Editor: Kevin M. Sabo, Esq.

Bureau of Reclamation
United States Department of the Interior

FOREWARD

We are pleased to share with you a research tool that will benefit Reclamation and our stakeholders with an online update to the legal histories of Federal Reclamation program laws covering 2011 through 2020.

The Bureau of Reclamation has hundreds of individually enacted statutes and pieces of other legislation affecting its projects and programs. In the past, this reference material has been collected in the form of traditional hard bound books titled *Federal Reclamation and Related Laws Annotated* referred to simply as the "blue books." By publishing online, we can include not only useful links to the United States Code and previously enacted public laws, but complete legislative histories, where available, including committee reports, hearing testimony, and floor debates.

With the goal of making this updated collection as comprehensive as possible, we have included federal laws affecting western water law regardless of the agency charged with its implementation. Therefore, you will see statutes naming such agencies as the U.S. Army Corps of Engineers, Interior's Bureau of Indian Affairs, the Federal Energy Regulatory Commission, and the various federal power marketing agencies. Reflecting Congress' increased attention to the water needs of Hawaii and Alaska, we have also included water laws affecting these States.

This is a living document and will be updated as we become aware of additional relevant research tools. Please remember that the information provided does not constitute legal advice. All information, content, and materials are for general informational purposes only and should not be considered "official." Further, while we will do our best to update this information regularly, it may not represent the most up-to-date sources. Links to other government and/or third-party websites are only for the convenience of the user; and we do not endorse the content of these sites. This content is provided "as is;" no representations are made that the content is error-free. Visitors should contact their attorney to obtain advice with respect to any legal matter.

Kevin M. Sabo, Esq.
Editor

Secretaries of the Interior

Name	Year Appointed	Name	Year Appointed
Thomas Ewing	1849	Harold L. Ickes	1933
Thomas M.T. McKennan	1850	Julius A. Krug	1946
Alexander H.H. Stuart	1850	Oscar L. Chapman	1949
Robert McClelland	1853	Douglas McKay	1953
Jacob Thompson	1857	Fred A. Seaton	1956
Caleb B. Smith	1861	Stewart L. Udall	1961
John P. Usher	1863	Walter J. Hickel	1969
James Harlan	1865	Rogers C.B. Morton	1971
Orville H. Browning	1866	Stanley K. Hathaway	1975
Jacob D. Cox	1869	Thomas S. Kleppe	1975
Columbus Delano	1870	Cecil D. Andrus	1977
Zachariah Chandler	1875	James G. Watt	1981
Carl Schurz	1877	William P. Clark	1983
Samuel J. Kirkwood	1881	Donald P. Hodel	1985
Henry M. Teller	1882	Manuel Lujan Jr.	1989
Lucius Q.C. Lamar II	1885	Bruce E. Babbitt	1993
William F. Vilas	1888	Gale Norton	2001
John W. Noble	1889	Dirk Kempthorne	2006
Hoke Smith	1893	Ken Salazar	2009
David R. Francis	1896	Sally Jewell	2013
Cornelius N. Bliss	1897	Ryan Zinke	2017
Ethan A. Hitchcock	1899	David Bernhardt	2019
James R. Garfield	1907		
Richard A. Ballinger	1909		
Walter L. Fisher	1911		
Franklin K. Lane	1913		
John B. Payne	1920		
Albert B. Fall	1921		
Hubert Work	1923		
Roy O. West	1928		
Ray Lyman Wilbur	1929		

Commissioners of Reclamation

Name	Year Appointed	Name	Year Appointed
Charles D. Walcott (Dir., USGS)	1894	Gilbert G. Stamm	1973
Frederick H. Newell, Chief Engineer	1902	R. Keith Higginson	1977
Frederick H. Newell, Director	1907	Robert N. Broadbent	1981
Arthur Powell Davis, Director	1914	C. Dale Duvall	1985
David W. Davis, Director	1923	Dennis B. Underwood	1989
Elwood Mead	1924	Daniel Beard	1993
Mae A. Schnurr	1930	Eluid L. Martinez	1995
John C. Page	1936	John W. Keys III	2001
Harry W. Bashore	1943	Robert W. Johnson	2006
Michael W. Straus	1945	Michael L. Connor	2009
Wilbur A. Dexheimer	1953	Estevan Lopez	2014
Floyd E. Dominy	1959	Brenda Burman	2017
Ellis L. Armstrong	1969		

Table of Contents

Acts of 112th Congress

2011

P.L. 112-45	C.C. Cragin Dam and Reservoir Jurisdiction	Pg. 6
P.L. 112-52	Uintah Water Conservancy District	Pg. 9
P.L. 112-72	Hoover Power Allocation Act of 2011	Pg. 10

2012

P.L. 112-139	East Bench Irrigation District Water Contract Extension Act	Pg. 17
P.L. 112-270	Endangered Fish Recovery Programs Extension Act of 2012	Pg. 18

Acts of 113th Congress

2013

P.L. 113-20	Bonneville Unit Clean Hydropower Facilitation Act	Pg. 19
P.L. 113-24	Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act	Pg. 21

2014

P.L. 113-121	Water Resources Reform and Development Act of 2014	Pg. 24
	• Water Infrastructure Finance and Innovation Act of 2014	Pg. 35
P.L. 113-136	Idaho Wilderness Water Resources Protection Act	Pg. 51
P.L. 113-177	American Falls Reservoir Hydroelectric Project	Pg. 53
P.L. 113-223	Bill Williams River Water Rights Settlement Act of 2014	Pg. 54
P.L. 113-232	Blackfoot River Land Exchange Act of 2014	Pg. 68
P.L. 113-235	Consolidated and Further Continuing Appropriations Act, 2015	Pg. 72
P.L. 113-244	Crooked River Collaborative Water Security and Jobs Act of 2014	Pg. 76

Acts of 114th Congress

2015

P.L. 114-57	New Mexico Navajo Water Settlement Technical Corrections Act	Pg. 82
P.L. 114-113	Consolidated Appropriations Act, 2016	Pg. 83

2016

P.L. 114-322	Water Infrastructure Improvements for the Nation "WIIN" Act	Pg. 88

Acts of 115th Congress

2018

P.L. 115-219	Gibson Dam Hydroelectric Project Deadline	Pg. 247

P.L. 115-227	White Mountain Apache Tribe Water Rights Qualifications Act Amendments	Pg. 248
P.L. 115-244	Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriation Act, 2019.	Pg. 249
P.L. 115-270	America's Water Infrastructure Act of 2018	Pg. 253
P.L. 115-306	Dickinson Reservoir Lands Title Transfer	Pg. 266
P.L. 115-308	Jamestown Reservoir Lands Title Transfer	Pg. 292
P.L. 115-429	Northport Irrigation District Early Repayment Authorization	Pg. 296

Acts of 116th Congress

2019

P.L. 116-9	John D. Dingell, Jr. Conservation, Management, and Recreation Act	Pg. 297
P.L. 116-14	Colorado River Drought Contingency Plan Authorization Act	Pg. 320
P.L. 116-41	Renaming the Success Dam in Tulare County, California	Pg. 321
P.L. 116-94	Further Consolidated Appropriations Act, 2020	Pg. 322
P.L. 116-99	Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act	Pg. 327

2020

P.L. 116-191	Klamath Basin Water Supply Enhancement Act of 2000 Amendments	Pg. 329
P.L. 116-260	Consolidated Appropriations Act, 2021	Pg. 331
	• Water Resources Development Act of 2020	Pg. 334
	• Clean Water for Rural Communities Act	Pg. 361
	• Montana Water Rights Protection Act	Pg. 366

November 7, 2011

C.C. CRAGIN DAM AND RESERVOIR JURISDICTION

An Act to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes. (An act of November 7, 2011, Public Law 112-45, 125 Stat. 535)

[Section 1. Land Withdrawal and Reservation for Cragin Project.]

(a) Definitions.-- In this section:

(1) Covered land.-- The term “covered land" means the parcel of land consisting of approximately 512 acres, as generally depicted on the Map, that consists of--

(A) approximately 300 feet of the crest of the Cragin Dam and associated spillway;

(B) the reservoir pool of the Cragin Dam that consists of approximately 250 acres defined by the high water mark; and

(C) the linear corridor.

(2) Cragin project.-- The term “Cragin Project” means--

(A) the Cragin Dam and associated spillway;

(B) the reservoir pool of the Cragin Dam; and

(C) any pipelines, linear improvements, buildings, hydroelectric generating facilities, priming tanks, transmission, telephone, and fiber optic lines, pumps, machinery, tools, appliances, and other District or Bureau of Reclamation structures and facilities used for the Cragin Project.

(3) District.-- The term “District” means the Salt River Project Agricultural Improvement and Power District.

(4) Land management activity.--The term “land management activity” includes, with respect to the covered land, the management of--

(A) recreation;

(B) grazing;

(C) wildland fire;

(D) public conduct;

(E) commercial activities that are not part of the Cragin Project;

(F) cultural resources;

(G) invasive species;

(H) timber and hazardous fuels;

(I) travel;

(J) law enforcement; and

(K) roads and trails.

(5) Linear corridor.-- The term “linear corridor” means a corridor of land comprising approximately 262 acres--

(A) the width of which is approximately 200 feet;

(B) the length of which is approximately 11.5 miles;

(C) of which approximately 0.7 miles consists of an underground tunnel; and

(D) that is generally depicted on the Map.

(6) Map.-- The term “Map” means sheets 1 and 2 of the maps entitled “C.C. Cragin Project Withdrawal” and dated June 17, 2008.

(7) Secretary.-- The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) Withdrawal of Covered Land.--Subject to valid existing rights, the covered land is permanently withdrawn from all forms of--

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(c) Map.--

(1) In general.--As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, in coordination with the Secretary, shall prepare a map and legal description of the covered land.

(2) Force and effect.--The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors.

(3) Availability.--The map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Reclamation.

(d) Jurisdiction and Duties.--

(1) Jurisdiction of the secretary of the interior.--

(A) In general.--Except as provided in subsection (e), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall have exclusive administrative jurisdiction to manage the Cragin Project in accordance with this Act and section 213(i) of the Arizona Water Settlements Act (Public Law 108-451; 118 Stat. 3533) on the covered land.

(B) Inclusion.--Notwithstanding subsection (e), the jurisdiction under subparagraph (A) shall include access to the Cragin Project by the District.

(2) Responsibility of secretary of the interior and district.--In accordance with paragraphs (4)(B) and (5) of section 213(i) of the Arizona Water Settlements Act (Public Law 108-451; 118 Stat. 3533), the Secretary of the Interior and the District shall--

(A) ensure the compliance of each activity carried out at the Cragin Project with each applicable Federal environmental law (including regulations); and

(B) coordinate with appropriate Federal agencies in ensuring the compliance under subparagraph (A).

(e) Land Management Activities on Covered Land.--

(1) In general.--The Secretary shall have administrative jurisdiction over land management activities on the covered land and other appropriate management activities pursuant to an agreement under paragraph (2) that do not conflict with, or adversely affect, the operation, maintenance, or replacement (including repair) of the Cragin Project, as determined by the Secretary of the Interior.

(2) Interagency agreement.--The Secretary and the Secretary of the Interior, in coordination with the District, may enter into an agreement under which the Secretary may--

(A) undertake any other appropriate management activity in accordance with applicable law that will improve the management and safety of the covered land and other land managed by the Secretary if the activity does not conflict with, or

adversely affect, the operation, maintenance, or replacement (including repair) of the Cragin Project, as determined by the Secretary of the Interior; and
(B) carry out any emergency activities, such as fire suppression, on the covered land.

Approved November 7, 2011.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 489 (S. 201):
House Report: No. 112-160, Comm. on Natural Resources, July 20, 2011.
Senate Report: No. 112-48, accompanying S. 201, Comm. on Energy and Natural Resources, Aug. 2, 2011.
CONGRESSIONAL RECORD, Vol. 157 (2011):
Oct. 3, considered and passed House, Pg. H6473.
Oct. 18, considered and passed Senate, Pg. S6692.
BUREAU OF RECLAMATION TESTIMONY
July 23, 2009 (S. 1080); May 12 and May 19, 2011; (S. 201) Senate Comm. on Energy and Natural Resources.

November 9, 2011

UINTAH WATER CONSERVANCY DISTRICT

An Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District. (An act of November 9, 2011, Public Law 112-52, 125 Stat. 547)

[Section 1. Prepayment of Certain Repayment Contracts Between the United States and the Uintah Water Conservancy District.]-- The Secretary of the Interior shall allow for prepayment of the repayment contract no. 6-05-01-00143 between the United States and the Uintah Water Conservancy District dated June 3, 1976, and supplemented and amended on November 1, 1985, and on December 30, 1992, providing for repayment of municipal and industrial water delivery facilities for which repayment is provided pursuant to such contract, under terms and conditions similar to those used in implementing section 210 of the Central Utah Project Completion Act (Public Law 102-575), as amended. The prepayment--

(1) shall result in the United States recovering the net present value of all repayment streams that would have been payable to the United States if this Act was not in effect;
(2) may be provided in several installments to reflect substantial completion of the delivery facilities being prepaid, and any increase in the repayment obligation resulting from delivery of water in addition to the water being delivered under this contract as of the date of enactment of this Act;
(3) shall be adjusted to conform to a final cost allocation including costs incurred by the Bureau of Reclamation, but unallocated as of the date of the enactment of this Act that are allocable to the water delivered under this contract;
(4) may not be adjusted on the basis of the type of prepayment financing used by the District; and
(5) shall be made such that total repayment is made not later than September 30, 2022.

Approved November 9, 2011

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 818:
House Report: No. 112-247, Comm. on Natural Resources, Oct. 14, 2011.
CONGRESSIONAL RECORD, Vol. 157 (2011):
Oct. 24, considered and passed House, Pg. H6995.
Nov. 3, considered and passed Senate, Pg. S7142.
BUREAU OF RECLAMATION TESTIMONY:
July 21, 2009 (H.R. 2950) House Comm. on Natural Resources
Nov. 5, 2009; (S. 1757) Senate Comm. on Energy and Natural Resources
May 12, 2011 (H.R. 818) House Comm. on Natural Resources
May 19, 2011(S.808) Senate Comm. on Energy and Natural Resources.

December 20, 2011

HOOVER POWER ALLOCATION ACT OF 2011

An Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes. (An act of December 20, 2011, Public Law 112-72, 125 Stat. 777)

[Section 1. Short Title.]-- This Act may be cited as the "Hoover Power Allocation Act of 2011".

Sec. 2. [Allocation of Contracts for Power.]

(a) Schedule A Power.-- Section 105(a)(1)(A) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(A)) is amended--

(1) by striking "renewal";

(2) by striking "June 1, 1987" and inserting "October 1, 2017"; and

(3) by striking Schedule A and inserting the following:

"Schedule A

Long-term Schedule A contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
Metropolitan Water District of Southern California..	249,948	859,163	368,212	1,227,375
City of Los Angeles.....	495,732	464,108	199,175	663,283
Southern California Edison Company.....	280,245	166,712	71,448	238,160
City of Glendale.....	18,178	45,028	19,297	64,325
City of Pasadena.....	11,108	38,622	16,553	55,175
City of Burbank.....	5,176	14,070	6,030	20,100
Arizona Power Authority.....	190,869	429,582	184,107	613,689
Colorado River Commission of Nevada.....	190,869	429,582	184,107	613,689
United States, for Boulder City.....	20,198	53,200	22,800	76,000
Totals.....	1,462,323	2,500,067	1,071,729	3,571,796".

(b) Schedule B Power.-- Section 105(a)(1)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(B)) is amended to read as follows:

"(B) To each existing contractor for power generated at Hoover Dam, a contract, for delivery commencing October 1, 2017, of the amount of contingent capacity and firm energy specified for that contractor in the following table:

“Schedule B
Long-term Schedule B contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
City of Glendale	2,020	2,749	1,194	3,943
City of Pasadena	9,089	2,399	1,041	3,440
City of Burbank	15,149	3,604	1,566	5,170
City of Anaheim	40,396	34,442	14,958	49,400
City of Azusa	4,039	3,312	1,438	4,750
City of Banning	2,020	1,324	576	1,900
City of Colton	3,030	2,650	1,150	3,800
City of Riverside	30,296	25,831	11,219	37,050
City of Vernon	22,218	18,546	8,054	26,600
Arizona	189,860	140,600	60,800	201,400
Nevada	189,860	273,600	117,800	391,400
Totals	507,977	509,057	219,796	728,853".

"(c) Schedule C Power.-- Section 105(a)(1)(C) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(C)) is amended--
(1) by striking “June 1, 1987” and inserting “October 1, 2017”; and
(2) by striking Schedule C and inserting the following:

"Schedule C
Excess Energy

Priority of entitlement to excess energy	State
First: Meeting Arizona's first priority right to delivery of excess energy which is equal in each year of operation to 200 million kilowatt hours: Provided, That in the event excess energy in the amount of 200 million kilowatt hours is not generated during any year of operation, Arizona shall accumulate a first right to delivery of excess energy subsequently generated in an amount not to exceed 600 million kilowatt hours, inclusive of the current year's 200 million kilowatt hours. Said first right of delivery shall accrue at a rate of 200 million kilowatt hours per year for each year excess energy in an amount of 200 million kilowatt hours is not generated, less amounts of excess energy delivered	Arizona
Second: Meeting Hoover Dam contractual obligations under Schedule A of subsection (a)(1)(A), under Schedule B of subsection (a)(1)(B), and under Schedule D of subsection (a)(2), not exceeding 26 million kilowatt hours in each year of operation	Arizona, Nevada, and California
Third: Meeting the energy requirements of the three States, such available excess energy to be divided equally among the States	Arizona, Nevada, and California"

(d) Schedule D Power.--Section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) is amended--

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting after paragraph (1) the following:

"(2)(A) The Secretary of Energy is authorized to and shall create from the apportioned allocation of contingent capacity and firm energy adjusted from the amounts authorized in this Act in 1984 to the amounts shown in Schedule A and Schedule B, as modified by the Hoover Power Allocation Act of 2011, a resource pool equal to 5 percent of the full rated capacity of 2,074,000 kilowatts, and associated firm energy, as shown in Schedule D (referred to in this section as `Schedule D contingent capacity and firm energy'):

"Schedule D

Long-term Schedule D resource pool of contingent capacity and associated firm energy for new allottees

State	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
New Entities Allocated by the Secretary of Energy.....	69,170	105,637	45,376	151,013
New Entities Allocated by State				
Arizona.....	11,510	17,580	7,533	25,113
California.....	11,510	17,580	7,533	25,113
Nevada.....	11,510	17,580	7,533	25,113
Totals.....	103,700	158,377	67,975	226,352

"(B) The Secretary of Energy shall offer Schedule D contingency capacity and firm energy to entities not receiving contingent capacity and firm energy under subparagraphs (A) and (B) of paragraph (1) (referred to in this section as `new allottees') for delivery commencing October 1, 2017 pursuant to this subsection. In this subsection, the term `the marketing area for the Boulder City Area Projects' shall have the same meaning as in appendix A of the Conformed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects published in the Federal Register on December 28, 1984 (49 Federal Register 50582 et seq.) (referred to in this section as the `Criteria').

"(C)(i) Within 36 months of the date of enactment of the Hoover Power Allocation Act of 2011, the Secretary of Energy shall allocate through the Western Area Power Administration (referred to in this section as `Western'), for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 66.7 percent of the Schedule D contingent capacity and firm energy to new allottees that are located within the marketing area for the Boulder City Area Projects and that are-

"(I) eligible to enter into contracts under section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d); or

"(II) federally recognized Indian tribes.

"(ii) In the case of Arizona and Nevada, Schedule D contingent capacity and firm energy for new allottees other than federally recognized Indian tribes shall be offered through the Arizona Power Authority and the Colorado River Commission of Nevada, respectively. Schedule D contingent capacity and firm energy allocated to federally recognized Indian tribes shall be contracted for directly with Western.

"(D) Within 1 year of the date of enactment of the Hoover Power Allocation Act of 2011, the Secretary of Energy also shall allocate, for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 11.1 percent of the Schedule D contingent capacity and firm energy to each of--

"(i) the Arizona Power Authority for allocation to new allottees in the State of Arizona;

"(ii) the Colorado River Commission of Nevada for allocation to new allottees in the State of Nevada; and

"(iii) Western for allocation to new allottees within the State of California, provided that Western shall have 36 months to complete such allocation.

"(E) Each contract offered pursuant to this subsection shall include a provision requiring the new allottee to pay a proportionate share of its State's respective contribution (determined in accordance with each State's applicable funding agreement) to the cost of the Lower Colorado River Multi-Species Conservation Program (as defined in section 9401 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1327)), and to execute the Boulder Canyon Project Implementation Agreement Contract No. 95-PAO-10616 (referred to in this section as the `Implementation Agreement').

"(F) Any of the 66.7 percent of Schedule D contingent capacity and firm energy that is to be allocated by Western that is not allocated and placed under contract by October 1, 2017, shall be returned to those contractors shown in Schedule A and Schedule B in the same proportion as those contractors' allocations of Schedule A and Schedule B contingent capacity and firm energy. Any of the 33.3 percent of Schedule D contingent capacity and firm energy that is to be distributed within the States of Arizona, Nevada, and California that is not allocated and placed under contract by October 1, 2017, shall be returned to the Schedule A and Schedule B contractors within the State in which the Schedule D contingent capacity and firm energy were to be distributed, in the same proportion as those contractors' allocations of Schedule A and Schedule B contingent capacity and firm energy.".

(e) Total Obligations.-- Paragraph (3) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated by subsection (d)(1)) is amended--

(1) in the first sentence, by striking "schedule A of section 105(a)(1)(A) and schedule B of section 105(a)(1)(B)" and inserting "paragraphs (1)(A), (1)(B), and (2)"; and

(2) in the second sentence--

(A) by striking "any" each place it appears and inserting "each";

(B) by striking "schedule C" and inserting "Schedule C"; and

(C) by striking "schedules A and B" and inserting "Schedules A, B, and D".

(f) Power Marketing Criteria.-- Paragraph (4) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated by subsection (d)(1)) is amended to read as follows:

"(4) Subdivision C of the Criteria shall be deemed to have been modified to conform to this section, as modified by the Hoover Power Allocation Act of 2011. The Secretary of Energy shall cause to be included in the Federal Register a notice conforming the text of the regulations to such modifications.".

(g) Contract Terms.--Paragraph (5) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated by subsection (d)(1)) is amended--

(1) by striking subparagraph (A) and inserting the following:

"(A) in accordance with section 5(a) of the Boulder Canyon Project Act (43 U.S.C. 617d(a)), expire September 30, 2067;";

(2) in the proviso of subparagraph (B)--

(A) by striking "shall use" and inserting "shall allocate"; and

(B) by striking "and" after the semicolon at the end;

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(D) authorize and require Western to collect from new allottees a pro rata share of Hoover Dam repayable advances paid for by contractors prior to October 1, 2017, and remit such amounts to the contractors that paid such advances in proportion to the amounts paid by such contractors as specified in section 6.4 of the Implementation Agreement;

"(E) permit transactions with an independent system operator; and

"(F) contain the same material terms included in section 5.6 of those long-term contracts for purchases from the Hoover Power Plant that were made in accordance with this Act and are in existence on the date of enactment of the Hoover Power Allocation Act of 2011.".

(h) Existing Rights.-- Section 105(b) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(b)) is amended by striking "2017" and inserting "2067".

(i) Offers.-- Section 105(c) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(c)) is amended to read as follows:

"(c) Offer of Contract to Other Entities.--If any existing contractor fails to accept an offered contract, the Secretary of Energy shall offer the contingent capacity and firm energy thus available first to other entities in the same State listed in Schedule A and Schedule B, second to other entities listed in Schedule A and Schedule B, third to other entities in the same State which receive contingent capacity and firm energy under subsection (a)(2) of this section, and last to other entities which receive contingent capacity and firm energy under subsection (a)(2) of this section.".

(j) Availability of Water.—Section 105(d) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(d)) is amended to read as follows:

"(d) Water Availability.-- Except with respect to energy purchased at the request of an allottee pursuant to subsection (a)(3), the obligation of the Secretary of Energy to deliver contingent capacity and firm energy pursuant to contracts entered into pursuant to this section shall be subject to availability of the water needed to produce such contingent capacity and firm energy. In the event that water is not available to produce the contingent capacity and firm energy set forth in Schedule A, Schedule B, and Schedule D, the Secretary of Energy shall adjust the contingent capacity and firm energy offered under those Schedules in the same proportion as those contractors' allocations of Schedule A, Schedule B, and Schedule D contingent capacity and firm energy bears to the full rated contingent capacity and firm energy obligations.".

(k) Conforming Amendments.-- Section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) is amended--

(1) by striking subsections (e) and (f); and

(2) by redesignating subsections (g), (h), and (i) as subsections (e), (f), and (g), respectively.

(l) Continued Congressional Oversight.-- Subsection (e) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended--

(1) in the first sentence, by striking "the renewal of""; and

(2) in the second sentence, by striking "June 1, 1987, and ending September 30, 2017" and inserting "October 1, 2017, and ending September 30, 2067".

(m) Court Challenges.-- Subsection (f)(1) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended in the first sentence by striking "this Act" and inserting "the Hoover Power Allocation Act of 2011".
(n) Reaffirmation of Congressional Declaration of Purpose.-- Subsection (g) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended--

(1) by striking "subsections (c), (g), and (h) of this section" and inserting "this Act"; and
(2) by striking "June 1, 1987, and ending September 30, 2017" and inserting "October 1, 2017, and ending September 30, 2067".

Sec. 3. [PAYGO.]-- The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 20, 2011.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 470 (S. 519):
House Report: No. 112-159, Pt. 1, Comm. on Natural Resources, July 20, 2011.
Senate Report: No. 112-58, accompanying S. 519, Comm. on Energy and Natural Resources, Aug. 30, 2011.
CONGRESSIONAL RECORD, Vol. 157 (2011):
Oct. 3, considered and passed House, Pg. H6476.
Oct. 18, considered and passed Senate, Pg. S6692.

June 27, 2012

EAST BENCH IRRIGATION DISTRICT WATER CONTRACT EXTENSION ACT

An Act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District. (An act of June 27, 2012, Public Law 112-139, 126 Stat. 390)

[Section 1. Short Title.]-- This Act may be cited as the "East Bench Irrigation District Water Contract Extension Act".

Sec. 2. [Authority to Extend Water Contract.]-- The Secretary of the Interior may extend the contract for water services between the United States and the East Bench Irrigation District, numbered 14-06-600-3593, until the earlier of—

(1) the date that is 4 years after the date on which the contract would have expired if this Act had not been enacted; or

(2) the date on which a new long-term contract is executed by the parties to the contract.

Approved June 27, 2012.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 997:
House Report: No. 112-527, Comm. on Natural Resources, June 15, 2012.
Senate Report: No. 112-65, Comm. on Energy and Natural Resources, Aug,.30, 2011.
CONGRESSIONAL RECORD: Vol. 157 (2011):
Nov. 2, considered and passed Senate, Pg. S7092.
CONGRESSIONAL RECORD: Vol. 158 (2012):
June 18, considered and passed House, H3715.
BUREAU OF RECLAMATION TESTIMONY
June 23, 2011, (S. 997) Senate Comm. on Energy and Natural Resources
June 6, 2012; (S. 997) House Comm. on Natural Resources.
Feb. 27 and June 10, 2014; Each Bench Irrigation District Contract Extension; (113th Congress)

January 14, 2013

ENDANGERED FISH RECOVERY PROGRAMS EXTENSION ACT OF 2012

An Act to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2019. (An act of January 14, 2013, Public Law 112-270, 126 Stat. 2444)

[Section 1. Short Title.]-- This Act may be cited as the "Endangered Fish Recovery Programs Extension Act of 2012".

Sec. 2. [Extensions of Authority under Public Law 106-392; Report.]-- Section 3(d)(2) of Public Law 106-392 is amended--

(1) by striking "2011" each place it appears and inserting "2019";

(2) by striking "2008" and inserting "2018"; and

(3) by inserting before "Nothing in this Act" the following: "Such report shall also describe the Recovery Implementation Programs actions and accomplishments to date, the status of the endangered species of fish and projected dates for downlisting and delisting under the Endangered Species Act of 1973, and the utilization of power revenues for annual base funding.".

Sec. 3. [Indirect Cost Recovery Rate for Recovery Programs.]-- Section 3 of Public Law 106-392 is amended by adding at the end the following new subsection:

> "(i) Limitation on Indirect Cost Recovery Rate.--The indirect cost recovery rate for any transfer of funds to the U.S. Fish and Wildlife Service from another Federal agency for the purpose of funding any activity associated with the Upper Colorado River Endangered Fish Recovery Program or the San Juan River Basin Recovery Implementation Program shall not exceed three percent of the funds transferred. In the case of a transfer of funds for the purpose of funding activities under both programs, the limitation shall be applied to the funding amount for each program and may not be allocated unequally to either program, even if the average aggregate indirect cost recovery rate would not exceed three percent.".

Sec. 4. [Limitation on Travel for Advocacy Purposes.]-- At the end of Public Law 106-392, add the following new section:

> "SEC. 5. LIMITATION ON TRAVEL FOR ADVOCACY PURPOSES.
>
> "No Federal funds may be used to cover any expenses incurred by an employee or detailee of the Department of the Interior to travel to any location (other than the field office to which that individual is otherwise assigned) to advocate, lobby, or attend meetings that advocate or lobby for the Recovery Implementation Programs.".

Approved January 14, 2013.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 6060:
HOUSE REPORT: No. 112-672, Comm. on Natural Resources, Sept. 14, 2012.
CONGRESSIONAL RECORD, Vol. 158 (2012):
Sept. 19, considered and passed House, H6074.
Dec. 31, considered and passed Senate, S8609.
BUREAU OF RECLAMATION TESTIMONY
July 10, 2012; House Comm. on Natural Resources.

July 18, 2013

BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT

An Act To authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project. (An act of July 18, 2013, Public Law 113-20, 127 Stat. 488)

[Section 1. Short Title.]-- This Act may be cited as the "Bonneville Unit Clean Hydropower Facilitation Act".

Sec. 2. [Diamond Fork System Defined.]-- For the purposes of this Act, the term "Diamond Fork System" means the facilities described in chapter 4 of the October 2004 Supplement to the 1988 Definite Plan Report for the Bonneville Unit.

Sec. 3. [Cost Allocations.]-- Notwithstanding any other provision of law, in order to facilitate hydropower development on the Diamond Fork System, the amount of reimbursable costs allocated to project power in Chapter 6 of the Power Appendix in the October 2004 Supplement to the 1988 Bonneville Unit Definite Plan Report, with regard to power development upstream of the Diamond Fork System, shall be considered final costs as well as costs in excess of the total maximum repayment obligation as defined in section 211 of the Central Utah Project Completion Act of 1992 (Public Law 102-575), and shall be subject to the same terms and conditions.

Sec. 4. [No Purchase or Market Obligation; No Costs Assigned to Power.]-- Nothing in this Act shall obligate the Western Area Power Administration to purchase or market any of the power produced by the Diamond Fork power plant and none of the costs associated with development of transmission facilities to transmit power from the Diamond Fork power plant shall be assigned to power for the purpose of Colorado River Storage Project ratemaking.

Sec. 5. [Prohibition on Tax-Exempt Financing.]-- No facility for the generation or transmission of hydroelectric power on the Diamond Fork System may be financed or refinanced, in whole or in part, with proceeds of any obligation--

(1) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986, or

(2) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

Sec. 6. [Reporting Requirement.]-- If, 24 months after the date of the enactment of this Act, hydropower production on the Diamond Fork System has not commenced, the Secretary of the Interior shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate stating this fact, the reasons such production has not yet commenced, and a detailed timeline for future hydropower production.

Sec. 7. [PAYGO.]-- The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Sec. 8. [Limitation on the Use of Funds.]-- The authority under the provisions of section 301 of the Hoover Power Plant Act of 1984 (Public Law 98-381; 42 U.S.C. 16421a) shall not be used to fund any study or construction of transmission facilities developed as a result of this Act.

Approved July 18, 2013.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 254 (S. 26):
House Report: No. 113-25, Pt. 1, Comm. on Natural Resources, April 9, 2013.
Senate Report: No. 113-16, accompanying S. 26, Comm. on Energy and Natural Resources,
CONGRESSIONAL RECORD, Vol. 159 (2013):
Apr. 9, considered and passed House, Pg. H1841.
July 10, considered and passed Senate, Pg. S5623
BUREAU OF RECLAMATION TESTIMONY
May 19, 2011; (S. 499) Senate Comm. on Natural Resources.
April 17, 2012; (H.R. 460); House Comm. on Natural Resources.
March 5, 2013; (H.R. 254), House Comm. on Natural Resources.

August 9, 2013

BUREAU OF RECLAMATION SMALL CONDUIT HYDROPOWER DEVELOPMENT AND RURAL JOBS ACT

An Act to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes. (An act of August 9, 2013, Public Law 113-24, 127 Stat. 498)

[Section 1. Short Title.]-- This Act may be cited as the "Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act".

Sec. 2. [Authorization.]-- Section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) is amended--

(1) by striking "The Secretary is authorized to enter into contracts to furnish water" and inserting the following:

"(1) The Secretary is authorized to enter into contracts to furnish water";

(2) by striking "(1) shall" and inserting "(A) shall";

(3) by striking "(2) shall" and inserting "(B) shall";

(4) by striking "respecting the terms of sales of electric power and leases of power privileges shall be in addition and alternative to any authority in existing laws relating to particular projects" and inserting "respecting the sales of electric power and leases of power privileges shall be an authorization in addition to and alternative to any authority in existing laws related to particular projects, including small conduit hydropower development"; and

(5) by adding at the end the following:

"(2)(A) When carrying out this subsection, the Secretary shall first offer the lease of power privilege to an irrigation district or water users association operating the applicable transferred conduit, or to the irrigation district or water users association receiving water from the applicable reserved conduit. The Secretary shall determine a reasonable time frame for the irrigation district or water users association to accept or reject a lease of power privilege offer for a small conduit hydropower project.

"(B) If the irrigation district or water users association elects not accept a lease of power privilege offer under subparagraph (A), the Secretary shall offer the lease of power privilege to other parties in accordance with this subsection.

"(3) The Bureau of Reclamation shall apply its categorical exclusion process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to small conduit hydropower development under this subsection, excluding siting of associated transmission facilities on Federal lands.

"(4) The Power Resources Office of the Bureau of Reclamation shall be the lead office of small conduit hydropower policy and procedure-setting activities conducted under this subsection.

"(5) Nothing in this subsection shall obligate the Western Area Power Administration, the Bonneville Power Administration, or the Southwestern Power Administration to purchase or market any of the power produced by the facilities covered under this subsection and none of the costs associated with production or delivery of such power shall be assigned to project purposes for inclusion in project rates.

“(6) Nothing in this subsection shall alter or impede the delivery and management of water by Bureau of Reclamation facilities, as water used for conduit hydropower generation shall be deemed incidental to use of water for the original project purposes. Lease of power privilege shall be made only when, in the judgment of the Secretary, the exercise of the lease will not be incompatible with the purposes of the project or division involved, nor shall it create any unmitigated financial or physical impacts to the project or division involved. The Secretary shall notify and consult with the irrigation district or water users association operating the transferred conduit before offering the lease of power privilege and shall prescribe terms and conditions that will adequately protect the planning, design, construction, operation, maintenance, and other interests of the United States and the project or division involved.

“(7) Nothing in this subsection shall alter or affect any existing agreements for the development of conduit hydropower projects or disposition of revenues.

“(8) Nothing in this subsection shall alter or affect any existing preliminary permit, license, or exemption issued by the Federal Energy Regulatory Commission under Part I of the Federal Power Act (16 U.S.C. 792 et seq.) or any project for which an application has been filed with the Federal Energy Regulatory Commission as of the date of the enactment of the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act.

“(9) In this subsection:

“(A) Conduit.-- The term `conduit' means any Bureau of Reclamation tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.

“(B) Irrigation district.-- The term ‘irrigation district’ means any irrigation, water conservation or conservancy, multicounty water conservation or conservancy district, or any separate public entity composed of two or more such districts and jointly exercising powers of its member districts.

“(C) Reserved conduit.-- The term `reserved conduit' means any conduit that is included in project works the care, operation, and maintenance of which has been reserved by the Secretary, through the Commissioner of the Bureau of Reclamation.

“(D) Transferred conduit.-- The term `transferred conduit' means any conduit that is included in project works the care, operation, and maintenance of which has been transferred to a legally organized water users association or irrigation district.

“(E) Small conduit hydropower.-- The term ‘small conduit hydropower’ means a facility capable of producing 5 megawatts or less of electric capacity.".

Approved August 9, 2013.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 678 (S. 306):
House Report: No. 113-24, Comm. on Natural Resources, March 25, 2013.
Senate Report:: No. 113-39, Comm. on Energy and Natural Resources,
No. 113-35, accompanying S. 306, Comm. on Energy and Natural Resources,
CONGRESSIONAL RECORD, Vol. 159 (2013):

Apr. 10, considered and passed House.
Aug. 1, considered and passed Senate, Pg. S6257.

June 10, 2014

WATER RESOURCES REFORM AND DEVELOPMENT ACT OF 2014

[Extracts from] An Act to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes. (June 10, 2014, Public Law 113-121, 128 Stat. 1193)

[Section 1. Short Title.]-- (a) Short Title.--This Act may be cited as the "Water Resources Reform and Development Act of 2014".

* * * * *

Sec. 2. [Definition of Secretary.]-- In this Act, the term "Secretary" means the Secretary of the Army.

* * * * *

Sec. 1008. [Expediting Hydropower at Corps of Engineers Facilities.]

(a) Policy.-- Congress declares that it is the policy of the United States that--

(1) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects, including locks and dams, shall be given priority;

(2) Corps of Engineers approval of non-Federal hydroelectric power at Corps of Engineers civil works projects, including permitting required under section 14 of the Act of March 3, 1899 (33 U.S.C. 408), shall be completed by the Corps of Engineers in a timely and consistent manner; and

(1) approval of hydropower at Corps of Engineers civil works projects shall in no way diminish the other priorities and missions of the Corps of Engineers, including authorized project purposes and habitat and environmental protection.

(b) Report.-- Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that, at a minimum, shall include--

(1) a description of initiatives carried out by the Secretary to encourage the development of hydroelectric power by non-Federal entities at Corps of Engineers civil works projects;

(2) a list of all new hydroelectric power activities by non-Federal entities approved at Corps of Engineers civil works projects in that fiscal year, including the length of time the Secretary needed to approve those activities;

(3) a description of the status of each pending application from non-Federal entities for approval to develop hydroelectric power at Corps of Engineers civil works projects;

(4) a description of any benefits or impacts to the environment, recreation, or other uses associated with Corps of Engineers civil works projects at which non-Federal entities have developed hydroelectric power in the previous fiscal year; and

(5) the total annual amount of payments or other services provided to the Corps of Engineers, the Treasury, and any other Federal agency as a result of approved non-Federal hydropower projects at Corps of Engineers civil works projects.

* * * * *

Sec. 1025. [Water Resources Projects on Federal Land.]

(a) In General.-- Subject to subsection (b), the Secretary may carry out an authorized water resources development project on Federal land that is under the administrative jurisdiction of

another Federal agency where the cost of the acquisition of such Federal land has been paid for by the non-Federal interest for the project.
(b) MOU Required.-- The Secretary may carry out a project pursuant to subsection (a) only after the non-Federal interest has entered into a memorandum of understanding with the Federal agency that includes such terms and conditions as the Secretary determines to be necessary.
(c) Applicability.-- Nothing in this section alters any non-Federal cost-sharing requirements for the project.

* * * * *

Sec. 1039. [Invasive Species.]
(a) Aquatic Species Review.--
(1) Review of authorities.-- The Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Chairman of the Tennessee Valley Authority, and other applicable heads of Federal agencies, shall--
(A) carry out a review of existing Federal authorities relating to responding to invasive species, including aquatic weeds, aquatic snails, and other aquatic invasive species, that have an impact on water resources; and
(B) based on the review under subparagraph (A), make any recommendations to Congress and applicable State agencies for improving Federal and State laws to more effectively respond to the threats posed by those invasive species.
(2) Federal investment.—
(A) Assessment.-- The Comptroller General of the United States shall conduct an assessment of the Federal costs of, and spending on, aquatic invasive species.
(B) Contents.-- The assessment conducted under subparagraph (A) shall include--
(i) identification of current Federal spending on, and projected future Federal costs of, operation and maintenance related to mitigating the impacts of aquatic invasive species on federally owned or operated facilities;
(ii) identification of current Federal spending on aquatic invasive species prevention;
(iii) analysis of whether spending identified in clause (ii) is adequate for the maintenance and protection of services provided by federally owned or operated facilities, based on the current spending and projected future costs identified in clause (i); and
(iv) review of any other aspect of aquatic invasive species prevention or mitigation determined appropriate by the Comptroller General.
(C) Findings.-- Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report containing the findings of the assessment conducted under subparagraph (A).

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TITLE III--SAFETY IMPROVEMENTS AND ADDRESSING EXTREME WEATHER EVENTS

Subtitle A--Dam Safety

Sec. 3001. [Dam Safety.]

(a) Administrator.--

(1) In general.-- The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking “Director" each place it appears and inserting “Administrator".

(2) Conforming amendment.--Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended--

(A) by striking paragraph (3);

(B) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)) the following:

“(1) Administrator.--The term `Administrator' means the Administrator of the Federal Emergency Management Agency."

(b) Inspection of Dams.--Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking “or maintenance" and inserting “maintenance, condition, or provisions for emergency operations".

(c) National Dam Safety Program.--

(1) Objectives.-- Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467f(c)) is amended by striking paragraph (4) and inserting the following:

“(4) develop and implement a comprehensive dam safety hazard education and public awareness initiative to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;".

(2) Board.-- Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is amended by inserting “, representatives from nongovernmental organizations," after “State agencies".

(d) Public Awareness and Outreach for Dam Safety.--The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended--

(1) by redesignating sections 11, 12, and 13 as sections 12, 13, and 14, respectively; and

(2) by inserting after section 10 (33 U.S.C. 467g-1) the following:

`SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.

“The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall, subject to the availability of appropriations, carry out a nationwide public awareness and outreach initiative to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents.".

(e) Authorization of Appropriations.--

(1) National dam safety program.--

(A) Annual amounts.--Section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking “$6,500,000" and all that follows through “2011" and inserting “$9,200,000 for each of fiscal years 2015 through 2019".

(B) Maximum amount of allocation.--Section 14(a)(2)(B) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is amended--

(i) by striking “The amount" and inserting the following:

“(i) In general.--The amount"; and

(ii) by adding at the end the following:

“(ii) Fiscal year 2015 and subsequent fiscal years.--For fiscal year 2015 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities.".

(2) National dam inventory.--Section 14(b) of the National Dam Safety Program Act (33 U.S.C. 467j(b)) (as so redesignated) is amended by striking “$650,000" and all that follows through “2011" and inserting “$500,000 for each of fiscal years 2015 through 2019".

(3) Public awareness.--Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) (as so redesignated) is amended--

(A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(B) by inserting after subsection (b) the following:

“(c) Public Awareness.--There is authorized to be appropriated to carry out section 11 $1,000,000 for each of fiscal years 2015 through 2019.".

(4) Research.--Section 14(d) of the National Dam Safety Program Act (as so redesignated) is amended by striking “$1,600,000" and all that follows through “2011" and inserting “$1,450,000 for each of fiscal years 2015 through 2019".

(5) Dam safety training.--Section 14(e) of the National Dam Safety Program Act (as so redesignated) is amended by striking “$550,000" and all that follows through “2011" and inserting “$750,000 for each of fiscal years 2015 through 2019".

(6) Staff.--Section 14(f) of the National Dam Safety Program Act (as so redesignated) is amended by striking “$700,000" and all that follows through “2011" and inserting “$1,000,000 for each of fiscal years 2015 through 2019".

(f) Technical Amendment.--Section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking “sections 7, 8, and 11" and inserting “sections 7, 8, and 12".

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TITLE IV--RIVER BASINS AND COASTAL AREAS

* * * * *

Sec. 4003. [Missouri River.]

(a) Upper Missouri Basin Flood and Drought Monitoring.--

(1) In general.--The Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of the Bureau of Reclamation, shall carry out activities to improve and support management of Corps of Engineers water resources development projects, including--

(A) soil moisture and snowpack monitoring in the Upper Missouri River Basin to reduce flood risk and improve river and water resource management in the Upper Missouri River Basin, as outlined in the February 2013 report entitled “Upper Missouri Basin Monitoring Committee--Snow Sampling and Instrumentation Recommendations";

(B) restoring and maintaining existing mid- and high-elevation snowpack monitoring sites operated under the SNOTEL program of the Natural Resources Conservation Service; and

(C) operating streamflow gages and related interpretive studies in the Upper Missouri River Basin under the cooperative water program and the national streamflow information program of the United States Geological Service.

(2) Use of funds.-- Amounts made available to the Secretary to carry out activities under this subsection shall be used to supplement but not supplant other related activities of Federal agencies that are carried out within the Missouri River Basin.

(3) Cooperative agreements.--

(A) In general.-- The Secretary may enter into cooperative agreements with other Federal agencies to carry out this subsection.

(B) Maintenance of effort.--The Secretary may only enter into a cooperative agreement with another Federal agency under this paragraph if such agreement specifies that the agency will maintain aggregate expenditures in the Missouri River Basin for existing programs that implement activities described in paragraph (1) at a level that is equal to or exceeds the aggregate expenditures for the fiscal year immediately preceding the fiscal year in which such agreement is signed.

(4) Report.--Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that--

(A) identifies progress made by the Secretary and other Federal agencies in implementing the recommendations contained in the report described in paragraph (1)(A) with respect to enhancing soil moisture and snowpack monitoring in the Upper Missouri Basin;

(B) includes recommendations--

(i) to enhance soil moisture and snowpack monitoring in the Upper Missouri Basin that would enhance water resources management, including managing flood risk, in that basin; and

(ii) on the most efficient manner of collecting and sharing data to assist Federal agencies with water resources management responsibilities;

(C) identifies the expected costs and timeline for implementing the recommendations described in subparagraph (B)(i); and

(D) identifies the role of States and other Federal agencies in gathering necessary soil moisture and snowpack monitoring data.

(b) **Missouri River Between Fort Peck Dam, Montana and Gavins Point Dam, South Dakota and Nebraska**.--Section 9(f) of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944) (58 Stat. 891, chapter 665; 102 Stat. 4031) is amended in the second sentence by striking "$3,000,000" and inserting "$5,000,000".

(c) Missouri River Recovery Implementation Committee Expenses Reimbursement.--Section 5018(b)(5) of the Water Resources Development Act of 2007 (121 Stat. 1200) is amended by striking subparagraph (B) and inserting the following:

"(B) Travel expenses.--Subject to the availability of funds, the Secretary may reimburse a member of the Committee for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of

title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Committee.".

(d) **Upper Missouri Shoreline Stabilization**.--

(1) In general.--The Secretary shall conduct a study to determine the feasibility of carrying out projects to address shoreline erosion in the Upper Missouri River Basin (including the States of South Dakota, North Dakota, and Montana) resulting from the operation of a reservoir constructed under the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891, chapter 665)).

(2) Contents.--The study carried out under paragraph (1) shall, to the maximum extent practicable--

(A) use previous assessments completed by the Corps of Engineers or other Federal agencies; and

(B) assess the infrastructure needed to--

(i) reduce shoreline erosion;

(ii) mitigate additional loss of land;

(iii) contribute to environmental and ecosystem improvement; and

(iv) protect existing community infrastructure, including roads and water and waste-water related infrastructure.

(3) Disposition.--The Secretary may carry out projects identified in the study under paragraph (1) in accordance with the criteria for projects carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(4) Annual report.--For each project identified in the study under paragraph (1) that cannot be carried out under any of the authorities specified in paragraph (3), upon determination by the Secretary of the feasibility of the project, the Secretary may include a recommendation relating to the project in the annual report submitted to Congress under section 7001.

(5) Coordination.--In carrying out this subsection, the Secretary shall consult and coordinate with the appropriate State or tribal agency for the area in which the project is located.

(6) Payment options.--The Secretary shall allow the full non-Federal contribution for a project under this subsection to be paid in accordance with section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

(e) Missouri River Fish and Wildlife Mitigation.--The Secretary shall include in the first budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, after the date of enactment of this Act, and biennially thereafter, a report that describes activities carried out by the Secretary relating to the project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), including--

(1) an inventory of all actions taken by the Secretary in furtherance of the project, including an inventory of land owned or acquired by the Secretary;

(2) a description, including a prioritization, of the specific actions proposed to be undertaken by the Secretary for the subsequent fiscal year in furtherance of the project;

(3) an assessment of the progress made in furtherance of the project, including--

(A) a description of how each of the actions identified under paragraph (1) have impacted the progress; and

(B) the status of implementation of any applicable requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), including any applicable biological opinions; and

(4) an assessment of additional actions or authority necessary to achieve the results of the project.

(f) Lower Yellowstone.--Section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135) is amended--

(1) by striking “The Secretary may" and inserting the following:

“(a) In General.--The Secretary may"; and

(2) by adding at the end the following:

“(b) Local Participation.--In carrying out subsection (a), the Secretary shall consult with, and consider the activities being carried out by--

“(1) other Federal agencies;

“(2) conservation districts;

“(3) the Yellowstone River Conservation District Council; and

“(4) the State of Montana.".

* * * * *

Sec. 4005. [Columbia Basin.]-- Section 536(g) of the Water Resources Development Act of 2000 (114 Stat. 2661) is amended by striking “$30,000,000" and inserting “$50,000,000".

Sec. 4006. [Rio Grande.]-- Section 5056 of the Water Resources Development Act of 2007 (121 Stat. 1213) is amended--

(1) in subsection (b)(2)--

(A) in the matter preceding subparagraph (A), by striking “2008" and inserting “2014"; and

(B) in subparagraph (C), by inserting “and an assessment of needs for other related purposes in the Rio Grande Basin, including flood damage reduction" after “assessment";

(2) in subsection (c)(2)--

(A) by striking “an interagency agreement with" and inserting “1 or more interagency agreements with the Secretary of State and"; and

(B) by inserting “or the U.S. Section of the International Boundary and Water Commission" after “the Department of the Interior"; and

(3) in subsection (f), by striking “2011" and inserting “2019".

Sec. 4007. [Northern Rockies Headwaters.]

(a) In General.--The Secretary shall conduct a study to determine the feasibility of carrying out projects for aquatic ecosystem restoration and flood risk reduction that will mitigate the impacts of extreme weather events, including floods and droughts, on communities, water users, and fish and wildlife located in and along the headwaters of the Columbia, Missouri, and Yellowstone Rivers (including the tributaries of those rivers) in the States of Idaho and Montana.

(b) Inclusions.-- The study under subsection (a) shall, to the maximum extent practicable--

(1) emphasize the protection and enhancement of natural riverine processes; and

(2) assess the individual and cumulative needs associated with--

(A) floodplain restoration and reconnection;

(B) floodplain and riparian area protection through the use of conservation easements;

(C) instream flow restoration projects;

(D) fish passage improvements;

(E) channel migration zone mapping; and
(F) invasive weed management.

(c) Disposition.--

(1) In general.-- The Secretary may carry out any project identified in the study pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).
(B) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).
(C) Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)).
(D) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(2) Report.-- For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

(d) Coordination.-- In carrying out this section, the Secretary--

(1) shall consult and coordinate with the appropriate agency for each State and Indian tribe; and
(2) may enter into cooperative agreements with those State or tribal agencies described in paragraph (1).

(e) Limitations.-- Nothing in this section invalidates, preempts, or creates any exception to State water law, State water rights, or Federal or State permitted activities or agreements in the States of Idaho and Montana or any State containing tributaries to rivers in those States.

Sec. 4008. [Rural Western Water.]-- Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383) is amended--

(1) by striking subsection (c) and inserting the following:

"(c) Form of Assistance.-- Assistance under this section may be in the form of--

"(1) design and construction assistance for water-related environmental infrastructure and resource protection and development in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming, including projects for--

"(A) wastewater treatment and related facilities;
"(B) water supply and related facilities;
"(C) environmental restoration; and
"(D) surface water resource protection and development; and

"(2) technical assistance to small and rural communities for water planning and issues relating to access to water resources."; and

(2) by striking subsection (h) and inserting the following:

"(h) Authorization of Appropriations.-- There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001, $435,000,000, which shall--

"(1) be made available to the States and locales described in subsection (b) consistent with program priorities determined by the Secretary in accordance with criteria developed by the Secretary to establish the program priorities; and
"(2) remain available until expended.".

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TITLE V--WATER INFRASTRUCTURE FINANCING

* * * * *

Subtitle B--General Provisions

Sec. 5013. [Funding for Indian Programs.]-- Section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)) is amended--

(1) by striking "The Administrator" and inserting the following:

"(1) Fiscal years 1987-2014.-- The Administrator";

(2) in paragraph (1) (as so designated)--

(A) by striking "each fiscal year beginning after September 30, 1986," and inserting "each of fiscal years 1987 through 2014,"; and

(B) by striking the second sentence; and

(3) by adding at the end the following:

"(2) Fiscal year 2015 and thereafter.-- For fiscal year 2015 and each fiscal year thereafter, the Administrator shall reserve, before allotments to the States under section 604(a), not less than 0.5 percent and not more than 2.0 percent of the funds made available to carry out title VI.

"(3) Use of funds.-- Funds reserved under this subsection shall be available only for grants for projects and activities eligible for assistance under section 603(c) to serve-

"(A) Indian tribes (as defined in subsection (h));

"(B) former Indian reservations in Oklahoma (as determined by the Secretary of the Interior); and

"(C) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))."

Sec. 5014. [Water Infrastructure Public-Private Partnership Pilot Program.]

(a) In General.-- The Secretary shall establish a pilot program to evaluate the cost effectiveness and project delivery efficiency of allowing non-Federal pilot applicants to carry out authorized water resources development projects for coastal harbor improvement, channel improvement, inland navigation, flood damage reduction, aquatic ecosystem restoration, and hurricane and storm damage reduction.

(b) Purposes.-- The purposes of the pilot program established under subsection (a) are--

(1) to identify cost-saving project delivery alternatives that reduce the backlog of authorized Corps of Engineers projects; and

(2) to evaluate the technical, financial, and organizational benefits of allowing a non-Federal pilot applicant to carry out and manage the design or construction (or both) of 1 or more of such projects.

(c) Subsequent Appropriations.--Any activity undertaken under this section is authorized only to the extent specifically provided for in subsequent appropriations Acts.

(d) Administration.--In carrying out the pilot program established under subsection (a), the Secretary shall--

(1) identify for inclusion in the program at least 15 projects that are authorized for construction for coastal harbor improvement, channel improvement, inland navigation, flood damage reduction, or hurricane and storm damage reduction;

(2) notify in writing the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of each project identified under paragraph (1);

(3) in consultation with the non-Federal pilot applicant associated with each project identified under paragraph (1), develop a detailed project management plan for the project that outlines the scope, financing, budget, design, and construction resource requirements necessary for the non-Federal pilot applicant to execute the project, or a separable element of the project;

(4) at the request of the non-Federal pilot applicant associated with each project identified under paragraph (1), enter into a project partnership agreement with the non-Federal pilot applicant under which the non-Federal pilot applicant is provided full project management control for the financing, design, or construction (or any combination thereof) of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(5) following execution of a project partnership agreement under paragraph (4) and completion of all work under the agreement, issue payment, in accordance with subsection (g), to the relevant non-Federal pilot applicant for that work; and

(6) regularly monitor and audit each project carried out under the program to ensure that all activities related to the project are carried out in compliance with plans approved by the Secretary and that construction costs are reasonable.

(e) Selection Criteria.-- In identifying projects under subsection (d)(1), the Secretary shall consider the extent to which the project--

(1) is significant to the economy of the United States;

(2) leverages Federal investment by encouraging non-Federal contributions to the project;

(3) employs innovative project delivery and cost-saving methods;

(4) received Federal funds in the past and experienced delays or missed scheduled deadlines;

(5) has unobligated Corps of Engineers funding balances; and

(6) has not received Federal funding for recapitalization and modernization since the project was authorized.

(f) Detailed Project Schedule.-- Not later than 180 days after entering into a project partnership agreement under subsection (d)(4), a non-Federal pilot applicant, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule for the relevant project, based on estimated funding levels, that specifies deadlines for each milestone with respect to the project.

(g) Payment.-- Payment to the non-Federal pilot applicant for work completed pursuant to a project partnership agreement under subsection (d)(4) may be made from--

(1) if applicable, the balance of the unobligated amounts appropriated for the project; and

(2) other amounts appropriated to the Corps of Engineers, subject to the condition that the total amount transferred to the non-Federal pilot applicant may not exceed the estimate of the Federal share of the cost of construction, including any required design.

(h) Technical Assistance.-- At the request of a non-Federal pilot applicant participating in the pilot program established under subsection (a), the Secretary may provide to the non-Federal pilot applicant, if the non-Federal pilot applicant contracts with and compensates the Secretary, technical assistance with respect to--

(1) a study, engineering activity, or design activity related to a project carried out by the non-Federal pilot applicant under the program; and

(2) obtaining permits necessary for such a project.

(i) Identification of Impediments.--

(1) In general.-- The Secretary shall--

(A) except as provided in paragraph (2), identify any procedural requirements under the authority of the Secretary that impede greater use of public-private partnerships and private investment in water resources development projects;

(B) develop and implement, on a project-by-project basis, procedures and approaches that--

(i) address such impediments; and

(ii) protect the public interest and any public investment in water resources development projects that involve public-private partnerships or private investment in water resources development projects; and

(C) not later than 1 year after the date of enactment of this section, issue rules to carry out the procedures and approaches developed under subparagraph (B).

(2) Rule of construction.-- Nothing in this section allows the Secretary to waive any requirement under--

(A) sections 3141 through 3148 and sections 3701 through 3708 of Title 40, United States Code;

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(C) any other provision of Federal law.

(j) Public Benefit Studies.--

(1) In general.-- Before entering into a project partnership agreement under subsection (d)(4), the Secretary shall conduct an assessment of whether, and provide justification in writing to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that, the proposed agreement provides better public and financial benefits than a similar transaction using public funding or financing.

(2) Requirements.--An assessment under paragraph (1) shall--

(A) be completed in a period of not more than 90 days;

(B) take into consideration any supporting materials and data submitted by the relevant non-Federal pilot applicant and other stakeholders; and

(C) determine whether the proposed project partnership agreement is in the public interest by determining whether the agreement will provide public and financial benefits, including expedited project delivery and savings for taxpayers.

(k) Non-Federal Funding.-- The Non-Federal pilot applicant may finance the non-Federal share of a project carried out under the pilot program established under subsection (a).

(l) Applicability of Federal Law.-- Any provision of Federal law that would apply to the Secretary if the Secretary were carrying out a project shall apply to a non-Federal pilot applicant carrying out a project under this section.

(m) Cost Share.-- Nothing in this section affects a cost-sharing requirement under Federal law that is applicable to a project carried out under the pilot program established under subsection (a).

(n) Report.-- Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report describing the results of the pilot program established under subsection (a), including any

recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(o) Non-Federal Pilot Applicant Defined.-- In this section, the term “non-Federal pilot applicant" means--

(1) the non-Federal sponsor of the water resources development project;

(2) a non-Federal interest, as defined in section 221 of the Flood Control Act of 1970 (42 U.S.C. 1982d-5b); or

(3) a private entity with the consent of the local government in which the project is located or that is otherwise affected by the project.

Subtitle C Innovative Financing Pilot Projects

Sec. 5021. [Short Title.]-- This subtitle may be cited as the “Water Infrastructure Finance and Innovation Act of 2014".

Sec. 5022. [Definitions.]-- In this subtitle:

(1) Administrator.-- The term “Administrator" means the Administrator of the Environmental Protection Agency.

(2) Community water system.-- The term “community water system" has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(3) Federal credit instrument.-- The term “Federal credit instrument" means a secured loan or loan guarantee authorized to be made available under this subtitle with respect to a project.

(4) Investment-grade rating.-- The term “investment-grade rating" means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.

(5) Lender.--

(A) In general.--The term “lender" means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or a successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)).

(B) Inclusions.-- The term “lender" includes--

(i) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(ii) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(6) Loan guarantee.-- The term “loan guarantee" means any guarantee or other pledge by the Secretary or the Administrator to pay all or part of the principal of, and interest on, a loan or other debt obligation issued by an obligor and funded by a lender.

(7) Obligor.-- The term “obligor" means an eligible entity that is primarily liable for payment of the principal of, or interest on, a Federal credit instrument.

(8) Project obligation.--

(A) In general.-- The term “project obligation" means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project.

(B) Exclusion.-- The term ‘project obligation" does not include a Federal credit instrument.

(9) Rating agency.--The term “rating agency" means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(10) Secured loan.-- The term “secured loan" means a direct loan or other debt obligation issued by an obligor and funded by the Secretary or Administrator, as applicable, in connection with the financing of a project under section 5029.

(11) State.-- The term “State" means--
(A) a State;
(B) the District of Columbia;
(C) the Commonwealth of Puerto Rico; and
(D) any other territory or possession of the United States.
(12) State infrastructure financing authority.--The term “State infrastructure financing authority" means the State entity established or designated by the Governor of a State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12).
(13) Subsidy amount.-- The term “subsidy amount" means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, as calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).
(14) Substantial completion.-- The term “substantial completion", with respect to a project, means the earliest date on which a project is considered to perform the functions for which the project is designed.
(15) Treatment works.-- The term “treatment works" has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

* * * * *

Sec. 5026. [Projects Eligible for Assistance.]-- The following projects may be carried out with amounts made available under this subtitle:
(1) Any project for flood damage reduction, hurricane and storm damage reduction, environmental restoration, coastal or inland harbor navigation improvement, or inland and intracoastal waterways navigation improvement that the Secretary determines is technically sound, economically justified, and environmentally acceptable, including--
(A) a project to reduce flood damage;
(B) a project to restore aquatic ecosystems;
(C) a project to improve the inland and intracoastal waterways navigation system of the United States; and
(D) a project to improve navigation of a coastal or inland harbor of the United States, including channel deepening and construction of associated general navigation features.
(2) 1 or more activities that are eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)), notwithstanding the public ownership requirement under paragraph (1) of that subsection.
(3) 1 or more activities described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(2)).
(4) A project for enhanced energy efficiency in the operation of a public water system or a publicly owned treatment works.
(5) A project for repair, rehabilitation, or replacement of a treatment works, community water system, or aging water distribution or waste collection facility (including a facility that serves a population or community of an Indian reservation).
(6) A brackish or sea water desalination project, a managed aquifer recharge project, or a water recycling project.
(7) Acquisition of real property or an interest in real property--

(A) if the acquisition is integral to a project described in paragraphs (1) through (6); or

(B) pursuant to an existing plan that, in the judgment of the Administrator or the Secretary, as applicable, would mitigate the environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section.

(8) A combination of projects, each of which is eligible under paragraph (2) or (3), for which a State infrastructure financing authority submits to the Administrator a single application.

(9) A combination of projects secured by a common security pledge, each of which is eligible under paragraph (1), (2), (3), (4), (5), (6), or (7), for which an eligible entity, or a combination of eligible entities, submits a single application.

Sec. 5027. [Activities Eligible for Assistance.]-- For purposes of this subtitle, an eligible activity with respect to an eligible project includes the cost of--

(1) development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(2) construction, reconstruction, rehabilitation, and replacement activities;

(3) the acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to section 5026(7)), construction contingencies, and acquisition of equipment; and

(4) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

Sec. 5028. [Determination of Eligibility and Project Selection.]

(a) Eligibility Requirements.-- To be eligible to receive financial assistance under this subtitle, a project shall meet the following criteria, as determined by the Secretary or Administrator, as applicable:

(1) Creditworthiness.--

(A) In general.-- The project and obligor shall be creditworthy, which shall be determined by the Secretary or the Administrator, as applicable.

(B) Considerations.-- In determining the creditworthiness of a project and obligor, the Secretary or the Administrator, as applicable, shall take into consideration relevant factors, including--

(i) the terms, conditions, financial structure, and security features of the proposed financing;

(ii) the dedicated revenue sources that will secure or fund the project obligations;

(iii) the financial assumptions upon which the project is based; and

(iv) the financial soundness and credit history of the obligor.

(C) Security features.-- The Secretary or the Administrator, as applicable, shall ensure that any financing for the project has appropriate security features, such as a rate covenant, supporting the project obligations to ensure repayment.

(D) Rating opinion letters.--

(i) Preliminary rating opinion letter.-- The Secretary or the Administrator, as applicable, shall require each project applicant to provide, at the time of application, a preliminary rating opinion letter from at least 1 rating agency

indicating that the senior obligations of the project (which may be the Federal credit instrument) have the potential to achieve an investment-grade rating.

(ii) Final rating opinion letters.--The Secretary or the Administrator, as applicable, shall require each project applicant to provide, prior to final acceptance and financing of the project, final rating opinion letters from at least 2 rating agencies indicating that the senior obligations of the project have an investment grade rating.

(E) Special rule for certain combined projects.-- The Administrator shall develop a credit evaluation process for a Federal credit instrument provided to a State infrastructure financing authority for a project under section 5026(8) or an entity for a project under section 5026(9), which may include requiring the provision of a final rating opinion letter from at least 2 rating agencies.

(2) Eligible project costs.--

(A) In general.—Subject to subparagraph (B), the eligible project costs of a Project shall be reasonably anticipated to be not less than $20,000,000.

(B) Small community water infrastructure projects.-- For a project described in paragraph (2) or (3) of section 5026 that serves a community of not more than 25,000 individuals, the eligible project costs of a project shall be reasonably anticipated to be not less than $5,000,000.

(3) Dedicated revenue sources.-- The Federal credit instrument for the project shall be repayable, in whole or in part, from dedicated revenue sources that also secure the project obligations.

(4) Public sponsorship of private entities.--

(A) In general.-- If an eligible project is carried out by an entity that is not a State or local government or an agency or instrumentality of a State or local government or a tribal government or consortium of tribal governments, the project shall be publicly sponsored.

(B) Public sponsorship.-- For purposes of this subtitle, a project shall be considered to be publicly sponsored if the obligor can demonstrate, to the satisfaction of the Secretary or the Administrator, as appropriate, that the project applicant has consulted with the affected State, local, or tribal government in which the project is located, or is otherwise affected by the project, and that such government supports the proposed project.

(5) Limitation.-- No project receiving Federal credit assistance under this subtitle may be financed (directly or indirectly), in whole or in part, with proceeds of any obligation-

(A) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(B) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(6) Use of existing financing mechanisms.--

(A) Notification.-- For each eligible project for which the Administrator has authority under paragraph (2) or (3) of section 5023(b) and for which the Administrator has received an application for financial assistance under this subtitle, the Administrator shall notify, not later than 30 days after the date on which the Administrator receives a complete application, the applicable State infrastructure financing authority of the State in which the project is located

that such application has been submitted.

(B) Determination.-- If, not later than 60 days after the date of receipt of a notification under subparagraph (A), a State infrastructure financing authority notifies the Administrator that the State infrastructure financing authority intends to commit funds to the project in an amount that is equal to or greater than the amount requested under the application, the Administrator may not provide any financial assistance for that project under this subtitle unless--

(i) by the date that is 180 days after the date of receipt of notification under subparagraph (A), the State infrastructure financing authority fails to enter into an assistance agreement to provide funds for the project; or

(ii) the financial assistance to be provided by the State infrastructure financing authority will be at rates and terms that are less favorable then the rates and terms for financial assistance provided under this subtitle.

(7) Operation and maintenance plan.--

(A) In general.-- The Secretary or the Administrator, as applicable, shall determine whether an applicant for assistance under this subtitle has developed, and identified adequate revenues to implement, a plan for operating, maintaining, and repairing the project over the useful life of the project.

(B) Special rule.-- An eligible project described in section 5026(1) that has not been specifically authorized by Congress shall not be eligible for Federal assistance for operations and maintenance.

(b) Selection Criteria.--

(1) Establishment.-- The Secretary or the Administrator, as applicable, shall establish criteria for the selection of projects that meet the eligibility requirements of subsection (a), in accordance with paragraph (2).

(2) Criteria.-- The selection criteria shall include the following:

(A) The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as--

(i) the reduction of flood risk;

(ii) the improvement of water quality and quantity, including aquifer recharge;

(iii) the protection of drinking water, including source water protection; and

(iv) the support of international commerce.

(B) The extent to which the project financing plan includes public or private financing in addition to assistance under this subtitle.

(C) The likelihood that assistance under this subtitle would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

(D) The extent to which the project uses new or innovative approaches.

(E) The amount of budget authority required to fund the Federal credit instrument made available under this subtitle.

(F) The extent to which the project—

(i) protects against extreme weather events, such as floods or hurricanes; or

(ii) helps maintain or protect the environment.

(G) The extent to which a project serves regions with significant energy exploration, development, or production areas.

(H) The extent to which a project serves regions with significant water resource challenges, including the need to address--

(i) water quality concerns in areas of regional, national, or international significance;

(ii) water quantity concerns related to groundwater, surface water, or other water sources;

(iii) significant flood risk;

(iv) water resource challenges identified in existing regional, State, or multistate agreements; or

(v) water resources with exceptional recreational value or ecological importance.

(I) The extent to which the project addresses identified municipal, State, or regional priorities.

(J) The readiness of the project to proceed toward development, including a demonstration by the obligor that there is a reasonable expectation that the contracting process for construction of the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under this subtitle.

(K) The extent to which assistance under this subtitle reduces the contribution of Federal assistance to the project.

(3) Special rule for certain combined projects.--For a project described in section 5026(8), the Administrator shall only consider the criteria described in subparagraphs (B) through (K) of paragraph (2).

(c) Federal Requirements.--Nothing in this section supersedes the applicability of other requirements of Federal law (including regulations).

* * * * *

Sec. 6004. [Deauthorizations.]

(a) In General.--

(1) **Walnut Creek (Pacheco Creek), California.--**The portions of the project for flood protection on Walnut Creek, California, constructed under section 203 of the Flood Control Act of 1960 (Public Law 86-645; 74 Stat. 488), consisting of the Walnut Creek project from Sta 0+00 to Sta 142+00 and the upstream extent of the Walnut Creek project along Pacheco Creek from Sta 0+00 to Sta 73+50 are no longer authorized beginning on the date of enactment of this Act.

(2) **Walnut Creek (San Ramon Creek), California**.--The portion of the project for flood protection on Walnut Creek, California, constructed under section 203 of the Flood Control Act of 1960 (Public Law 86-645; 74 Stat. 488), consisting of the culvert constructed by the Department of the Army on San Ramon Creek from Sta 4+27 to Sta 14+27 is no longer authorized beginning on the date of enactment of this Act.

* * * * *

(5) **Kahului Wastewater Reclamation Facility, Maui, Hawaii**.-- The project authorized pursuant to section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) to provide shoreline protection for the Kahului Wastewater Reclamation Facility, located on the Island of Maui in the State of Hawaii is no longer authorized beginning on the date of enactment of this Act.

* * * * *

(14) **Clatsop County Diking District No. 10, Karlson Island, Oregon**.--The Diking District No. 10, Karlson Island portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1590) is no longer authorized beginning on the date of enactment of this Act.

(15) Numberg Dike No. 34 leveed area, Clatsop County Diking District No. 13, **Clatsop County, Oregon** (Walluski-Youngs).--The Numberg Dike No. 34 leveed area, Clatsop County Diking District, No. 13, Walluski River and Youngs River dikes, portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1590) is no longer authorized beginning on the date of enactment of this Act.

(16) East fork of **Trinity River, Texas**.--The portion of the project for flood protection on the East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), that consists of the 2 levees identified as Kaufman County Levees K5E and K5W is no longer authorized beginning on the date of enactment of this Act.

* * * * *

(b) **Seward Waterfront, Seward, Alaska.--**

(1) In general.-- Subject to paragraph (2), the portion of the project for navigation, Seward Harbor, Alaska, identified as Tract H, Seward Original Townsite, Waterfront Park Replat, Plat No 2012-4, Seward Recording District, shall not be subject to navigation servitude beginning on the date of enactment of this Act.

(2) Entry by federal government.-- The Federal Government may enter upon the property referred to in paragraph (1) to carry out any required operation and maintenance of the general navigation features of the project referred to in paragraph (1).

(c) **Port of Hood River, Oregon**.--

(1) Extinguishment of portions of existing flowage easement.-- With respect to the properties described in paragraph (2), beginning on the date of enactment of this Act, the flowage easement identified as Tract 1200E-6 on the Easement Deed recorded as Instrument No. 740320 is extinguished above elevation 79.39 feet (NGVD 29) the Ordinary High Water Line.

(2) Affected properties.-- The properties referred to in paragraph (1), as recorded in Hood River County, Oregon, are as follows:

(A) Instrument Number 2010-1235.

(B) Instrument Number 2010-02366.

(C) Instrument Number 2010-02367.

(D) Parcel 2 of Partition Plat #2011-12P.

(E) Parcel 1 of Partition Plat 2005-26P.

(3) Federal liabilities; cultural, environmental, and other regulatory reviews.--

(A) Federal liability.--The United States shall not be liable for any injury caused by the extinguishment of the easement under this subsection.

(B) Cultural and environmental regulatory actions.-- Nothing in this subsection establishes any cultural or environmental regulation relating to the properties described in paragraph (2).

(4) Effect on other rights.-- Nothing in this subsection affects any remaining right or interest of the Corps of Engineers in the properties described in paragraph (2).

Sec. 6005. [Land Conveyances.]

(a) **Oakland Inner Harbor Tidal Canal, California**.--Section 3182(b)(1) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1165) is amended--

(1) in subparagraph (A) by inserting ", or to a multicounty public entity that is eligible to hold title to real property" after "To the city of Oakland"; and

(2) in subparagraphs (B) and (C) by inserting "multicounty public entity or other" before "public entity".

* * * * *

(c) **Tulsa Port of Catoosa, Rogers County, Oklahoma, Land Exchange**.--

(1) Definitions.-- In this subsection:

(A) Federal land.-- The term "Federal land" means the approximately 87 acre of land situated in Rogers County, Oklahoma, contained within United States Tracts 413 and 427 and acquired for the McClellan-Kerr Arkansas Navigation System.

(B) Non-federal land.-- The term "non-Federal land" means the approximately 34 acres of land situated in Rogers County, Oklahoma, and owned by the Tulsa Port of Catoosa that lie immediately south and east of the Federal land.

(2) Land exchange.-- On conveyance by the Tulsa Port of Catoosa to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to the Tulsa Port of Catoosa all right, title, and interest of the United States in and to the Federal land.

(3) Specific conditions.--

(A) Deeds.--

(i) Deed to non-federal land.-- The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(ii) Deed to federal land.-- The Secretary shall convey the Federal land to the Tulsa Port of Catoosa by quitclaim deed and subject to any reservations, terms, and conditions the Secretary determines necessary to allow the United States to operate and maintain the McClellan-Kerr Arkansas River Navigation System.

(iii) Cash payment.-- If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as determined by the Secretary, the Tulsa Port of Catoosa shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(d) **Hammond Boat Basin, Warrenton, Oregon**.--

(1) Definitions.-- In this subsection:

(A) City.-- The term "City" means the city of Warrenton, located in Clatsop County, Oregon.

(B) Map.-- The term "map" means the map contained in Exhibit A of Department of the Army Lease No. DACW57- 1-88-0033 (or a successor instrument).

(2) Conveyance authority.-- Subject to the provisions of this subsection, the Secretary shall convey to the City by quitclaim deed, and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (3).

(3) Description of land.--

(A) In general.-- Except as provided in subparagraph (B), the land referred to in paragraph (2) is the parcel totaling approximately 59 acres located in the City, together with any improvements thereon, including the Hammond Marina (as described in the map).

(B) Exclusion.-- The land referred to in paragraph (2) shall not include the site provided for the fisheries research support facility of the National Marine Fisheries Service.
(C) Availability of map.-- The map shall be on file in the Portland District Office of the Corps of Engineers.

(4) Terms and conditions.-- As a condition of the conveyance under this subsection, the Secretary may impose a requirement that the City assume full responsibility for operating and maintaining the channel and the breakwater.

(5) Reversion.-- If the Secretary determines that the land conveyed under this subsection ceases to be owned by the public, all right, title, and interest in and to the land shall revert, at the discretion of the Secretary, to the United States.

(6) Deauthorization.-- After the land is conveyed under this subsection, the land shall no longer be a portion of the project for navigation, Hammond Small Boat Basin, Oregon, authorized by section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577).

* * * * *

(f) **City of Asotin, Washington**.--

(1) In general.-- The Secretary shall convey to the city of Asotin, Asotin County, Washington, without monetary consideration, all right, title, and interest of the United States in and to the land described in paragraph (3).

(2) Reversion.-- If the land transferred under this subsection ceases at any time to be used for a public purpose, the land shall revert to the United States.

(3) Description.-- The land to be conveyed to the city of Asotin, Washington, under this subsection are--

(A) the public ball fields designated as Tracts 1503, 1605, 1607, 1609, 1611, 1613, 1615, 1620, 1623, 1624, 1625, 1626, and 1631; and

(B) other leased areas designated as Tracts 1506, 1522, 1523, 1524, 1525, 1526, 1527, 1529, 1530, 1531, and 1563.

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TITLE VII--WATER RESOURCES INFRASTRUCTURE

* * * * *

Sec. 7002. [Authorization of Final Feasibility Studies.]-- The following final feasibility studies for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plan, and subject to the conditions, described in the respective reports designated in this section:

(1) Navigation.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX, LA	Sabine Neches Waterway, Southeast Texas and Southwest Louisiana	July 22, 2011	Federal: $748,070,000 Non-Federal: $365,970,000 Total: $1,114,040,000
2. FL	Jacksonville Harbor-Milepoint	Apr. 30, 2012	Federal: $27,870,000 Non-Federal: $9,290,000 Total: $37,160,000
3. GA	Savannah Harbor Expansion Project	Aug. 17, 2012	Federal: $492,000,000 Non-Federal: $214,000,000 Total: $706,000,000
4. TX	Freeport Harbor	Jan. 7, 2013	Federal: $121,000,000 Non-Federal: $118,300,000 Total: $239,300,000
5. FL	Canaveral Harbor (Sect 203 Sponsor Report)	Feb. 25, 2013	Federal: $29,240,000 Non-Federal: $11,830,000 Total: $41,070,000
6. MA	Boston Harbor	Sept. 30, 2013	Federal: $216,470,000 Non-Federal: $94,510,000 Total: $310,980,000
7. FL	Lake Worth Inlet	Apr. 16, 2014	Federal: $57,556,000 Non-Federal: $30,975,000 Total: $88,531,000
8. FL	Jacksonville Harbor	Apr. 16, 2014	Federal: $362,000,000 Non-Federal: $238,900,000 Total: $600,900,000

(2) Flood risk management.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. KS	Topeka	Aug. 24, 2009	Federal: $17,360,000 Non-Federal: $9,350,000 Total: $26,710,000
2. CA	American River Watershed Common Features Project, Natomas Basin	Dec. 30, 2010	Federal: $760,630,000 Non-Federal: $386,650,000 Total: $1,147,280,000
3. IA	Cedar River, Cedar Rapids	Jan. 27, 2011	Federal: $73,130,000 Non-Federal: $39,380,000 Total: $112,510,000
4. MN, ND	Fargo-Moorhead Metro	Dec. 19, 2011	Federal: $846,700,000 Non-Federal: $1,077,600,000 Total: $1,924,300,000
5. KY	Ohio River Shoreline, Paducah	May 16, 2012	Federal: $13,170,000 Non-Federal: $7,090,000 Total: $20,260,000
6. MO	Jordan Creek, Springfield	Aug. 26, 2013	Federal: $13,560,000 Non-Federal: $7,300,000 Total: $20,860,000
7. CA	Orestimba Creek, San Joaquin River Basin	Sept. 25, 2013	Federal: $23,680,000 Non-Federal: $21,650,000 Total: $45,330,000
8. CA	Sutter Basin	Mar. 12, 2014	Federal: $255,270,000 Non-Federal: $433,660,000 Total: $688,930,000
9. NV	Truckee Meadows	Apr. 11, 2014	Federal: $181,652,000 Non-Federal: $99,168,000 Total: $280,820,000

(3) Hurricane and storm damage risk reduction.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. NC	West Onslow Beach and New River Inlet (Topsail Beach)	Sept. 28, 2009	Initial Federal: $29,900,000 Initial Non-Federal: $16,450,000 Initial Total: $46,350,000 Renourishment Federal: $69,410,000 Renourishment Non-Federal: $69,410,000 Renourishment Total: $138,820,000
2. NC	Surf City and North Topsail Beach	Dec. 30, 2010	Initial Federal: $84,770,000 Initial Non-Federal: $45,650,000 Initial Total: $130,420,000 Renourishment Federal: $122,220,000 Renourishment Non-Federal: $122,220,000 Renourishment Total: $244,440,000
3. CA	San Clemente Shoreline	Apr. 15, 2012	Initial Federal: $7,420,000 Initial Non-Federal: $3,990,000 Initial Total: $11,410,000 Renourishment Federal: $43,835,000 Renourishment Non-Federal: $43,835,000 Renourishment Total: $87,670,000
4. FL	Walton County	July 16, 2013	Initial Federal: $17,945,000 Initial Non-Federal: $46,145,000 Initial Total: $64,090,000 Renourishment Federal: $24,740,000 Renourishment Non-Federal: $82,820,000 Renourishment Total: $107,560,000
5. LA	Morganza to the Gulf	July 8, 2013	Federal: $6,695,400,000 Non-Federal: $3,604,600,000 Total: $10,300,000,000

(4) Hurricane and storm damage risk reduction and environmental restoration.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. MS	Mississippi Coastal Improvement Program (MSCIP) Hancock, Harrison, and Jackson Counties	Sept. 15, 2009	Federal: $693,300,000 Non-Federal: $373,320,000 Total: $1,066,620,000

(5) Environmental restoration.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. MD	Mid-Chesapeake Bay Island	Aug. 24, 2009	Federal: $1,240,750,000 Non-Federal: $668,100,000 Total: $1,908,850,000
2. FL	Central and Southern Florida Project. Comprehensive Everglades Restoration Plan, Caloosahatchee River (C-43) West Basin Storage Project, Hendry County	Mar. 11, 2010 Jan. 6, 2011	Federal: $313,300,000 Non-Federal: $313,300,000 Total: $626,600,000
3. LA	Louisiana Coastal Area	Dec. 30, 2010	Federal: $1,026,000,000 Non-Federal: $601,000,000 Total: $1,627,000,000
4. MN	Marsh Lake	Dec. 30, 2011	Federal: $6,760,000 Non-Federal: $3,640,000 Total: $10,400,000
5. FL	Central and Southern Florida Project, Comprehensive Everglades Restoration Plan, C-111 Spreader Canal Western Project	Jan. 30, 2012	Federal: $87,280,000 Non-Federal: $87,280,000 Total: $174,560,000
6. FL	CERP Biscayne Bay Coastal Wetland, Florida	May 2, 2012	Federal: $98,510,000 Non-Federal: $98,510,000 Total: $197,020,000
7. FL	Central and Southern Southern Florida Project Broward County Water Preserve Area	May 21, 2012	Federal: $448,070,000 Non-Federal: $448,070,000 Total: $896,140,000
8. LA	Louisiana Coastal Area-Barataria Basin Barrier	June 22, 2012	Federal: $321,750,000 Non-Federal: $173,250,000 Total: $495,000,000
9. NC	Neuse River Basin	Apr. 23, 2013	Federal: $23,830,000 Non-Federal: $12,830,000 Total: $36,660,000
10. VA	Lynnhaven River	Mar. 27, 2014	Federal: $22,821,500 Non-Federal: $12,288,500 Total: $35,110,000
11. OR	Willamette River Floodplain Restoration	Jan. 6, 2014	Federal: $27,401,000 Non-Federal: $14,754,000 Total: $42,155,000

Sec. 7003. [Authorization of Project Modifications Recommended by the Secretary.]-- The following project modifications for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the recommendations of the Secretary, as specified in the letters referred to in this section:

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. MN	Roseau River	Jan. 24, 2013	Estimated Federal: $25,455,000 Estimated non-Federal: $18,362,000 Total: $43,817,000
2. IL	Wood River Levee System Reconstruction	May 7, 2013	Estimated Federal: $16,678,000 Estimated non-Federal: $8,980,000 Total: $25,658,000
3. TX	Corpus Christi Ship Channel	Aug. 8, 2013	Estimated Federal: $182,582,000 Estimated non-Federal: $170,649,000 Total: $353,231,000
4. IA	Des Moines River and Raccoon River Project	Feb. 12, 2014	Estimated Federal: $14,990,300 Estimated Non-Federal: $8,254,700 Total: $23,245,000
5. MD	Poplar Island	Feb. 26, 2014	Estimated Federal: $868,272,000 Estimated non-Federal: $365,639,000 Total: $1,233,911,000
6. IL	Lake Michigan (Chicago Shoreline)	Mar. 18, 2014	Estimated Federal: $185,441,000 Estimated non-Federal: $355,105,000 Total: $540,546,000
7. NE	Western Sarpy and Clear Creek	Mar. 20, 2014	Estimated Federal: $28,128,800 Estimated non-Federal: $15,146,300 Total: $43,275,100
8. MO	Cape Girardeau	Apr. 14, 2014	Estimated Federal: $17,687,000 Estimated non-Federal: $746,000

Total: $18,433,000

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Approved June 10, 2014.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 3080:
House Report: No. 113-246, Pt. 1, Comm. on Transportation and Infrastructure, Oct. 21, 2013.
No. 113-449, Comm. of Conference, May 15, 2014.
CONGRESSIONAL RECORD: Vol. 159 (2013):
Oct. 23, Roll Call vote as House considered and passed.
Oct. 31, considered and passed Senate, amended.
CONGRESSIONAL RECORD: Vol. 160 (2014):
May 20, House agreed to conference report, Pg. H4487.
May 22, Roll Call vote as Senate agreed to conference report.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2014):
June 10, Presidential remarks.

July 25, 2014

IDAHO WILDERNESS WATER RESOURCES PROTECTION ACT

An Act to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes. (An act of July 25, 2014, Public Law 113-136, 128 Stat. 1739)

[Section 1. Short Title.]-- This Act may be cited as the "Idaho Wilderness Water Resources Protection Act".

Sec. 2. [Treatment of Existing Water Diversions in Frank Church-River of No Return Wilderness and Selway-Bitterroot Wilderness, Idaho.]

(a) Authorization for Continued Use.-- The Secretary of Agriculture shall issue a special use authorization to the owners of a water storage, transport, or diversion facility (in this section referred to as a "facility") located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness for the continued operation, maintenance, and reconstruction of the facility if the Secretary determines that--

(1) the facility was in existence on the date on which the land upon which the facility is located was designated as part of the National Wilderness Preservation System (in this section referred to as "the date of designation");

(2) the facility has been in substantially continuous use to deliver water for the beneficial use on the owner's non-Federal land since the date of designation;

(3) the owner of the facility holds a valid water right for use of the water on the owner's non-Federal land under Idaho State law, with a priority date that predates the date of designation; and

(4) it is not practicable or feasible to relocate the facility to land outside of the wilderness and continue the beneficial use of water on the non-Federal land recognized under State law.

(b) Terms and Conditions.--

(1) Required terms and conditions.-- In a special use authorization issued under subsection (a), the Secretary shall--

(A) allow use of motorized equipment and mechanized transport for operation, maintenance, or reconstruction of a facility, if the Secretary determines that--

(i) the use is necessary to allow the facility to continue delivery of water to the non-Federal land for the beneficial uses recognized by the water right held under Idaho State law; and

(ii) the use of nonmotorized equipment and nonmechanized transport is impracticable or infeasible; and

(B) preclude use of the facility for the storage, diversion, or transport of water in excess of the water right recognized by the State of Idaho on the date of designation.

(2) Discretionary terms and conditions.-- In a special use authorization issued under subsection (a), the Secretary may--

(A) require or allow modification or relocation of the facility in the wilderness, as the Secretary determines necessary, to reduce impacts to wilderness values set forth in section 2 of the Wilderness Act (16 U.S.C. 1131) if the beneficial use of water on the non-Federal land is not diminished; and

(B) require that the owner provide a reciprocal right of access across the non-Federal property, in which case, the owner shall receive market value for any right-of-way or other interest in real property conveyed to the United States, and market value may be paid by the Secretary, in whole or in part, by the grant of a reciprocal right-of-way, or by reduction of fees or other costs that may accrue to the owner to obtain the authorization for water facilities.

Approved July 25, 2014.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 876:
House Report: No. 113-76, Comm. on Natural Resources, May 17, 2013.
Senate Report: No. 113-150, Comm. on Energy and Natural Resources, April 10, 2014.
CONGRESSIONAL RECORD: Vol. 159 (2013):
June 17, considered and passed House, Pg. H3659.
CONGRESSIONAL RECORD: Vol. 160 (2014):
July 9, considered and passed Senate, S4356.

September 26, 2014

AMERICAN FALLS RESERVOIR HYDROELECTRIC PROJECT

An Act to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir. (An act of September 26, 2014, Public Law 113-177, 128 Stat. 1911)

[Section 1. Extension of Time for Federal Energy Regulatory Commission Project Involving American Falls Reservoir.]-- Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12423, the Federal Energy Regulatory Commission shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, reinstate the license and extend the time period during which the licensee is required to commence the construction of project works to the end of the 3-year period beginning on the date of enactment of this Act.

Approved September 26, 2014.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 276:
Senate Report: No. 113-24, Comm. on Energy and Natural Resources, April 22, 2013.
CONGRESSIONAL RECORD: Vol. 159 (2013):
June 19, considered and passed Senate, Pg. S4720.
CONGRESSIONAL RECORD: Vol. 160 (2014):
Sept. 10, considered and passed House, Pg. H7408.

December 16, 2014

BILL WILLIAMS RIVER WATER RIGHTS SETTLEMENT ACT OF 2014

An Act to direct the Secretary of the Interior to enter into the Big Sandy River-Planet Ranch Water Rights Settlement Agreement and the Hualapai Tribe Bill Williams River Water Rights Settlement Agreement, to provide for the lease of certain land located within Planet Ranch on the Bill Williams River in the State of Arizona to benefit the Lower Colorado River Multi-Species Conservation Program, and to provide for the settlement of specific water rights claims in the Bill Williams River watershed in the State of Arizona. (An act of December 16, 2014, Public Law 113-223, 128 Stat. 2096)

[Section 1. Short Title.]-- This Act may be cited as the "Bill Williams River Water Rights Settlement Act of 2014".

Sec. 2. [Purposes.]--The purposes of this Act are--

(1) to achieve a fair, equitable, and final settlement of certain claims among certain parties to water rights in the Bill Williams River watershed in the State of Arizona for--

(A) the Hualapai Tribe (acting on behalf of the Tribe and members of the Tribe); and

(B) the Department of the Interior, acting on behalf of the Department and, as specified, the United States as trustee for the Hualapai Tribe, the members of the Tribe, and the allottees;

(2) to approve, ratify, and confirm--

(A) the Big Sandy River-Planet Ranch Water Rights Settlement Agreement entered into among the Hualapai Tribe, the United States as trustee for the Tribe, the members of the Tribe and allottees, the Secretary of the Interior, the Arizona department of water resources, Freeport Minerals Corporation, and the Arizona Game and Fish Commission, to the extent the Big Sandy River Planet Ranch Agreement is consistent with this Act; and

(B) the Hualapai Tribe Bill Williams River Water Rights Settlement Agreement entered into among the Tribe, the United States as trustee for the Tribe, members of the Tribe, the allottees, and the Freeport Minerals Corporation, to the extent the Hualapai Tribe Agreement is consistent with this Act;

(3) to authorize and direct the Secretary--

(A) to execute the duties and obligations of the Secretary under the Big Sandy River-Planet Ranch Agreement, the Hualapai Tribe Agreement, and this Act;

(B)(i) to remove objections to the applications for the severance and transfer of certain water rights, in partial consideration of the agreement of the parties to impose certain limits on the extent of the use and transferability of the severed and transferred water right and other water rights; and

(ii) to provide confirmation of those water rights; and

(C) to carry out any other activity necessary to implement the Big Sandy River-Planet Ranch Agreement and the Hualapai Tribe Agreement in accordance with this Act;

(4) to advance the purposes of the Lower Colorado River Multi-Species Conservation Program;

(5) to secure a long-term lease for a portion of Planet Ranch, along with appurtenant water rights primarily along the Bill Williams River corridor, for use in the Conservation Program;

(6) to bring the leased portion of Planet Ranch into public ownership for the long-term benefit of the Conservation Program; and

(7) to secure from the Freeport Minerals Corporation Non-Federal contributions--

(A) to support a tribal water supply study necessary for the advancement of a settlement of the claims of the Tribe for rights to Colorado River water; and

(B) to enable the Tribe to secure Colorado River water rights and appurtenant land, increase security of the water rights of the Tribe, and facilitate a settlement of the claims of the Tribe for rights to Colorado River water.

Sec. 3. [Definitions.] In this Act:

(1) ADWR.-- The term “ADWR” means the Arizona department of water resources, established pursuant to title 45 of the Arizona Revised Statutes (or a successor agency or entity).

(2) Allotment.-- The term “allotment" means the 4 off-reservation parcels held in trust by the United States for individual Indians in the Big Sandy River basin in Mohave County, Arizona, under the patents numbered 1039995, 1039996, 1039997, and 1019494.

(3) Allottee.-- The term “allottee" means any Indian owner of an allotment under a patent numbered 1039995, 1039996, 1039997, or 1019494.

(4) Arizona game and fish commission.-- The term “Arizona Game and Fish Commission" means the entity established pursuant to title 17 of the Arizona Revised Statutes to control the Arizona game and fish department (or a successor agency or entity).

(5) Bagdad mine complex and Bagdad townsite.-- The term “Bagdad Mine Complex and Bagdad Townsite" means the geographical area depicted on the map attached as exhibit 2.9 to the Big Sandy River-Planet Ranch Agreement.

(6) Big sandy river-planet ranch agreement.-- The term “Big Sandy River-Planet Ranch Agreement" means the Big Sandy River-Planet Ranch Water Rights Settlement Agreement dated July 2, 2014, and any amendment or exhibit (including exhibit amendments) to that Agreement that is--

(A) made in accordance with this Act; or

(B) otherwise approved by the Secretary and the parties to the Big Sandy River-Planet Ranch Agreement.

(7) Bill Williams River Watershed.-- The term “Bill Williams River watershed" means the watershed drained by the Bill Williams River and the tributaries of that river, including the Big Sandy and Santa Maria Rivers.

(8) Conservation program.-- The term “Conservation Program” has the meaning given the term “Lower Colorado River Multi-Species Conservation Program" in section 9401 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1327).

(9) Corporation.--

(A) In general.-- The term “Corporation" means the Freeport Minerals Corporation, incorporated in the State of Delaware.

(B) Inclusions.-- The term “Corporation” includes all subsidiaries, affiliates, successors, and assigns of the Freeport Minerals Corporation (such as Byner Cattle Company, incorporated in the State of Nevada).

(10) Department.-- The term “Department” means the Department of the Interior and all constituent bureaus of that Department.

(11) Enforceability date.-- The term “enforceability date" means the date described in section 9.

(12) Freeport groundwater wells.--

(A) In general.-- The term “Freeport Groundwater Wells” means the 5 wells identified by ADWR well registration numbers--

(i) 55-592824;

(ii) 55-595808;

(iii) 55-595810;

(iv) 55-200964; and

(v) 55-908273.

(B) Inclusions.--The term “Freeport Groundwater Wells” includes any replacement of a well referred to in subparagraph (A) drilled by or for the Corporation to supply water to the Bagdad Mine Complex and Bagdad Townsite.

(C) Exclusions.--The term “Freeport Groundwater Wells" does not include any other well owned by the Corporation at any other location.

(13) Hualapai Tribe Agreement.-- The term “Hualapai Tribe Agreement" means the Hualapai Tribe Bill Williams River Water Rights Settlement Agreement dated July 2, 2014, including any amendment or exhibit (including exhibit amendments) to that Agreement that is--

(A) made in accordance with this Act; or

(B) otherwise approved by the Secretary and the parties to the Agreement.

(14) Hualapai tribe water rights settlement agreement.-- The term “Hualapai Tribe Water Rights Settlement Agreement”" means the comprehensive settlement agreement in the process of negotiation as of the date of enactment of this Act to resolve the claims of the Tribe for rights to Colorado River water and Verde River water with finality.

(15) Injury.--

(A) In general.-- The term “injury”, with respect to a water right, means any interference with, diminution of, or deprivation of the water right under Federal, State, or other law.

(B) Exclusion.--The term “injury” does not include any injury to water quality.

(16) Lincoln ranch.-- The term “Lincoln Ranch" means the property owned by the Corporation described in the special warranty deed recorded on December 4, 1995, at Book 1995 and Page 05874 in the official records of La Paz County, Arizona.

(17) Parcel 1.-- The term “Parcel 1” means the parcel of land that--

(A) is depicted as 3 contiguous allotments identified as 1A, 1B, and 1C on the map attached to the Big Sandy River-Planet Ranch Agreement as exhibit 2.10; and

(B) is held in trust for certain allottees.

(18) Parcel 2.-- The term “Parcel 2” means the parcel of land that--

(A) is depicted on the map attached to the Big Sandy River-Planet Ranch Agreement as exhibit 2.10; and

(B) is held in trust for certain allottees.

(19) Parcel 3.-- The term “Parcel 3” means the parcel of land that--

(A) is depicted on the map attached to the Big Sandy River-Planet Ranch Agreement as exhibit 2.10;

(B) is held in trust for the Tribe; and

(C) is part of the Hualapai Reservation pursuant to Executive Order No. 1368 of June 2, 1911.

(20) Party.-- The term “party” means an individual or entity that is a signatory to--

(A) the Big Sandy River-Planet Ranch Agreement; or

(B) the Hualapai Tribe Agreement.

(21) Planet ranch.-- The term “Planet Ranch” means the property owned by the Corporation described--

(A) in the special warranty deed recorded on December 14, 2011, at Book 2011 and Page 05267 in the official records of La Paz County, Arizona; and

(B) as Instrument No. 2011-062804 in the official records of Mohave County, Arizona.

(22) Secretary.-- The term “Secretary” means the Secretary of the Interior.

(23) Sever and transfer applications.-- The term “sever and transfer applications” means the applications filed or amended by the Corporation and pending on the date of enactment of this Act to sever and transfer certain water rights--

(A) from Lincoln Ranch and from Planet Ranch to the Wikieup Wellfield for use at the Bagdad Mine Complex and Bagdad Townsite; and

(B) from portions of Planet Ranch (as determined on the date on which the applications were filed or amended) to new locations within Planet Ranch.

(24) Tribe.--The term “Tribe" means the Hualapai Tribe, organized under section 16 of the Act of June 18, 1934 (25 U.S.C. 476) (commonly known as the “Indian Reorganization Act"), and recognized by the Secretary.

(25) Water right.--The term “water right" means--

(A) any right in or to groundwater, surface water, or effluent under Federal, State, or other law; and

(B) for purposes of subsections (d) and (e) of section 5, any right to Colorado River water.

(26) Wikieup Wellfield.--The term “Wikieup Wellfield" means the geographical area depicted on the map attached as exhibit 2.10 to the Big Sandy River-Planet Ranch Agreement.

Sec. 4. [Big Sandy River-Planet Ranch Agreement.]

(a) In General.--Except to the extent that any provision of, or amendment to, the Big Sandy River-Planet Ranch Agreement conflicts with this Act--

(1) the Big Sandy River-Planet Ranch Agreement is authorized, ratified, and confirmed; and

(2) any amendment to the Big Sandy River-Planet Ranch Agreement executed to make the Big Sandy River-Planet Ranch Agreement consistent with this Act is authorized, ratified, and confirmed.

(b) Execution.--To the extent that the Big Sandy River-Planet Ranch Agreement does not conflict with this Act, and in support of the purposes of this Act, the Secretary shall execute--

(1) the Big Sandy River-Planet Ranch Agreement (including all exhibits to the Big Sandy River-Planet Ranch Agreement requiring the signature of the Secretary);

(2) any amendment to the Big Sandy River-Planet Ranch Agreement (including any amendment to an exhibit of the Big Sandy River-Planet Ranch Agreement requiring the signature of the Secretary) that is necessary to make the Big Sandy River-Planet Ranch Agreement consistent with this Act; and

(3) a conditional withdrawal of each objection filed by the Bureau of Indian Affairs, the Bureau of Land Management, and the United States Fish and Wildlife Service to the sever and transfer applications in the form set forth in exhibit 4.2.1(ii)(b) to the Big Sandy River-Planet Ranch Agreement.

(c) Modifications and Corrections.--The Secretary may execute any other amendment to the Big Sandy River Planet-Ranch Agreement (including any amendment to an exhibit to the Big Sandy River-Planet Ranch Agreement requiring the signature of the Secretary) that is not inconsistent with this Act, if the amendment--

(1) is approved by the Secretary and the parties to the Big Sandy River-Planet Ranch Agreement; and

(2) does not require approval by Congress.

(d) Prohibition.--The Secretary shall not file an objection to any amendment to the sever and transfer applications or any new sever or transfer application filed by the Corporation to accomplish the sever and transfer of 10,055 acre-feet per year of water rights from Planet Ranch

and Lincoln Ranch to the Wikieup Wellfield, subject to the condition that the form of such an amendment or new application shall be substantially similar to a form attached to the Big Sandy River-Planet Ranch Agreement as exhibit 4.2.1(ii)(a)(1) or 4.2.1(ii)(a)(2).

Sec. 5. [Hualapai Tribe Agreement.]

(a) In General.-- Except to the extent that any provision of, or amendment to, the Hualapai Tribe Agreement conflicts with this Act--

(1) the Hualapai Tribe Agreement is authorized, ratified, and confirmed; and

(2) any amendment to the Hualapai Tribe Agreement executed to make the Hualapai Tribe Agreement consistent with this Act is authorized, ratified, and confirmed.

(b) Execution.-- To the extent that the Hualapai Tribe Agreement does not conflict with this Act, and in support of the purposes of this Act, the Secretary shall execute--

(1) the Hualapai Tribe Agreement (including all exhibits to the Hualapai Tribe Agreement requiring the signature of the Secretary); and

(2) any amendment to the Hualapai Tribe Agreement (including any amendment to an exhibit of the Hualapai Tribe Agreement requiring the signature of the Secretary) that is necessary to make the Hualapai Tribe Agreement consistent with this Act.

(c) Modifications and Corrections.-- The Secretary may execute any other amendment to the Hualapai Tribe Agreement (including any amendment to an exhibit to the Hualapai Tribe Agreement requiring the signature of the Secretary) that is not inconsistent with this Act, if the amendment--

(1) is approved by the Secretary and the parties to the Hualapai Tribe Agreement; and

(2) does not require approval by Congress.

(d) Contribution of Corporation to Economic Development Fund.--

(1) In general.-- The contribution of the Corporation to the economic development fund of the Tribe, as provided in section 8.1 of the Hualapai Tribe Agreement--

(A) may be used by the Tribe for the limited purpose of facilitating settlement of the claims of the Tribe for rights to Colorado River water by enabling the Tribe--

(i) to acquire Colorado River water rights with the intent to increase the security of the water rights of the Tribe; and

(ii) to otherwise facilitate the use of water on the Hualapai Reservation;

(B) shall be considered to be a non-Federal contribution that counts toward any non-Federal contribution associated with a settlement of the claims of the Tribe for rights to Colorado River water; and

(C) shall not be--

(i) considered to be trust funds; or

(ii) subject to responsibility or management by the United States as trustee for the Tribe, members of the Tribe, and the allottees.

(2) Limitation on transfer of water rights.-- The Colorado River water rights acquired by the Tribe may be used off the Hualapai Reservation only for irrigation of acquired appurtenant land, or for storage in accordance with Federal and State law in a permitted recharge facility in the State of Arizona, subject to the conditions that--

(A) the Tribe shall not seek to transfer or sell accumulated long-term storage credits generated from the storage of the acquired Colorado River water rights; and

(B) the Tribe shall not seek approval to change the place of use of the acquired Colorado River water rights, except for the purposes of storing the water in accordance with this paragraph.

(3) Expiration.--The limitation provided under paragraph (2) expires on the earlier of--

(A) the date on which the Hualapai Tribe Water Rights Settlement Agreement becomes enforceable; and

(B) December 31, 2039.

(4) Colorado river water rights counted against claims of tribe.--

(A) In general.-- If the Hualapai Tribe Water Rights Settlement Agreement does not become enforceable by December 31, 2039, any Colorado River water rights acquired by the Tribe with the contribution of the Corporation to the economic development fund of the Tribe shall be counted on an acre-foot per acre-foot basis, toward the claims of the Tribe for rights to Colorado River water.

(B) Effect of paragraph.-- Nothing in this paragraph restricts any claim for rights of the Tribe to Colorado River water. Hualapai Tribe Agreement, the parties to the Hualapai Tribe Agreement shall negotiate in good faith with other parties the terms under which any land within the State of Arizona held or acquired in fee by the Tribe may be taken into trust by the United States for the benefit of the Tribe, with any applicable terms to be incorporated into the Hualapai Tribe Water Rights Settlement Agreement, subject to approval by Congress.

Sec. 6. [Waivers, Releases, and Retention of Claims.]

(a) Claims by Department Under Big Sandy River-Planet Ranch Agreement.--

(1) In general.-- Except as provided in paragraph (3), the Secretary is authorized to execute a waiver and release of all claims of the Department, acting in its own capacity, against the Corporation under Federal, State, or any other law for--

(A) all past and present claims for injury to water rights resulting from the diversion of water by the Corporation from the Wikieup Wellfield or the Freeport Groundwater Wells arising prior to the enforceability date;

(B) all claims for injury to water rights arising after the enforceability date resulting from the diversion of water by the Corporation from the Wikieup Wellfield or the Freeport Groundwater Wells in a manner not in violation of the Big Sandy River-Planet Ranch Agreement; and

(C) all past, present, and future claims arising out of, or relating in any manner to, the negotiation or execution of the Big Sandy River-Planet Ranch Agreement.

(2) Effective date.--The waivers and releases of claims under paragraph (1) shall--

(A) be in the form set forth in exhibit 7.2(ii) to the Big Sandy River-Planet Ranch Agreement; and

(B) take effect on the enforceability date.

(3) Retention of rights.--The Department shall retain all rights not expressly waived under paragraph (1), including the right--

(A) to assert any claim for breach of, or to seek enforcement of, the Big Sandy River-Planet Ranch Agreement or this Act in any court of competent jurisdiction (but not a tribal court); and

(B) to assert any past, present, or future claim to a water right that is not inconsistent with the Big Sandy River-Planet Ranch Agreement or this Act.

(b) Claims by Tribe and United States as Trustee Under Big Sandy River-Planet Ranch Agreement.--

(1) In general.-- Except as provided in paragraph (3), the Tribe and the United States, acting as trustee for the Tribe and members of the Tribe, are authorized to execute a waiver and release of all claims against the Corporation for--

(A) any water rights of the Tribe or the United States as trustee for the Tribe and members of the Tribe with respect to Parcel 3 in excess of 300 acre-feet per year;

(B) all past and present claims for injury to water rights arising before the enforceability date resulting from the diversion of water by the Corporation from the Wikieup Wellfield or the Freeport Groundwater Wells; and

(C) all claims for injury to water rights arising after the enforceability date resulting from the diversion of water by the Corporation from the Wikieup Wellfield or the Freeport Groundwater Wells in a manner not in violation of the Big Sandy River-Planet Ranch Agreement or the Hualapai Tribe Agreement.

(2) Effective date.-- The waivers and releases of claims under paragraph (1) shall--

(A) be in the form set forth in exhibit 7.1(ii) to the Hualapai Tribe Agreement; and

(B) take effect on the enforceability date.

(3) Retention of rights.-- The Tribe and the United States, acting as trustee for the Tribe and members of the Tribe, shall retain all rights not expressly waived under paragraph (1), including the right—

(A) to assert any claim for breach of, or to seek enforcement of, the Big Sandy River-Planet Ranch Agreement or this Act in any court of competent jurisdiction (but not a tribal court); and

(B) to assert any past, present, or future claim to a water right that is not inconsistent with the Big Sandy River-Planet Ranch Agreement or this Act.

(c) Claims by United States as Trustee for Allottees Under Big Sandy River-Planet Ranch Agreement.--

(1) In general.--Except as provided in paragraph (3), the United States, acting as trustee for the allottees, is authorized to execute a waiver and release of all claims against the Corporation for--

(A)any water rights of the allottees or the United States as trustee for the allottees with respect to--

(i) Parcel 1 in excess of 82 acre-feet per year; or

(ii) Parcel 2 in excess of 312 acre-feet per year;

(B) all past and present claims for injury to water rights arising before the enforceability date resulting from the diversion of water by the Corporation from the Wikieup Wellfield or the Freeport Groundwater Wells; and

(C) all claims for injury to water rights arising after the enforceability date resulting from the diversion of water by the Corporation from the Wikieup Wellfield or the Freeport Groundwater Wells in a manner not in violation of the Big Sandy River-Planet Ranch Agreement.

(2) Effective date.-- The waivers and releases of claims under paragraph (1) shall--

(A) be in the form set forth in exhibit 7.1(ii) to the Hualapai Tribe Agreement; and

(B) take effect on the enforceability date.

(3) Retention of rights.--The United States, acting as trustee for the allottees, shall Retain all rights not expressly waived under paragraph (1), including the right--

(A) to assert any claim for breach of, or to seek enforcement of, the Big B Sandy River-Planet Ranch Agreement or this Act in any court of competent jurisdiction (but not a tribal court); and

(B) to assert any past, present, or future claim to a water right that is not inconsistent with the Big Sandy River-Planet Ranch Agreement or this Act.

(d) Claims by Tribe and United States as Trustee Under Hualapai Tribe Agreement.--

(1) In general.--Except as provided in paragraph (3), the Tribe and the United States, acting as trustee for the Tribe, members of the Tribe, and the allottees, as part of the performance of obligations under the Hualapai Tribe Agreement, are authorized to execute a waiver and release of all claims that the Tribe or the United States as trustee for the Tribe, members of the Tribe, or the allottees may have against the Corporation under Federal, State, or any other law, for--

(A) all past and present claims for injury to water rights resulting from the diversion of water by the Corporation from the Bill Williams River watershed arising prior to the enforceability date;

(B) all claims for injury to water rights arising after the enforceability date resulting from the diversion of water by the Corporation from the Bill Williams River watershed in a manner not in violation of the Hualapai Tribe Agreement or the Big Sandy River-Planet Ranch Agreement; and

(C) all past, present, and future claims arising out of, or relating in any manner to, the negotiation or execution of the Hualapai Tribe Agreement.

(2) Effective date.-- The waivers and releases of claims under paragraph (1) shall--

(A) be in the form set forth in exhibit 7.1(ii) to the Hualapai Tribe Agreement; and

(B) take effect on the enforceability date.

(3) Retention of rights.-- The Tribe and the United States, acting as trustee for the Tribe, the members of the Tribe, and the allottees, shall retain all rights not expressly waived under paragraph (1), including the right to assert--

(A) subject to paragraph 10.5 of the Hualapai Tribe Agreement, a claim for breach of, or to seek enforcement of, the Hualapai Tribe Agreement or this Act in any court of competent jurisdiction (but not a tribal court);

(B) any claim for injury to, or to seek enforcement of, the rights of the Tribe under any applicable judgment or decree approving or incorporating the Hualapai Tribe Agreement; and

(C) any past, present, or future claim to water rights that is not inconsistent with the Hualapai Tribe Agreement or this Act.

(e) Claims by Tribe Against United States Under Big Sandy River-Planet Ranch Agreement and Hualapai Tribe Agreement.--

(1) In general.--In consideration for the benefits to the Tribe, as set forth in the Big Sandy River-Planet Ranch Agreement, the Hualapai Tribe Agreement, and this Act, except as provided in paragraph (3), the Tribe, on behalf of the Tribe and the members of the Tribe,

is authorized to execute a waiver and release of all claims against the United States and the agents and employees of the United States for--

(A) all past, present, and future claims relating to claims for water rights for Parcel 3 in excess of 300 acre-feet per year that the United States, acting as trustee for the Tribe, asserted or could have asserted against any party to the Big Sandy River-Planet Ranch Agreement or the Hualapai Tribe Agreement, including the Corporation, including claims relating to--

(i) loss of water, water rights, land, or natural resources due to loss of water or water rights on Parcel 3 (including damages, losses, or injuries to hunting, fishing, and gathering rights due to loss of water, water rights, or subordination of water rights); or

(ii) failure to protect, acquire, replace, or develop water, water rights, or water infrastructure on Parcel 3;

(B) all past, present, and future claims relating to injury to water rights associated with Parcel 3 arising from withdrawal of a protest to the sever and transfer applications referenced in the Big Sandy River-Planet Ranch Agreement;

(C) all claims relating to injury to water rights arising after the enforceability date associated with Parcel 3, resulting from the diversion of water by the Corporation from the Bill Williams River watershed in a manner not in violation of the Hualapai Tribe Agreement; and

(D) all past, present, and future claims relating to any potential injury arising out of, or relating in any manner to, the negotiation or execution of the Big Sandy River-Planet Ranch Agreement or the Hualapai Tribe Agreement.

(2) Effective date.-- The waivers and releases of claims under paragraph (1) shall--

(A) be in the form set forth in, as applicable--

(i) exhibit 7.6(ii) to the Big Sandy River-Planet Ranch Agreement; or

(ii) exhibit 7.3(ii) to the Hualapai Tribe Agreement; and

(B) take effect on the enforceability date.

(3) Retention of rights.--The Tribe shall retain all rights not expressly waived under paragraph (1), including the right--

(A) to assert any claim for breach of, or to seek enforcement of, the Big Sandy River-Planet Ranch Agreement, the Hualapai Tribe Agreement, or this Act in any court of competent jurisdiction (but not a tribal court); and

(B) to assert any past, present, or future claim to a water right that is not inconsistent with the Big Sandy River-Planet Ranch Agreement, the Hualapai Tribe Agreement, or this Act.

Sec. 7. [Administration.]

(a) Amendments.--

(1) Definitions.--Section 9401 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1327) is amended--

(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

“(1) Big sandy river-planet ranch agreement.--The term `Big Sandy River-Planet Ranch Agreement' has the meaning given the term in section 3 of the Bill Williams River Water Rights Settlement Act of 2014.".

(2) Enforceability.--Section 9403 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1328) is amended--

(A) by striking the section designation and heading and all that follows through “Due to" in subsection (a) and inserting the following:

“SEC. 9403. ENFORCEABILITY.

“(a) Civil Actions.--

“(1) Colorado River civil actions.—

“(A) Description of civil action.--Due to"; and subsection (a) (as amended by subparagraph (A))—

(i) in paragraph (1) (as so amended), by adding at the end the following:

“(B) Venue.--Any civil action under this paragraph may be brought in any United States district court in the State in which any non-Federal party to the civil action is situated."; and

(ii) by adding at the end the following:

“(2) Bill Williams civil actions.--

“(A) Description of civil action.--Due to the unique role of the Lower Colorado River Multi-Species Conservation Program in resolving competing water rights claims in the Bill Williams River watershed (as defined in section 3 of the Bill Williams River Water Rights Settlement Act of 2014) and other claims among the parties to the Big Sandy-River Planet Ranch Agreement, any party to the Big Sandy River-Planet Ranch Agreement may commence a civil action in a court described in subparagraph (B) relating only and directly to the interpretation or enforcement of--

“(i) the Bill Williams River Water Rights Settlement Act of 2014; or

“(ii) the Big Sandy River-Planet Ranch Agreement.

“(B) Venue.-- A civil action under this paragraph may be brought in-

“(i) the United States District Court for the District of Arizona; or

“(ii) a State court of competent jurisdiction where a pending action has been brought to adjudicate the water rights associated with the Bill Williams River system and source, in accordance with the authority provided by section 208 of the Act of July 10, 1952 (commonly known as the `McCarran Amendment') (43 U.S.C. 666).";

(3) in subsection (b)—

(A) by striking “The district" and inserting the following:

“(1) In general.--The district";

(B) in paragraph (1) (as so designated), by striking “such actions" and inserting “civil actions described in subsection (a)(1)"; and

(C) by adding at the end the following:

"(2) State courts and district courts.--A State court or United States district court--

"(A) shall have jurisdiction over civil actions described in subsection (a)(2); and

"(B) may issue such orders, judgments, and decrees as are consistent with the exercise of jurisdiction by the court pursuant to--

"(i) this section; or

"(ii) section 7 of the Bill Williams River Water Rights Settlement Act of 2014.

"(3) Effect of subsection.--Nothing in this subsection affects the jurisdiction that would otherwise be available in accordance with the authority provided by section 208 of the Act of July 10, 1952 (commonly known as the `McCarran Amendment') (43 U.S.C. 666).";

(4) in subsection (d)(2), by striking the paragraph designation and heading and all that follows through subparagraph (A) and inserting the following:

"(2) Applicability.--This section--

"(A) applies only to--

"(i) the Lower Colorado River Multi-Species Conservation Program;

"(ii) the Bill Williams River Water Rights Settlement Act of 2014; and

"(iii) the Big Sandy River-Planet Ranch Agreement; and"; and

(5) by striking subsection (e).

(b) Limited Waiver of Sovereign Immunity.--

(1) In general.--If any party to the Big Sandy River-Planet Ranch Agreement or the Hualapai Tribe Agreement brings a civil action in a court described in paragraph (2) relating only and directly to the interpretation or enforcement of this Act (or an amendment made by this Act), the Big Sandy River-Planet Ranch Agreement, or the Hualapai Tribe Agreement--

(A) the Tribe and the United States, acting as trustee for the Tribe, members of the Tribe, or the allottees, may be named as a party or joined in the civil action; and

(B) any claim by the Tribe or the United States, acting as trustee for the Tribe, members of the Tribe, or the allottees, to sovereign immunity from the civil action is waived, but only for the limited and sole purpose of the interpretation or enforcement of this Act (or an amendment made by this Act), the Big Sandy River-Planet Ranch Agreement, or the Hualapai Tribe Agreement.

(2) Venue.--A court referred to in paragraph (1) is--

(A) the United States District Court for the District of Arizona; or

(B) a State court of competent jurisdiction where a pending action has been brought to adjudicate the water rights associated with the Bill Williams River system and source, in accordance with the authority provided by section 208 of the Act of July 10, 1952 (commonly known as the "McCarran Amendment")(43 U.S.C. 666).

(3) Jurisdiction.--A State court or a United States district court--

(A) shall have jurisdiction over civil actions described in paragraph (1); and

(B) may issue such orders, judgments, and decrees as are consistent with the exercise of jurisdiction by the court pursuant to--

(i) this section; or

(ii) section 9403(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1328).

(4) Nonwaiver for certain claims.--Nothing in this subsection waives the sovereign immunity of the Tribe or the United States, acting as trustee for the Tribe, members of the Tribe, or the allottees, to claims for monetary damages, costs, or attorneys' fees.

(c) Antideficiency.--

(1) In general.--Notwithstanding any authorization of appropriations to carry out this Act, the expenditure or advance of any funds, and the performance of any obligation by the Department in any capacity, pursuant to this Act shall be contingent on the appropriation of funds for that expenditure, advance, or performance.

(2) Liability.--The Department shall not be liable for the failure to carry out any obligation or activity authorized by this Act if adequate appropriations are not provided to carry out this Act.

(d) Public Access.--Nothing in this Act prohibits reasonable public access to the Conservation Program land at Planet Ranch or Lincoln Ranch in a manner that is consistent with all applicable Federal and State laws and any applicable conservation management plan implemented under the Conservation Program.

(e) Effect.--Nothing in the Big Sandy River-Planet Ranch Agreement, the Hualapai Tribe Agreement, or this Act--

(1) affects the ability of the United States to carry out any action in the capacity of the United States as trustee for any other Indian tribe or allottee;

(2) except as provided in subsections (a) and (b), confers jurisdiction on any State court--

(A) to interpret Federal law or determine the duties of the United States or any other party pursuant to Federal law; or

(B) to conduct judicial review of a Federal agency action; or

(3) limits the right of any member of the Tribe (acting in an individual capacity) to assert or acquire any water right based on State law.

Sec. 8. [Environmental Compliance.]

(a) In General.--In implementing the Big Sandy River-Planet Ranch Agreement, the Hualapai Tribe Agreement, and this Act, the Secretary shall comply with all applicable Federal environmental laws (including regulations), including--

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

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) Execution of Agreements.--The execution by the Secretary of the Big Sandy River-Planet Ranch Agreement and the Hualapai Tribe Agreement in accordance with this Act shall not constitute a major Federal action for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(c) United States Enforcement Authority.--Nothing in this Act, the Big Sandy River-Planet Ranch Agreement, or the Hualapai Tribe Agreement affects any right of the United States to take any action (including any environmental action) under any law (including regulations and common law) relating to human health, safety, or the environment.

Sec. 9. [Enforceability Date.]

(a) In General.-- Except as provided in subsection (b), the enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1)(A) to the extent that the Big Sandy River-Planet Ranch Agreement or the Hualapai Tribe Agreement conflict with this Act, the applicable agreement has been revised by amendment to eliminate the conflict; and

(B) the Big Sandy River-Planet Ranch Agreement and the Hualapai Tribe Agreement have been executed by all parties to those agreements;

(2) the Corporation has submitted to ADWR a conditional amendment of the sever and transfer applications for the Lincoln Ranch water right and amendments to the sever and transfer applications for Planet Ranch and Lincoln Ranch water rights consistent with section 4.2.1(ii)(a) of the Big Sandy River-Planet Ranch Agreement;

(3) the Secretary and the Arizona Game and Fish Commission have executed and filed with ADWR a conditional withdrawal of each objection described in section 4(b)(3);

(4)(A) ADWR has issued a conditional order approving the sever and transfer applications of the Corporation; and

(B) all objections to the sever and transfer applications have been--

(i) conditionally withdrawn; or

(ii) resolved in a decision issued by ADWR that is final and nonappealable;

(5) the Secretary has provided a notice to the parties to the Big Sandy River-Planet Ranch Agreement and the Hualapai Tribe Agreement that the Department has completed the legally required environmental compliance described in section 8;

(6) the steering committee for the Conservation Program has approved and authorized the manager of the Conservation Program to execute the lease in the form as set forth in exhibit 2.33 to the Big Sandy River-Planet Ranch Agreement; and

(7) the waivers and releases authorized by section 6 have been executed by the Tribe and the Secretary.

(b) Ratification and Execution of Agreements.--Notwithstanding subsection (a), for purposes of sections 4, 5, and 8, the Secretary shall carry out the requirements of this Act as promptly as practicable after the date of enactment of this Act.

(c) Failure of Enforceability Date to Occur.--If the Secretary does not publish a statement of findings under subsection (a) by December 15, 2015, or an extended date agreed to by the Tribe, the Secretary, and the Corporation, after providing reasonable notice to the State of Arizona--

(1) this Act is repealed effective beginning on the later of--

(A) December 31, 2015; and

(B) the date that is 14 days after the extended date agreed to by the Tribe, the Secretary, and the Corporation, after providing reasonable notice to the State of Arizona;

(2) any action taken by the Secretary to carry out this Act shall cease, and any agreement executed pursuant to this Act, shall be void; and

(3) the Tribe, members of the Tribe, the allottees, and the United States, acting as trustee for the Tribe, members of the Tribe, and the allottees, shall retain the right to assert past, present, and future claims to water rights and claims for injury to water rights in the Bill Williams River watershed.

Approved December 16, 2014.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 4924:
House Report: No. 113-638, Comm. on Natural Resources, Dec. 1, 2014.

CONGRESSIONAL RECORD, Vol. 160 (2014):

Dec. 1, considered and passed House, Pg. H8181.

Dec. 2, considered and passed Senate, Pg. S6272.

December 16, 2014

BLACKFOOT RIVER LAND EXCHANGE ACT OF 2014

An Act to exchange trust and fee land to resolve land disputes created by the realignment of the Blackfoot River along the boundary of the Fort Hall Indian Reservation, and for other purposes. (An act of December 16, 2014, Public Law 113-232, 128 Stat. 2122)

[Section 1. Short Title.]-- This Act may be cited as the "Blackfoot River Land Exchange Act of 2014".

Sec. 2. [Findings; Purposes.]--

(a) Findings.--Congress finds that--

(1) the Shoshone-Bannock Tribes, a federally recognized Indian tribe with tribal headquarters at Fort Hall, Idaho--

(A) adopted a tribal constitution and bylaws on March 31, 1936, that were approved by the Secretary of the Interior on April 30, 1936, pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the "Indian Reorganization Act");

(B) has entered into various treaties with the United States, including the Second Treaty of Fort Bridger, executed on July 3, 1868; and

(C) has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union;

(2)(A) in 1867, President Andrew Johnson designated by Executive order the Fort Hall Reservation for various bands of Shoshone and Bannock Indians;

(B) the Reservation is located near the cities of Blackfoot and Pocatello in southeastern Idaho; and

(C) article 4 of the Second Treaty of Fort Bridger secured the Reservation as a "permanent home" for the Shoshone-Bannock Tribes;

(3)(A) according to the Executive order referred to in paragraph (2)(A), the Blackfoot River, as the river existed in its natural state--

(i) is the northern boundary of the Reservation; and

(ii) flows in a westerly direction along that northern boundary; and

(B) within the Reservation, land use in the River watershed is dominated by--

(i) rangeland;

(ii) dry and irrigated farming; and

(iii) residential development;

(4)(A) in 1964, the Corps of Engineers completed a local flood protection project on the River--

(i) authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 170); and

(ii) sponsored by the Blackfoot River Flood Control District No. 7;

(B) the project consisted of building levees, replacing irrigation diversion structures, replacing bridges, and channel realignment; and

(C) the channel realignment portion of the project severed various parcels of land located contiguous to the River along the boundary of the Reservation, resulting in Indian land being located north of the Realigned River and non-Indian land being located south of the Realigned River;

(5) beginning in 1999, the Cadastral Survey Office of the Bureau of Land Management conducted surveys of--

(A) 25 parcels of Indian land; and

(B) 19 parcels of non-Indian land; and

(6) the enactment of this Act and separate agreements of the parties would represent a resolution of the disputes described in subsection (b)(1) among--

(A) the Tribes;

(B) the allottees; and

(C) the non-Indian landowners.

(b) Purposes.--The purposes of this Act are--

(1) to resolve the land ownership and land use disputes resulting from realignment of the River by the Corps of Engineers during calendar year 1964 pursuant to the project described in subsection (a)(4)(A); and

(2) to achieve a final and fair solution to resolve those disputes.

Sec. 3. [Definitions.] In this Act:

(1) Allottee.-- The term “allottee" means an heir of an original allottee of the Reservation who owns an interest in a parcel of land that is--

(A) held in trust by the United States for the benefit of the allottee; and

(B) located north of the Realigned River within the exterior boundaries of the Reservation.

(2) Blackfoot river flood control district no. 7.--The term “Blackfoot River Flood Control District No. 7" means the governmental subdivision in the State of Idaho, located at 75 East Judicial, Blackfoot, Idaho, that--

(A) is responsible for maintenance and repair of the Realigned River; and

(B) represents the non-Indian landowners relating to the resolution of the disputes described in section 2(b)(1) in accordance with this Act.

(3) Indian land.-- The term “Indian land" means any parcel of land that is--

(A) held in trust by the United States for the benefit of the Tribes or the allottees;

(B) located north of the Realigned River; and

(C) identified in exhibit A of the survey of the Bureau of Land Management entitled “Survey of the Blackfoot River of 2002 to 2005", which is located at--

(i) the Fort Hall Indian Agency office of the Bureau of Indian Affairs; and

(ii) the Blackfoot River Flood Control District No. 7.

(4) Non-Indian land.-- The term “non-Indian land" means any parcel of fee land that is--

(A) located south of the Realigned River; and

(B) identified in exhibit B, which is located at the areas described in clauses (i) and (ii) of paragraph (3)(C).

(5) Non-Indian landowner.--The term “non-Indian landowner" means any individual who holds fee title to non-Indian land and is represented by the Blackfoot River Flood Control District No. 7 for purposes of this Act.

(6) Realigned river.--The term “Realigned River" means that portion of the River that was realigned by the Corps of Engineers during calendar year 1964 pursuant to the project described in section 2(a)(4)(A).

(7) Reservation.--The term “Reservation" means the Fort Hall Reservation established by Executive order during calendar year 1867 and confirmed by treaty during calendar year 1868.

(8) River.-- The term “River" means the Blackfoot River located in the State of Idaho.

(9) Secretary.-- The term “Secretary" means the Secretary of the Interior.

(10) Tribes.--The term “Tribes" means the Shoshone-Bannock Tribes.

Sec. 4. [Release of Claims to Certain Indian and Non-Indian Owned Lands.]

(a) Release of Claims.-- Effective on the date of enactment of this Act--

(1) all existing and future claims with respect to the Indian land and the non-Indian land and all right, title, and interest that the Tribes, allottees, non-Indian landowners, and the Blackfoot River Flood Control District No. 7 may have had to that land shall be extinguished;

(2) any interest of the Tribes, the allottees, or the United States, acting as trustee for the Tribes or allottees, in the Indian land shall be extinguished under section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act") (25 U.S.C. 177); and

(3) to the extent any interest in non-Indian land transferred into trust pursuant to section 5 violates section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act") (25 U.S.C. 177), that transfer shall be valid, subject to the condition that the transfer is consistent with all other applicable Federal laws (including regulations).

(b) Documentation.-- The Secretary may execute and file any appropriate documents (including a plat or map of the transferred Indian land) that are suitable for filing with the Bingham County clerk or other appropriate county official, as the Secretary determines necessary to carry out this Act.

Sec. 5. [Non-Indian Land to be Placed into Trust for Tribes.] Effective on the date of enactment of this Act, the non-Indian land shall be considered to be held in trust by the United States for the benefit of the Tribes.

Sec. 6. [Trust Land to be Converted to Fee Land.]

(a) In General.--As soon as practicable after the date of enactment of this Act, the Secretary shall transfer the Indian land to the Blackfoot River Flood Control District No. 7 for use or sale in accordance with subsection (b).

(b) Use of Land.--

(1) In general.--The Blackfoot River Flood Control District No. 7 shall use any proceeds from the sale of land described in subsection (a) according to the following priorities:

(A) To compensate, at fair market value, each non-Indian landowner for the net loss of land to that non-Indian landowner resulting from the implementation of this Act.

(B) To compensate the Blackfoot River Flood Control District No. 7 for any administrative or other expenses relating to carrying out this Act.

(2) Remaining land.--If any land remains to be conveyed or proceeds remain after the sale of the land, the Blackfoot River Flood Control District No. 7 may dispose of that remaining land or proceeds as the Blackfoot River Flood Control District No. 7 determines to be appropriate.

Sec. 7. [Effect on Original Reservation Boundary.]-- Nothing in this Act affects the original boundary of the Reservation, as established by Executive order during calendar year 1867 and confirmed by treaty during calendar year 1868.

Sec. 8. [Effect on Tribal Water Rights.]-- Nothing in this Act extinguishes or conveys any water right of the Tribes, as established in the agreement entitled “1990 Fort Hall Indian Water Rights Agreement" and ratified by section 4 of the Fort Hall Indian Water Rights Act of 1990 (Public Law 101-602; 104 Stat. 3060).

Sec. 9. [Effect on Certain Obligations.]
(a) In General.--Except as provided in subsection (b), nothing in this Act affects the obligation of Blackfoot River Flood Control District No. 7 to maintain adequate rights-of-way for the operation and maintenance of the local flood protection projects described in section 2(a)(4) pursuant to agreements between the Blackfoot River Flood Control District No. 7 and the Corps of Engineers.
(b) Restriction on Fees.--Any land conveyed to the Tribes pursuant to this Act shall not be subject to fees assessed by Blackfoot River Flood Control District No. 7.
Sec. 10. [Disclaimers Regarding Claims.] Nothing in this Act--
(1) affects in any manner the sovereign claim of the State of Idaho to title in and to the beds and banks of the River under the equal footing doctrine of the Constitution of the United States;
(2) affects any action by the State of Idaho to establish the title described in paragraph (1) under section 2409a of title 28, United States Code (commonly known as the "Quiet Title Act");
(3) affects the ability of the Tribes or the United States to claim ownership of the beds and banks of the River; or
(4) extinguishes or conveys any water rights of non-Indian landowners or the claims of those landowners to water rights in the Snake River Basin Adjudication.

Approved December 16, 2014.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 2040 (H.R. 5049):
House Report: No. 113-639, accompanying H.R. 5049, Comm. on Natural Resources, Dec. 1, 2014.
Senate Report: No. 113-242, Comm. on Indian Affairs, Aug. 5, 2014.
CONGRESSIONAL RECORD, Vol. 160 (2014):
Sept. 18, considered and passed Senate.
Dec. 1, considered and passed House, Pg. H8187.

December 16, 2014

CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2015

[Extracts from] An Act making consolidated appropriations for the fiscal year ending September 30, 2015, and for other purposes. (An act of December 16, 2014, Public Law 113-235, 128 Stat. 2130)

[Section 1. Short Title.]-- This Act may be cited as the "Consolidated and Further Continuing Appropriations Act, 2015".

* * * * *

TITLE II
DEPARTMENT OF THE INTERIOR

Central Utah Project; Central Utah Project completion account.-- For carrying out activities authorized by the Central Utah Project Completion Act, $9,874,000, to remain available until expended, of which $1,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission:

Provided, That of the amount provided under this heading, $1,300,000 shall be available until September 30, 2016, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior:

Provided further, That for fiscal year 2015, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

Bureau of Reclamation-- The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

Water and Related Resources; (including transfers of funds)-- For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $978,131,000, to remain available until expended, of which $25,000 shall be available for transfer to the Upper Colorado River Basin Fund and $6,840,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund:
Provided, That such transfers may be increased or decreased within the overall appropriation under this heading:

Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account:

Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading:

Provided further, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

Central Valley Project Restoration Fund-- For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $56,995,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended:

Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575:

Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

California Bay-Delta Restoration (including transfers of funds)-- For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes:

Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management:

Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

Policy and Administration-- For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2016, $58,500,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377:

Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

Bureau of Reclamation loan program account (including rescission of funds)-- Of the unobligated balances available under this heading, $500,000 is hereby rescinded.
administrative provision. Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS--DEPARTMENT OF THE INTERIOR

Sec. 201.

(a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2015, shall be available for obligation or expenditure through a reprogramming of funds that--

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or
(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or
(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.
(c) For purposes of this section, the term transfer means any movement of funds into or out of a program, project, or activity.
(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

Sec. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.
(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program--Alternative Repayment Plan" and the “SJVDP--Alternative Repayment Plan" described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit

beneficiaries of such service or studies pursuant to Federal reclamation law.

Sec. 203. Section 9504(e) of the Secure Water Act of 2009 (42 U.S.C. 10364(e)) is amended by striking "$200,000,000" and inserting "$300,000,000".

Sec. 204. Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking "2012" and inserting "2017".

Sec. 205. Title I of Public Law 108-361 (the CALFED Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 210 of Public Law 111-85, is amended by striking "2015" each place it appears and inserting "2016".

Sec. 206. (a) In General.--The Secretary of the Interior may fund or participate in pilot projects to increase Colorado River System water in Lake Mead and the initial units of Colorado River Storage Project reservoirs, as authorized by the first section of the Act of April 11, 1956 (43 U.S.C. 620), to address the effects of historic drought conditions.

(b) Administration.--Pilot projects under this section are authorized to be funded through--

(1) grants by the Secretary to public entities that use water from the Colorado River Basin for municipal purposes for projects that are implemented by 1 or more non-Federal entities; or

(2) grants or other appropriate financial agreements to provide additional funds for renewing or implementing water conservation agreements that are in existence on the date of enactment of this Act.

(c) Limitations.--

(1) Funds in the Upper Colorado River Basin Fund established by section 5 of the Colorado River Storage Project Act (43 U.S.C. 620d) and the Lower Colorado River Basin Development Fund established by section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543) shall not be used to carry out this section; and

(2) the authority to fund these pilot projects through grants shall terminate on September 30, 2018.

(d) Report and Recommendation.--Not later than September 30, 2018, the Secretary shall submit to the Committees on Appropriations and Natural Resources of the House of Representatives and the Committees on Appropriations and Energy and Natural Resources of the Senate a report evaluating the effectiveness of the pilot projects described in subsection (a) and a recommendation to Congress whether the activities undertaken by the pilot projects should be continued.

* * * * *

Approved December 16, 2014.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 83:

House Report: No. 113-486, Comm. on Appropriations, June 20, 2014.

CONGRESSIONAL RECORD, Vol. 160 (2014):

Sept. 15, considered and passed House.

Sept. 18, considered and passed Senate, amended.

Dec. 11, House concurred in Senate amendment with an amendment.

Dec. 12, 13, Senate considered and concurred in House amendment.

BUREAU OF RECLAMATION TESTIMONY

April 2, 2014, Senate Comm. on Appropriations

March 25, 2014, House Comm. on Appropriations

December 18, 2014

CROOKED RIVER COLLABORATIVE WATER SECURITY AND JOBS ACT OF 2014

An Act to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes. (An act of December 18, 2014, Public Law 113-244, 128 Stat. 2864)

[Section 1. Short Title.]-- This Act may be cited as the "Crooked River Collaborative Water Security and Jobs Act of 2014".

Sec. 2. [Wild and Scenic River; Crooked, Oregon.]-- Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (72) and inserting the following:

"(72) Crooked, Oregon.--

"(A) In general.--The 14.75-mile segment from the National Grassland boundary to Dry Creek, to be administered by the Secretary of the Interior in the following classes:

"(i) The 7-mile segment from the National Grassland boundary to River Mile 8 south of Opal Spring, as a recreational river.

"(ii) The 7.75-mile segment from a point \1/4\-mile downstream from the center crest of Bowman Dam, as a recreational river.

"(B) Hydropower.--In any license or lease of power privilege application relating to non-Federal hydropower development (including turbines and appurtenant facilities) at Bowman Dam, the applicant, in consultation with the Director of the Bureau of Land Management, shall--

"(i) analyze any impacts to the scenic, recreational, and fishery resource values of the Crooked River from the center crest of Bowman Dam to a point \1/4\-mile downstream that may be caused by the proposed hydropower development, including the future need to undertake routine and emergency repairs;

"(ii) propose measures to minimize and mitigate any impacts analyzed under clause (i); and

"(iii) propose designs and measures to ensure that any access facilities associated with hydropower development at Bowman Dam shall not impede the free-flowing nature of the Crooked River below Bowman Dam.".

Sec. 3. [City of Prineville Water Supply.]-- Section 4 of the Act of August 6, 1956 (70 Stat. 1058; 73 Stat. 554; 78 Stat. 954) is amended-

(1) by striking "sec. 4. In order" and inserting the following:

"SEC. 4. CITY OF PRINEVILLE WATER SUPPLY.

"(a) In General.--In order";

(2) in subsection (a) (as so designated), by striking "during those months" and all that follows through "purpose of the project"; and

(3) by adding at the end the following:

"(b) Annual Release.--

"(1) In general.--Without further action by the Secretary of the Interior, beginning of the date of enactment of the Crooked River Collaborative Water Security and Jobs Act of 2014, 5,100 acre-feet of water shall be annually released from the project to serve as mitigation for City of Prineville groundwater pumping, pursuant to and in a manner consistent with Oregon State law, including any shaping of the release of the water.

"(2) Payments.--The City of Prineville shall make payments to the Secretary of the Interior for the water released under paragraph (1), in accordance with applicable Bureau of Reclamation policies, directives, and standards.

"(c) Additional Quantities.--Consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable Federal laws, the Secretary of the Interior may contract exclusively with the City of Prineville for additional quantities of water, at the request of the City of Prineville.".

Sec. 4. [Additional Provisions.]-- The Act of August 6, 1956 (70 Stat. 1058; 73 Stat. 554; 78 Stat. 954), is amended by adding at the end the following:

"SEC. 6. FIRST FILL STORAGE AND RELEASE.

"(a) In General.--Other than the 10 cubic feet per second release provided for in section 4, and subject to compliance with the flood curve requirements of the Corps of Engineers, the Secretary shall, on a `first fill' priority basis, store in and when called for in any year release from Prineville Reservoir, whether from carryover, infill, or a combination of both, the following:

"(1) Not more than 68,273 acre-feet of water annually to fulfill all 16 Bureau of Reclamation contracts existing as of January 1, 2011.

"(2) Not more than 2,740 acre-feet of water annually to supply the McKay Creek land, in accordance with section 5 of the Crooked River Collaborative Water Security and Jobs Act of 2014.

"(3) Not more than 10,000 acre-feet of water annually, to be made available first to the North Unit Irrigation District, and subsequently to any other holders of Reclamation contracts existing as of January 1, 2011 (in that order) pursuant to Temporary Water Service Contracts, on the request of the North Unit Irrigation District or the contract holders, consistent with the same terms and conditions as prior such contracts between the Bureau of Reclamation and District or contract holders, as applicable.

"(4) Not more than 5,100 acre-feet of water annually to mitigate the City of Prineville groundwater pumping under section 4, with the release of this water to occur not based on an annual call, but instead pursuant to section 4 and the release schedule developed pursuant to section 7(b).

"(b) Carryover.--Except for water that may be called for and released after the end of the irrigation season (either as City of Prineville groundwater pumping mitigation or as a voluntary release, in accordance with section 4 of this Act and section 6(c) of the Crooked River Collaborative Water Security and Jobs Act of 2014, respectively), any water stored under this section that is not called for and released by the end of the irrigation season in a given year shall be--

"(1) carried over to the subsequent water year, which, for accounting purposes, shall be considered to be the 1-year period beginning October 1 and ending September 30, consistent with Oregon State law; and

"(2) accounted for as part of the `first fill' storage quantities of the subsequent water year, but not to exceed the maximum `first fill' storage quantities described in subsection (a).

"SEC. 7. STORAGE AND RELEASE OF REMAINING STORED WATER QUANTITIES.

"(a) Authorization.--

"(1) In general.--The Secretary shall store in and release from Prineville Reservoir sufficient quantities of remaining stored quantities to be released pursuant to the annual release schedule under subsection (b) and to provide instream flows consistent, to the maximum extent practicable, with the recommendations for in-channel strategies in the plan prepared by the Northwest Power and Conservation Council entitled `Deschutes Subbasin Plan' and dated March 24, 2005, for flow between Bowman Dam and Lake Billy Chinook.

"(2) Requirements.--In calculating the quantity of released water under paragraph (1), the Secretary shall--

"(A) comply with the flood curve requirements of the Corps of Engineers; and

"(B) credit toward the requirements of paragraph (1) the instream flow benefits provided by--

"(i) the quantities released under section 4;

"(ii) the `first fill' quantities released under section 6; and

"(iii) any quantities released to comply with the flood curve requirements of the Corps of Engineers.

"(3) Use of uncontracted water.--If a consultation conducted under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or an order of a court in a proceeding under that Act requires releases of stored water from Prineville Reservoir for fish and wildlife downstream of Bowman Dam, the Secretary shall use uncontracted water under paragraph (1).

"(4) State water law.--All releases and downstream uses authorized under paragraph (1) shall be in accordance with Oregon State water law.

"(b) Annual Release Schedule.--The Commissioner of Reclamation, in consultation with the Assistant Administrator of Fisheries of the National Marine Fisheries Service and the Director of the United States Fish and Wildlife Service, shall develop annual release schedules for the remaining stored water quantities (including the quantities described in subsection (a) and the water serving as mitigation for City of Prineville groundwater pumping pursuant to section 4) that maximizes, to the maximum extent practicable, benefits to downstream fish and wildlife.

"(c) Carryover.--Any water stored under subsection (a) in 1 water year that is not released during the water year--

"(1) shall be carried over to the subsequent water year; and

"(2)(A) may be released for downstream fish and wildlife resources, consistent with subsection (b), until the reservoir reaches maximum capacity in the subsequent water year; and

"(B) once the reservoir reaches maximum capacity under subparagraph (A), shall be credited to the `first fill' storage quantities, but not to exceed the maximum `first fill' storage quantities described in section 6(a).

"(d) Effect.--Nothing in this section affects the authority of the Commissioner of Reclamation to perform all other traditional and routine activities associated with the Crooked River Project.

"SEC. 8. RESERVOIR LEVELS.

"The Commissioner of Reclamation shall--

"(1) project reservoir water levels over the course of the year; and

"(2) make the projections under paragraph (1) available to--

"(A) the public (including fisheries groups, recreation interests, and municipal and irrigation stakeholders);

"(B) the Assistant Administrator of Fisheries of the National Marine Fisheries Service; and

``(C) the Director of the United States Fish and Wildlife Service.

``SEC. 9. EFFECT.

``Except as otherwise provided in this Act, nothing in this Act—

``(1) modifies contractual rights that may exist between contractors and the United States under Reclamation contracts;

``(2) amends or reopens contracts referred to in paragraph (1); or

``(3) modifies any rights, obligations, or requirements that may be provided or governed by Federal or Oregon State law.".

Sec. 5. [Ochoco Irrigation District.]

(a) Early Repayment.--

(1) In general.--Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within Ochoco Irrigation District, Oregon (referred to in this section as the "district"), may repay, at any time, the construction costs of the project facilities allocated to the land of the landowner within the district.

(2) Exemption from limitations.--Upon discharge, in full, of the obligation for repayment of the construction costs allocated to all land of the landowner in the district, the land shall not be subject to the ownership and full-cost pricing limitations of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(b) Certification.--Upon the request of a landowner who has repaid, in full, the construction costs of the project facilities allocated to the land of the landowner within the district, the Secretary of the Interior shall provide the certification described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(c) Contract Amendment.--On approval of the district directors and notwithstanding project authorizing authority to the contrary, the Reclamation contracts of the district are modified, without further action by the Secretary of the Interior--

(1) to authorize the use of water for instream purposes, including fish or wildlife purposes, in order for the district to engage in, or take advantage of, conserved water projects and temporary instream leasing as authorized by Oregon State law;

(2) to include within the district boundary approximately 2,742 acres in the vicinity of McKay Creek, resulting in a total of approximately 44,937 acres within the district boundary;

(3) to classify as irrigable approximately 685 acres within the approximately 2,742 acres of included land in the vicinity of McKay Creek, with those approximately 685 acres authorized to receive irrigation water pursuant to water rights issued by the State of Oregon if the acres have in the past received water pursuant to State water rights; and

(4) to provide the district with stored water from Prineville Reservoir for purposes of supplying up to the approximately 685 acres of land added within the district boundary and classified as irrigable under paragraphs (2) and (3), with the stored water to be supplied on an acre-per-acre basis contingent on the transfer of existing appurtenant McKay Creek water rights to instream use and the issuance of water rights by the State of Oregon for the use of stored water.

(d) Limitation.--Except as otherwise provided in subsections (a) and (c), nothing in this section--

(1) modifies contractual rights that may exist between the district and the United States under the Reclamation contracts of the district;

(2) amends or reopens the contracts referred to in paragraph (1); or

(3) modifies any rights, obligations, or relationships that may exist between the district and any owner of land within the district, as may be provided or governed by Federal or Oregon State law.

Sec. 6. [Dry-Year Management Planning and Voluntary Releases.]

(a) Participation in Dry-year Management Planning Meetings.--The Bureau of Reclamation shall participate in dry-year management planning meetings with the State of Oregon, the Confederated Tribes of the Warm Springs Reservation of Oregon, municipal, agricultural, conservation, recreation, and other interested stakeholders to plan for dry-year conditions.

(b) Dry-year Management Plan.--

(1) In general.--Not later than 3 years after the date of enactment of this Act, the Bureau of Reclamation shall develop a dry-year management plan in coordination with the participants referred to in subsection (a).

(2) Requirements.--The plan developed under paragraph (1) shall only recommend strategies, measures, and actions that the irrigation districts and other Bureau of Reclamation contract holders voluntarily agree to implement.

(3) Limitations.--Nothing in the plan developed under paragraph (1) shall be mandatory or self-implementing.

(c) Voluntary Release.--In any year, if North Unit Irrigation District or other eligible Bureau of Reclamation contract holders have not initiated contracting with the Bureau of Reclamation for any quantity of the 10,000 acre feet of water described in subsection (a)(3) of section 6 of the Act of August 6, 1956 (70 Stat. 1058) (as added by section 4), by June 1 of any calendar year, with the voluntary agreement of North Unit Irrigation District and other Bureau of Reclamation contract holders referred to in that paragraph, the Secretary may release that quantity of water for the benefit of downstream fish and wildlife as described in section 7 of that Act.

Sec. 7. [Hydropower Decision.]-- Not later than 3 years after the date of enactment of this Act, the Commissioner of Reclamation shall determine the applicability of the jurisdiction of the Commissioner of Reclamation to non-Federal hydropower development pursuant to--

(1) the Memorandum of Understanding between the Federal Energy Regulatory Commission and the Bureau of Reclamation, Department of the Interior, entitled "Establishment of Processes for the Early Resolution of Issues Related to the Timely Development of Non-Federal Hydroelectric power at the Bureau of Reclamation Facilities" and signed November 6, 1992 (58 Fed. Reg. 3269); or

(2) any memorandum of understanding that is subsequent or related to the memorandum of understanding described in paragraph (1).

Sec. 8. [Relation to Existing Laws and Statutory Obligations.]-- Nothing in this Act (or an amendment made by this Act)--

(1) provides to the Secretary the authority to store and release the "first fill" quantities provided for in section 6 of the Act of August 6, 1956 (70 Stat. 1058) (as added by section 4) for any purposes other than the purposes provided for in that section, except for--

(A) the potential instream use resulting from conserved water projects and temporary instream leasing as provided for in section 5(c)(1);

(B) the potential release of additional amounts that may result from voluntary actions agreed to through the dry-year management plan developed under section 6(b); and

(C) the potential release of the 10,000 acre feet for downstream fish and wildlife as provided for in section 6(c); or

(2) alters any responsibilities under Oregon State law or Federal law, including section 7 of the Endangered Species Act (16 U.S.C. 1536).

Approved December 18, 2014.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 2640:
House Report: No. 113-224, Comm. on Natural Resources, Sept. 20, 2013.
CONGRESSIONAL RECORD: Vol. 159 (2013):
Oct. 29, considered and passed House, H6850.
CONGRESSIONAL RECORD: Vol. 160 (2014):
Dec. 11, considered and passed Senate, amended. House concurred in Senate amendment, Pg. H9292.
BUREAU OF RECLAMATION TESTIMONY:
Sept. 19, 2012; (S. 3483) Senate Comm. on Energy and Natural Resources.
Feb. 27, 2014; (S. 1771) Senate Comm. on Energy and Natural Resources.

NEW MEXICO NAVAJO WATER SETTLEMENT TECHNICAL CORRECTIONS ACT

An Act to make technical corrections to the Navajo water rights settlement in the State of New Mexico, and for other purposes. (An act of September 30, 2015, Public Law 114-57, 129 Stat. 528.

[Section 1. Short Title.]-- This Act may be cited as the "New Mexico Navajo Water Settlement Technical Corrections Act".

Sec. 2. [Navajo Water Settlement.]

(a) Definitions.--Section 10302 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407 note; Public Law 111-11) is amended--

(1) in paragraph (2), by striking "Arrellano" and inserting "Arellano"; and

(2) in paragraph (27), by striking "75-185" and inserting "75-184".

(b) Delivery and Use of Navajo-Gallup Water Supply A Project Water.-- Section 10603(c)(2)(A) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1385) is amended--

(1) in clause (i), by striking "Article III(c)" and inserting "Articles III(c)"; and

(2) in clause (ii)(II), by striking "Article III(c)" and inserting "Articles III(c)".

(c) Project Contracts.--Section 10604(f)(1) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1391) is amended by inserting "Project" before "water".

(d) Authorization of Appropriations.--Section 10609 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1395) is amended--

(1) in paragraphs (1) and (2) of subsection (b), by striking "construction or rehabilitation" each place it appears and inserting ``planning, design, construction, rehabilitation,";

(2) in subsection (e)(1), by striking "2 percent" and inserting "4 percent"; and

(3) in subsection (f)(1), by striking "4 percent" and inserting "2 percent".

(e) Agreement.--Section 10701(e) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1400) is amended in paragraphs (2)(A), (2)(B), and (3)(A) by striking "and Contract" each place it appears.

Approved September 30, 2015.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 501:
House Report: No. 114-255, Comm. on Natural Resources, Sept. 8, 2015.
Senate Report No. 114-41, Comm. on Indian Affairs, May 11, 2015.
CONGRESSIONAL BUDGET OFFICE: Cost Estimate;
House Bill, Aug. 6, 2015.
Senate Bill, March 19, 2015
CONGRESSIONAL RECORD, Vol. 161 (2015):
May 21, considered and passed Senate, Pg. 3249.
Sept. 16, considered and passed House, H6002.
BUREAU OF RECLAMATION TESTIMONY:
June 25, 2015, (H.R. 1406) House Comm. on Natural Resources

December 18, 2015

CONSOLIDATED APPROPRIATIONS ACT, 2016

[Extracts from] An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2016, and for other purposes. (An act of December 18, 2015, Public Law 114-113, 129 Stat. 2242)

[Section 1. Short Title.]-- This Act may be cited as the "Consolidated Appropriations Act, 2016".

* * * * *

DIVISION D--ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

* * * * *

TITLE II; DEPARTMENT OF THE INTERIOR

Central Utah Project; Central Utah Project Completion Account-- For carrying out activities authorized by the Central Utah Project Completion Act, $10,000,000, to remain available until expended, of which $1,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission:

Provided, That of the amount provided under this heading, $1,350,000 shall be available until September 30, 2017, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior:

Provided further, That for fiscal year 2016, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

Bureau of Reclamation-- The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

water and related resources (including transfers of funds)-- For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $1,118,972,000, to remain available until expended, of which $22,000 shall be available for transfer to the Upper Colorado River Basin Fund and $5,899,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund:

Provided, That such transfers may be increased or decreased within the overall appropriation under this heading:

Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account:

Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed:

Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading:

Provided further, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

Central Valley Project Restoration Fund-- For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $49,528,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended:

Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575:

Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

California Bay-Delta Restoration; including transfers of funds)-- For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes:

Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management:

Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

Policy and Administration-- For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2017, $59,500,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377:

Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

administrative provision-- Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS--DEPARTMENT OF THE INTERIOR

Sec. 201.

(a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2016, shall be available for obligation or expenditure through a reprogramming of funds that--

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:
(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or
(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;
(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or
(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.
(c) For purposes of this section, the term transfer means any movement of funds into or out of a program, project, or activity.
(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.
Sec. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.
(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program--Alternative Repayment Plan" and the “SJVDP--Alternative Repayment Plan" described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.
Sec. 203. The Reclamation Safety of Dams Act of 1978 is amended by--
(1) striking “Construction" and inserting “Except as provided in section 5B, construction" in section 3; and
(2) inserting after section 5A (43 U.S.C. 509a) the following:

"Sec. 5B. Notwithstanding section 3, if the Secretary, in her judgment, determines that additional project benefits, including but not limited to additional conservation storage capacity, are necessary and in the interests of the United States and the project and are feasible and not inconsistent with the purposes of this Act, the Secretary is authorized to develop additional project benefits through the construction of new or supplementary works on a project in conjunction with the Secretary's activities under section 2 of this Act and subject to the conditions described in the feasibility study, provided a cost share agreement related to the additional project benefits is reached among non-Federal and Federal funding participants and the costs associated with developing the additional project benefits are allocated exclusively among beneficiaries of the additional project benefits and repaid consistent with all provisions of Federal Reclamation law (the Act of June 17, 1902, 43 U.S.C. 371 et seq.) and acts supplemental to and amendatory of that Act.".

Sec. 204. Section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended in the first sentence--

(a) by inserting "and effective October 1, 2015, not to exceed an additional $1,100,000,000 (October 1, 2003, price levels)," after "(October 1, 2003, price levels),";

(b) in the proviso--

(1) by striking "$1,250,000" and inserting "$20,000,000"; and

(2) by striking "Congress" and inserting "Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate"; and

(3) by adding at the end the following: "For modification expenditures between $1,800,000 and $20,000,000 (October 1, 2015, price levels), the Secretary of the Interior shall, at least 30 days before the date on which the funds are expended, submit written notice of the expenditures to the Committee on Natural Resources of the House of Representatives and Committee on Energy and Natural Resources of the Senate that provides a summary of the project, the cost of the project, and any alternatives that were considered.".

Sec. 205. The Secretary of the Interior, acting through the Commissioner of Reclamation, shall-

(1) complete the feasibility studies described in clauses ()(I) and (ii)(II) of section 103(d)(1)(A) of Public Law 108-361 (118 Stat. 1684) and submit such studies to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2015;

(2) complete the feasibility studies described in clauses (i)(II) and (ii)(I) of section 103(d)(1)(A) of Public Law 108-361 and submit such studies to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2016;

(3) complete the feasibility study described in section 103(f)(1)(A) of Public Law 108-361 (118 Stat. 1694) and submit such study to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2017; and

(4) provide a progress report on the status of the feasibility studies referred to in paragraphs (1) through (3) to the appropriate committees of the House of Representatives and the Senate not later than 90 days after the date of the enactment of this Act and each 180 days thereafter until December 31, 2017, as applicable. The report shall include timelines for study completion, draft environmental impact statements, final environmental impact statements, and Records of Decision.

Sec. 206. Section 9504(e) of the Secure Water Act of 2009 (42 U.S.C. 10364(e)) is amended by striking "$300,000,000" and inserting "$350,000,000".

Sec. 207. Title I of Public Law 108-361 (the CALFED Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 210 of Public Law 111-85, is amended by striking “2016" each place it appears and inserting “2017".

* * * * *

Approved December 18, 2015.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 2029:
House Report: No. 114-91, Comm. on Appropriations, April 24, 2015.
Senate Report: No. 114-54, Comm. on Appropriations, May 21, 2015.
CONGRESSIONAL RECORD, Vol. 161 (2015):
Apr. 29, 30, considered and passed House.
Nov. 5, 9, 10, considered and passed Senate, amended.
Dec. 17, House considered concurring in Senate amendment.
Dec. 18, House concurred in Senate amendment with amendments. Senate concurred in House amendments.
BUREAU OF RECLAMATION TESTIMONY;
Feb. 11, 2015, Senate Comm. on Appropriations.
Feb. 13, 2015, House Comm. on Appropriations

December 16, 2016

WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT

[Extracts from] An Act to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes. (An act of December 16, 2016, Public Law 114-322, 130 Stat. 1628)

[Section 1. Short Title; Table of Contents.]
(a) Short Title.--This Act may be cited as the "Water Infrastructure Improvements for the Nation Act" or the "WIIN Act".

* * * * *

TITLE I--WATER RESOURCES DEVELOPMENT
Sec. 1001. [Short Title.]-- This title may be cited as the "Water Resources Development Act of 2016".
Sec. 1002. [Secretary Defined.]-- In this title, the term "Secretary" means the Secretary of the Army.
Subtitle A--General Provisions

*** * * * ***

Sec. 1115. [Reservoir Sediment.]
(a) In General.--Section 215 of the Water Resources Development Act of 2000 (33 U.S.C. 2326c) is amended to read as follows:

"SEC. 215. RESERVOIR SEDIMENT.
"(a) In General.--Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016 and after providing public notice, the Secretary shall establish, using available funds, a pilot program to accept services provided by a non-Federal interest or commercial entity for removal of sediment captured behind a dam owned or operated by the United States and under the jurisdiction of the Secretary for the purpose of restoring the authorized storage capacity of the project concerned.
"(b) Requirements.--In carrying out this section, the Secretary shall--
"(1) review the services of the non-Federal interest or commercial entity to ensure that The services are consistent with the authorized purposes of the project concerned;
"(2) ensure that the non-Federal interest or commercial entity will indemnify the United States for, or has entered into an agreement approved by the Secretary to address, any adverse impact to the dam as a result of such services;
"(3) require the non-Federal interest or commercial entity, prior to initiating the Services and upon completion of the services, to conduct sediment surveys to determine the pre- and post-services sediment profile and sediment quality; and
"(4) limit the number of dams for which services are accepted to 10.
"(c) Limitation.--
"(1) In general.--The Secretary may not accept services under subsection (a) if the Secretary, after consultation with the Chief of Engineers, determines that accepting the services is not advantageous to the United States.
"(2) Report to congress.--If the Secretary makes a determination under paragraph (1), The Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice describing the reasoning for the determination.

"(d) Disposition of Removed Sediment.--In exchange for providing services under subsection (a), a non-Federal interest or commercial entity is authorized to retain, use, recycle, sell, or otherwise dispose of any sediment removed in connection with the services and the Corps of Engineers may not seek any compensation for the value of the sediment.

"(e) Congressional Notification.--Prior to accepting services provided by a non-Federal interest or commercial entity under this section, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice of the acceptance of the services.

"(f) Report to Congress.--Upon completion of services at the 10 dams allowed under subsection (b)(4), the Secretary shall make publicly available and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report documenting the results of the services.".

(b) Clerical Amendment.--The table of contents in section 1(b) of the Water Resources Development Act of 2000 is amended by striking the item relating to section 215 and inserting the following:

"Sec. 215. Reservoir sediment.".

* * * * *

Sec. 1117. [Drought Emergencies.]

(a) Authorized Activities.--With respect to a State in which a drought emergency is in effect on the date of enactment of this Act, or was in effect at any time during the 1-year period ending on such date of enactment, and upon the request of the Governor of the State, the Secretary is authorized to--

(1) prioritize the updating of the water control manuals for control structures under the jurisdiction of the Secretary that are located in the State; and

(2) incorporate into the update seasonal operations for water conservation and water Supply for such control structures.

(b) Coordination.--The Secretary shall carry out the update under subsection (a) in coordination with all appropriate Federal agencies, elected officials, and members of the public.

(c) Statutory Construction.--Nothing in this section affects, modifies, or changes the authorized purposes of a Corps of Engineers project, or affects the applicability of section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

Sec. 1118. [Leveraging Federal Infrastructure for Increased Water Supply.]

(a) In General.--At the request of a non-Federal interest, the Secretary may review proposals to increase the quantity of available supplies of water at a Federal water resources development project through--

(1) modification of the project;

(2) modification of how the project is managed; or

(3) accessing water released from the project.

(b) Proposals Included.-- A proposal under subsection (a) may include--

(1) increasing the storage capacity of the project;

(2) diversion of water released or withdrawn from the project--

(A) to recharge groundwater;

(B) to aquifer storage and recovery; or

(C) to any other storage facility;

(3) construction of facilities for delivery of water from pumping stations constructed by the Secretary;

(4) construction of facilities to access water; and

(5) a combination of the activities described in paragraphs (1) through (4).

(c) Exclusions.--This section shall not apply to a proposal that--

(1) reallocates existing water supply or hydropower storage; or

(2) reduces water available for any authorized project purpose.

(d) Other Federal Projects.--In any case in which a proposal relates to a Federal project that is not operated by the Secretary, this section shall apply only to activities under the authority of the Secretary.

(e) Review Process.--

(1) Notice.-- On receipt of a proposal submitted under subsection (a), the Secretary shall provide a copy of the proposal to each entity described in paragraph (2) and, if applicable, the Federal agency that operates the project, in the case of a project operated by an agency other than the Department of the Army.

(2) Public participation.-- In reviewing proposals submitted under subsection (a), and prior to making any decisions regarding a proposal, the Secretary shall comply with all applicable public participation requirements under law, including consultation with--

(A) affected States;

(B) power marketing administrations, in the case of reservoirs with Federal hydropower projects;

(C) entities responsible for operation and maintenance costs;

(D) any entity that has a contractual right from the Federal Government or a State to withdraw water from, or use storage at, the project;

(E) entities that the State determines hold rights under State law to the use of water from the project; and

(F) units of local government with flood risk reduction responsibilities downstream of the project.

(f) Authorities.-- A proposal submitted to the Secretary under subsection (a) may be reviewed and approved, if applicable and appropriate, under--

(1) the specific authorization for the water resources development project;

(2) section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a);

(3) section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b); and

(4) section 14 of the Act of March 3, 1899 (30 Stat. 1152, chapter 425; 33 U.S.C. 408).

(g) Limitations.--The Secretary shall not approve a proposal submitted under subsection (a) that-

(1) is not supported by the Federal agency that operates the project, if that agency is not the Department of the Army;

(2) interferes with an authorized purpose of the project;

(3) adversely impacts contractual rights to water or storage at the reservoir;

(4) adversely impacts legal rights to water under State law, as determined by an Affected State;

(5) increases costs for any entity other than the entity that submitted the proposal; or

(6) if a project is subject to section 301(e) of the Water Supply Act of 1958 (43 U.S.C. 390b(e)), makes modifications to the project that do not meet the requirements of that section unless the modification is submitted to and authorized by Congress.

(h) Cost Share.--

(1) In general.-- Except as provided in paragraph (2), 100 percent of the cost of developing, revi549ewing, and implementing a proposal submitted under subsection (a) shall be provided by an entity other than the Federal Government.

(2) Planning assistance to states.--In the case of a proposal from an entity authorized to receive assistance under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16), the Secretary may use funds available under that section to pay 50 percent of the cost of a review of a proposal submitted under subsection (a).

(3) Operation and maintenance costs.--

(A) In general.-- Except as provided in subparagraphs (B) and (C), the operation and maintenance costs for the non-Federal sponsor of a proposal submitted under subsection (a) shall be 100 percent of the separable operation and maintenance costs associated with the costs of implementing the proposal.

(B) Certain water supply storage projects.-- For a proposal submitted under Subsection (a) for constructing additional water supply storage at a reservoir for use under a water supply storage agreement, in addition to the costs under subparagraph (A), the non-Federal costs shall include the proportional share of any joint-use costs for operation, maintenance, repair, replacement, or rehabilitation of the reservoir project determined in accordance with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

(C) Voluntary contributions.-- An entity other than an entity described in subparagraph (A) may voluntarily contribute to the costs of implementing a proposal submitted under subsection (a).

(i) Contributed Funds.--The Secretary may receive and expend funds contributed by a non-Federal interest for the review and approval of a proposal submitted under subsection (a).

(j) Assistance.--On request by a non-Federal interest, the Secretary may provide technical assistance in the develop
ment or implementation of a proposal under subsection (a), including assistance in obtaining necessary permits for construction, if the non-Federal interest contracts with the Secretary to pay all costs of providing the technical assistance.

(k) Exclusion.--This section shall not apply to reservoirs in-

(1) the Upper Missouri River;

(2) the Apalachicola-Chattahoochee-Flint river system;

(3) the Alabama-Coosa-Tallapoosa river system; and

(4) the Stones River.

(l) Effect of Section.--Nothing in this section affects or modifies any authority of the Secretary to review or modify reservoirs.

Sec. 1119. [Indian Tribes.] Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended--

(1) in the section heading by inserting “and indian tribes” after “territories"; and

(2) in subsection (a)--

(A) by striking ``projects in American" and inserting “projects--
“(1) in American";

(B) by striking the period at the end and inserting “; and"; and

(C) by adding at the end the following:

"(2) for any Indian tribe (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130))."

Sec. 1120. [Tribal Consultation Reports.]

(a) Review.--The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the following:

(1) Not later than 30 days after the date of enactment of this Act, all reports of the Corps of Engineers developed pursuant to its Tribal Consultation Policy, dated November 2012, and submitted to the Office of Management and Budget before the date of enactment of this Act.

(2) Not later than 30 days after the date of the submission to the Committees under paragraph (1), all reports of the Corps of Engineers developed pursuant to its Tribal Consultation Policy, dated November 2012, or successor policy, and submitted to the Office of Management and Budget after the date of enactment of this Act.

(3) Not later than 1 year after the date of enactment of this Act, a report that describes the results of a review by the Secretary of existing policies, regulations, and guidance related to consultation with Indian tribes on water resources development projects or other activities that require the approval of, or the issuance of a permit by, the Secretary and that may have an impact on tribal cultural or natural resources.

(b) Consultation.--In completing the review under subsection (a)(3), the Secretary shall provide for public and private meetings with Indian tribes and other stakeholders.

(c) No Delays.--During the review required under subsection (a)(3), the Secretary shall ensure that--

(1) all existing tribal consultation policies, regulations, and guidance continue to be implemented; and

(2) the review does not affect an approval or issuance of a permit required by the Secretary.

Sec 1121. [Tribal Partnership Program.]-- Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended--

(1) in subsection (b)--

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "the Secretary" and all that follows through "projects" and inserting "the Secretary may carry out water-related planning activities, or activities relating to the study, design, and construction of water resources development projects,";

(B) in paragraph (2) by striking "(2) Matters to be studied.--A study" and inserting the following:

"(2) Authorized activities.-- An activity"; and

(C) by adding at the end the following:

"(3) Feasibility study and reports.--

"(A) In general.-- On the request of an Indian tribe, the Secretary shall conduct a study on, and provide to the Indian tribe a report describing, the feasibility of a water resources development project described in paragraph (1).

"(B) Recommendation.-- A report under subparagraph (A) may, but shall not be required to, contain a recommendation on a specific water resources development project.

"(4) Design and construction.--

"(A) In general.-- The Secretary may carry out the design and construction of a water resources development project described in paragraph (1) that the Secretary determines is feasible if the Federal share of the cost of the project is not more than $10,000,000.

"(B) Specific authorization.-- If the Federal share of the cost of a project described in subparagraph (A) is more than $10,000,000, the Secretary may only carry out the project if Congress enacts a law authorizing the Secretary to carry out the project.";

(2) in subsection (c)--

(A) in paragraph (1) by striking "studies" and inserting "an activity"; and

(B) in paragraph (2)(B) by striking "carrying out projects studied" and inserting "an activity conducted"; and

(3) in subsection (d)--

(A) in paragraph (1)(A) by striking "a study" and inserting "an activity conducted"; and

(B) by striking paragraph (2) and inserting the following:

"(2) Credit.-- The Secretary may credit toward the non-Federal share of the costs of an activity conducted under subsection (b) the cost of services, studies, supplies, or other in-kind contributions provided by the non-Federal interest.

"(3) Sovereign immunity.-- The Secretary shall not require an Indian tribe to waive the sovereign immunity of the Indian tribe as a condition to entering into a cost-sharing agreement under this subsection.

"(4) Water resources development projects.--

"(A) In general.-- The Non-Federal share of costs for the study of a water resources development project described in subsection (b)(1) shall be 50 percent.

"(B) Other costs.--The non-Federal share of costs of design and construction of a project described in subparagraph (A) shall be assigned to the appropriate project purposes described in sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211, 2213) and shared in the same percentages as the purposes to which the costs are assigned.

"(5) Water-related planning activities.--

"(A) In general.-- The Non-Federal share of costs of a watershed and river basin assessment conducted under subsection (b) shall be 25 percent.

"(B) Other costs.-- The Non-Federal share of costs of other water-related planning activities described in subsection (b)(1) shall be 50 percent.".

* * * * *

Sec. 1139. [Dam Safety Repair Projects.]-- The Secretary shall issue guidance--

(1) on the types of circumstances under which the requirement in section 1203(a) of the Water Resources Development Act of 1986 (33 U.S.C. 467n(a)) relating to state-of-the-art design or construction criteria deemed necessary for safety purposes applies to a dam safety repair project;

(2) to assist district offices of the Corps of Engineers in communicating with non-Federal interests when entering into and implementing cost-sharing agreements for dam safety repair projects; and

(3) to assist the Corps of Engineers in communicating with non-Federal interests concerning the estimated and final cost-share responsibilities of the non-Federal interests under agreements for dam safety repair projects.

* * * * *

Sec. 1141. [Lake Kemp, Texas.] Section 3149(a) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1147) is amended--

(1) by striking “2020" and inserting “2025"; and

Sec. 1147. [Lower Bois D’Arc Creek Reservoir Project, Fannin County, Texas.]

(a) Finalization Required.-- The Secretary shall ensure that environmental decisions and reviews related to the construction of, impoundment of water in, and operation of the Lower Bois d'Arc Creek Reservoir Project, including any associated water transmission facilities, by the North Texas Municipal Water District in Fannin County, Texas, are made on an expeditious basis using the fastest applicable process.

(b) Interim Report.-- Not later than June 30, 2017, the Secretary shall report to Congress on the implementation of subsection (a).

* * * * *

Sec. 1152. [Kennewick Man.]

(a) Definitions.-- In this section, the following definitions apply:

(1) Claimant tribes.— The term “claimant tribes" means the Confederated Tribes of the Colville Reservation, the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Wanapum Band of Priest Rapids.

(2) Department.— The term “Department" means the Washington State Department of Archaeology and Historic Preservation.

(3) Human remains.-- The term “human remains" means the human remains that--

(A) are known as Kennewick Man or the Ancient One, which includes the projectile point lodged in the right ilium bone, as well as any residue from previous sampling and studies; and

(B) are part of archaeological collection number 45BN495.

(b) Transfer.--Notwithstanding any other provision of Federal law, including the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), or law of the State of Washington, not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Chief of Engineers, shall transfer the human remains to the Department, on the condition that the Department, acting through the State Historic Preservation Officer, disposes of the human remains and repatriates the human remains to the claimant tribes.

(c) Terms and Conditions.-- The transfer shall be subject to the following terms and conditions:

(1) The release of the human remains to the claimant tribes is contingent upon the claimant tribes following the Department's requirements in the Revised Code of Washington.

(2) The claimant tribes verify to the Department their agreement on the final burial place of the human remains.

(3) The claimant tribes verify to the Department their agreement that the human remains will be buried in the State of Washington.

(4) The claimant tribes verify to the Department their agreement that the Department will take legal custody of the human remains upon the transfer by the Secretary.

(d) Cost.-- The Corps of Engineers shall be responsible for any costs associated with the transfer.

(e) Limitations.--

(1) In general.-- The transfer shall be limited solely to the human remains portion of the archaeological collection.

(2) Secretary.-- The Secretary shall have no further responsibility for the human remains transferred pursuant to subsection (b) after the date of the transfer.

* * * * *

Sec. 1178. [Columbia River.]

(a) Ecosystem Restoration.--Section 536(g) of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2662; 128 Stat. 1314) is amended by striking "$50,000,000" and inserting "$75,000,000".

(b) Watercraft Inspection Stations.--Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended--

(1) in subsection (d)--

(A) by striking paragraph (1) and inserting the following:

"(1) In general.-- In carrying out this section, the Secretary may establish, operate, and maintain new or existing watercraft inspection stations to protect the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary in consultation with such States, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary. The Secretary shall also assist the States referred to in this paragraph with rapid response to any aquatic invasive species, including quagga or zebra mussel, infestation."; and

(B) in paragraph (3)(A) by inserting 'Governors of the" before "States"; and

(2) in subsection (e) by striking paragraph (3) and inserting the following:

"(3) assist States in early detection of aquatic invasive species, including quagga and zebra mussels; and".

(c) Tribal Assistance.--

(1) Assistance authorized.--

(A) In general.--Upon the request of the Secretary of the Interior, the Secretary may provide assistance on land transferred by the Department of the Army to the Department of the Interior pursuant to title IV of Public Law 100-581 (102 Stat. 2944; 110 Stat. 766; 110 Stat. 3762; 114 Stat. 2679; 118 Stat. 544) to Indian tribes displaced as a result of the construction of the Bonneville Dam, Oregon.

(B) Clarification.--

(i) In general.-- The Secretary is authorized to provide the assistance described in subparagraph (A) based on information known or studies undertaken by the Secretary prior to the date of enactment of this subsection.

(ii) Additional studies.-- To the extent that the Secretary determines necessary, the Secretary is authorized to undertake additional studies to further examine any impacts to Indian tribes identified in subparagraph (A) beyond any information or studies identified under clause (i), except that the Secretary is authorized to provide the assistance described in subparagraph

(A) based solely on information known or studies undertaken by the Secretary prior to the date of enactment of this subsection.

(2) Study of impacts of John Day Dam, Oregon.--The Secretary shall--

(A) conduct a study to determine the number of Indian tribes displaced by the construction of the John Day Dam, Oregon; and

(B) recommend to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a plan to provide assistance to Indian tribes displaced as a result of the construction of the John Day Dam, Oregon.

Sec. 1179. [Missouri River.]

(a) Reservoir Sediment Management.--

(1) Definition of sediment management plan.-- In this subsection, the term ``sediment management plan'' means a plan for preventing sediment from reducing water storage capacity at a reservoir and increasing water storage capacity through sediment removal at a reservoir.

(2) Upper Missouri River Basin Pilot Program.--The Secretary shall carry out a pilot program for the development and implementation of sediment management plans for reservoirs owned and operated by the Secretary in the Upper Missouri River Basin, on request by project beneficiaries.

(3) Plan elements.-- A sediment management plan under paragraph (2) shall--

(A) provide opportunities for project beneficiaries and other stakeholders to participate in sediment management decisions;

(B) evaluate the volume of sediment in a reservoir and impacts on storage capacity;

(C) identify preliminary sediment management options, including sediment dikes and dredging;

(D) identify constraints;

(E) assess technical feasibility, economic justification, and environmental impacts;

(F) identify beneficial uses for sediment; and

(G) to the maximum extent practicable, use, develop, and demonstrate innovative, cost-saving technologies, including structural and nonstructural technologies and designs, to manage sediment.

(4) Cost share.-- The beneficiaries requesting a sediment management plan shall share in the cost of development and implementation of the plan and such cost shall be allocated among the beneficiaries in accordance with the benefits to be received.

(5) Contributed funds.-- The Secretary may accept funds from non-Federal interests and other Federal agencies to develop and implement a sediment management plan under this subsection.

(6) Guidance.-- The Secretary shall use the knowledge gained through the development and implementation of sediment management plans under paragraph (2) to develop guidance for sediment management at other reservoirs.

(7) Partnership with Secretary of the Interior.--

(A) In general.-- The Secretary shall carry out the pilot program established under this subsection in partnership with the Secretary of the Interior, and the program may apply to reservoirs managed or owned by the Bureau of Reclamation on
execution of a memorandum of agreement between the Secretary and the Secretary of the Interior establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.

(B) Lead agency.-- The Secretary that has primary jurisdiction over a reservoir shall take the lead in developing and implementing a sediment management plan for that reservoir.

(8) Other authorities not affected.--Nothing in this subsection affects sediment management or the share of costs paid by Federal and non-Federal interests relating to sediment management under any other provision of law (including regulations).

(b) Snowpack and Drought Monitoring.--Section 4003(a) of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1310) is amended by adding at the end the following:

"(5) Lead agency.-- The Corps of Engineers shall be the lead agency for carrying out and coordinating the activities described in paragraph (1).".

* * * * *

Sec. 1181. [Salton Sea, California.]

(a) In General.--Section 3032 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1113) is amended--

(1) in the section heading by inserting "program" after 'restoration";

(2) in subsection (b)--

(A) in the subsection heading by striking 'Pilot Projects" and inserting "Program";

(B) in paragraph (1)--

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(ii) by inserting before subparagraph (B) (as so redesignated) the following:

"(A) Establishment.--The Secretary shall carry out a program to implement projects to restore the Salton Sea in accordance with this section.";

(iii) in subparagraph (B) (as redesignated by clause (i)) by striking "the pilot"; and

(iv) in subparagraph (C)(i) (as redesignated by clause (i))--

(I) in the matter preceding subclause (I), by striking "the pilot projects referred to in subparagraph (A)" and inserting the projects referred to in subparagraph (B)";

(II) in subclause (I) by inserting ", Salton Sea Authority, or other non-Federal interest" before the semicolon; and

(III) in subclause (II) by striking "pilot";

(C) in paragraph (2), in the matter preceding subparagraph (A), by striking "pilot"; and

(D) in paragraph (3)--

(i) by striking "pilot" each place it appears; and

(ii) by inserting ", Salton Sea Authority, or other non-Federal interest" after "State"; and

(3) in subsection (c) by striking "pilot".

(b) Clerical Amendment.--The table of contents in section 1(b) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1041) is amended by striking the item relating to section 3032 and inserting the following: "3032. Salton Sea restoration program, California.".

* * * * *

Sec. 1186. [Rural Western Water.]-- Section 595 of the Water Resources Development Act of 1999 (Public Law 106-53; 113 Stat. 383; 128 Stat. 1316) is amended--

(1) by redesignating subsection (h) as subsection (i);
(2) by inserting after subsection (g) the following:

"(h) Eligibility.--

"(1) In general.-- Assistance under this section shall be made available to all eligible States and locales described in subsection (b) consistent with program priorities determined by the Secretary in accordance with criteria developed by the Secretary to establish the program priorities.

"(2) Selection of projects.-- In selecting projects for assistance under this section, the Secretary shall give priority to a project located in an eligible State or local entity for which the project sponsor is prepared to--

"(A) execute a new or amended project cooperation agreement; and

"(B) commence promptly after the date of enactment of the Water Resources Development Act of 2016."

"(3) Rural projects.--The Secretary shall consider a project authorized under this section and an environmental infrastructure project authorized under section 219 of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4835) for new starts on the same basis as any other similarly funded project."; and

(3) in subsection (i) (as redesignated by paragraph (1)) by striking "which shall--" and all that follows through "remain" and inserting "to remain".

* * * * *

Sec. 1201. [Authorization of Proposed Feasibility Studies.]-- The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress on January 29, 2015, and January 29, 2016, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

* * * * *

(2) **Cache Creek Settling Basin, California**.-- Project for flood damage reduction and ecosystem restoration, Cache Creek Settling Basin, California.

(3) **Coyote Valley Dam, California.--** Project for flood control, water conservation, and related purposes, Russian River Basin, California, authorized by the River and Harbor Act of 1950 (64 Stat. 177), to modify the Coyote Valley Dam to add environmental restoration as a project purpose and to increase water supply and improve reservoir operations.

(4) **Del Rosa Channel, City of San Bernardino, California**.-- Project for flood damage reduction and ecosystem restoration, Del Rosa Channel, city of San Bernardino, California.

(5) **Merced County Streams, California**.-- Project for flood damage reduction, Merced County Streams, California.

(6) **Mission-Zanja Channel, cities of San Bernardino and Redlands, California**.-- Project for flood damage reduction and ecosystem restoration, Mission-Zanja Channel, cities of San Bernardino and Redlands, California.

(7) **Soboba Indian Reservation, California.--** Project for flood damage reduction, Soboba Indian Reservation, California.

* * * * *

(21) **Brazos River, Fort Bend County, Texas**.-- Project for flood damage reduction in the vicinity of the Brazos River, Fort Bend County, Texas.

(22) **Chacon Creek, City of Laredo, Texas**.-- Project for flood damage reduction, ecosystem restoration, and recreation, Chacon Creek, city of Laredo, Texas.
(23) Corpus Christi Ship Channel, Texas.-- Project for navigation, Corpus Christi Ship Channel, Texas.
(24) **City of El Paso, Texas**.-- Project for flood damage reduction, city of El Paso, Texas.
(25) **Gulf Intracoastal Waterway, Brazoria and Matagorda Counties, Texas**.--Project for navigation and hurricane and storm damage reduction, Gulf Intracoastal Waterway, Brazoria and Matagorda Counties, Texas.
(26) **Port of Bay City, Texas**.-- Project for navigation, Port of Bay City, Texas.

* * * * *

(28) **Burley Creek Watershed, Kitsap County, Washington**.-- Project for flood damage reduction and ecosystem restoration, Burley Creek Watershed, Kitsap County, Washington.

* * * * *

Sec. 1202. [Additional Studies.]

(a) **Tulsa and West Tulsa, Arkansas River, Oklahoma**.--

(1) In general.-- The Secretary shall conduct a study to determine the feasibility of modifying the projects for flood risk management, Tulsa and West Tulsa, Oklahoma, authorized by section 3 of the Act of August 18, 1941 (55 Stat. 645, chapter 377).
(2) Requirements.-- In carrying out the study under paragraph (1), the Secretary shall address project deficiencies, uncertainties, and significant data gaps, including material, construction, and subsurface, which render the project at risk of overtopping, breaching, or system failure.
(3) Prioritization to address significant risks.--In any case in which a levee or levee system (as defined in section 9002 of the Water Resources Development Act of 2007 (33 U.S.C. 3301)) is classified as Class I or II under the levee safety action classification tool developed by the Corps of Enginers, the Secretary shall expedite the project for budget consideration.

* * * * *

Sec. 1301. [Deauthorization of Inactive Projects.]

(a) Purposes.--The purposes of this section are--

(1) to identify $10,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to--
(A) a lack of local support;
(B) a lack of available Federal or non-Federal resources; or
(C) an authorizing purpose that is no longer relevant or feasible;
(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and
(3) to allow the continued authorization of water resources development projects that are viable for construction.

(b) Interim Deauthorization List.--

(1) In general.--The Secretary shall develop an interim deauthorization list that identifies-
(A) each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which--
(i) planning, design, or construction was not initiated before the date of enactment of this Act; or

(ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 6 preceding fiscal years; and

(B) each project or separable element identified and included on a list to Congress for deauthorization pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) Public comment and consultation.--

(A) In general.-- The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).

(B) Comment period.-- The public comment period shall be 90 days.

(3) Submission to congress; publication.-- Not later than 90 days after the date of the close of the comment period under paragraph (2), the Secretary shall--

(A) submit a revised interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the revised interim deauthorization list in the Federal Register.

(c) Final Deauthorization List.--

(1) In general.-- The Secretary shall develop a final deauthorization list of water resources development projects, or separable elements of projects, from the revised interim deauthorization list described in subsection (b)(3).

(2) Deauthorization amount.--

(A) Proposed final list.-- The Secretary shall prepare a proposed final deauthorization list of projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least $10,000,000,000.

(B) Determination of federal cost to complete.--For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

(3) Identification of projects.--

(A) Sequencing of projects.--

(i) In general.-- The Secretary shall identify projects and separable elements of projects for inclusion on the proposed final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending with the latest project or separable element of a project necessary to meet the aggregate amount under paragraph (2)(A).

(ii) Factors to consider.--The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.

(iii) Consideration of public comments.--In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (b)(2).

(B) Appendix.-- The Secretary shall include as part of the proposed final deauthorization list an appendix that--

(i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (b) that is not included on the proposed final deauthorization list; and

(ii) describes the reasons why the project or separable element is not included on the proposed final list.

(4) Public comment and consultation.--

(A) In general.-- The Secretary shall solicit comments from the public and the Governor of each applicable State on the proposed final deauthorization list and appendix developed under paragraphs (2) and (3).

(B) Comment period.-- The public comment period shall be 90 days.

(5) Submission of final list to congress; publication.-- Not later than 120 days after the date of the close of the comment period under paragraph (4), the Secretary shall--

(A) submit a final deauthorization list and an appendix to the final deauthorization list in a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register.

(d) Deauthorization; Congressional Review.--

(1) In general.-- After the expiration of the 180-day period beginning on the date of submission of the final deauthorization list and appendix under subsection (c), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period.

(2) Non-federal contributions.--

(A) In general.-- A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

(B) Treatment of projects.- - Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (c)(2)(A).

(3) Projects identified in appendix.-- A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

(e) Special Rule for Projects Receiving Funds for Post-Authorization Study.-- A project or separable element of a project may not be identified on the interim deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the

project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years.

(f) General Provisions.--

(1) Definitions.--In this section, the following definitions apply:

(A) Post-authorization study.-- The term “post-authorization study" means--

(i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

(ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(iii) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that--

(I) demonstrates a Federal interest; and

(II) requires additional analysis for the project or separable element.

(B) Water resources development project.--The term “water resources development project" includes an environmental infrastructure assistance project or program of the Corps of Engineers.

(2) Treatment of project modifications.--For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent modification.

(g) Repeal.--Subsection (a) and subsections (c) through (f) of section 6001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579b) are repealed.

Sec. 1302. [Backlog Prevention.]

(a) Project Deauthorization.--

(1) In general.-- A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the 10-year period beginning on the date of enactment of this Act unless--

(A) funds have been obligated for construction of, or a post-authorization study for, such project or separable element during that period; or

(B) the authorization contained in this Act has been modified by a subsequent Act of Congress.

(2) Identification of projects.-- Not later than 60 days after the expiration of the 10-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

(b) Report to Congress.-- Not later than 60 days after the expiration of the 12-year period beginning on the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available to the public, a report that contains--

(1) a list of any water resources development projects authorized by this Act for which construction has not been completed during that period;

(2) a description of the reasons the projects were not completed;

(3) a schedule for the completion of the projects based on expected levels of appropriations; and

(4) a 5-year and 10-year projection of construction backlog and any recommendations to Congress regarding how to mitigate current problems and the backlog.

Sec. 1303. [Valdez, Alaska.]

(a) In General.--Subject to subsection (b), the portion of the project for navigation, Valdez, Alaska, identified as Tract G, Harbor Subdivision, shall not be subject to navigational servitude beginning on the date of enactment of this Act.

(b) Entry by Federal Government.--The Federal Government may enter upon the property referred to in subsection (a) to carry out any required operation and maintenance of the general navigation features of the project referred to in subsection (a).

Sec. 1304. [Los Angeles County Drainage Area, Los Angeles County, California.]

(a) In General.--The Secretary shall--

(1) prioritize the updating of the water control manuals for control structures for the project for flood control, Los Angeles County Drainage Area, Los Angeles County, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (Public Law 101-640; 104 Stat. 4611); and

(2) integrate and incorporate into the project seasonal operations for water conservation and water supply.

(b) Participation.-- The update referred to in subsection (a) shall be done in coordination with all appropriate Federal agencies, elected officials, and members of the public.

Sec. 1305. [Sutter Basin, California.]

(a) In General.--The separable element constituting the locally preferred plan increment reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction in item 8 of the table contained in section 7002(2) of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1366) is no longer authorized beginning on the date of enactment of this Act.

(b) Savings Provisions.-- The deauthorization under subsection (a) does not affect--

(1) the national economic development plan separable element reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction in item 8 of the table contained in section 7002(2) of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1366); or

(2) previous authorizations providing for the Sacramento River and major and minor tributaries project, including--

(A) section 2 of the Act of March 1, 1917 (39 Stat. 949, chapter 144);

(B) section 10 of the Act of December 22, 1944 (58 Stat. 900, chapter 665);

(C) section 204 of the Flood Control Act of 1950 (64 Stat. 177, chapter 188); and

(D) any other Acts relating to the authorization for the Sacramento River and major and minor tributaries project along the Feather River right bank between levee stationing 1483+33 and levee stationing 2368+00.

* * * * *

Sec. 1307. [Port of Cascade Locks, Oregon.]

(a) Extinguishment of Portions of Existing Flowage Easement.-- With respect to the properties described in subsection (b), beginning on the date of enactment of this Act, the flowage easements described in subsection (c) are extinguished above elevation 82.2 feet (NGVD29), the ordinary high water line.

(b) Affected Properties.-- The properties described in this subsection, as recorded in Hood River County, Oregon, are as follows:

(1) Lots 3, 4, 5, and 7 of the ``Port of Cascade Locks Business Park'' subdivision, Instrument Number 2014-00436.

(2) Parcels 1, 2, and 3 of Hood River County Partition, Plat Number 2008-25P.

(c) Flowage Easements.--The flowage easements described in this subsection are identified as Tracts 302E-1 and 304E-1 on the easement deeds recorded as instruments in Hood River County, Oregon, and described as follows:

(1) A flowage easement dated October 3, 1936, recorded December 1, 1936, book 25, page 531 (Records of Hood River County, Oregon), in favor of the United States (302E-1-Perpetual Flowage Easement from 10/5/37, 10/5/36, and 10/3/36; previously acquired as Tracts OH-36 and OH-41 and a portion of Tract OH-47).

(2) A flowage easement dated October 5, 1936, recorded October 17, 1936, book 25, page 476 (Records of Hood River County, Oregon), in favor of the United States, affecting that portion below the 94-foot contour line above main sea level (304 E1-Perpetual Flowage Easement from 8/10/37 and 10/3/36; previously acquired as Tract OH-042 and a portion of Tract OH-47).

(d) Federal Liabilities; Cultural, Environmental, and Other Regulatory Reviews.--

(1) Federal liability.-- The United States shall not be liable for any injury caused by the extinguishment of an easement under this section.

(2) Cultural and environmental regulatory actions.-- Nothing in this section establishes any cultural or environmental regulation relating to the properties described in subsection (b).

(e) Effect on Other Rights.-- Nothing in this section affects any remaining right or interest of the Corps of Engineers in the properties described in subsection (b).

* * * * *

Sec. 1311. [Salt Creek, Graham, Texas.]

(a) In General.--The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1999 (Public Law 106-53; 113 Stat. 278), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(b) Certain Project-Related Claims.--The Non-Federal interest for the project shall hold and save the United States harmless from any claim that has arisen, or that may arise, in connection with the project.

(c) Transfer.--The Secretary is authorized to transfer any land acquired by the Federal Government for the project on behalf of the non-Federal interest that remains in Federal ownership on or after the date of enactment of this Act to the non-Federal interest.

(d) Reversion.--If the Secretary determines that land transferred under subsection (c) ceases to be owned by the public, all right, title, and interest in and to the land and improvements thereon shall revert, at the discretion of the Secretary, to the United States.

Sec. 1312. [Texas City Ship Channel, Texas City, Texas.]

(a) In General.--The portion of the Texas City Ship Channel, Texas City, Texas, described in subsection (b) shall not be subject to navigational servitude beginning on the date of enactment of this Act.

(b) Description.--The portion of the Texas City Ship Channel described in this subsection is a tract or parcel containing 393.53 acres (17,142,111 square feet) of land situated in the City of Texas City Survey, Abstract Number 681, and State of Texas Submerged Lands Tracts 98A and 99A, Galveston County, Texas, said 393.53 acre tract being more particularly described as follows:

(1) Beginning at the intersection of an edge of fill along Galveston Bay with the most northerly east survey line of said City of Texas City Survey, Abstract No. 681, the same being a called 375.75 acre tract patented by the State of Texas to the City of Texas City and recorded in Volume 1941, Page 750 of the Galveston County Deed Records (G.C.D.R.), from which a found U.S. Army Corps of Engineers Brass Cap stamped ``R 4-3" set in the top of the Texas City Dike along the east side of Bay Street bears North 56 14' 32" West, a distance of 6,045.31 feet and from which a found U.S. Army Corps of Engineers Brass Cap stamped “R 4-2" set in the top of the Texas City Dike along the east side of Bay Street bears North 49 13' 20" West, a distance of 6,693.64 feet.
(2) Thence, over and across said State Tracts 98A and 99A and along the edge of fill along said Galveston Bay, the following 8 courses and distances:

(A) South 75 49' 13" East, a distance of 298.08 feet to an angle point of the tract herein described.

(B) South 81 16' 26" East, a distance of 170.58 feet to an angle point of the tract herein described.

(C) South 79 20' 31" East, a distance of 802.34 feet to an angle point of the tract herein described.

(D) South 75 57' 32" East, a distance of 869.68 feet to a point for the beginning of a non-tangent curve to the right.

(E) Easterly along said non-tangent curve to the right having a radius of 736.80 feet, a central angle of 24 55' 59", a chord of South 68 47' 35" East - 318.10 feet, and an arc length of 320.63 feet to a point for the beginning of a non-tangent curve to the left.

(F) Easterly along said non-tangent curve to the left having a radius of 373.30 feet, a central angle of 31 57' 42", a chord of South 66 10' 42" East - 205.55 feet, and an arc length of 208.24 feet to a point for the beginning of a non-tangent curve to the right.

(G) Easterly along said non-tangent curve to the right having a radius of 15,450.89 feet, a central angle of 02 04' 10", a chord of South 81 56' 20" East - 558.04 feet, and an arc length of 558.07 feet to a point for the beginning of a compound curve to the right and the northeasterly corner of the tract herein described.

(H) Southerly along said compound curve to the right and the easterly line of the tract herein described, having a radius of 1,425.00 feet, a central angle of 133 08' 00", a chord of South 14 20' 15" East - 2,614.94 feet, and an arc length of 3,311.15 feet to a point on a line lying 125.00 feet northerly of and parallel
with the centerline of an existing levee for the southeasterly corner of the tract herein described.

(3) Thence, continuing over and across said State Tracts 98A and 99A and along lines lying 125.00 feet northerly of, parallel, and concentric with the centerline of said existing levee, the following 12 courses and distances:

(A) North 78 01' 58" West, a distance of 840.90 feet to an angle point of the tract herein described.

(B) North 76 58' 35" West, a distance of 976.66 feet to an angle point of the tract herein described.

(C) North 76 44' 33" West, a distance of 1,757.03 feet to a point for the beginning of a tangent curve to the left.

(D) Southwesterly, along said tangent curve to the left having a radius of 185.00 feet, a central angle of 82 27' 32", a chord of South 62 01' 41" West - 243.86 feet, and an arc length of 266.25 feet to a point for the beginning of a compound curve to the left.
(E) Southerly, along said compound curve to the left having a radius of 4,535.58 feet, a central angle of 11 06' 58", a chord of South 15 14' 26" West - 878.59 feet, and an arc length of 879.97 feet to an angle point of the tract herein described.
(F) South 64 37' 11" West, a distance of 146.03 feet to an angle point of the tract herein described.
(G) South 67 08' 21" West, a distance of 194.42 feet to an angle point of the tract herein described.
(H) North 34 48' 22" West, a distance of 789.69 feet to an angle point of the tract herein described.
(I) South 42 47' 10" West, a distance of 161.01 feet to an angle point of the tract herein described.
(J) South 42 47' 10" West, a distance of 144.66 feet to a point for the beginning of a tangent curve to the right.
(K) Westerly, along said tangent curve to the right having a radius of 310.00 feet, a central angle of 59 50' 28", a chord of South 72 42' 24" West - 309.26 feet, and an arc length of 323.77 feet to an angle point of the tract herein described.
(L) North 77 22' 21" West, a distance of 591.41 feet to the intersection of said parallel line with the edge of fill adjacent to the easterly edge of the Texas City Turning Basin for the southwesterly corner of the tract herein described, from which a found U.S. Army Corps of Engineers Brass Cap stamped ``SWAN 2" set in the top of a concrete column set flush in the ground along the north bank of Swan Lake bears South 20 51' 58" West, a distance of 4,862.67 feet.

(4) Thence, over and across said City of Texas City Survey and along the edge of fill adjacent to the easterly edge of said Texas City Turning Basin, the following 18 courses and distances:

(A) North 01 34' 19" East, a distance of 57.40 feet to an angle point of the tract herein described.
(B) North 05 02' 13" West, a distance of 161.85 feet to an angle point of the tract herein described.
(C) North 06 01' 56" East, a distance of 297.75 feet to an angle point of the tract herein described.
(D) North 06 18' 07" West, a distance of 71.33 feet to an angle point of the tract herein described.
(E) North 07 21' 09" West, a distance of 122.45 feet to an angle point of the tract herein described.
(F) North 26 41' 15" West, a distance of 46.02 feet to an angle point of the tract herein described.
(G) North 01 31' 59" West, a distance of 219.78 feet to an angle point of the tract herein described.
(H) North 15 54' 07" West, a distance of 104.89 feet to an angle point of the tract herein described.
(I) North 04 00' 34" East, a distance of 72.94 feet to an angle point of the tract herein described.

(J) North 06 46' 38" West, a distance of 78.89 feet to an angle point of the tract herein described.
(K) North 12 07' 59" West, a distance of 182.79 feet to an angle point of the tract herein described.
(L) North 20 50' 47" West, a distance of 105.74 feet to an angle point of the tract herein described.
(M) North 02 02' 04" West, a distance of 184.50 feet to an angle point of the tract herein described.
(N) North 08 07' 11" East, a distance of 102.23 feet to an angle point of the tract herein described.
(O) North 08 16' 00" West, a distance of 213.45 feet to an angle point of the tract herein described.
(P) North 03 15' 16" West, a distance of 336.45 feet to a point for the beginning of a non-tangent curve to the left.
(Q) Northerly along said non-tangent curve to the left having a radius of 896.08 feet, a central angle of 14 00' 05", a chord of North 09 36' 03" West - 218.43 feet, and an arc length of 218.97 feet to a point for the beginning of a non-tangent curve to the right.
(R) Northerly along said non-tangent curve to the right having a radius of 483.33 feet, a central angle of 19 13' 34", a chord of North 13 52' 03" East - 161.43 feet, and an arc length of 162.18 feet to a point for the northwesterly corner of the tract herein described.

(5) Thence, continuing over and across said City of Texas City Survey, and along the edge of fill along said Galveston Bay, the following 15 courses and distances:

(A) North 30 45' 02" East, a distance of 189.03 feet to an angle point of the tract herein described.
(B) North 34 20' 49" East, a distance of 174.16 feet to a point for the beginning of a non-tangent curve to the right.
(C) Northeasterly along said non-tangent curve to the right having a radius of 202.01 feet, a central angle of 25 53' 37", a chord of North 33 14' 58" East - 90.52 feet, and an arc length of 91.29 feet to a point for the beginning of a non-tangent curve to the left.
(D) Northeasterly along said non-tangent curve to the left having a radius of 463.30 feet, a central angle of 23 23' 57", a chord of North 48 02' 53" East - 187.90 feet, and an arc length of 189.21 feet to a point for the beginning of a non-tangent curve to the right.
(E) Northeasterly along said non-tangent curve to the right having a radius of 768.99 feet, a central angle of 16 24' 19", a chord of North 43 01' 40" East - 219.43 feet, and an arc length of 220.18 feet to an angle point of the tract herein described.
(F) North 38 56' 50" East, a distance of 126.41 feet to an angle point of the tract herein described.
(G) North 42 59' 50" East, a distance of 128.28 feet to a point for the beginning of a non-tangent curve to the right.
(H) Northerly along said non-tangent curve to the right having a radius of 151.96 feet, a central angle of 68 36' 31", a chord of North 57 59' 42" East - 171.29 feet,

and an arc length of 181.96 feet to a point for the most northerly corner of the tract herein described.

(I) South 77 14' 49" East, a distance of 131.60 feet to an angle point of the tract herein described.

(J) South 84 44' 18" East, a distance of 86.58 feet to an angle point of the tract herein described.

(K) South 58 14' 45" East, a distance of 69.62 feet to an angle point of the tract herein described.

(L) South 49 44' 51" East, a distance of 149.00 feet to an angle point of the tract herein described.

(M) South 44 47' 21" East, a distance of 353.77 feet to a point for the beginning of a non-tangent curve to the left.

(N) Easterly along said non-tangent curve to the left having a radius of 253.99 feet, a central angle of 98 53' 23", a chord of South 83 28' 51" East - 385.96 feet, and an arc length of 438.38 feet to an angle point of the tract herein described.

(O) South 75 49' 13" East, a distance of 321.52 feet to the point of beginning and containing 393.53 acres (17,142,111 square feet) of land.

* * * * *

Sec. 1314. [Red River Below Denison Dam, Texas, Oklahoma, Arkansas, and Louisiana.]- The portion of the project for flood control with respect to the Red River below Denison Dam, Texas, Oklahoma, Arkansas, and Louisiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647, chapter 596), consisting of the portion of the West Agurs Levee that begins at lat. 32 32' 50.86" N., by long. 93 46' 16.82" W., and ends at lat. 32 31' 22.79" N., by long. 93 45' 2.47" W., is no longer authorized beginning on the date of enactment of this Act.

* * * * *

Sec. 1317. [Land Transfer and Trust Land for Muscogeee (Creek) Nation.]

(a) Transfer.--

(1) In general.--Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Secretary of the Interior the land described in subsection (b) to be held in trust for the benefit of the Muscogee (Creek) Nation.

(2) Conditions.--The land transfer under this subsection shall be subject to the following conditions:

(A) The transfer--

(i) shall not interfere with the Corps of Engineers operation of the Eufaula Lake Project or any other authorized civil works project; and

(ii) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to ensure the continued operation of the Eufaula Lake Project or any other authorized civil works project.

(B) The Secretary shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this subsection as necessary to carry out an authorized purpose of the Eufaula Lake Project or any other civil works project.

(C) No gaming activities may be conducted on the land transferred under this subsection.

(b) Land Description.--

(1) In general.-- The land to be transferred pursuant to subsection (a) is the approximately 18.38 acres of land located in the Northwest Quarter (NW 1/4) of sec. 3, T. 10 N., R. 16 E.,

McIntosh County, Oklahoma, generally depicted as “USACE" on the map entitled “Muscogee (Creek) Nation Proposed Land Acquisition" and dated October 16, 2014.

(2) Survey.-- The exact acreage and legal description of the land to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Secretary of the Interior.

(c) Consideration.--The Muscogee (Creek) Nation shall pay--

(1) to the Secretary an amount that is equal to the fair market value of the land transferred under subsection (a), as determined by the Secretary, which funds may be accepted and expended by the Secretary; and

(2) all costs and administrative expenses associated with the transfer of land under subsection (a), including the costs of--

(A) the survey under subsection (b)(2);

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any coordination necessary with respect to requirements related to endangered species, cultural resources, clean water, and clean air.

Sec. 1318. [Cameron County, Texas.]

(a) Release.-- As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the interests of the United States in certain tracts of land located in Cameron County, Texas, as described in subsection (d).

(b) Additional Terms and Conditions.-- The Secretary may require that any release under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(c) Costs of Conveyance.-- The Brownsville Navigation District shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the releases.

(d) Description.-- The Secretary shall release all or portions of the interests in the following tracts as determined by a survey to be paid for by the Brownsville Navigation District, that is satisfactory to the Secretary:

(1) Tract No. 1: Being 1,277.80 Acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated September 22, 1932, and recorded at Volume 238, pages 578 through 580, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 361.03 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening, and further save and except approximately 165.56 Acres for the existing Dredged Material Placement Area No. 4A1.

(2) Tract No. 2: Being 842.28 Acres as condemned by the United States of America by the Final Report of Commissioners dated May 6, 1938, and recorded at Volume 281, pages 486 through 488, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 178.15 Acres comprised of a strip 562 feet in width, being the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening, further save and except approximately 76.95 Acres for the existing Dredged Material Placement Area No. 4A1,

and further save and except approximately 74.40 Acres for the existing Dredged Material Placement Area No. 4B1.

(3) Tract No. 3: Being 362.00 Acres as conveyed by the Manufacturing and Distributing University to the United States of America by instrument dated March 3, 1936, and recorded at Volume “R", page 123, in the Miscellaneous Deed Records of Cameron County, Texas, to be released and abandoned in its entirety.

(4) Tract No. 4: Being 9.48 Acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated January 23, 1939, and recorded at Volume 293, pages 115 through 118, in the Deed Records of Cameron County, Texas (said 9.48 Acres are identified in said instrument as the ``Second Tract"), to be released and abandoned in its entirety, save and except approximately 1.97 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening, plus 5.0 feet.

(5) Tract No. 5: Being 10.91 Acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, by instrument dated March 6, 1939, and recorded at Volume 293, pages 113 through 115, in the Deed Records of Cameron County, Texas (said 10.91 Acres are identified in said instrument as “Third Tract"), to be released and abandoned in its entirety, save and except approximately 0.36 Acre, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening.

(6) Tract No. 9: Being 552.82 Acres as condemned by the United States of America by the Final Report of Commissioners dated May 6, 1938, and recorded at Volume 281, pages 483 through 486, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 84.59 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening.

(7) Tract No. 10: Being 325.02 Acres as condemned by the United States of America by the Final Report of Commissioners dated May 7, 1935, and recorded at Volume 281, pages 476 through 483, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 76.81 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening.

(8) Tract No. 11: Being 8.85 Acres in as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated January 23, 1939, and recorded at Volume 293, Pages 115 through 118, in the Deed Records of Cameron County, Texas (said 8.85 Acres are identified in said instrument as the ``First Tract"), to be released and abandoned in its entirety, save and except approximately 0.30 Acres, comprised of the area within the project known as Brazos Island Harbor Deepening, plus 5.0 feet.

(9) Tract No. A100E: Being 13.63 Acres in as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated September 30, 1947, and recorded at Volume 427, page 1 through 4 in the Deed Records of Cameron County, to be released and abandoned in its entirety, save and except approximately 6.60 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the existing project known as Brazos Island Harbor, plus 5.0 feet.

(10) Tract No. 122E: Being 31.4 Acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated December 11, 1963 and recorded at Volume 756, page 393 in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 4.18 Acres in Share 31 of the Espiritu Santo Grant in Cameron County, Texas, and further save and except approximately 2.04 Acres in Share 7 of the San Martin Grant in Cameron County, Texas, being portions of the area designated by the U.S. Army Corps of Engineers as required for the current project known as Brazos Island Harbor, plus 5.0 feet.

* * * * *

Sec. 1320. [Hamilton City, California.]-- Section 1001(8) of the Water Resources Development Act of 2007 (121 Stat. 1050) is modified to authorize the Secretary to construct the project at a total cost of $91,000,000, with an estimated Federal cost of $59,735,061 and an estimated non-Federal cost of $31,264,939.

Sec. 1321. [Conveyances.]

* * * * *

(c) **Pensacola Dam and Reservoir, Grand River, Oklahoma**.--

(1) In general.--Notwithstanding the Act of June 28, 1938 (52 Stat. 1215, chapter 795), as amended by section 3 of the Act of August 18, 1941 (55 Stat. 645, chapter 377), and notwithstanding section 3 of the Act of July 31, 1946 (60 Stat. 744, chapter 710), the Secretary shall convey, by quitclaim deed and without consideration, to the Grand River Dam Authority, an agency of the State of Oklahoma, for flood control purposes, all right, title, and interest of the United States in and to real property under the administrative jurisdiction of the Secretary acquired in connection with the Pensacola Dam project, together with any improvements on the property.

(2) Flood control purposes.-- If any interest in the real property described in paragraph (1) ceases to be managed for flood control or other public purposes and is conveyed to a nonpublic entity, the transferee, as part of the conveyance, shall pay to the United States the fair market value for the interest.

(3) No effect.-- Nothing in this subsection--

(A) amends, modifies, or repeals any existing authority vested in the Federal Energy Regulatory Commission; or

(B) amends, modifies, or repeals any authority of the Secretary or the Chief of Engineers pursuant to section 7 of the Act of December 22, 1944 (33 U.S.C. 709).

(d) Joe Pool Lake, Texas.--The Secretary shall accept from the Trinity River Authority of Texas, if received on or before December 31, 2016, $31,344,841 as payment in full of amounts owed to the United States, including any accrued interest, for the approximately 61,747.1 acre-feet of water supply storage space in Joe Pool Lake, Texas (previously known as Lakeview Lake), for which payment has not commenced under Article 5.a (relating to project investment costs) of contract number DACW63-76-C-0106 as of the date of enactment of this Act.

Sec. 1322. [Expedited Consideration.]

(a) In General.--Section 1011 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2341a) is amended--

(1) in subsection (a)--

(A) in paragraph (1)(C) by inserting “restore or" before “prevent the loss"; and

(B) in paragraph (2)--

(i) in the matter preceding subparagraph (A), by striking “the date of enactment of this Act" and inserting “the date of enactment of the Water Resources Development Act of 2016"; and

(ii) in subparagraph (A)(ii) by striking “that--" and all that follows through “limited reevaluation report"; and

(2) in subsection (b)--

(A) in paragraph (1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(C) in the matter preceding subparagraph (A) (as so redesignated) by striking “For" and inserting the following:

“(1) In general.--For"; and

(D) by adding at the end the following:

“(2) Expedited consideration of currently authorized programmatic authorities.--Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains--

“(A) a list of all programmatic authorities for aquatic ecosystem restoration or improvement of the environment that--

“(i) were authorized or modified in the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1041) or any subsequent Act; and

“(ii) that meet the criteria described in paragraph (1); and

“(B) a plan for expeditiously completing the projects under the authorities described in subparagraph (A), subject to available funding.".

* * * * *

(2) Expedited completion of feasibility studies.--The Secretary shall give priority funding and expedite completion of the reports for the following projects, and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design in accordance with section 910 of the Water Resources Development Act of 1986 (33 U.S.C. 2287):

(A) The project for navigation, **St. George Harbor, Alaska**.

* * * * *

(E) The project for flood risk management, **Little Colorado River at Winslow, Navajo County, Arizona**.

(F) The project for flood risk management, **Lower San Joaquin River, California**. In carrying out the feasibility study for the project, the Secretary shall include Reclamation District 17 as part of the study.

(G) The project for flood risk management and ecosystem restoration, **Sacramento River Flood Control System, California**.

* * * * *

(4) Completion of projects under construction by non-federal interests.--The Secretary shall expedite review and decision on recommendations for the following projects for flood damage reduction and flood risk management:

* * * * *

(B) **Brays Bayou, Texas**, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (Public Law 101-640; 104 Stat. 4610), as modified by section 211(f)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(f)(6)) (as in effect on the day before the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1193)).

Subtitle D--Water Resources Infrastructure

Sec. 1401. [Project Authorizations.]-- The following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress on January 29, 2015, and January 29, 2016, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) Navigation.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Brazos Island Harbor	Nov. 3, 2014	Federal: $121,023,000 Non-Federal: $89,453,000 Total: $210,476,000
2. LA	Calcasieu Lock	Dec. 2, 2014	Total: $17,432,000 (to be derived \1/2\ from the general fund of the Treasury and \1/2\ from the Inland Waterways Trust Fund)
3. NH, ME	Portsmouth Harbor and Piscataqua River	Feb. 8, 2015	Federal: $16,015,000 Non-Federal: $5,338,000 Total: $21,353,000
4. FL	Port Everglades	Jun. 25, 2015	Federal: $229,770,000 Non-Federal: $107,233,000 Total: $337,003,000
5. AK	Little Diomede Harbor	Aug. 10, 2015	Federal: $26,394,000 Non-Federal: $2,933,000 Total: $29,327,000
6. SC	Charleston Harbor	Sep. 8, 2015	Federal: $231,239,000 Non-Federal: $271,454,000 Total: $502,693,000
7. AK	Craig Harbor	Mar. 16, 2016	Federal: $29,456,000 Non-Federal: $3,299,000 Total: $32,755,000
8. PA	Upper Ohio	Sep. 12, 2016	Total: $2,691,600,000 (to be derived \1/2\ from the general fund of the Treasury and \1/2\ from the Inland Waterways Trust Fund).

(2) Flood risk management.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Leon Creek Watershed	Jun. 30, 2014	Federal: $22,145,000 Non-Federal: $11,925,000 Total: $34,070,000
2. MO, KS	Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas City	Jan. 27, 2015	Federal: $213,271,500 Non-Federal: $114,838,500 Total: $328,110,000
3. KS	City of Manhattan	Apr. 30, 2015	Federal: $16,151,000 Non-Federal: $8,697,000 Total: $24,848,000
4. TN	Mill Creek	Oct. 16, 2015	Federal: $17,950,000 Non-Federal: $10,860,000 Total: $28,810,000
5. KS	Upper Turkey Creek Basin	Dec. 22, 2015	Federal: $25,610,000 Non-Federal: $13,790,000 Total: $39,400,000
6. NC	Princeville	Feb. 23, 2016	Federal: $14,080,000 Non-Federal: $7,582,000 Total: $21,662,000
7. CA	American River Common Features	Apr. 26, 2016	Federal: $890,046,900 Non-Federal: $705,714,100 Total: $1,595,761,000
8. CA	West Sacramento	Apr. 26, 2016	Federal: $788,861,000 Non-Federal: $424,772,000 Total: $1,213,633,000.

(3) Hurricane and storm damage risk reduction.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. SC	Colleton County	Sep. 5, 2014	Initial Federal: $14,448,000 Initial Non-Federal: $7,780,000 Initial Total: $22,228,000 Renourishment Federal: $17,491,000 Renourishment Non-Federal: $17,491,000 Renourishment Total: $34,982,000
2. FL	Flagler County	Dec. 23, 2014	Initial Federal: $9,561,000 Initial Non-Federal: $5,149,000 Initial Total: $14,710,000 Renourishment Federal: $15,814,000 Renourishment Non-Federal: $15,815,000 Renourishment Total: $31,629,000
3. NC	Carteret County	Dec. 23, 2014	Initial Federal: $25,468,000 Initial Non-Federal: $13,714,000 Initial Total: $39,182,000 Renourishment Federal: $120,428,000 Renourishment Non-Federal: $120,429,000 Renourishment Total: $240,857,000
4. NJ	Hereford Inlet to Cape May Inlet, Cape May County	Jan. 23, 2015	Initial Federal: $14,823,000 Initial Non-Federal: $7,981,000 Initial Total: $22,804,000 Renourishment Federal: $43,501,000 Renourishment Non-Federal: $43,501,000 Renourishment Total: $87,002,000
5. LA	West Shore Lake Pontchartrain	Jun. 12, 2015	Federal: $483,496,650 Non-Federal: $260,344,350 Total: $743,841,000

6. CA	San Diego County	Apr. 26, 2016	Initial Federal: $20,953,000 Initial Non-Federal: $11,282,000 Initial Total: $32,235,000 Renourishment Federal: $70,785,000 Renourishment Non-Federal: $70,785,000 Renourishment Total: $141,570,000.

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(4) Ecosystem restoration.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. FL	Central Everglades	Dec. 23, 2014	Federal: $993,131,000 Non-Federal: $991,544,000 Total: $1,984,675,000
2. WA	Skokomish River	Dec. 14, 2015	Federal: $13,168,000 Non-Federal: $7,091,000 Total: $20,259,000
3. WA	Puget Sound	Sep. 16, 2016	Federal: $300,009,000 Non-Federal: $161,543,000 Total: $461,552,000.

(5) Flood risk management and ecosystem restoration.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. IL, WI	Upper Des Plaines River and Tributaries	Jun. 8, 2015	Federal: $204,860,000 Non-Federal: $110,642,000 Total: $315,502,000.

(6) Flood risk management, ecosystem restoration, and recreation.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	South San Francisco Bay Shoreline	Dec. 18, 2015	Federal: $70,511,000 Non-Federal: $106,689,000 Total: $177,200,000.

(7) Ecosystem restoration and recreation.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. OR	Willamette River	Dec. 14, 2015	Federal: $19,531,000 Non-Federal: $10,845,000 Total: $30,376,000
2. CA	Los Angeles River	Dec. 18, 2015	Federal: $373,413,500 Non-Federal: $1,046,893,500 Total: $1,420,307,000.

(8) Hurricane and storm damage risk reduction and ecosystem restoration.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. LA	Southwest Coastal Louisiana	Jul. 29, 2016	Federal: $2,054,386,100 Non-Federal: $1,106,207,900 Total: $3,160,594,000.

(9) Modifications and other projects.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Upper Trinity River	May 21, 2008	Federal: $526,500,000 Non-Federal: $283,500,000 Total: $810,000,000
2. KS, MO	Turkey Creek Basin	May 13, 2016	Federal: $101,491,650 Non-Federal: $54,649,350 Total: $156,141,000
3. KY	Ohio River Shoreline	May 13, 2016	Federal: $20,309,900 Non-Federal: $10,936,100 Total: $31,246,000
4. MO	Blue River Basin	May 13, 2016	Federal: $36,326,250 Non-Federal: $12,108,750 Total: $48,435,000
5. FL	Picayune Strand	Jul. 15, 2016	Federal: $313,166,000 Non-Federal: $313,166,000 Total: $626,332,000
6. MO	Swope Park Industrial Area, Blue River	Jul. 15, 2016	Federal: $21,033,350 Non-Federal: $11,325,650 Total: $32,359,000
7. AZ	Rio de Flag, Flagstaff	Sep. 21, 2016	Federal: $66,844,900 Non-Federal: $36,039,100 Total: $102,884,000
8. TX	Houston Ship Channel	Nov. 4, 2016	Federal: $381,773,000 Non-Federal: $127,425,000 Total: $509,198,000.

Sec. 1402. [Special Rules.]

* * * * *

(b) **Los Angeles River**.-- The Secretary shall carry out the project for ecosystem restoration and recreation, Los Angeles River, California, authorized by section 1401(7) of this Act substantially in accordance with terms and conditions described in the Report of the Chief of Engineers, dated December 18, 2015, including, notwithstanding section 2008(c) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1074), the recommended cost share.
(c) Upper Trinity River.-- Not more than $5,500,000 may be expended to carry out recreation features of the **Upper Trinity River project, Texas,** authorized by section 1401(9) of this Act.

* * * * *

TITLE III--NATURAL RESOURCES
Subtitle A--Indian Dam Safety
Sec. 3101. [Indian Dam Safety.]

(a) Definitions.-- In this section:

(1) Dam.--

(A) In general.--The term “dam" has the meaning given the term in section 2 of the National Dam Safety Program Act (33 U.S.C. 467).

(B) Inclusions.--The term “dam" includes any structure, facility, equipment, or vehicle used in connection with the operation of a dam.

(2) Fund.--The term “Fund" means, as applicable--

(A) the High-Hazard Indian Dam Safety Deferred Maintenance Fund established by subsection (b)(1)(A); or

(B) the Low-Hazard Indian Dam Safety Deferred Maintenance Fund established by subsection (b)(2)(A).

(3) High hazard potential dam.--The term “high hazard potential dam" means a dam assigned to the significant or high hazard potential classification under the guidelines published by the Federal Emergency Management Agency entitled “Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams" (FEMA Publication Number 333).

(4) Indian tribe.--The term “Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(5) Low hazard potential dam.--The term “low hazard potential dam" means a dam assigned to the low hazard potential classification under the guidelines published by the Federal Emergency Management Agency entitled “Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams" (FEMA Publication Number 333).

(6) Secretary.--The term “Secretary" means the Secretary of the Interior, acting through the Assistant Secretary for Indian Affairs, in consultation with the Secretary of the Army.

(b) Indian Dam Safety Deferred Maintenance Funds.--

(1) High-hazard fund.—

(A) Establishment.--There is established in the Treasury of the United States a fund, to be known as the “High-Hazard Indian Dam Safety Deferred Maintenance Fund", consisting of--

(i) such amounts as are deposited in the Fund under subparagraph (B); and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (D).

(B) Deposits to fund.--

(i) In general.--For each of fiscal years 2017 through 2023, the Secretary of the Treasury shall deposit in the Fund $22,750,000 from the general fund of the Treasury.

(ii) Availability of amounts.--Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) Expenditures from fund.--

(i) In general.-- Subject to clause (ii), for each of fiscal years 2017 through 2023, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of--

(I) $22,750,000; and

(II) the amount of interest accrued in the Fund.

(ii) Additional expenditures.-- The Secretary may expend more than $22,750,000 for any fiscal year referred to in clause (i) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under clause (i) in 1 or more prior fiscal years.

(D) Investments of amounts.--

(i) In general.-- The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) Credits to fund.-- The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(E) Transfers of amounts.--

(i) In general.-- The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly.

(ii) Adjustments.-- Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

(F) Termination.--On September 30, 2023--

(i) the Fund shall terminate; and

(ii) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

(2) Low-hazard fund.--

(A) Establishment.-- There is established in the Treasury of the United States a fund, to be known as the “Low-Hazard Indian Dam Safety Deferred Maintenance Fund", consisting of--

(i) such amounts as are deposited in the Fund under subparagraph (B); and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (D).

(B) Deposits to fund.--

(i) In general.--For each of fiscal years 2017 through 2023, the Secretary of the Treasury shall deposit in the Fund $10,000,000 from the general fund of the Treasury.

(ii) Availability of amounts.--Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) Expenditures from fund.--

(i) In general.-- Subject to clause (ii), for each of fiscal years 2017 through 2023, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of--

(I) $10,000,000; and

(II) the amount of interest accrued in the Fund.

(ii) Additional expenditures.-- The Secretary may expend more than $10,000,000 for any fiscal year referred to in clause (i) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under clause (i) in 1 or more prior fiscal years.

(D) Investments of amounts.--

(i) In general.-- The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) Credits to fund.-- The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(E) Transfers of amounts.--

(i) In general.-- The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly.

(ii) Adjustments.-- Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

(F) Termination.-- On September 30, 2023--

(i) the Fund shall terminate; and

(ii) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

(c) Repair, Replacement, and Maintenance of Certain Indian Dams.--

(1) Program establishment.--

(A) In general.-- The Secretary shall establish a program to address the deferred maintenance needs of Indian dams that--

(i) create flood risks or other risks to public or employee safety or natural or cultural resources; and

(ii) unduly impede the management and efficiency of Indian dams.

(B) Funding.--

(i) High-hazard fund.-- Consistent with subsection (b)(1)(B), the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $22,750,000 of amounts in the High-Hazard Indian Dam Safety Deferred Maintenance Fund, plus accrued interest, for each of fiscal years 2017 through 2023 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian dams described in paragraph (2)(A).

(ii) Low-hazard fund.--Consistent with subsection (b)(2)(B), the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $10,000,000 of amounts in the Low-Hazard Indian Dam Safety Deferred Maintenance Fund, plus accrued interest, for each of fiscal years 2017 through 2023 to carry out

maintenance, repair, and replacement activities for 1 or more of the Indian dams described in paragraph (2)(B).

(C) Compliance with dam safety policies.--Maintenance, repair, and replacement activities for Indian dams under this section shall be carried out in accordance with the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(2) Eligible dams.--

(A) High hazard potential dams.-- The dams eligible for funding under paragraph (1)(B)(i) are Indian high hazard potential dams in the United States that--

(i) are included in the safety of dams program established pursuant to the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.); and

(iii)(I)(aa) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management); and

(bb) are managed by the Bureau of Indian Affairs (including dams managed under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); or

(II) have deferred maintenance documented by the Bureau of Indian Affairs.

(B) Low hazard potential dams.--The dams eligible for funding under paragraph (1)(B)(ii) are Indian low hazard potential dams in the United States that, on the date of enactment of this Act--

(i) are covered under the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.); and

(ii)(I)(aa) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management); and

(bb) are managed by the Bureau of Indian Affairs (including dams managed under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.)); or

(II) have deferred maintenance documented by the Bureau of Indian Affairs.

(3) Requirements and conditions.-- Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this subsection, the Secretary, in consultation with representatives of affected Indian tribes, shall develop and submit to Congress--

(A) programmatic goals to carry out this subsection that--

(i) would enable the completion of repairing, replacing, improving, or performing maintenance on Indian dams as expeditiously as practicable, subject to the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.);

(ii) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating an Indian dam; and

(iii) ensure that the results of government-to-government consultation required under paragraph (4) be addressed; and

(B) funding prioritization criteria to serve as a methodology for distributing funds under this subsection that take into account--

(i) the extent to which deferred maintenance of Indian dams poses a threat to--

(I) public or employee safety or health;

(II) natural or cultural resources; or

(III) the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating an Indian dam;

(ii) the extent to which repairing, replacing, improving, or performing maintenance on an Indian dam will--

(I) improve public or employee safety, health, or accessibility;

(II) assist in compliance with codes, standards, laws, or other requirements;

(III) address unmet needs; or

(IV) assist in protecting natural or cultural resources;

(iii) the methodology of the rehabilitation priority index of the Secretary, as in effect on the date of enactment of this Act;

(iv) the potential economic benefits of the expenditures on job creation and general economic development in the affected tribal communities;

(v) the ability of an Indian dam to address tribal, regional, and watershed level flood prevention needs;

(vi) the need to comply with the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.);

(vii) the ability of the water storage capacity of an Indian dam to be increased to prevent flooding in downstream tribal and nontribal communities; and

(viii) such other factors as the Secretary determines to be appropriate to prioritize the use of available funds that are, to the fullest extent practicable, consistent with tribal and user recommendations received pursuant to the consultation and input process under paragraph (4).

(4) Tribal consultation and user input.--

(A) In general.--Except as provided in subparagraph (B), before expending funds on an Indian dam pursuant to paragraph (1) and not later than 60 days after the date of enactment of this Act, the Secretary shall--

(i) consult with the Director of the Bureau of Indian Affairs on the expenditure of funds;

(ii) ensure that the Director of the Bureau of Indian Affairs advises the Indian tribe that has jurisdiction over the land on which a dam eligible to receive funding under paragraph (2) is located on the expenditure of funds; and

(iii) solicit and consider the input, comments, and recommendations of the landowners served by the Indian dam.

(B) Emergencies.--If the Secretary determines that an emergency circumstance exists with respect to an Indian dam, subparagraph (A) shall not apply with respect to that Indian dam.

(5) Allocation among dams.--

(A) In general.--Subject to subparagraph (B), to the maximum extent practicable, the Secretary shall ensure that, for each of fiscal years 2017 through 2023, each Indian dam eligible for funding under paragraph (2) that has critical maintenance needs receives part of the funding under paragraph (1) to address critical maintenance needs.

(B) Priority.--In allocating amounts under paragraph (1)(B), in addition to considering the funding priorities described in paragraph (3), the Secretary shall give priority to Indian dams eligible for funding under paragraph (2) that serve--

(i) more than 1 Indian tribe within an Indian reservation; or

(ii) highly populated Indian communities, as determined by the Secretary.

(C) Cap on funding.--

(i) In general.--Subject to clause (ii), in allocating amounts under paragraph (1)(B), the Secretary shall allocate not more than $10,000,000 to any individual dam described in paragraph (2) during any consecutive 3-year period.

(ii) Exception.--Notwithstanding the cap described in clause (i), if the full amount under paragraph (1)(B) cannot be fully allocated to eligible Indian dams because the costs of the remaining activities authorized in paragraph (1)(B) of an Indian dam would exceed the cap described in clause (i); the Secretary may allocate the remaining funds to eligible Indian dams in accordance with this subsection.

(D) Basis of funding.--Any amounts made available under this paragraph shall be nonreimbursable.

(E) Applicability of isdeaa.--The Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall apply to activities carried out under this paragraph.

(d) Tribal Safety of Dams Committee.--

(1) Establishment of committee.--

(A) Establishment.--The Secretary of the Interior shall establish within the Bureau of Indian Affairs the Tribal Safety of Dams Committee (referred to in this paragraph as the “Committee").

(B) Membership.--

(i) Composition.--The Committee shall be composed of 15 members, of whom--

(I) 11 shall be appointed by the Secretary of the Interior from among individuals who, to the maximum extent practicable, have knowledge and expertise in dam safety issues and flood prevention and mitigation, of whom not less than 1 shall be a member of an Indian tribe in each of the Bureau of Indian Affairs regions of--

(aa) the Northwest Region;

(bb) the Pacific Region;

(cc) the Western Region;

(dd) the Navajo Region;
(ee) the Southwest Region;
(ff) the Rocky Mountain Region;
(gg) the Great Plans Region; and
(hh) the Midwest Region;

(II) 2 shall be appointed by the Secretary of the Interior from among employees of the Bureau of Indian Affairs who have knowledge and expertise in dam safety issues and flood prevention and mitigation;

(III) 1 shall be appointed by the Secretary of the Interior from among employees of the Bureau of Reclamation who have knowledge and expertise in dam safety issues and flood prevention and mitigation; and

(IV) 1 shall be appointed by the Secretary of the Army from among employees of the Corps of Engineers who have knowledge and expertise in dam safety issues and flood prevention and mitigation.

(ii) Nonvoting members.--The members of the Committee appointed under subclauses (II) and (III) of clause (i) shall be nonvoting members.

(iii) Date.--The appointments of the members of the Committee shall be made as soon as practicable after the date of enactment of this Act.

(C) Period of appointment.--Members shall be appointed for the life of the Committee.

(D) Vacancies.--Any vacancy in the Committee shall not affect the powers of the Committee, but shall be filled in the same manner as the original appointment.

(E) Initial meeting.--Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the first meeting.

(F) Meetings.--The Committee shall meet at the call of the Chairperson.

(G) Quorum.--A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(H) Chairperson and vice chairperson.--The Committee shall select a Chairperson and Vice Chairperson from among the members.

(2) Duties of the committee.--

(A) Study.--The Committee shall conduct a thorough study of all matters relating to the modernization of the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(B) Recommendations.--The Committee shall develop recommendations for legislation to improve the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(C) Report.--Not later than 1 year after the date on which the Committee holds the first meeting, the Committee shall submit a report containing a detailed statement of the findings and conclusions of the Committee, together with recommendations for legislation that the Committee considers appropriate, to--

(i) the Committee on Indian Affairs of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(3) Powers of the committee.--

(A) Hearings.--The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers appropriate to carry out this paragraph.

(B) Information from federal agencies.--

(i) In general.--The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out this paragraph.

(ii) Request.--On request of the Chairperson of the Committee, the head of any Federal department or agency shall furnish information described in clause (i) to the Committee.

(C) Postal services.--The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(D) Gifts.--The Committee may accept, use, and dispose of gifts or donations of services or property.

(4) Committee personnel matters.--

(A) Compensation of members.--

(i) Non-federal members.--Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Committee.

(ii) Federal members.--Each member of the Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to that received for services as an officer or employee of the Federal Government.

(B) Travel expenses.--The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(C) Staff.--

(i) In general.--

(I) Appointment.--The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform the duties of the Committee.

(II) Confirmation.--The employment of an executive director shall be subject to confirmation by the Committee.

(ii) Compensation.--The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other

personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(D) Detail of government employees.--Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(E) Procurement of temporary and intermittent services.--The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(5) Termination of the committee.--The Committee shall terminate 90 days after the date on which the Committee submits the report under paragraph (2)(C).

(6) Funding.--Of the amounts authorized to be expended from either Fund, $1,000,000 shall be made available from either Fund during fiscal year 2017 to carry out this subsection, to remain available until expended.

(e) Indian Dam Surveys.--

(1) Tribal reports.--The Secretary shall request that, not less frequently than once every 180 days, each Indian tribe submit to the Secretary a report providing an inventory of the dams located on the land of the Indian tribe.

(2) BIA reports.--Not less frequently than once each year, the Secretary shall submit to Congress a report describing the condition of each dam under the partial or total jurisdiction of the Secretary.

(f) Flood Plain Management Pilot Program.--

(1) Establishment.--The Secretary shall establish, within the Bureau of Indian Affairs, a flood plain management pilot program (referred to in this subsection as the “program") to provide, at the request of an Indian tribe, guidance to the Indian tribe relating to best practices for the mitigation and prevention of floods, including consultation with the Indian tribe on--

(A) flood plain mapping; or

(B) new construction planning.

(2) Termination.--The program shall terminate on the date that is 4 years after the date of enactment of this Act.

(3) Funding.--Of the amounts authorized to be expended from either Fund, $250,000 shall be made available from either Fund during each of fiscal years 2017, 2018, and 2019 to carry out this subsection, to remain available until expended.

Subtitle B--Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies

Sec. 3201. [Definitions.]-- In this subtitle:

(1) Deferred maintenance.-- The term “deferred maintenance" means any maintenance activity that was delayed to a future date, in lieu of being carried out at the time at which the activity was scheduled to be, or otherwise should have been, carried out.

(2) Fund.— The term “Fund" means the Indian Irrigation Fund established by section 3211.

(3) Indian tribe.--The term “Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) Secretary.-- The term “Secretary" means the Secretary of the Interior.

PART I--INDIAN IRRIGATION FUND

Sec. 3211. [Establishment.]-- There is established in the Treasury of the United States a fund, to be known as the “Indian Irrigation Fund", consisting of--

(1) such amounts as are deposited in the Fund under section 3212; and

(2) any interest earned on investment of amounts in the Fund under section 3214.

Sec. 3212. [Deposits to Fund.]

(a) In General.-- For each of fiscal years 2017 through 2021, the Secretary of the Treasury shall deposit in the Fund $35,000,000 from the general fund of the Treasury.

(b) Availability of Amounts.-- Amounts deposited in the Fund under subsection (a) shall be used, subject to appropriation, to carry out this subtitle.

Sec. 3213. [Expenditures from Fund.]

(a) In General.-- Subject to subsection (b), for each of fiscal years 2017 through 2021, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this subtitle, not more than the sum of--

(1) $35,000,000; and

(2) the amount of interest accrued in the Fund.

(b) Additional Expenditures.—T he Secretary may expend more than $35,000,000 for any fiscal year referred to in subsection (a) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under subsection (a) in 1 or more prior fiscal years.

Sec. 3214. [Investments of Amounts.]

(a) In General.-- The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(b) Credits to Fund.-- The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

Sec. 3215. [Transfers of Amounts.]

(a) In General.-- The amounts required to be transferred to the Fund under this part shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(b) Adjustments.-- Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

Sec. 3216. [Termination.] On September 30, 2021--

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

PART II--REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS

Sec. 3221. [Repair, Replacement, and Maintenance of Certain Indian Irrigation Projects.]

(a) In General.--The Secretary shall establish a program to address the deferred maintenance needs and water storage needs of Indian irrigation projects that--

(1) create risks to public or employee safety or natural or cultural resources; and

(2) unduly impede the management and efficiency of the Indian irrigation program.

(b) Funding.--Consistent with section 3213, the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $35,000,000 of amounts in the Fund, plus accrued interest, for each of fiscal years 2017 through 2021 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian irrigation projects described in section 3222 (including any structures,

facilities, equipment, personnel, or vehicles used in connection with the operation of those projects), subject to the condition that the funds expended under this part shall not be--

(1) subject to reimbursement by the owners of the land served by the Indian irrigation projects; or

(2) assessed as debts or liens against the land served by the Indian irrigation projects.

Sec. 3222. [Eligible Projects.]-- The projects eligible for funding under section 3221(b) are the Indian irrigation projects in the western United States that, on the date of enactment of this Act--

(1) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management);

(2) are managed and operated by the Bureau of Indian Affairs (including projects managed, operated, or maintained under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); and

(3) have deferred maintenance documented by the Bureau of Indian Affairs.

Sec. 3223. [Requirements and Conditions.]-- Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this part, the Secretary, in consultation with the Assistant Secretary for Indian Affairs and representatives of affected Indian tribes, shall develop and submit to Congress--

(1) programmatic goals to carry out this part that--

(A) would enable the completion of repairing, replacing, modernizing, or performing maintenance on projects as expeditiously as practicable;

(B) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating a project;

(C) ensure that the results of government-to-government consultation required under section 3225 be addressed; and

(D) would facilitate the construction of new water storage using non-Federal contributions to address tribal, regional, and watershed-level supply needs; and

(2) funding prioritization criteria to serve as a methodology for distributing funds under this part, that take into account—

(A) the extent to which deferred maintenance of qualifying irrigation projects poses a threat to public or employee safety or health;

(B) the extent to which deferred maintenance poses a threat to natural or cultural resources;

(C) the extent to which deferred maintenance poses a threat to the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating the project;

(D) the extent to which repairing, replacing, modernizing, or performing maintenance on a facility or structure will--

(i) improve public or employee safety, health, or accessibility;

(ii) assist in compliance with codes, standards, laws, or other requirements;

(iii) address unmet needs; and

(iv) assist in protecting natural or cultural resources;

(E) the methodology of the rehabilitation priority index of the Secretary, as in effect on the date of enactment of this Act;

(F) the potential economic benefits of the expenditures on job creation and general economic development in the affected tribal communities;

(G) the ability of the qualifying project to address tribal, regional, and watershed level water supply needs; and

(H) such other factors as the Secretary determines to be appropriate to prioritize the use of available funds that are, to the fullest extent practicable, consistent with tribal and user recommendations received pursuant to the consultation and input process under section 3225.

Sec. 3224. [Study of Indian Irrigation Program and Project Management.]

(a) Tribal Consultation and User Input.-- Before beginning to conduct the study required under subsection (b), the Secretary shall--

(1) consult with the Indian tribes that have jurisdiction over the land on which an irrigation project eligible to receive funding under section 3222 is located; and

(2) solicit and consider the input, comments, and recommendations of--

(A) the landowners served by the irrigation project; and

(B) irrigators from adjacent irrigation districts.

(b) Study.-- Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall complete a study that evaluates options for improving programmatic and project management and performance of irrigation projects managed and operated in whole or in part by the Bureau of Indian Affairs.

(c) Report.-- On completion of the study under subsection (b), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that--

(1) describes the results of the study;

(2) determines the cost to financially sustain each project;

(3) recommends whether management of each project could be improved by transferring management responsibilities to other Federal agencies or water user groups; and

(4) includes recommendations for improving programmatic and project management and performance--

(A) in each qualifying project area; and

(B) for the program as a whole.

(d) Status Report.--Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter (until the end of fiscal year 2021), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes a description of--

(1) the progress made toward addressing the deferred maintenance needs of the Indian irrigation projects described in section 3222, including a list of projects funded during the fiscal period covered by the report;

(2) the outstanding needs of those projects that have been provided funding to address the deferred maintenance needs pursuant to this part;

(3) the remaining needs of any of those projects;

(4) how the goals established pursuant to section 3223 have been met, including--

(A) an identification and assessment of any deficiencies or shortfalls in meeting those goals; and

(B) a plan to address the deficiencies or shortfalls in meeting those goals; and

(5) any other subject matters the Secretary, to the maximum extent practicable consistent with tribal and user recommendations received pursuant to the consultation and input process under section 3225, determines to be appropriate.

Sec. 3225. [Tribal Consultation and User Input.]-- Before expending funds on an Indian irrigation project pursuant to section 3221 and not later than 120 days after the date of enactment of this Act, the Secretary shall--

(1) consult with the Indian tribe that has jurisdiction over the land on which an irrigation project eligible to receive funding under section 3222 is located; and

(2) solicit and consider the input, comments, and recommendations of--

(A) the landowners served by the irrigation project; and

(B) irrigators from adjacent irrigation districts.

Sec. 3226. [Allocation Among Projects.]

(a) In General.-- Subject to subsection (b), to the maximum extent practicable, the Secretary shall ensure that, for each of fiscal years 2017 through 2021, each Indian irrigation project eligible for funding under section 3222 that has critical maintenance needs receives part of the funding under section 3221 to address critical maintenance needs.

(b) Priority.-- In allocating amounts under section 3221(b), in addition to considering the funding priorities described in section 3223, the Secretary shall give priority to eligible Indian irrigation projects serving more than 1 Indian tribe within an Indian reservation and to projects for which funding has not been made available during the 10-year period ending on the day before the date of enactment of this Act under any other Act of Congress that expressly identifies the Indian irrigation project or the Indian reservation of the project to address the deferred maintenance, repair, or replacement needs of the Indian irrigation project.

(c) Cap on Funding.--

(1) In general.-- Subject to paragraph (2), in allocating amounts under section 3221(b), the Secretary shall allocate not more than $15,000,000 to any individual Indian irrigation project described in section 3222 during any consecutive 3-year period.

(2) Exception.-- Notwithstanding the cap described in paragraph (1), if the full amount under section 3221(b) cannot be fully allocated to eligible Indian irrigation projects because the costs of the remaining activities authorized in section 3221(b) of an irrigation project would exceed the cap described in paragraph (1), the Secretary may allocate the remaining funds to eligible Indian irrigation projects in accordance with this part.

(d) Basis of Funding.-- Any amounts made available under this section shall be nonreimbursable.

(e) Applicability of Isdeaa.--The Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall apply to activities carried out under this section.

Subtitle C--Weber Basin Prepayments

Sec. 3301. [Prepayment of Certain Repayment Obligations under Contracts between the United States and the Weber Basin Water Conservancy District.]-- The Secretary of the Interior shall allow for prepayment of repayment obligations under Repayment Contract No. 14-06-400-33 between the United States and the Weber Basin Water Conservancy District, dated December 12, 1952, and supplemented and amended on June 30, 1961, on April 15, 1966, on September 20, 1968, and on May 9, 1985, including future amendments and all related applicable contracts thereto, providing for repayment of Weber Basin Project construction costs allocated to irrigation and municipal and industrial purposes for which repayment is provided pursuant to such contracts under terms and conditions similar to those used in implementing the prepayment provisions in section 210 of the Central Utah Project Completion Act (Public Law 102-575), as amended, for prepayment of Central Utah Project, Bonneville Unit repayment obligations. The prepayment--

(1) shall result in the United States recovering the net present value of all repayment streams that would have been payable to the United States if this Act was not in effect;
(2) may be provided in several installments;
(3) may not be adjusted on the basis of the type of prepayment financing used by the District; and
(4) shall be made such that total repayment is made not later than September 30, 2026.

Subtitle D--Pechanga Water Rights Settlement

Sec. 3401. [Short Title.]-- This subtitle may be cited as the "Pechanga Band of Luiseno Mission Indians Water Rights Settlement Act".

Sec. 3402. [Purposes.]-- The purposes of this subtitle are--
(1) to achieve a fair, equitable, and final settlement of claims to water rights and certain claims for injuries to water rights in the Santa Margarita River Watershed for--
(A) the Band; and
(B) the United States, acting in its capacity as trustee for the Band and Allottees;
(2) to achieve a fair, equitable, and final settlement of certain claims by the Band and Allottees against the United States;
(3) to authorize, ratify, and confirm the Pechanga Settlement Agreement to be entered into by the Band, RCWD, and the United States;
(4) to authorize and direct the Secretary--
(A) to execute the Pechanga Settlement Agreement; and
(B) to take any other action necessary to carry out the Pechanga Settlement Agreement in accordance with this subtitle; and
(5) to authorize the appropriation of amounts necessary for the implementation of the Pechanga Settlement Agreement and this subtitle.

Sec. 3403. [Definitions.] In this subtitle:
(1) Adjudication court.-- The term "Adjudication Court" means the United States District Court for the Southern District of California, which exercises continuing jurisdiction over the Adjudication Proceeding.
(2) Adjudication proceeding.-- The term "Adjudication Proceeding" means litigation initiated by the United States regarding relative water rights in the Santa Margarita River Watershed in United States v. Fallbrook Public Utility District et al., Civ. No. 3:51-cv-01247 (S.D.C.A.), including any litigation initiated to interpret or enforce the relative water rights in the Santa Margarita River Watershed pursuant to the continuing jurisdiction of the Adjudication Court over the Fallbrook Decree.
(3) Allottee.-- The term "Allottee" means an individual who holds a beneficial real property interest in an Indian allotment that is--
(A) located within the Reservation; and
(B) held in trust by the United States.
(4) Band.-- The term "Band" means Pechanga Band of Luiseno Mission Indians, a federally recognized sovereign Indian tribe that functions as a custom and tradition Indian tribe, acting on behalf of itself and its members, but not acting on behalf of members in their capacities as Allottees.
(5) Claims.-- The term "claims" means rights, claims, demands, actions, compensation, or causes of action, whether known or unknown.

(6) EMWD.--The term “EMWD" means Eastern Municipal Water District, a municipal water district organized and existing in accordance with the Municipal Water District Law of 1911, Division 20 of the Water Code of the State of California, as amended.
(7) EMWD connection fee.--The term “EMWD Connection Fee" has the meaning set forth in the Extension of Service Area Agreement.
(8) Enforceability date.--The term “enforceability date" means the date on which the Secretary publishes in the Federal Register the statement of findings described in section 3407(e).
(9) ESAA capacity agreement.--The term “ESAA Capacity Agreement" means the “ESAA Capacity Agreement", among the Band, RCWD, and the United States.
(10) ESAA water.--The term “ESAA Water" means imported potable water that the Band receives from EMWD and MWD pursuant to the Extension of Service Area Agreement and delivered by RCWD pursuant to the ESAA Water Delivery Agreement.
(11) ESAA water delivery agreement.--The term “ESAA Water Delivery Agreement" means the agreement among EMWD, RCWD, and the Band, establishing the terms and conditions of water service to the Band.
(12) Extension of service area agreement.--The term “Extension of Service Area Agreement" means the “Extension of Service Area Agreement", among the Band, EMWD, and MWD, for the provision of water service by EMWD to a designated portion of the Reservation using water supplied by MWD.
(13) Fallbrook decree.--

(A) In general.--The term “Fallbrook Decree" means the “Modified Final Judgment and Decree", entered in the Adjudication Proceeding on April 6, 1966.
(B) Inclusions.--The term “Fallbrook Decree" includes all court orders, interlocutory judgments, and decisions supplemental to the “Modified Final Judgment And Decree", including Interlocutory Judgment No. 30, Interlocutory Judgment No. 35, and Interlocutory Judgment No. 41.

(14) Fund.--The term “Fund" means the Pechanga Settlement Fund established by section 3409.
(15) Indian tribe.--The term “Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).
(16) Injury to water rights.--The term “injury to water rights" means an interference with, diminution of, or deprivation of water rights under Federal or State law.
(17) Interim capacity.--The term “Interim Capacity" has the meaning set forth in the ESAA Capacity Agreement.
(18) Interim capacity notice.--The term “Interim Capacity Notice" has the meaning set forth in the ESAA Capacity Agreement.
(19) Interlocutory judgment no. 41.--The term “Interlocutory Judgment No. 41" means Interlocutory Judgment No.41 issued in the Adjudication Proceeding on November 8, 1962, including all court orders, judgments, and decisions supplemental to that interlocutory judgment.
(20) MWD.--The term “MWD" means the Metropolitan Water District of Southern California, a metropolitan water district organized and incorporated under the Metropolitan Water District Act of the State of California (Stats. 1969, Chapter 209, as amended).
(21) MWD connection fee.--The term “MWD Connection Fee" has the meaning set forth in the Extension of Service Area Agreement.

(22) Pechanga ESAA Delivery Capacity Account.--The term “Pechanga ESAA Delivery Capacity account" means the account established by section 3409(c)(2).
(23) Pechanga recycled water infrastructure account.--The term “Pechanga Recycled Water Infrastructure account" means the account established by section 3409(c)(1).
(24) Pechanga settlement agreement.--The term “Pechanga Settlement Agreement" means the Pechanga Settlement Agreement, dated April 8, 2016, together with the exhibits to that agreement, entered into by the Band, the United States on behalf of the Band, its members and Allottees, MWD, EMWD, and RCWD, including--

(A) the Extension of Service Area Agreement;
(B) the ESAA Capacity Agreement; and
(C) the ESAA Water Delivery Agreement.

(25) Pechanga water code.--The term “Pechanga Water Code" means a water code to be adopted by the Band in accordance with section 3405(f).
(26) Pechanga water fund account.--The term “Pechanga Water Fund account" means the account established by section 3409(c)(3).
(27) Pechanga water quality account.--The term “Pechanga Water Quality account" means the account established by section 3409(c)(4).
(28) Permanent capacity.--The term “Permanent Capacity" has the meaning set forth in the ESAA Capacity Agreement.
(29) Permanent capacity notice.--The term “Permanent Capacity Notice" has the meaning set forth in the ESAA Capacity Agreement.
(30) RCWD.--

(A) In general.--The term “RCWD" means the Rancho California Water District organized pursuant to section 34000 et seq. of the California Water Code.
(B) Inclusions.--The term “RCWD" includes all real property owners for whom RCWD acts as an agent pursuant to an agency agreement.

(31) Recycled water infrastructure agreement.--The term “Rcycled Water Infrastructure Agreement" means the “Recycled Water Infrastructure Agreement" among the Band, RCWD, and the United States.
(32) Recycled water transfer agreement.--The term “Recycled Water Transfer Agreement" means the ‘Recycled Water Transfer Agreement" between the Band and RCWD.
(33) Reservation.--

(A) In general.--The term “Reservation" means the land depicted on the map attached to the Pechanga Settlement Agreement as Exhibit I.
(B) Applicability of term.--The term “Reservation" shall be used solely for the purposes of the Pechanga Settlement Agreement, this subtitle, and any judgment or decree issued by the Adjudication Court approving the Pechanga Settlement Agreement.

(34) Santa margarita river watershed.--The term “Santa Margarita River Watershed" means the watershed that is the subject of the Adjudication Proceeding and the Fallbrook Decree.
(35) Secretary.--The term “Secretary" means the Secretary of the Interior.
(36) State.--The term “State" means the State of California.
(37) Storage pond.--The term ``Storage Pond" has the meaning set forth in the Recycled Water Infrastructure Agreement.

(38) Tribal water right.--The term ``Tribal Water Right'' means the water rights ratified, confirmed, and declared to be valid for the benefit of the Band and Allottees, as set forth and described in section 3405.

Sec. 3404. [Approval of the Pechanga Settlement Agreement.]

(a) Ratification of Pechanga Settlement Agreement.--

(1) In general.-- Except as modified by this subtitle, and to the extent that the Pechanga Settlement Agreement does not conflict with this subtitle, the Pechanga Settlement Agreement is authorized, ratified, and confirmed.

(2) Amendments.-- Any amendment to the Pechanga Settlement Agreement is authorized, ratified, and confirmed, to the extent that the amendment is executed to make the Pechanga Settlement Agreement consistent with this subtitle.

(b) Execution of Pechanga Settlement Agreement.--

(1) In general.-- To the extent that the Pechanga Settlement Agreement does not conflict with this subtitle, the Secretary is directed to and promptly shall execute--

(A) the Pechanga Settlement Agreement (including any exhibit to the Pechanga Settlement Agreement requiring the signature of the Secretary); and

(B) any amendment to the Pechanga Settlement Agreement necessary to make the Pechanga Settlement Agreement consistent with this subtitle.

(2) Modifications.--Nothing in this subtitle precludes the Secretary from approving modifications to exhibits to the Pechanga Settlement Agreement not inconsistent with this subtitle, to the extent those modifications do not otherwise require congressional approval pursuant to section 2116 of the Revised Statutes (25 U.S.C. 177) or other applicable Federal law.

(c) Environmental Compliance.--

(1) In general.-- In implementing the Pechanga Settlement Agreement, the Secretary shall promptly comply with all applicable requirements of--

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

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) all other applicable Federal environmental laws; and

(D) all regulations promulgated under the laws described in subparagraphs (A) through (C).

(2) Execution of the Pechanga Settlement Agreement.--

(A) In general.--Execution of the Pechanga Settlement Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) Compliance.-- The Secretary is directed to carry out all Federal compliance necessary to implement the Pechanga Settlement Agreement.

(3) Lead agency.-- The Bureau of Reclamation shall be designated as the lead agency with respect to environmental compliance.

Sec. 3405. [Tribal Water Right.]

(a) Intent of Congress.-- It is the intent of Congress to provide to each Allottee benefits that are equal to or exceed the benefits Allottees possess as of the date of enactment of this Act, taking into consideration--

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Pechanga Settlement Agreement and this subtitle;

(2) the availability of funding under this subtitle;

(3) the availability of water from the Tribal Water Right and other water sources as set forth in the Pechanga Settlement Agreement; and

(4) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), and this subtitle to protect the interests of Allottees.

(b) Confirmation of Tribal Water Right.--

(1) In general.-- A Tribal Water Right of up to 4,994 acre-feet of water per year that, under natural conditions, is physically available on the Reservation is confirmed in accordance with the Findings of Fact and Conclusions of Law set forth in Interlocutory Judgment No. 41, as affirmed by the Fallbrook Decree.

(2) Use.-- Subject to the terms of the Pechanga Settlement Agreement, this subtitle, the Fallbrook Decree, and applicable Federal law, the Band may use the Tribal Water Right for any purpose on the Reservation.

(c) Holding in Trust.-- The Tribal Water Right, as set forth in subsection (b), shall--

(1) be held in trust by the United States on behalf of the Band and the Allottees in accordance with this section;

(2) include the priority dates described in Interlocutory Judgment No. 41, as affirmed by the Fallbrook Decree; and

(3) not be subject to forfeiture or abandonment.

(d) Allottees.--

(1) Applicability of act of February 8, 1887.--The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes shall apply to the Tribal Water Right.

(2) Entitlement to water.-- Any entitlement to water of an Allottee under Federal law shall be satisfied from the Tribal Water Right.

(3) Allocations.-- Allotted land located within the exterior boundaries of the Reservation shall be entitled to a just and equitable allocation of water for irrigation and domestic purposes from the Tribal Water Right.

(4) Exhaustion of remedies.--Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an Allottee shall exhaust remedies available under the Pechanga Water Code or other applicable tribal law.

(5) Claims.--Following exhaustion of remedies available under the Pechanga Water Code or other applicable tribal law, an Allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law.

(6) Authority.-- The Secretary shall have the authority to protect the rights of Allottees as specified in this section.

(e) Authority of Band.--

(1) In general.-- Except as provided in paragraph (2), the Band shall have authority to use, allocate, distribute, and lease the Tribal Water Right on the Reservation in accordance with--

(A) the Pechanga Settlement Agreement; and

(B) applicable Federal law.

(2) Leases by allottees.--

(A) In general.-- An Allottee may lease any interest in land held by the Allottee, together with any water right determined to be appurtenant to that interest in land.

(B) Water right appurtenant.-- Any water right determined to be appurtenant to an interest in land leased by an Allottee shall be used on such land on the Reservation.

(f) Pechanga Water Code.--

(1) In general.-- Not later than 18 months after the enforceability date, the Band shall enact a Pechanga Water Code, that provides for--

(A) the management, regulation, and governance of all uses of the Tribal Water Right in accordance with the Pechanga Settlement Agreement; and

(B) establishment by the Band of conditions, permit requirements, and other limitations relating to the storage, recovery, and use of the Tribal Water Right in accordance with the Pechanga Settlement Agreement.

(2) Inclusions.-- Subject to the approval of the Secretary, the Pechanga Water Code shall provide--

(A) that allocations of water to Allottees shall be satisfied with water from the Tribal Water Right;

(B) that charges for delivery of water for irrigation purposes for Allottees shall be assessed on a just and equitable basis;

(C) a process by which an Allottee may request that the Band provide water for irrigation or domestic purposes in accordance with this subtitle;

(D) a due process system for the consideration and determination by the Band of any request by an Allottee (or any successor in interest to an Allottee) for an allocation of such water for irrigation or domestic purposes on allotted land, including a process for--

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision; and

(E) a requirement that any Allottee with a claim relating to the enforcement of rights of the Allottee under the Pechanga Water Code or relating to the amount of water allocated to land of the Allottee must first exhaust remedies available to the Allottee under tribal law and the Pechanga Water Code before initiating an action against the

(3) Action by secretary.--

(A) In general.--The Secretary shall administer the Tribal Water Right until the Pechanga Water Code is enacted and approved under this section.

(B) Approval.--Any provision of the Pechanga Water Code and any amendment to the Pechanga Water Code that affects the rights of Allottees--

(i) shall be subject to the approval of the Secretary; and

(ii) shall not be valid until approved by the Secretary.

(C) Approval period.--The Secretary shall approve or disapprove the Pechanga Water Code within a reasonable period of time after the date on which the Band submits the Pechanga Water Code to the Secretary for approval.

(g) Effect.-- Except as otherwise specifically provided in this section, nothing in this subtitle--

(1) authorizes any action by an Allottee against any individual or entity, or against the Band, under Federal, State, tribal, or local law; or

(2) alters or affects the status of any action pursuant to section 1491(a) of title 28, United States Code.

Sec. 3406. [Satisfaction of Claims.]

(a) In General.-- The benefits provided to the Band under the Pechanga Settlement Agreement and this subtitle shall be in complete replacement of, complete substitution for, and full

satisfaction of all claims of the Band against the United States that are waived and released pursuant to section 3407.

(b) Allottee Claims.--The benefits realized by the Allottees under this subtitle shall be in complete replacement of, complete substitution for, and full satisfaction of--

(1) all claims that are waived and released pursuant to section 3407; and

(2) any claims of the Allottees against the United States that the Allottees have or could have asserted that are similar in nature to any claim described in section 3407.

(c) No Recognition of Water Rights.-- Except as provided in section 3405(d), nothing in this subtitle recognizes or establishes any right of a member of the Band or an Allottee to water within the Reservation.

(d) Claims Relating to Development of Water for Reservation.--

(1) In general.— The amounts authorized to be appropriated pursuant to section 3411 shall be used to satisfy any claim of the Allottees against the United States with respect to the development or protection of water resources for the Reservation.

(2) Satisfaction of claims.-- Upon the complete appropriation of amounts authorized pursuant to section 3411, any claim of the Allottees against the United States with respect to the development or protection of water resources for the Reservation shall be deemed to have been satisfied.

Sec. 3407. [Waiver of Claims.]

(a) In General.--

(1) Waiver of claims by the band and the united states acting in its capacity as trustee for the band.--

(A) In general.--Subject to the retention of rights set forth in subsection (c), in return for recognition of the Tribal Water Right and other benefits as set forth in the Pechanga Settlement Agreement and this subtitle, the Band, and the United States, acting as trustee for the Band, are authorized and directed to execute a waiver and release of all claims for water rights within the Santa Margarita River Watershed that the Band, or the United States acting as trustee for the Band, asserted or could have asserted in any proceeding, including the Adjudication Proceeding, except to the extent that such rights are recognized in the Pechanga Settlement Agreement and this subtitle.

(B) Claims against rcwd.--Subject to the retention of rights set forth in subsection (c) and notwithstanding any provisions to the contrary in the Pechanga Settlement Agreement, the Band and the United States, on behalf of the Band and Allottees, fully release, acquit, and discharge RCWD from--

(i) claims for injuries to water rights in the Santa Margarita River Watershed for land located within the Reservation arising or occurring at any time up to and including June 30, 2009;

(ii) claims for injuries to water rights in the Santa Margarita River Watershed for land located within the Reservation arising or occurring at any time after June 30, 2009, resulting from the diversion or use of water in a manner not in violation of the Pechanga Settlement Agreement or this subtitle;

(iii) claims for subsidence damage to land located within the Reservation arising or occurring at any time up to and including June 30, 2009;

(iv) claims for subsidence damage arising or occurring after June 30, 2009, to land located within the Reservation resulting from the diversion of

underground water in a manner consistent with the Pechanga Settlement Agreement or this subtitle; and

(v) claims arising out of, or relating in any manner to, the negotiation or execution of the Pechanga Settlement Agreement or the negotiation or execution of this subtitle.

(2) Claims by the united states acting in its capacity as trustee for allottees.--Subject to the retention of claims set forth in subsection (c), in return for recognition of the Tribal Water Right and other benefits as set forth in the Pechanga Settlement Agreement and this subtitle, the United States, acting as trustee for Allottees, is authorized and directed to execute a waiver and release of all claims for water rights within the Santa Margarita River Watershed that the United States, acting as trustee for the Allottees, asserted or could have asserted in any proceeding, including the Adjudication Proceeding, except to the extent such rights are recognized in the Pechanga Settlement Agreement and this subtitle.

(3) Claims by the band against the united states.--Subject to the retention of rights set forth in subsection (c), the Band, is authorized to execute a waiver and release of--

(A) all claims against the United States (including the agencies and employees of the United States) relating to claims for water rights in, or water of, the Santa Margarita River Watershed that the United States, acting in its capacity as trustee for the Band, asserted, or could have asserted, in any proceeding, including the Adjudication Proceeding, except to the extent that those rights are recognized in the Pechanga Settlement Agreement and this subtitle;

(B) all claims against the United States (including the agencies and employees of the United States) relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) in the Santa Margarita River Watershed that first accrued at any time up to and including the enforceability date;

(C) all claims against the United States (including the agencies and employees of the United States) relating to the pending litigation of claims relating to the water rights of the Band in the Adjudication Proceeding; and

(D) all claims against the United States (including the agencies and employees of the United States) relating to the negotiation or execution of the Pechanga Settlement Agreement or the negotiation or execution of this subtitle.

(b) Effectiveness of Waivers and Releases.--The waivers under subsection (a) shall take effect on the enforceability date.

(c) Reservation of Rights and Retention of Claims.--Notwithstanding the waivers and releases authorized in this subtitle, the Band, on behalf of itself and the members of the Band, and the United States, acting in its capacity as trustee for the Band and Allottees, retain--

(1) all claims for enforcement of the Pechanga Settlement Agreement and this subtitle;

(2) all claims against any person or entity other than the United States and RCWD, including claims for monetary damages;

(3) all claims for water rights that are outside the jurisdiction of the Adjudication Court;

(4) all rights to use and protect water rights acquired on or after the enforceability date; and

(5) all remedies, privileges, immunities, powers, and claims, including claims for water rights, not specifically waived and released pursuant to this subtitle and the Pechanga Settlement Agreement.

(d) Effect of Pechanga Settlement Agreement and Act.--Nothing in the Pechanga Settlement Agreement or this subtitle--

(1) affects the ability of the United States, acting as a sovereign, to take actions authorized by law, including any laws relating to health, safety, or the environment, including--

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(2) affects the ability of the United States to take actions acting as trustee for any other Indian tribe or an Allottee of any other Indian tribe;

(3) confers jurisdiction on any State court--

(A) to interpret Federal law regarding health, safety, or the environment;

(B) to determine the duties of the United States or other parties pursuant to Federal law regarding health, safety, or the environment; or

(C) to conduct judicial review of Federal agency action;

(4) waives any claim of a member of the Band in an individual capacity that does not derive from a right of the Band;

(5) limits any funding that RCWD would otherwise be authorized to receive under any Federal law, including, the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) as that Act applies to permanent facilities for water recycling, demineralization, and desalination, and distribution of nonpotable water supplies in Southern Riverside County, California;

(6) characterizes any amounts received by RCWD under the Pechanga Settlement Agreement or this subtitle as Federal for purposes of section 1649 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-32); or

(7) affects the requirement of any party to the Pechanga Settlement Agreement or any of the exhibits to the Pechanga Settlement Agreement to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the California Environmental Quality Act (Cal. Pub. Res. Code 21000 et seq.) prior to performing the respective obligations of that party under the Pechanga Settlement Agreement or any of the exhibits to the Pechanga Settlement Agreement.

(e) Enforceability Date.--The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that--

(1) the Adjudication Court has approved and entered a judgment and decree approving the Pechanga Settlement Agreement in substantially the same form as Appendix 2 to the Pechanga Settlement Agreement;

(2) all amounts authorized by this subtitle have been deposited in the Fund;

(3) the waivers and releases authorized in subsection (a) have been executed by the Band and the Secretary;

(4) the Extension of Service Area Agreement--

(A) has been approved and executed by all the parties to the Extension of Service Area Agreement; and

(B) is effective and enforceable in accordance with the terms of the Extension of Service Area Agreement; and

(5) the ESAA Water Delivery Agreement--

(A) has been approved and executed by all the parties to the ESAA Water Delivery Agreement;

(B) is effective and enforceable in accordance with the terms of the ESAA Water Delivery Agreement.

(f) Tolling of Claims.--

(1) In general.-- Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of--

(A) April 30, 2030, or such alternate date after April 30, 2030, as is agreed to by the Band and the Secretary; or

(B) the enforceability date.

(2) Effects of subsection.-- Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) Limitation.-- Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(g) Termination.--

(1) In general.--If all of the amounts authorized to be appropriated to the Secretary pursuant to this subtitle have not been made available to the Secretary by April 30, 2030--

(A) the waivers authorized by this section shall expire and have no force or effect; and

(B) all statutes of limitations applicable to any claim otherwise waived under this section shall be tolled until April 30, 2030.

(2) Voiding of waivers.--If a waiver authorized by this section is void under paragraph (1)-

(A) the approval of the United States of the Pechanga Settlement Agreement under section 3404 shall be void and have no further force or effect;

(B) any unexpended Federal amounts appropriated or made available to carry out this subtitle, together with any interest earned on those amounts, and any water rights or contracts to use water and title to other property acquired or constructed with Federal amounts appropriated or made available to carry out this subtitle shall be returned to the Federal Government, unless otherwise agreed to by the Band and the United States and approved by Congress; and

(C) except for Federal amounts used to acquire or develop property that is returned to the Federal Government under subparagraph (B), the United States shall be entitled to set off any Federal amounts appropriated or made available to carry out this subtitle that were expended or withdrawn, together with any interest accrued, against any claims against the United States relating to water rights asserted by the Band or Allottees in any future settlement of the water rights of the Band or Allottees.

Sec. 3408. [Water Facilities.]

(a) In General.--The Secretary shall, subject to the availability of appropriations, using amounts from the designated accounts of the Fund, provide the amounts necessary to fulfill the

obligations of the Band under the Recycled Water Infrastructure Agreement and the ESAA Capacity Agreement, in an amount not to exceed the amounts deposited in the designated accounts for such purposes plus any interest accrued on such amounts from the date of deposit in the Fund to the date of disbursement from the Fund, in accordance with this subtitle and the terms and conditions of those agreements.

(b) Nonreimbursability of Costs.--All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(c) Recycled Water Infrastructure.--

(1) In general.--The Secretary shall, using amounts from the Pechanga Recycled Water Infrastructure account, provide amounts for the Storage Pond in accordance with this section.

(2) Storage pond.--

(A) In general.--The Secretary shall, subject to the availability of appropriations, using amounts from the Pechanga Recycled Water Infrastructure account provide the amounts necessary for a Storage Pond in accordance with the Recycled Water Infrastructure Agreement, in an amount not to exceed $2,656,374.

(B) Procedure.--The procedure for the Secretary to provide amounts pursuant to this section shall be as set forth in the Recycled Water Infrastructure Agreement.

(C) Liability.--The United States shall have no responsibility or liability for the Storage Pond.

(d) ESAA Delivery Capacity.--

(1) In general.-- The Secretary shall, using amounts from the Pechanga ESAA Delivery Capacity account, provide amounts for Interim Capacity and Permanent Capacity in accordance with this section.

(2) Interim capacity.--

(A) In general.-- The Secretary shall, subject to the availability of appropriations, using amounts from the ESAA Delivery Capacity account, provide amounts necessary for the provision of Interim Capacity in accordance with the ESAA Capacity Agreement in an amount not to exceed $1,000,000.

(B) Procedure.-- The procedure for the Secretary to provide amounts pursuant to this section shall be as set forth in the ESAA Capacity Agreement.

(C) Liability.-- The United States shall have no responsibility or liability for the Interim Capacity to be provided by RCWD or by the Band.

(D) Transfer to band.-- If RCWD does not provide the Interim Capacity Notice required pursuant to the ESAA Capacity Agreement by the date that is 60 days after the date required under the ESAA Capacity Agreement, the amounts in the Pechanga ESAA Delivery Capacity account for purposes of the provision of Interim Capacity and Permanent Capacity, including any interest that has accrued on those amounts, shall be available for use by the Band to provide alternative interim capacity in a manner that is similar to the Interim Capacity and Permanent Capacity that the Band would have received had RCWD provided such Interim Capacity and Permanent Capacity.

(3) Permanent capacity.--

(A) In general.— The Secretary shall, subject to the availability of appropriations, using amounts from the ESAA Delivery Capacity account, provide amounts

necessary for the provision of Permanent Capacity in accordance with the ESAA Capacity Agreement.

(B) Procedure.--The procedure for the Secretary to provide funds pursuant to this section shall be as set forth in the ESAA Capacity Agreement.

(C) Liability.--The United States shall have no responsibility or liability for the Permanent Capacity to be provided by RCWD or by the Band.

(D) Transfer to band.--If RCWD does not provide the Permanent Capacity Notice required pursuant to the ESAA Capacity Agreement by the date that is 5 years after the enforceability date, the amounts in the Pechanga ESAA Delivery Capacity account for purposes of the provision of Permanent Capacity, including any interest that has accrued on those amounts, shall be available for use by the Band to provide alternative Permanent Capacity in a manner that is similar to the Permanent Capacity that the Band would have received had RCWD provided such Permanent Capacity.

Sec. 3409. [Pechanga Settlement Fund.]

(a) Establishment.-- There is established in the Treasury of the United States a fund to be known as the “Pechanga Settlement Fund", to be managed, invested, and distributed by the Secretary and to be available until expended, and, together with any interest earned on those amounts, to be used solely for the purpose of carrying out this subtitle.

(b) Transfers to Fund.-- The Fund shall consist of such amounts as are deposited in the Fund under section 3411(a) of this subtitle, together with any interest earned on those amounts, which shall be available in accordance with subsection (e).

(c) Accounts of Pechanga Settlement Fund.--The Secretary shall establish in the Fund the following accounts:

(1) Pechanga Recycled Water Infrastructure account, consisting of amounts authorized pursuant to section 3411(a)(1).

(2) Pechanga ESAA Delivery Capacity account, consisting of amounts authorized pursuant to section 3411(a)(2).

(3) Pechanga Water Fund account, consisting of amounts authorized pursuant to section 3411(a)(3).

(4) Pechanga Water Quality account, consisting of amounts authorized pursuant to section 3411(a)(4).

(d) Management of Fund.-- The Secretary shall manage, invest, and distribute all amounts in the Fund in a manner that is consistent with the investment authority of the Secretary under--

(1) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(2) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(3) this section.

(e) Availability of Amounts.-- Amounts appropriated to, and deposited in, the Fund, including any investment earnings accrued from the date of deposit in the Fund through the date of disbursement from the Fund, shall be made available to the Band by the Secretary beginning on the enforceability date.

(f) Withdrawals by Band Pursuant to the American Indian Trust Fund Management Reform Act.-

(1) In general.--The Band may withdraw all or part of the amounts in the Fund on approval by the Secretary of a tribal management plan submitted by the Band in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) Requirements.--

(A) In general.—I n addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan under paragraph (1) shall require that the Band shall spend all amounts withdrawn from the Fund in accordance with this subtitle.

(B) Enforcement.-- The Secretary may carry out such judicial or administrative actions as the Secretary determines to be necessary to enforce the tribal management plan to ensure that amounts withdrawn by the Band from the Fund under this subsection are used in accordance with this subtitle.

(g) Withdrawals by Band Pursuant to an Expenditure Plan.--

(1) In general.-- The Band may submit an expenditure plan for approval by the Secretary requesting that all or part of the amounts in the Fund be disbursed in accordance with the plan.

(2) Requirements.-- The expenditure plan under paragraph (1) shall include a description of the manner and purpose for which the amounts proposed to be disbursed from the Fund will be used, in accordance with subsection (h).

(3) Approval.-- If the Secretary determines that an expenditure plan submitted under this subsection is consistent with the purposes of this subtitle, the Secretary shall approve the plan.

(4) Enforcement.-- The Secretary may carry out such judicial or administrative actions as the Secretary determines necessary to enforce an expenditure plan to ensure that amounts disbursed under this subsection are used in accordance with this subtitle.

(h) Uses.-- Amounts from the Fund shall be used by the Band for the following purposes:

(1) Pechanga recycled water infrastructure account.--The Pechanga Recycled Water Infrastructure account shall be used for expenditures by the Band in accordance with section 3408(c).

(2) Pechanga ESAA Delivery Capacity Account.--The Pechanga ESAA Delivery Capacity account shall be used for expenditures by the Band in accordance with section 3408(d).

(3) Pechanga water fund account.--The Pechanga Water Fund account shall be used for--

(A) payment of the EMWD Connection Fee;

(B) payment of the MWD Connection Fee; and

(C) any expenses, charges, or fees incurred by the Band in connection with the delivery or use of water pursuant to the Pechanga Settlement Agreement.

(4) Pechanga water quality account.--The Pechanga Water Quality account shall be used by the Band to fund groundwater desalination activities within the Wolf Valley Basin.

(i) Liability.-- The Secretary and the Secretary of the Treasury shall not be liable for the expenditure of, or the investment of any amounts withdrawn from, the Fund by the Band under subsection (f) or (g).

(j) No Per Capita Distributions.--No portion of the Fund shall be distributed on a per capita basis to any member of the Band.

Sec. 3410. [Miscellaneous Provisions.]

(a) Waiver of Sovereign Immunity by the United States.--Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this subtitle waives the sovereign immunity of the United States.

(b) Other Tribes Not Adversely Affected.--Nothing in this subtitle quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian tribe, band, or community other than the Band.

(c) Limitation on Claims for Reimbursement.--With respect to Indian land within the Reservation--

(1) the United States shall not submit against any Indian-owned land located within the Reservation any claim for reimbursement of the cost to the United States of carrying out this subtitle and the Pechanga Settlement Agreement; and

(2) no assessment of any Indian-owned land located within the Reservation shall be made regarding that cost.

(d) Effect on Current Law.--Nothing in this section affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to pre-enforcement review of any Federal environmental enforcement action.

Sec. 3411. [Authorization of Appropriations.]-- (a) Authorization of Appropriations.--

(1) Pechanga recycled water infrastructure account.-- There is authorized to be appropriated $2,656,374, for deposit in the Pechanga Recycled Water Infrastructure account, to carry out the activities described in section 3408(c).

(2) Pechanga esaa delivery capacity account.-- There is authorized to be appropriated $17,900,000, for deposit in the Pechanga ESAA Delivery Capacity account, which amount shall be adjusted for changes in construction costs since June 30, 2009, as is indicated by ENR Construction Cost Index, 20-City Average, as applicable to the types of construction required for the Band to provide the infrastructure necessary for the Band to provide the Interim Capacity and Permanent Capacity in the event that RCWD elects not to provide the Interim Capacity or Permanent Capacity as set forth in the ESAA Capacity Agreement and contemplated in sections 3408(d)(2)(D) and 3408(d)(3)(D) of this subtitle, with such adjustment ending on the date on which funds authorized to be appropriated under this section have been deposited in the Fund.

(3) Pechanga water fund account.-- There is authorized to be appropriated $5,483,653, for deposit in the Pechanga Water Fund account, which amount shall be adjusted for changes in appropriate cost indices since June 30, 2009, with such adjustment ending on the date of deposit in the Fund, for the purposes set forth in section 3409(h)(3).

(4) Pechanga water quality account.-- There is authorized to be appropriated $2,460,000, for deposit in the Pechanga Water Quality account, which amount shall be adjusted for changes in appropriate cost indices since June 30, 2009, with such adjustment ending on the date of deposit in the Fund, for the purposes set forth in section 3409(h)(4).

Sec. 3412. [Expiration of Failure of Enforceability Date.]-- If the Secretary does not publish a statement of findings under section 3407(e) by April 30, 2021, or such alternative later date as is agreed to by the Band and the Secretary, as applicable--

(1) this subtitle expires on the later of May 1, 2021, or the day after the alternative date agreed to by the Band and the Secretary;

(2) any action taken by the Secretary and any contract or agreement pursuant to the authority provided under any provision of this subtitle shall be void;

(3) any amounts appropriated under section 3411, together with any interest on those amounts, shall immediately revert to the general fund of the Treasury; and

(4) any amounts made available under section 3411 that remain unexpended shall immediately revert to the general fund of the Treasury.

Sec. 3413. [Antideficiency.]

(a) In General.-- Notwithstanding any authorization of appropriations to carry out this subtitle, the expenditure or advance of any funds, and the performance of any obligation by the

Department in any capacity, pursuant to this subtitle shall be contingent on the appropriation of funds for that expenditure, advance, or performance.
(b) Liability.-- The Department of the Interior shall not be liable for the failure to carry out any obligation or activity authorized by this subtitle if adequate appropriations are not provided to carry out this subtitle.

* * * * *

Subtitle F--Miscellaneous Provisions

Sec 3601. [Bureau of Reclamation Dakotas Area Office Permit Fees for Cabins and Trailers.]-- During the period ending 5 years after the date of enactment of this Act, the Secretary of the Interior shall not increase the permit fee for a cabin or trailer on land in the State of North Dakota administered by the Dakotas Area Office of the Bureau of Reclamation by more than 33 percent of the permit fee that was in effect on January 1, 2016.

Sec. 3602. [Use of Trailer Homes at Heart Butte Dam and Reservoir (Lake Tschida).]

(a) Definitions.--In this section:

(1) Addition.--The term “addition" means any enclosed structure added onto the structure of a trailer home that increases the living area of the trailer home.

(2) Camper or recreational vehicle.--The term “camper or recreational vehicle" includes--

(A) a camper, motorhome, trailer camper, bumper hitch camper, fifth wheel camper, or equivalent mobile shelter; and

(B) a recreational vehicle.

(3) Immediate family.--The term “immediate family" means a spouse, grandparent, parent, sibling, child, or grandchild.

(4) Permit.--The term “permit" means a permit issued by the Secretary authorizing the use of a lot in a trailer area.

(5) Permit year.--The term “permit year" means the period beginning on April 1 of a calendar year and ending on March 31 of the following calendar year.

(6) Permittee.--The term “permittee" means a person holding a permit.

(7) Secretary.--The term “Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) Trailer area.--The term “trailer area" means any of the following areas at Heart Butte Dam and Reservoir (Lake Tschida) (as described in the document of the Bureau of Reclamation entitled “Heart Butte Reservoir Resource Management Plan" (March 2008)):

(A) Trailer Area 1 and 2, also known as Management Unit 034.

(B) Southside Trailer Area, also known as Management Unit 014.

(9) Trailer home.--The term “trailer home" means a dwelling placed on a supporting frame that--

(A) has or had a tow-hitch; and

(B) is made mobile, or is capable of being made mobile, by an axle and wheels.

(b) Permit Renewal and Permitted Use.--

(1) In general.--The Secretary shall use the same permit renewal process for trailer area permits as the Secretary uses for other permit renewals in other reservoirs in the State of North Dakota administered by the Dakotas Area Office of the Bureau of Reclamation.

(2) Trailer homes.--With respect to a trailer home, a permit for each permit year shall authorize the permittee--

(A) to park the trailer home on the lot;

(B) to use the trailer home on the lot;

(C) to physically move the trailer home on and off the lot; and

(D) to leave on the lot any addition, deck, porch, entryway, step to the trailer home, propane tank, or storage shed.

(3) Campers or recreational vehicles.--With respect to a camper or recreational vehicle, a permit shall, for each permit year--

(A) from April 1 to October 31, authorize the permittee—

(i) to park the camper or recreational vehicle on the lot;

(ii) to use the camper or recreational vehicle on the lot; and

(iii) to move the camper or recreational vehicle on and off the lot; and

(B) from November 1 to March 31, require a permittee to remove the camper or recreational vehicle from the lot.

(c) Removal.--

(1) In general.-- The Secretary may require removal of a trailer home from a lot in a trailer area if the trailer home is flooded after the date of enactment of this Act.

(2) Removal and new use.-- If the Secretary requires removal of a trailer home under paragraph (1), on request by the permittee, the Secretary shall authorize the permittee-

(A) to replace the trailer home on the lot with a camper or recreational vehicle in accordance with this section; or

(B) to place a trailer home on the lot from April 1 to October 31.

(d) Transfer of Permits.--

(1) Transfer of trailer home title.-- If a permittee transfers title to a trailer home permitted on a lot in a trailer area, the Secretary shall issue a permit to the transferee, under the same terms as the permit applicable on the date of transfer, subject to the conditions described in paragraph (3).

(2) Transfer of camper or recreational vehicle title.-- If a permittee who has a permit to use a camper or recreational vehicle on a lot in a trailer area transfers title to the interests of the permittee on or to the lot, the Secretary shall issue a permit to the transferee, subject to the conditions described in paragraph (3).

(3) Conditions.-- A permit issued by the Secretary under paragraph (1) or (2) shall be subject to the following conditions:

(A) A permit may not be held in the name of a corporation.

(B) A permittee may not have an interest in, or control of, more than 1 seasonal trailer home site in the Great Plains Region of the Bureau of Reclamation, inclusive of sites located on tracts permitted to organized groups on Reclamation reservoirs.

(C) Not more than 2 persons may be permittees under 1 permit, unless--

(i) approved by the Secretary; or

(ii) the additional persons are immediate family members of the permittees.

(e) Anchoring Requirements for Trailer Homes.-- The Secretary shall require compliance with appropriate anchoring requirements for each trailer home (including additions to the trailer home) and other objects on a lot in a trailer area, as determined by the Secretary, after consulting with permittees.

(f) Replacement, Removal, and Return.--

(1) Replacement.-- Permittees may replace their trailer home with another trailer home.

(2) Removal and return.-- Permittees may--

(A) remove their trailer home; and

(B) if the permittee removes their trailer home under subparagraph (A), return

the trailer home to the lot of the permittee.

(g) Liability; Taking.--

(1) Liability.-- The United States shall not be liable for flood damage to the personal property of a permittee or for damages arising out of any act, omission, or occurrence relating to a lot to which a permit applies, other than for damages caused by an act or omission of the United States or an employee, agent, or contractor of the United States before the date of enactment of this Act.

(2) Taking.-- Any temporary flooding or flood damage to the personal property of a permittee shall not be a taking by the United States.

Sec. 3603. [Lake Tahoe Restoration.]

(a) Findings and Purposes.--The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 2 and inserting the following:

"SEC. 2. FINDINGS AND PURPOSES.

"(a) Findings.--Congress finds that--

"(1) Lake Tahoe--

"(A) is one of the largest, deepest, and clearest lakes in the world;

"(B) has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and

"(C) is recognized nationally and worldwide as a natural resource of special significance;

"(2) in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is one of the outstanding recreational resources of the United States, which--

"(A) offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and

"(B) contributes significantly to the economies of California, Nevada, and the United States;

"(3) the economy in the Lake Tahoe Basin is dependent on the conservation and restoration of the natural beauty and recreation opportunities in the area;

"(4) the ecological health of the Lake Tahoe Basin continues to be challenged by the impacts of land use and transportation patterns developed in the last century;

"(5) the alteration of wetland, wet meadows, and stream zone habitat have compromised the capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;

"(6) forests in the Lake Tahoe Basin suffer from over a century of fire damage and periodic drought, which have resulted in--

"(A) high tree density and mortality;

"(B) the loss of biological diversity; and

"(C) a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;

"(7) the establishment of several aquatic and terrestrial invasive species (including perennial pepperweed, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;

"(8) there is an ongoing threat to the economy and ecosystem of the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as yellow starthistle, New Zealand mud snail, Zebra mussel, and quagga mussel);

"(9) 78 percent of the land in the Lake Tahoe Basin is administered by the Federal Government, which makes it a Federal responsibility to restore ecological health to the Lake Tahoe Basin;

"(10) the Federal Government has a long history of environmental stewardship at Lake Tahoe, including--

"(A) congressional consent to the establishment of the Planning Agency with-

"(i) the enactment in 1969 of Public Law 91-148 (83 Stat. 360); and

"(ii) the enactment in 1980 of Public Law 96-551 (94 Stat. 3233);

"(B) the establishment of the Lake Tahoe Basin Management Unit in 1973;

"(C) the enactment of Public Law 96-586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;

"(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108-108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346) to provide payments for the environmental restoration programs under this Act; and

"(E) the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346) to authorize development and implementation of a comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;

"(11) the Assistant Secretary was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

"(12) the Chief of Engineers, under direction from the Assistant Secretary, has continued to be a significant contributor to Lake Tahoe Basin restoration, including--

"(A) stream and wetland restoration; and

"(B) programmatic technical assistance;

"(13) at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by--

"(A) committing to increased Federal resources for ecological restoration at Lake Tahoe; and

"(B) establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;

"(14) at the 2011 and 2012 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Heller, Senator Ensign, Governor Gibbons, Governor Sandoval, and Governor Brown--

"(A) renewed their commitment to Lake Tahoe; and

"(B) expressed their desire to fund the Federal and State shares of the Environmental Improvement Program through 2022;

"(15) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than $1,955,500,000 to the Lake Tahoe Basin, including--

"(A) $635,400,000 from the Federal Government;
"(B) $758,600,000 from the State of California;
"(C) $123,700,000 from the State of Nevada;
"(D) $98,900,000 from units of local government; and
"(E) $338,900,000 from private interests;
"(16) significant additional investment from Federal, State, local, and private sources is necessary--
"(A) to restore and sustain the ecological health of the Lake Tahoe Basin;
"(B) to adapt to the impacts of fluctuating water temperature and precipitation; and
"(C) to prevent the introduction and establishment of invasive species in the Lake Tahoe Basin; and
"(17) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least $10,000,000 annually for the Fire Risk Reduction and Forest Management Program.
"(b) Purposes.--The purposes of this Act are--
"(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities in the Lake Tahoe Basin;
"(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin;
"(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and
"(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together--
"(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and
"(B) to provide objective information as a basis for ongoing decision-making, with an emphasis on decision-making relating to resource management in the Lake Tahoe Basin.".

(b) Definitions.--The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 3 and inserting the following:

"SEC. 3. DEFINITIONS.
"In this Act:
"(1) Administrator.--The term `Administrator' means the Administrator of the Environmental Protection Agency.
"(2) Assistant secretary.--The term `Assistant Secretary' means the Assistant Secretary of the Army for Civil Works.
"(3) Chair.--The term `Chair' means the Chair of the Federal Partnership.
"(4) Compact.--The term `Compact' means the Tahoe Regional Planning Compact included in the first section of Public Law 96-551 (94 Stat. 3233).
"(5) Directors.--The term `Directors' means--

"(A) the Director of the United States Fish and Wildlife Service; and
"(B) the Director of the United States Geological Survey.
"(6) Environmental improvement program.--The term `Environmental Improvement Program' means--
"(A) the Environmental Improvement Program adopted by the Planning Agency; and
"(B) any amendments to the Program.
"(7) Environmental threshold carrying capacity.--The term `environmental threshold carrying capacity' has the meaning given the term in Article II of the Compact.
"(8) Federal partnership.--The term `Federal Partnership' means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13057 (62 Fed. Reg. 41249) (or a successor Executive order).
"(9) Forest management activity.--The term `forest management activity' includes--
"(A) prescribed burning for ecosystem health and hazardous fuels reduction;
"(B) mechanical and minimum tool treatment; enhancements;
"(D) nonnative invasive species management; and
"(E) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.
"(10) Maps.--The term `Maps' means the maps--
"(A) entitled--
"(i) `LTRA USFS-CA Land Exchange/North Shore';
"(ii) `LTRA USFS-CA Land Exchange/West Shore'; and
"(iii) `LTRA USFS-CA Land Exchange/South Shore'; and
"(B) dated January 4, 2016, and on file and available for public inspection in the appropriate offices of--
"(i) the Forest Service;
"(ii) the California Tahoe Conservancy; and
"(iii) the California Department of Parks and Recreation.
"(11) National wildland fire code.--The term `national wildland fire code' means--
"(A) the most recent publication of the National Fire Protection Association codes numbered 1141, 1142, 1143, and 1144;
"(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or
"(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).
"(12) Planning agency.--The term `Planning Agency' means the Tahoe Regional Planning Agency established under Public Law 91-148 (83 Stat. 360) and Public Law 96-551 (94 Stat. 3233).
"(13) Priority list.--The term `Priority List' means the environmental restoration priority list developed under section 5(b).
"(14) Secretary.--The term `Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.
"(15) Stream environment zone.--The term `Stream Environment Zone' means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.

“(16) Total maximum daily load.--The term `total maximum daily load' means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).

“(17) Watercraft.--The term `watercraft' means motorized and non-motorized watercraft, including boats, seaplanes, personal watercraft, kayaks, and canoes.".

(c) Improved Administration of the Lake Tahoe Basin Management Unit.--Section 4 of the Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2353) is amended--

(1) in subsection (b)(3), by striking “basin" and inserting “Basin"; and

(2) by adding at the end the following:

“(c) Forest Management Activities.--

“(1) Coordination.--

“(A) In general.--In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.

“(B) Goals.--The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.

“(2) Multiple benefits.--

“(A) In general.--In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that--

“(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including--

“(I) reducing forest fuels;

“(II) maintaining biological diversity;

“(III) improving wetland and water quality, including in Stream Environment Zones; and

“(IV) increasing resilience to changing water temperature and precipitation; and

“(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

“(B) Exception.--Notwithstanding subparagraph (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a program in relation to the additional ecosystem benefits gained from the management activity.

“(3) Ground disturbance.--Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall-

“(A) establish post-program ground condition criteria for ground disturbance caused by forest management activities; and

“(B) provide for monitoring to ascertain the attainment of the post-program conditions.

"(4) Availability of categorical exclusion for certain forest management projects.—A forest management activity conducted in the Lake Tahoe Basin Management Unit for the purpose of reducing forest fuels is categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the forest management activity--

"(A) notwithstanding section 423 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (division E of Public Law 111-8; 123 Stat. 748), does not exceed 10,000 acres, including not more than 3,000 acres of mechanical thinning;

"(B) is developed--

"(i) in coordination with impacted parties, specifically including representatives of local governments, such as county supervisors or county commissioners; and

"(ii) in consultation with other interested parties; and

"(C) is consistent with the Lake Tahoe Basin Management Unit land and resource management plan.

"(d) Withdrawal of Federal Land.--

"(1) In general.--Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from--

"(A) all forms of entry, appropriation, or disposal under the public land laws;

"(B) location, entry, and patent under the mining laws; and

"(C) disposition under all laws relating to mineral and geothermal leasing.

"(2) Exceptions.--A conveyance of land shall be exempt from withdrawal under this subsection if carried out under--

"(A) this Act; or

"(B) Public Law 96-586 (94 Stat. 3381) (commonly known as the `Santini-Burton Act').

"(e) Environmental Threshold Carrying Capacity.--The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

"(f) Cooperative Authorities.--During the 4 fiscal years following the date of enactment of the Water Resources Development Act of 2016, the Secretary, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the programs.".

(d) Authorized Programs.--The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

"SEC. 5. AUTHORIZED PROGRAMS.

"(a) In General.--The Secretary, the Assistant Secretary, the Directors, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out or provide financial assistance to any program that--

"(1) is described in subsection (d);

"(2) is included in the Priority List under subsection (b); and

"(3) furthers the purposes of the Environmental Improvement Program if the program has been subject to environmental review and approval, respectively, as required under Federal law, Article VII of the Compact, and State law, as applicable.

"(b) Priority List.--

"(1) Deadline.--Not later than March 15 of the year after the date of enactment of the Water Resources Development Act of 2016, the Chair, in consultation with the Secretary, the Administrator, the Directors, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium (or a successor organization) shall submit to Congress a prioritized Environmental Improvement Program list for the Lake Tahoe Basin for the program categories described in subsection (d).

"(2) Criteria.--The ranking of the Priority List shall be based on the best available science and the following criteria:

"(A) The 4-year threshold carrying capacity evaluation.

"(B) The ability to measure progress or success of the program.

"(C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in Article II of the Compact.

"(D) The ability of a program to provide multiple benefits.

"(E) The ability of a program to leverage non-Federal contributions.

"(F) Stakeholder support for the program.

"(G) The justification of Federal interest.

"(H) Agency priority.

"(I) Agency capacity.

"(J) Cost-effectiveness.

"(K) Federal funding history.

"(3) Revisions.--The Priority List submitted under paragraph (1) shall be revised every 2 years.

"(4) Funding.--Of the amounts made available under section 10(a), $80,000,000 shall be made available to the Secretary to carry out projects listed on the Priority List.

"(c) Restriction.--The Administrator shall use not more than 3 percent of the funds provided under subsection (a) for administering the programs described in paragraphs (1) and (2) of subsection (d).

"(d) Description of Activities.--

"(1) Fire risk reduction and forest management.--

"(A) In general.--Of the amounts made available under section 10(a), $150,000,000 shall be made available to the Secretary to carry out, including by making grants, the following programs:

"(i) Programs identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

"(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire

codes to implement the applicable portion of the 10-year plan described in clause (i).

"(iii) Biomass programs, including feasibility assessments.

"(iv) Angora Fire Restoration under the jurisdiction of the Secretary.

"(v) Washoe Tribe programs on tribal lands within the Lake Tahoe Basin.

"(vi) Development of an updated Lake Tahoe Basin multijurisdictional fuel reduction and wildfire prevention strategy, consistent with section 4(c).

"(vii) Development of updated community wildfire protection plans by local fire districts.

"(viii) Municipal water infrastructure that significantly improves the firefighting capability of local government within the Lake Tahoe Basin.

"(ix) Stewardship end result contracting projects carried out under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c).

"(B) Minimum allocation.--Of the amounts made available to the Secretary to carry out Subparagraph (A), at least $100,000,000 shall be used by the Secretary for programs under subparagraph (A)(i).

"(C) Priority.--Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

"(D) Cost-sharing requirements.--

"(i) In general.--As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25-percent match.

"(ii) Form of non-federal share.--

"(I) In general.--The Non-Federal share required under clause (i) may be in the form of cash contributions or in-kind contributions, including providing labor, equipment, supplies, space, and other operational needs.

"(II) Credit for certain dedicated funding.--There shall be credited toward the non-Federal share required under clause (i) any dedicated funding of the communities or local fire districts for a fuels reduction management program, defensible space inspections, or dooryard chipping.

"(III) Documentation.--Communities and local fire districts shall--

"(aa) maintain a record of in-kind contributions that describes--

"(AA) the monetary value of the in-kind contributions; and

"(BB) the manner in which the in-kind contributions assist in accomplishing program goals and objectives; and

"(bb) document in all requests for Federal funding, and include in the total program budget, evidence of the commitment to provide the non-Federal share through in-kind contributions.

"(2) Invasive species management.—

"(A) In general.--Of the amounts made available under section 10(a), $45,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Aquatic Invasive Species Program and the watercraft inspections described in subparagraph (B).

"(B) Description of activities.--The Director of the United States Fish and Wildlife Service, in coordination with the Assistant Secretary, the Planning Agency, the California Department of Fish and Wildlife, and the Nevada Department of Wildlife, shall deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species Management Plan to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region.

"(C) Criteria.--The strategies referred to in subparagraph (B) shall provide that--

"(i) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe region; and

"(ii) watercraft not be allowed to launch in waters of the Lake Tahoe region if the watercraft has not been inspected in accordance with the Lake Tahoe Aquatic Invasive Species Management Plan.

"(D) Certification.--The Planning Agency may certify State and local agencies to perform the decontamination activities described in subparagraph (C)(i) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this paragraph.

"(E) Applicability.--The strategies and criteria developed under this paragraph shall apply to all watercraft to be launched on water within the Lake Tahoe region.

"(F) Fees.--The Director of the United States Fish and Wildlife Service may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this paragraph.

"(G) Civil penalties.--

"(i) In general.--Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this paragraph shall be liable for a civil penalty in an amount not to exceed $1,000 per violation.

"(ii) Other authorities.--Any penalties assessed under this subparagraph shall be separate from penalties assessed under any other authority.

"(H) Limitation.--The strategies and criteria under subparagraphs (B) and (C), respectively, may be modified if the Secretary of the Interior, in a

nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria developed under subparagraphs (B) and (C), respectively.

"(I) Supplemental authority.--The authority under this paragraph is supplemental to all actions taken by non-Federal regulatory authorities.

"(J) Savings clause.--Nothing in this title restricts, affects, or amends any other law or the authority of any department, instrumentality, or agency of the United States, or any State or political subdivision thereof, respecting the control of invasive species.

"(3) Stormwater management, erosion control, and total watershed restoration.--Of the amounts made available under section 10(a), $113,000,000 shall be made available--

"(A) to the Secretary, the Secretary of the Interior, the Assistant Secretary, or the Administrator for the Federal share of stormwater management and related programs consistent with the adopted Total Maximum Daily Load and near-shore water quality goals;

"(B) for grants by the Secretary and the Administrator to carry out the programs described in subparagraph (A);

"(C) to the Secretary or the Assistant Secretary for the Federal share of the Upper Truckee River restoration programs and other watershed restoration programs identified in the Priority List established under section 5(b); and

"(D) for grants by the Administrator to carry out the programs described in subparagraph (C).

"(4) Special status species management.--Of the amounts made available under section 10(a), $20,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Lahontan Cutthroat Trout Recovery Program.".

(e) Program Performance and Accountability.--The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 6 and inserting the following:

"SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

"(a) Program Performance and Accountability.--

"(1) In general.--Of the amounts made available under section 10(a), not less than $5,000,000 shall be made available to the Secretary to carry out this section.

"(2) Planning agency.--Of the amounts described in paragraph (1), not less than 50 percent shall be made available to the Planning Agency to carry out the program oversight and coordination activities established under subsection (d).

"(b) Consultation.--In carrying out this Act, the Secretary, the Administrator, and the Directors shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.

"(c) Corps of Engineers; Interagency Agreements.--

"(1) In general.--The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.

"(2) Local cooperation agreements.--

"(A) In general.--Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.

"(B) Components.--The agreement entered into under subparagraph (A) shall--

"(i) describe the nature of the technical assistance;

"(ii) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

"(iii) include cost-sharing provisions in accordance with subparagraph (C).

"(C) Federal share.--

"(i) In general.--The Federal share of program costs under each local cooperation agreement under this paragraph shall be 65percent.

"(ii) Form.--The Federal share may be in the form of reimbursements of program costs.

"(iii) Credit.--The Non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this paragraph.

"(d) Effectiveness Evaluation and Monitoring.--In carrying out this Act, the Secretary, the Administrator, and the Directors, in coordination with the Planning Agency and the States of California and Nevada, shall—

"(1) develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program;

"(2) include funds in each program funded under this section for monitoring and assessment of results at the program level; and

"(3) use the integrated multiagency performance measures established under this section.

"(e) Reporting Requirements.--Not later than March 15 of each year, the Secretary, in cooperation with the Chair, the Administrator, the Directors, the Planning Agency, and the States of California and Nevada, consistent with subsection (a), shall submit to Congress a report that describes--

"(1) the status of all Federal, State, local, and private programs authorized under this Act, including to the maximum extent practicable, for programs that will receive Federal funds under this Act during the current or subsequent fiscal year—

"(A) the program scope;

"(B) the budget for the program; and

"(C) the justification for the program, consistent with the criteria established in section 5(b)(2);

"(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program;

"(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

"(4) public education and outreach efforts undertaken to implement programs authorized under this Act.

"(f) Annual Budget Plan.--As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, the United States Fish and Wildlife Service, the United States Geological Survey, and the Corps of Engineers), including—

"(1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;

"(2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal yar; and

"(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.".

(f) Conforming Amendments; Updates to Related Laws.--

(1) Lake Tahoe restoration act.--The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended--

(A) by striking sections 8 and 9;

(B) by redesignating sections 10, 11, and 12 as sections 8, 9, and 10, respectively; and

(C) in section 9 (as redesignated by subparagraph (B)) by inserting ", Director, or Administrator" after "Secretary".

(2) Tahoe regional planning compact.--Subsection (c) of Article V of the Tahoe Regional Planning Compact (Public Law 96-551; 94 Stat. 3240) is amended in the third sentence by inserting ``and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce" after ``maintain the regional plan".

(3) Treatment under Title 49, United States Code.--Section 5303(r)(2)(C) of title 49, United States Code, is amended--

(A) by inserting "and 25 square miles of land area" after "145,000"; and

(B) by inserting "and 12 square miles of land area" after "65,000".

(g) Authorization of Appropriations.--The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 10 (as redesignated by subsection (f)(1)(B)) and inserting the following:

“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“(a) Authorization of Appropriations.--There is authorized to be appropriated to carry out this Act $415,000,000 for a period of 7 fiscal years beginning the first fiscal year after the date of enactment of the Water Resources Development Act of 2016.

“(b) Effect on Other Funds.--Amounts authorized under this section and any amendments made by this Act--

“(1) shall be in addition to any other amounts made available to the Secretary, the Administrator, or the Directors for expenditure in the Lake Tahoe Basin; and

“(2) shall not reduce allocations for other Regions of the Forest Service, the Environmental Protection Agency, or the United States Fish and Wildlife Service.

“(c) Cost-sharing Requirement.--Except as provided in subsection (d) and section 5(d)(1)(D), funds for activities carried out under section 5 shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe Basin by the States of California and Nevada.

“(d) Relocation Costs.--Notwithstanding subsection (c), the Secretary shall provide to local utility districts two-thirds of the costs of relocating facilities in connection with-

“(1) environmental restoration programs under sections 5 and 6; and

“(2) erosion control programs under section 2 of Public Law 96-586 (94 Stat. 3381).

“(e) Signage.--To the maximum extent practicable, a program provided assistance under this Act shall include appropriate signage at the program site that--

“(1) provides information to the public on—

“(A) the amount of Federal funds being provided to the program; and

“(B) this Act; and

“(2) displays the visual identity mark of the Environmental Improvement Program.".

(1) Land transfers to improve management efficiencies of federal and state land.--Section 3(b) of Public Law 96-586 (94 Stat. 3384) (commonly known as the “Santini-Burton Act” is amended--

(A) by striking “(b) Lands “and inserting the following:

“(b) Administration of Acquired Land.--

“(1) In general.--Land"; and

(B) by adding at the end the following:

“(2) California conveyances.--

“(A) In general.--If the State of California (acting through the California Tahoe Conservancy and the California Department of Parks and Recreation) offers to Donate to the United States the non-Federal land described in subparagraph (B)(i), the Secretary--

“(i) may accept the offer; and

“(ii) convey to the State of California, subject to valid existing rights and for no consideration, all right, title, and interest of the United States in and to the Federal land.

“(B) Description of land.--

“(i) Non-federal land.--The Non-Federal land referred to in subparagraph (A) includes--

"(I) the approximately 1,936 acres of land administered by the California Tahoe Conservancy and identified on the Maps as `Tahoe Conservancy to the USFS'; and

"(II) the approximately 183 acres of land administered by California State Parks and identified on the Maps as `Total USFS to California'.

"(ii) Federal land.--The Federal land referred to in subparagraph (A) includes the approximately 1,995 acres of Forest Service land identified on the Maps as `U.S. Forest Service to Conservancy and State Parks'.

"(C) Conditions.--Any land conveyed under this paragraph shall—

"(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

"(ii) not result in any significant changes in the uses of the land; and

"(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

"(I) to ensure compliance with this Act; and

"(II) to ensure that the transfer of development rights associated with the conveyed parcels shall not be recognized or available for transfer under chapter 51 of the Code of Ordinances for the Tahoe Regional Planning Agency.

"(D) Continuation of special use permits.--The land conveyance under this paragraph shall be subject to the condition that the State of California accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of 2016, to the land described in subparagraph (B)(ii) for the duration of the special use permits, and subject to the terms and conditions of the special use permits.

"(3) Nevada conveyances.--

"(A) In general.--In accordance with this section and on request by the Governor of Nevada, the Secretary may transfer the land or interests in land described in subparagraph (B) to the State of Nevada without consideration, subject to appropriate deed restrictions to protect the environmental quality and public recreational use of the land transferred.

"(B) Description of land.--The land referred to in subparagraph (A) includes--

"(i) the approximately 38.68 acres of Forest Service land identified on the map entitled `State of Nevada Conveyances' as `Van Sickle Unit USFS Inholding'; and

"(ii) the approximately 92.28 acres of Forest Service land identified on the map entitled `State of Nevada Conveyances' as `Lake Tahoe Nevada State Park USFS Inholding'.

"(C) Conditions.--Any land conveyed under this paragraph shall--

"(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

"(ii) not result in any significant changes in the uses of the land; and

"(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary--

"(I) to ensure compliance with this Act; and

"(II) to ensure that the development rights associated with the Conveyed parcels shall not be recognized or available for transfer under section 90.2 of the Code of Ordinances for the Tahoe Regional Planning Agency.

"(D) Continuation of special use permits.--The land conveyance under this paragraph shall be subject to the condition that the State of Nevada accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of 2016, to the land described in subparagraph (B)(ii) for the duration of the special use permits, and subject to the terms and conditions of the special use permits.

"(40) Authorization for conveyance of forest service urban lots.--

"(A) Conveyance authority.--Except in the case of land described in paragraphs (2) and (3), the Secretary of Agriculture may convey any urban lot within the Lake Tahoe Basin under the administrative jurisdiction of the Forest Service.

"(B) Consideration.--A conveyance under subparagraph (A) shall require consideration in an amount equal to the fair market value of the conveyed lot.

"(C) Availability and use.--The proceeds from a conveyance under subparagraph (A) shall be retained by the Secretary of Agriculture and used for-

"(i) purchasing inholdings throughout the Lake Tahoe Basin; or

"(ii) providing additional funds to carry out the Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) in excess of amounts made available under section 10 of that Act.

"(D) Obligation limit.--The obligation and expenditure of proceeds retained under this paragraph shall be subject to such fiscal year limitation as may be specified in an Act making appropriations for the Forest Service for a fiscal year.

"(5) Reversion.--If a parcel of land transferred under paragraph (2) or (3) is used in a manner that is inconsistent with the use described for the parcel of land in paragraph (2) or (3), respectively, the parcel of land, shall, at the discretion of the Secretary, revert to the United States.

"(6) Funding.--

"(A) In general.--Of the amounts made available under section 10(a) of the Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351), $2,000,000 shall be made available to the Secretary to carry out the activities under paragraphs (2), (3), and (4).

"(B) Other funds.--Of the amounts available to the Secretary under paragraph (1), not less than 50 percent shall be provided to the California Tahoe Conservancy to facilitate the conveyance of land described in paragraphs (2) and (3).".

Sec. 3604. [Tuolumne Band of Me-Wuk Indians.]

(a) Federal Land.-- Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal land described in

subsection (b) shall be held in trust by the United States for the benefit of the Tuolumne Band of Me-Wuk Indians for nongaming purposes.
(b) Land Description.-- The land taken into trust under subsection (a) is the approximately 80 acres of Federal land under the administrative jurisdiction of the United States Forest Service, located in Tuolumne County, California, and described as follows:

(1) Southwest 1/4 of Southwest 1/4 of Section 2, Township 1 North, Range 16 East.

(2) Northeast 1/4 of Northwest 1/4 of Section 11, Township 1 North, Range 16 East of the Mount Diablo Meridian.

(c) Gaming.--Class II and class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) shall not be permitted at any time on the land taken into trust under subsection (a).

Sec. 3605. [San Luis Settlement Agreement Implementation.]

(a) San Luis Rey Settlement Agreement Implementation.--The San Luis Rey Indian Water Rights Settlement Act (Public Law 100-675) is amended by inserting after section 111 the following:

"SEC. 112. IMPLEMENTATION OF SETTLEMENT.

"(a) Findings.--Congress finds and recognizes as follows:

"(1) The City of Escondido, California, the Vista Irrigation District, the San Luis Rey River Indian Water Authority, and the Bands have approved an agreement, dated December 5, 2014, resolving their disputes over the use of certain land and water rights in or near the San Luis Rey River watershed, the terms of which are consistent with this Act.

"(2) The Bands, the San Luis Rey River Indian Water Authority, the City of Escondido, California, the Vista Irrigation District, and the United States have approved a Settlement Agreement dated January 30, 2015 (hereafter in this section referred to as the `Settlement Agreement') that conforms to the requirements of this Act.

"(b) Approval and Ratification.--All provisions of the Settlement Agreement, including the waivers and releases of the liability of the United States, the provisions regarding allottees, and the provision entitled `Effect of Settlement Agreement and Act,' are hereby approved and ratified.

"(c) Authorizations.--The Secretary and the Attorney General are authorized to execute, on behalf of the United States, the Settlement Agreement and any amendments approved by the parties as necessary to make the Settlement Agreement consistent with this Act. Such execution shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary is further authorized and directed to take all steps that the Secretary may deem necessary or appropriate to implement the Settlement Agreement and this Act.

"(d) Continued Federally Reserved and Other Water Rights.--

"(1) In general.--Notwithstanding any other provision of law, including any provisions in this Act, the Bands had, have, and continue to possess federally reserved rights and other water rights held in trust by the United States.

"(2) Future proceedings.--In any proceeding involving the assertion, enforcement, or defense of the rights described in this subsection, the United States, in its capacity as trustee for any Band, shall not be a required party and any decision by the United

States regarding participation in any such proceeding shall not be subject to judicial review or give rise to any claim for relief against the United States.

"(e) Allottees.--Congress finds and confirms that the benefits to allottees in the Settlement Agreement, including the remedies and provisions requiring that any rights of allottees shall be satisfied from supplemental water and other water available to the Bands or the Indian Water Authority, are equitable and fully satisfy the water rights of the allottees.

"(f) No Precedent.--Nothing in this Act shall be construed or interpreted as a precedent for the litigation or settlement of Indian reserved water rights.".

(b) Disbursement of Funds.--The second sentence of section 105(b)(1) the San Luis Rey Indian Water Rights Settlement Act (Public Law 100-675) is amended by striking the period at the end, and inserting the following: ", provided that--

"(i) no more than $3,700,000 per year (in principal, interest or both) may be so allocated; and

"(ii) none of the funds made available by this section shall be available unless the Director of the Office of Management and Budget first certifies in writing to the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate that the federal budget will record budgetary outlays from the San Luis Rey Tribal Development Fund of only the monies, not to exceed $3,700,000 annually, that the Secretary of the Treasury, pursuant to this section, allocates and makes available to the Indian Water Authority from the trust fund.".

Sec. 3606. [Tule River Indian Tribe.]

(a) In General.--Subject to subsection (b), valid, existing rights, and management agreements related to easements and rights-of-way, all right, title, and interest (including improvements and appurtenances) of the United States in and to the approximately 34 acres of Federal lands generally depicted on the map titled ``Proposed Lands to be Held in Trust for the Tule River Tribe" and dated May 14, 2015, are hereby held in trust by the United States for the benefit of the Tule River Indian Tribe.

(b) Easements and Rights-of-Way.--For the purposes of subsection (a), valid, existing rights include any easement or right-of-way for which an application is pending with the Bureau of Land Management on the date of the enactment of this Act. If such application is denied uapon final action, the valid, existing right related to the application shall cease to exist.

(c) Availability of Map.--The map referred to in subsection (a) shall be on file and available for public inspection at the office of the California State Director, Bureau of Land Management.

(d) Conversion of Valid, Existing Rights.--

(1) Continuity of use.--Any person claiming in good faith to have valid, existing rights to lands taken into trust by this section may continue to exercise such rights to the same extent that the rights were exercised before the date of the enactment of this Act until the Secretary makes a determination on an application submitted under paragraph (2)(B) or the application is deemed to be granted under paragraph (3).

(2) Notice and application.--Consistent with sections 2800 through 2880 of title 43, Code of Federal Regulations, as soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall notify any person that claims to have valid, existing rights, such as a management agreement, easement, or other right-of-way, to lands taken into trust under subsection (a) that--

(A) such lands have been taken into trust; and

(B) the person claiming the valid, existing rights has 60 days to submit an application to the Secretary requesting that the valid, existing rights be converted to a long-term easement or other right-of-way.

(3) Determination.--The Secretary of the Interior shall grant or deny an application submitted under paragraph (2)(B) not later than 180 days after the application is submitted. Such a determination shall be considered a final action. If the Secretary does not make a determination within 180 days after the application is submitted, the application shall be deemed to be granted.

(e) Restriction on Gaming.--Lands taken into trust pursuant to subsection (a) shall not be considered to have been taken into trust for, and shall not be eligible for, class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

Sec. 3607. [Morongo Band of Mission Indians.]

(a) Definitions.--For the purposes of this section, the following definitions apply:

(1) Banning.--The term ``Banning'' means the City of Banning, which is located in Riverside County, California adjacent to the Morongo Indian Reservation.

(2) Fields.--The term “Fields" means Lloyd L. Fields, the owner of record of Parcel A.

(3) Map.--The term “map" means the map entitled `Morongo Indian Reservation, County of Riverside, State of California Land Exchange Map', and dated May 22, 2014, which is on file in the Bureau of Land Management State Office in Sacramento, California.

(4) Parcel a.--The term “Parcel A" means the approximately 41.15 acres designated on the map as “Fields lands”.

(5) Parcel b.--The term “Parcel B" means the approximately 41.15 acres designated on the map as “Morongo lands".

(6) Parcel c.--The term “Parcel C" means the approximately 1.21 acres designated on the map as “Banning land".

(7) Parcel d.--The term “Parcel D" means the approximately 1.76 acres designated on the map as “Easement to Banning".

(8) Secretary.--The term “Secretary" means the Secretary of the Interior.

(9) Tribe.--The term “Tribe" means the Morongo Band of Mission Indians, a federally recognized Indian tribe.

(b) Transfer of Lands; Trust Lands, Easement.--

(1) Transfer of parcel a and parcel b and easement over parcel d.--Subject to any valid existing rights of any third parties and to legal review and approval of the form and content of any and all instruments of conveyance and policies of title insurance, upon receipt by the Secretary of confirmation that Fields has duly executed and deposited with a mutually acceptable and jointly instructed escrow holder in California a deed conveying clear and unencumbered title to Parcel A to the United States in trust for the exclusive use and benefit of the Tribe, and upon receipt by Fields of confirmation that the Secretary has duly executed and deposited into escrow with the same mutually acceptable and jointly instructed escrow holder a patent conveying clear and unencumbered title in fee simple to Parcel B to Fields and has duly executed and deposited into escrow with the same mutually acceptable and jointly instructed escrow holder an easement to the City for a public right-of-way over Parcel D, the Secretary shall instruct the escrow holder to simultaneously cause--

(A) the patent to Parcel B to be recorded and issued to Fields;

(B) the easement over Parcel D to be recorded and issued to the City; and

(C) the deed to Parcel A to be delivered to the Secretary, who shall immediately cause said deed to be recorded and held in trust for the Tribe.

(2) Transfer of parcel c.--After the simultaneous transfer of parcels A, B, and D under paragraph (1), upon receipt by the Secretary of confirmation that the City has vacated its interest in Parcel C pursuant to all applicable State and local laws, the Secretary shall immediately cause Parcel C to be held in trust for the Tribe subject to--

(A) any valid existing rights of any third parties; and

(B) legal review and approval of the form and content of any and all instruments of conveyance.

Sec. 3608. [Choctaw Nation of Oklahoma and the Chickasaw Nation Water Settlement.]

(a) Purposes.--The purposes of this section are--

(1) to permanently resolve and settle those claims to Settlement Area Waters of the Choctaw Nation of Oklahoma and the Chickasaw Nation as set forth in the Settlement Agreement and this section, including all claims or defenses in and to Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11-927 (W.D. Ok.), OWRB v. United States, et al. CIV 12-275 (W.D. Ok.), or any future stream adjudication;

(2) to approve, ratify, and confirm the Settlement Agreement;

(3) to authorize and direct the Secretary of the Interior to execute the Settlement Agreement and to perform all obligations of the Secretary of the Interior under the Settlement Agreement and this section;

(4) to approve, ratify, and confirm the amended storage contract among the State, the City and the Trust;

(5) to authorize and direct the Secretary to approve the amended storage contract for the Corps of Engineers to perform all obligations under the 1974 storage contract, the amended storage contract, and this section; and

(6) to authorize all actions necessary for the United States to meet its obligations under the Settlement Agreement, the amended storage contract, and this section.

(b) Definitions.--In this section:

(1) 1974 storage contract.--The term “1974 storage contract" means the contract approved by the Secretary on April 9, 1974, between the Secretary and the Water Conservation Storage Commission of the State of Oklahoma pursuant to section 301 of the Water Supply Act of 1958, and other applicable Federal law.

(2) 2010 agreement.--The term “2010 agreement" means the agreement entered into among the OWRB and the Trust, dated June 15, 2010, relating to the assignment by the State of the 1974 storage contract and transfer of rights, title, interests, and obligations under that contract to the Trust, including the interests of the State in the conservation storage capacity and associated repayment obligations to the United States.

(3) Administrative set-aside subcontracts.--The term “administrative set-aside subcontracts" means the subcontracts the City shall issue for the use of Conservation Storage Capacity in Sardis Lake as provided by section 4 of the amended storage contract.

(4) Allotment.--The term “allotment" means the land within the Settlement Area held by an allottee subject to a statutory restriction on alienation or held by the United States in trust for the benefit of an allottee.

(5) Allottee.--The term “allottee" means an enrolled member of the Choctaw Nation or citizen of the Chickasaw Nation who, or whose estate, holds an interest in an allotment.
(6) Amended permit application.--The term “amended permit application" means the permit application of the City to the OWRB, No. 2007-17, as amended as provided by the Settlement Agreement.
(7) Amended storage contract transfer agreement; amended storage contract.--The terms “amended storage contract transfer agreement" and “amended storage contract" mean the 2010 Agreement between the City, the Trust, and the OWRB, as amended, as provided by the Settlement Agreement and this section.
(8) Atoka and sardis conservation projects fund.--The term “Atoka and Sardis Conservation Projects Fund" means the Atoka and Sardis Conservation Projects Fund established, funded, and managed in accordance with the Settlement Agreement.
(9) City.--The term “City" means the City of Oklahoma City, or the City and the Trust acting jointly, as applicable.
(10) City permit.--The term “City permit” means any permit issued to the City by the OWRB pursuant to the amended permit application and consistent with the Settlement Agreement.
(11) Conservation storage capacity.--The term “conservation storage capacity" means the total storage space as stated in the 1974 storage contract in Sardis Lake between elevations 599.0 feet above mean sea level and 542.0 feet above mean sea level, which is estimated to contain 297,200 acre-feet of water after adjustment for sediment deposits, and which may be used for municipal and industrial water supply, fish and wildlife, and recreation.
(12) Enforceability date.--The term “enforceability date" means the date on which the Secretary of the Interior publishes in the Federal Register a notice certifying that the conditions of subsection (i) have been satisfied.
(13) Future use storage.--The term “future use storage" means that portion of the conservation storage capacity that was designated by the 1974 Contract to be utilized for future water use storage and was estimated to contain 155,500 acre feet of water after adjustment for sediment deposits, or 52.322 percent of the conservation storage capacity.
(14) Nations.--The term “Nations" means, collectively, the Choctaw Nation of Oklahoma (“Choctaw Nation") and the Chickasaw Nation.
(15) Owrb.--The term “OWRB" means the Oklahoma Water Resources Board.
(16) Sardis lake.--The term “Sardis Lake" means the reservoir, formerly known as Clayton Lake, whose dam is located in Section 19, Township 2 North, Range 19 East of the Indian Meridian, Pushmataha County, Oklahoma, the construction, operation, and maintenance of which was authorized by section 203 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1187).
(17) Settlement agreement.--The term “Settlement Agreement" means the settlement agreement as approved by the Nations, the State, the City, and the Trust effective August 22, 2016, as revised to conform with this section, as applicable.
(18) Settlement area.--The term “settlement area" means--
(A) the area lying between--
(i) the South Canadian River and Arkansas River to the north;
(ii) the Oklahoma-Texas State line to the south;

(iii) the Oklahoma-Arkansas State line to the east; and
(iv) the 98th Meridian to the west; and
(B) the area depicted in Exhibit 1 to the Settlement Agreement and generally including the following counties, or portions of, in the State:
(i) Atoka.
(ii) Bryan.
(iii) Carter.
(iv) Choctaw.
(v) Coal.
(vi) Garvin.
(vii) Grady.
(viii) McClain.
(ix) Murray.
(x) Haskell.
(xi) Hughes.
(xii) Jefferson.
(xiii) Johnston.
(xiv) Latimer.
(xv) LeFlore.
(xvi) Love.
(xvii) Marshall.
(xviii) McCurtain.
(xix) Pittsburgh.
(xx) Pontotoc.
(xxi) Pushmataha.
(xxii) Stephens.

(19) Settlement area waters.--The term “settlement area waters" means the waters located--
(A) within the settlement area; and
(B) within a basin depicted in Exhibit 10 to the Settlement Agreement, including any of the following basins as denominated in the 2012 Update of the Oklahoma Comprehensive Water Plan:
(i) Beaver Creek (24, 25, and 26).
(ii) Blue (11 and 12).
(iii) Clear Boggy (9).
(iv) Kiamichi (5 and 6).
(v) Lower Arkansas (46 and 47).
(vi) Lower Canadian (48, 56, 57, and 58).
(vii) Lower Little (2).
(viii) Lower Washita (14).
(ix) Mountain Fork (4).
(x) Middle Washita (15 and 16).
(xi) Mud Creek (23).
(xii) Muddy Boggy (7 and 8).
(xiii) Poteau (44 and 45).
(xiv) Red River Mainstem (1, 10, 13, and 21).

(xv) Upper Little (3).
(xvi) Walnut Bayou (22).

(20) State.--The term “State" means the State of Oklahoma.

(21) Trust.--

(A) In general.--The term “Trust" means the Oklahoma City Water Utilities Trust, formerly known as the Oklahoma City Municipal Improvement Authority, a public trust established pursuant to State law with the City as the beneficiary.

(B) References.--A reference in this section to “Trust" refers to the Oklahoma City Water Utilities Trust, acting severally.

(22) United states.--The term “United States" means the United States of America acting in its capacity as trustee for the Nations, their respective members, citizens, and allottees, or as specifically stated or limited in any given reference herein, in which case it means the United States of America acting in the capacity as set forth in said reference.

(c) Approval of the Settlement Agreement.--

(1) Ratification.--

(A) In general.--Except as modified by this section, and to the extent the Settlement Agreement does not conflict with this section, the Settlement Agreement is authorized, ratified, and confirmed.

(B) Amendments.--If an amendment is executed to make the Settlement Agreement consistent with this section, the amendment is also authorized, ratified and confirmed
to the extent the amendment is consistent with this section.

(2) Execution of settlement agreement.--

(A) In general.--To the extent the Settlement Agreement does not conflict with this section, the Secretary of the Interior shall promptly execute the Settlement Agreement, including all exhibits to or parts of the Settlement Agreement requiring the signature of the Secretary of the Interior and any amendments necessary to make the Settlement Agreement consistent with this section.

(B) Not a major federal action.--Execution of the Settlement Agreement by the Secretary of the Interior under this subsection shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

(d) Approval of the Amended Storage Contract and 1974 Storage Contract.--

(1) Ratification.--

(A) In general.--Except to the extent any provision of the amended storage contract conflicts with any provision of this section, the amended storage contract is authorized, ratified, and confirmed.

(B) 1974 storage contract.--To the extent the amended storage contract, as authorized, ratified, and confirmed, modifies or amends the 1974 storage contract, the modification or amendment to the 1974 storage contract is authorized, ratified, and confirmed.

(C) Amendments.--To the extent an amendment is executed to make the amended storage contract consistent with this section, the amendment is authorized, ratified, and confirmed.

(2) Approval by the secretary.--After the State and the City execute the amended storage contract, the Secretary shall approve the amended storage contract.
(3) Modification of September 11, 2009, order in United States v. Oklahoma Water Resources Board, civ 98-00521 (N.D. OK).--The Secretary, through counsel, shall cooperate and work with the State to file any motion and proposed order to modify or amend the order of the United States District Court for the Northern District of Oklahoma dated September 11, 2009, necessary to conform the order to the amended storage contract transfer agreement, the Settlement Agreement, and this section.
(4) Conservation storage capacity.--The allocation of the use of the conservation storage capacity in Sardis Lake for administrative set-aside subcontracts, City water supply, and fish and wildlife and recreation as provided by the amended storage contract is authorized, ratified and approved.
(5) Activation; waiver.--
(A) Findings.--Congress finds that--
(i) the earliest possible activation of any increment of future use storage in Sardis Lake will not occur until after 2050; and
(ii) the obligation to make annual payments for the Sardis future use storage operation, maintenance and replacement costs, capital costs, or interest attributable to Sardis future use storage only arises if, and only to the extent, that an increment of Sardis future use storage is activated by withdrawal or release of water from the future use storage that is authorized by the user for a consumptive use of water.
(B) Waiver of obligations for storage that is not activated.--Notwithstanding section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), section 203 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1187), the 1974 storage contract, or any other provision of law, effective as of January 1, 2050--
(i) the entirety of any repayment obligations (including interest), relating to that portion of conservation storage capacity allocated by the 1974 storage contract to future use storage in Sardis Lake is waived and shall be considered nonreimbursable; and
(ii) any obligation of the State and, on execution and approval of the amended storage contract, of the City and the Trust, under the 1974 storage contract regarding capital costs and any operation, maintenance, and replacement costs and interest otherwise attributable to future use storage in Sardis Lake is waived and shall be nonreimbursable, if by January 1, 2050, the right to future use storage is not activated by the withdrawal or release of water from future use storage for an authorized consumptive use of water.
(6) Consistent with authorized purposes; no major operational change.--
(A) Consistent with authorized purpose.--The amended storage contract, the approval of the Secretary of the amended storage contract, and the waiver of future use storage under paragraph (5)--

(i) are deemed consistent with the authorized purposes for Sardis Lake as described in section 203 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1187) and do not affect the authorized purposes for which the project was authorized, surveyed, planned, and constructed; and

(ii) shall not constitute a reallocation of storage.

(B) No major operational change.--The amended storage contract, the approval of the Secretary of the amended storage contract, and the waiver of future use storage under paragraph (5) shall not constitute a major operational change under section 301(e) of the Water Supply Act of 1958 (43 U.S.C. 390b(e)).

(7) No further authorization required.-- This section shall be considered sufficient and complete authorization, without further study or analysis, for--

(A) the Secretary to approve the amended storage contract; and

(B) after approval under subparagraph (A), the Corps of Engineers to manage storage in Sardis Lake pursuant to and in accordance with the 1974 storage contract, the amended storage contract, and the Settlement Agreement.

(e) Settlement Area Waters.--

(1) Findings.--Congress finds that--

(A) pursuant to the Atoka Agreement as ratified by section 29 of the Act of June 28, 1898 (30 Stat. 505, chapter 517) (as modified by the Act of July 1, 1902 (32 Stat. 641, chapter 1362)), the Nations issued patents to their respective tribal members and citizens and thereby conveyed to individual Choctaws and Chickasaws, all right, title, and interest in and to land that was possessed by the Nations, other than certain mineral rights; and

(B) when title passed from the Nations to their respective tribal members and citizens, the Nations did not convey and those individuals did not receive any right of regulatory or sovereign authority, including with respect to water.

(2) Permitting, allocation, and administration of settlement area waters pursuant to the settlement agreement.--Beginning on the enforceability date, settlement area waters shall be permitted, allocated, and administered by the OWRB in accordance with the Settlement Agreement and this section.

(3) Choctaw nation and chickasaw nation.--Beginning on the enforceability date, the Nations shall have the right to use and to develop the right to use settlement area waters only in accordance with the Settlement Agreement and this section.

(4) Waiver and delegation by nations.--In addition to the waivers under subsection (h), the Nations, on their own behalf, shall permanently delegate to the State any regulatory authority each Nation may possess over water rights on allotments, which the State shall exercise in accordance with the Settlement Agreement and this subsection.

(5) Right to use water.—

(A) In general.--An allottee may use water on an allotment in accordance with the Settlement Agreement and this subsection.

(B) Surface water use.—

(i) In general.--An allottee may divert and use, on the allotment of the allottee, 6 acre-feet per year of surface water per 160 acres, to be used

solely for domestic uses on an allotment that constitutes riparian land under applicable State law as of the date of enactment of this Act.

(ii) Effect of state law.--The use of surface water described in clause (i) shall be subject to all rights and protections of State law, as of the date of enactment of this Act, including all protections against loss for nonuse.

(iii) No permit required.--An allottee may divert water under this subsection without a permit or any other authorization from the OWRB.

(C) Groundwater use.--

(i) In general.--An allottee may drill wells on the allotment of the allottee to take and use for domestic uses the greater of--

(I) 5 acre-feet per year; or

(II) any greater quantity allowed under State law.

(ii) Effect of state law.--The groundwater use described in clause (i) shall be subject to all rights and protections of State law, as of the date of enactment of this Act, including all protections against loss for nonuse.

(iii) No permit required.--An allottee may drill wells and use water under this subsection without a permit or any other authorization from the OWRB.

(D) Future changes in state law.--

(i) In general.--If State law changes to limit use of water to a quantity that is less than the applicable quantity specified in subparagraph (B) or (C), as applicable, an allottee shall retain the right to use water in accord with those subparagraphs, subject to paragraphs (6)(B)(iv) and (7).

(ii) Opportunity to be heard.--Prior to taking any action to limit the use of water by an individual, the OWRB shall provide to the individual an opportunity to demonstrate that the individual is--

(I) an allottee; and

(II) using water on the allotment pursuant to and in accordance with the Settlement Agreement and this section.

(6) Allottee options for additional water.--

(A) In general.--To use a quantity of water un excess of the quantities provided under paragraph (5), an allottee shall--

(i) file an action under subparagraph (B); or

(ii) apply to the OWRB for a permit pursuant to, and in accordance with, State law.

(B) Determination in federal district court.--

(i) In general.--In lieu of applying to the OWRB for a permit to use more water than is allowed under paragraph (5), an allottee may file an action in the United States District Court for the Western District of Oklahoma for determination of the right to water of the allottee. At least 90 days prior to filing such an action, the allottee shall provide written notice of the suit to the United States and the OWRB. For the United States, notice shall be provided to the Solicitor's Office, Department of the Interior, Washington D.C., and to the Office of the Regional Director of the Muskogee Region, Bureau of Indian Affairs, Department of the Interior.

(ii) Jurisdiction.--For purposes of this subsection--

(I) the United States District Court for the Western District of Oklahoma shall have jurisdiction; and

(II) as part of the complaint, the allottee shall include certification of the pre-filing notice to the United States and OWRB required by subparagraph (B)(i). If such certification is not included with the complaint, the complaint will be deemed filed 90 days after such certification is complete and filed with the court. Within 60 days after the complaint is filed or deemed filed or within such extended time as the District Court in its discretion may permit, the United States may appear or intervene. After such appearance, intervention or the expiration of the said 60 days or any extension thereof, the proceedings and judgment in such action shall bind the United States and the parties thereto without regard to whether the United States elects to appear or intervene in such action.

(iii) Requirements.--An allottee filing an action pursuant to this subparagraph shall--

(I) join the OWRB as a party; and

(II) publish notice in a newspaper of general circulation within the Settlement Area Hydrologic Basin for 2 consecutive weeks, with the first publication appearing not later than 30 days after the date on which the action is filed.

(iv) Determination final.--

(I) In general.--Subject to subclause (II), if an allottee elects to have the rights of the allottee determined pursuant to this subparagraph, the determination shall be final as to any rights under Federal law and in lieu of any rights to use water on an allotment as provided in paragraph (5).

(II) Reservation of rights.-- Subclause (I) shall not preclude an allottee from--

(aa) applying to the OWRB for water rights pursuant to State law; or

(bb) using any rights allowed by State law that do not require a permit from the OWRB.

(7) OWRB administration and enforcement.--

(A) In general.-- If an allottee exercises any right under paragraph (5) or has rights determined under paragraph (6)(B), the OWRB shall have jurisdiction to administer those rights.

(B) Challenges.--An allottee may challenge OWRB administration of rights determined under this paragraph, in the United States District Court for the Western District of Oklahoma.

(8) Prior existing state law rights.--Water rights held by an allottee as of the enforceability date pursuant to a permit issued by the OWRB shall be governed by the terms of that permit and applicable State law (including regulations).

(f) City Permit for Appropriation of Stream Water from the Kiamichi River.--The City permit shall be processed, evaluated, issued, and administered consistent with and in accordance with the Settlement Agreement and this section.

(g) Settlement Commission.--

(1) Establishment.--There is established a Settlement Commission.

(2) Members.--

(A) In general.--The Settlement Commission shall be comprised of 5 members, appointed as follows:

(i) 1 by the Governor of the State.

(ii) 1 by the Attorney General of the State.

(iii) 1 by the Chief of the Choctaw Nation.

(iv) 1 by the Governor of the Chickasaw Nation.

(v) 1 by agreement of the members described in clauses (i) through (iv).

(B) Jointly appointed member.--If the members described in clauses (i) through (iv) of subparagraph (A) do not agree on a member appointed pursuant to subparagraph (A)(v)--

(i) the members shall submit to the Chief Judge for the United States District Court for the Eastern District of Oklahoma, a list of not less than 3 persons; and

(ii) from the list under clause (i), the Chief Judge shall make the appointment.

(C) Initial appointments.--The initial appointments to the Settlement Commission shall be made not later than 90 days after the enforceability date.

(3) Member terms.--

(A) In general.--Each Settlement Commission member shall serve at the pleasure of appointing authority.

(B) Compensation.--A member of the Settlement Commission shall serve without compensation, but an appointing authority may reimburse the member appointed by the entity for costs associated with service on the Settlement Commission.

(C) Vacancies.--If a member of the Settlement Commission is removed or resigns, the appointing authority shall appoint the replacement member.

(D) Jointly appointed member.--The member of the Settlement Commission described in paragraph (2)(A)(v) may be removed or replaced by a majority vote of the Settlement Commission based on a failure of the member to carry out the duties of the member.

(4) Duties.--The duties and authority of the Settlement Commission shall be set forth in the Settlement Agreement, and the Settlement Commission shall not possess or exercise any duty or authority not stated in the Settlement Agreement.

(h) Waivers and Releases of Claims.--

(1) Claims by the nations and the united states as trustee for the nations.--Subject to the retention of rights and claims provided in paragraph (3) and except to the extent that rights are recognized in the Settlement Agreement or this section, the Nations, each in its own right and on behalf of itself and its respective citizens and members (but not individuals in their capacities as allottees), and the United States, acting as a trustee for

the Nations (but not individuals in their capacities as allottees), shall execute a waiver and release of--

(A) all of the following claims asserted or which could have been asserted in any proceeding filed or that could have been filed during the period ending on the enforceability date, including Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11-927 (W.D. Ok.), OWRB v. United States, et al. CIV 12-275 (W.D. Ok.), or any general stream adjudication, relating to--

(i) claims to the ownership of water in the State;

(ii) claims to water rights and rights to use water diverted or taken from a location within the State;

(iii) claims to authority over the allocation and management of water administration of water rights, including authority over third-party ownership of or rights to use water diverted or taken from a location within the State and ownership or use of water on allotments by allottees or any other person using water on an allotment with the permission of an allottee;

(iv) claims that the State lacks authority over the allocation and management of water and administration of water rights, including authority over the ownership of or rights to use water diverted or taken from a location within the State;

(v) any other claim relating to the ownership of water, regulation of water, or authorized diversion, storage, or use of water diverted or taken from a location within the State, which claim is based on the status of the Chickasaw Nation's or the Choctaw Nation's unique sovereign status and rights as defined by Federal law and alleged to arise from treaties to which they are signatories, including but not limited to the Treaty of Dancing Rabbit Creek, Act of Sept. 30, 1830, 7 Stat. 333, Treaty of Doaksville, Act of Jan. 17, 1837, 11 Stat. 573, and the related March 23, 1842, patent to the Choctaw Nation; and

(vi) claims or defenses asserted or which could have been asserted in the Treaty of Dancing Rabbit Creek, Act of Sept. 30, 1830, 7 Stat. 333, Treaty of Doaksville, Act of Jan. 17, 1837, 11 Stat. 573, or any general stream adjudication;

(B) all claims for damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to any action by the State, the OWRB, or any water user authorized pursuant to State law to take or use water in the State, including the City, that accrued during the period ending on the enforceability date;

(C) all claims and objections relating to the amended permit application, and the City permit, including--

(i) all claims regarding regulatory control over or OWRB jurisdiction relating to the permit application and permit; and

(ii) all claims for damages, losses or injuries to water rights or rights to use water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages,

losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the issuance and lawful exercise of the City permit;

(D) all claims to regulatory control over the Permit Numbers P80-48 and 54-613 of the City for water rights from the Muddy Boggy River for Atoka Reservoir and P73-282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(E) all claims that the State lacks regulatory authority over or OWRB jurisdiction relating to Permit Numbers P80-48 and 54-613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73-282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(F) all claims to damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of Permit Numbers P80-48 and 54-613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73-282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir, that accrued during the period ending on the enforceability date;

(G) all claims and objections relating to the approval by the Secretary of the assignment of the 1974 storage contract pursuant to the amended storage contract; and

(H) all claims for damages, losses, or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of rights pursuant to the amended storage contract.

(2) Waivers and releases of claims by the nations against the united states.--Subject to the retention of rights and claims provided in paragraph (3) and except to the extent that rights are recognized in the Settlement Agreement or this section, the Nations are authorized to execute a waiver and release of all claims against the United States (including any agency or employee of the United States) relating to--

(A) all of the following claims asserted or which could have been asserted in any proceeding filed or that could have been filed by the United States as a trustee during the period ending on the enforceability date, including Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 12-275 (W.D. Ok), OWRB v. United States, et al. CIV 12-275 (W.D. Ok.), or any general stream adjudication, relating to--

(i) claims to the ownership of water in the State;

(ii) claims to water rights and rights to use water diverted or taken from a location within the State;

(iii) claims to authority over the allocation and management of water and administration of water rights, including authority over third-party ownership of or rights to use water diverted or taken from a location within the State and ownership or use of water on allotments by allottees

or any other person using water on an allotment with the permission of an allottee;

(iv) claims that the State lacks authority over the allocation and management of water and administration of water rights, including authority over the ownership of or rights to use water diverted or taken from a location within the State;

(v) any other claim relating to the ownership of water, regulation of water, or authorized diversion, storage, or use of water diverted or taken from a location within the State, which claim is based on the status of the Chickasaw Nation's or the Choctaw Nation's unique sovereign status and rights as defined by Federal law and alleged to arise from treaties to which they are signatories, including but not limited to the Treaty of Dancing Rabbit Creek, Act of Sept. 30, 1830, 7 Stat. 333, Treaty of Doaksville, Act of Jan. 17, 1837, 11 Stat. 573, and the related March 23, 1842, patent to the Choctaw Nation; and

(vi) claims or defenses asserted or which could have been asserted in Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 12-275 (W.D. Ok), OWRB v. United States, et al. CIV 12-275 (W.D. Ok.),or any general stream adjudication;

(B) all claims for damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to any action by the State, the OWRB, or any water user authorized pursuant to State law to take or use water in the State, including the City, that accrued during the period ending on the enforceability date;

(C) all claims and objections relating to the amended permit application, and the City permit, including--

(i) all claims regarding regulatory control over or OWRB jurisdiction relating to the permit application and permit; and

(ii) all claims for damages, losses or injuries to water rights or rights to use water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the issuance and lawful exercise of the City permit;

(D) all claims to regulatory control over the Permit Numbers P80-48 and 54-613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73-282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(E) all claims that the State lacks regulatory authority over or OWRB jurisdiction relating to Permit Numbers P80-48 and 54-613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73-282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(F) all claims to damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with,

diversion, storage, taking, or use of water) attributable to the lawful exercise of Permit Numbers P80-48 and 54-613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73-282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir, that accrued during the period ending on the enforceability date;

(G) all claims and objections relating to the approval by the Secretary of the assignment of the 1974 storage contract pursuant to the amended storage contract;

(H) all claims relating to litigation brought by the United States prior to the enforceability date of the water rights of the Nations in the State; and

(I) all claims relating to the negotiation, execution, or adoption of the Settlement Agreement (including exhibits) or this section.

(3) Retention and reservation of claims by nations and the united states.--

(A) In general.--Notwithstanding the waiver and releases of claims authorized under paragraphs (1) and (2), the Nations and the United States, acting as trustee, shall retain--

(i) all claims for enforcement of the Settlement Agreement and this section;

(ii) all rights to use and protect any water right of the Nations recognized by or established pursuant to the Settlement Agreement, including the right to assert claims for injuries relating to the rights and the right to participate in any general stream adjudication, including any inter se proceeding;

(iii) all claims under--

(I) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including for damages to natural resources;

(II) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(III) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(IV) any regulations implementing the Acts described in items (I) through (III);

(iv) all claims relating to damage, loss, or injury resulting from an unauthorized diversion, use, or storage of water, including damages, losses, or injuries to land or nonwater natural resources associated with any hunting, fishing, gathering, or cultural right; and (v) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this section or the Settlement Agreement.

(B) Agreement.--

(i) In general.--As provided in the Settlement Agreement, the Chickasaw Nation shall convey an easement to the City, which easement shall be as described and depicted in Exhibit 15 to the Settlement Agreement.

(ii) Application.--The Chickasaw Nation and the City shall cooperate and coordinate on the submission of an application for approval by the Secretary of the Interior of the conveyance under clause (i), in accordance with applicable Federal law.

(iii) Recording.--On approval by the Secretary of the Interior of the conveyance of the easement under this clause, the City shall record the easement.

(iv) Consideration.--In exchange for conveyance of the easement under clause (i), the City shall pay to the Chickasaw Nation the value of past unauthorized use and consideration for future use of the land burdened by the easement, based on an appraisal secured by the City and Nations and approved by the Secretary of the Interior.

(4) Effective date of waiver and releases.--The waivers and releases under this subsection take effect on the enforceability date.

(5) Tolling of claims.--Each applicable period of limitation and time-based equitable defense relating to a claim described in this subsection shall be tolled during the period beginning on the date of enactment of this Act and ending on the earlier of the enforceability date or the expiration date under subsection (i)(2).

(i) Enforceability Date.--

(1) In general.--The Settlement Agreement shall take effect and be enforceable on the date on which the Secretary of the Interior publishes in the Federal Register a certification that--

(A) to the extent the Settlement Agreement conflicts with this section, the Settlement Agreement has been amended to conform with this section;

(B) the Settlement Agreement, as amended, has been executed by the Secretary of the Interior, the Nations, the Governor of the State, the OWRB, the City, and the Trust;

(C) to the extent the amended storage contract conflicts with this section, the amended storage contract has been amended to conform with this section;

(D) the amended storage contract, as amended to conform with this section, has been-

(i) executed by the State, the City, and the Trust; and

(ii) approved by the Secretary;

(E) an order has been entered in United States v. Oklahoma Water Resources Board, Civ. 98-C-521-E with any modifications to the order dated September 11, 2009, as provided in the Settlement Agreement;

(F) orders of dismissal have been entered in Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 12-275 (W.D. Ok), OWRB v. United States, et al. CIV 12-275 (W.D. Ok.), as provided in the Settlement Agreement;

(G) the OWRB has issued the City Permit;

(H) the final documentation of the Kiamichi Basin hydrologic model is on file at the Oklahoma City offices of the OWRB; and

(I) the Atoka and Sardis Conservation Projects Fund has been funded as provided in the Settlement Agreement.

(2) Expiration date.--If the Secretary of the Interior fails to publish a statement of findings under paragraph (1) by not later than September 30, 2020, or such alternative later date as is agreed to by the Secretary of the Interior, the Nations, the State, the City, and the Trust under paragraph (4), the following shall apply:

(A) This section, except for this subsection and any provisions of this section that are necessary to carry out this subsection (but only for purposes of carrying out

this subsection) are not effective beginning on September 30, 2020, or the alternative date.

(B) The waivers and release of claims, and the limited waivers of sovereign immunity, shall not become effective.

(C) The Settlement Agreement shall be null and void, except for this paragraph and any provisions of the Settlement Agreement that are necessary to carry out this paragraph.

(D) Except with respect to this paragraph, the State, the Nations, the City, the Trust, and the United States shall not be bound by any obligations or benefit from any rights recognized under the Settlement Agreement.

(E) If the City permit has been issued, the permit shall be null and void, except that the City may resubmit to the OWRB, and the OWRB shall be considered to have accepted, OWRB permit application No. 2007-017 without having waived the original application priority date and appropriative quantities.

(F) If the amended storage contract has been executed or approved, the contract shall be null and void, and the 2010 agreement shall be considered to be in force and effect as between the State and the Trust.

(G) If the Atoka and Sardis Conservation Projects Fund has been established and funded, the funds shall be returned to the respective funding parties with any accrued interest.

(3) No prejudice.--The occurrence of the expiration date under paragraph (2) shall not in any way prejudice--

(A) any argument or suit that the Nations may bring to contest--

(i) the pursuit by the City of OWRB permit application No. 2007-017, or a modified version; or

(ii) the 2010 agreement;

(B) any argument, defense, or suit the State may bring or assert with regard to the claims of the Nations to water or over water in the settlement area; or

(C) any argument, defense or suit the City may bring or assert--

(i) with regard to the claims of the Nations to water or over water in the settlement area relating to OWRB permit application No. 2007-017, or a modified version; or

(ii) to contest the 2010 agreement.

(4) Extension.--The expiration date under paragraph (2) may be extended in writing if the Nations, the State, the OWRB, the United States, and the City agree that an extension is warranted.

(j) Jurisdiction, Waivers of Immunity for Interpretation and Enforcement.--

(1) Jurisdiction.--

(A) In general.--

(i) Exclusive jurisdiction.--The United States District Court for the Western District of Oklahoma shall have exclusive jurisdiction for all purposes and for all causes of action relating to the interpretation and enforcement of the Settlement Agreement, the amended storage contract, or interpretation or enforcement of this section, including all actions filed by an allottee pursuant to subsection (e)(6)(B).

(ii) Right to bring action.--The Choctaw Nation, the Chickasaw Nation, the State, the City, the Trust, and the United States shall each have the right to bring an action pursuant to this section.

(iii) No action in other courts.--No action may be brought in any other Federal, Tribal, or State court or administrative forum for any purpose relating to the Settlement Agreement, amended storage contract, or this section.

(iv) No monetary judgment.--Nothing in this section authorizes any money judgment or otherwise allows the payment of funds by the United States, the Nations, the State (including the OWRB), the City, or the Trust.

(B) Notice and conference.--An entity seeking to interpret or enforce the Settlement Agreement shall comply with the following:

(i) Any party asserting noncompliance or seeking interpretation of the Settlement Agreement or this section shall first serve written notice on the party alleged to be in breach of the Settlement Agreement or violation of this section.

(ii) The notice under clause (i) shall identify the specific provision of the Settlement Agreement or this section alleged to have been violated or in dispute and shall specify in detail the contention of the party asserting the claim and any factual basis for the claim.

(iii) Representatives of the party alleging a breach or violation and the party alleged to be in breach or violation shall meet not later than 30 days after receipt of notice under clause (i) in an effort to resolve the dispute.

(iv) If the matter is not resolved to the satisfaction of the party alleging breach not later than 90 days after the original notice under clause (i), the party may take any appropriate enforcement action consistent with the Settlement Agreement and this subsection.

(2) Limited waivers of sovereign immunity.--

(A) In general.--The United States and the Nations may be joined in an action filed in the United States District Court for the Western District of Oklahoma.

(B) United states immunity.--Any claim by the United States to sovereign immunity from suit is irrevocably waived for any action brought by the State, the Chickasaw Nation, the Choctaw Nation, the City, or the Trust in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, including of the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(C) Chickasaw nation immunity.--For the exclusive benefit of the State (including the OWRB), the City, the Trust, the Choctaw Nation, and the United States, the sovereign immunity of the Chickasaw Nation from suit is waived solely for any action brought in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, if the action is brought by the State or the OWRB, the City, the Trust, the Choctaw Nation, or the United States, including the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(D) Choctaw nation immunity.--For the exclusive benefit of the State (including of the OWRB), the City, the Trust, the Chickasaw Nation, and the United States, the Choctaw Nation shall expressly and irrevocably consent to a suit and waive sovereign
immunity from a suit solely for any action brought in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, if the action is brought by the State, the OWRB, the City, the Trust, the Chickasaw Nation, or the United States, including the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(k) Disclaimer.--

(1) In general.--The Settlement Agreement applies only to the claims and rights of the Nations.

(2) No precedent.--Nothing in this section or the Settlement Agreement shall be construed in any way to quantify, establish, or serve as precedent regarding the land and water rights, claims, or entitlements to water of any American Indian Tribe other than the Nations, including any other American Indian Tribe in the State.

(3) Limitation.--Nothing in the Settlement Agreement--

(A) affects the ability of the United States, acting as sovereign, to take actions authorized by law, including any laws related to health, safety, or the environment, including--

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(iv) any regulations implementing the Acts described in this section;

(B) affects the ability of the United States to raise defenses based on (43 U.S.C. 666(a); and

(C) affects any rights, claims, or defenses the United States may have with respect to the use of water on Federal lands in the Settlement Area that are not trust lands or Allotments.

Subtitle G--Blackfeet Water Rights Settlement

Sec. 3701. [Short Title.]-- This subtitle may be cited as the “Blackfeet Water Rights Settlement Act".

Sec. 3702. [Purposes.]-- The purposes of this subtitle are--

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana for--

(A) the Blackfeet Tribe of the Blackfeet Indian Reservation; and

(B) the United States, for the benefit of the Tribe and allottees;

(2) to authorize, ratify, and confirm the water rights compact entered into by the Tribe and the State, to the extent that the Compact is consistent with this subtitle;

(3) to authorize and direct the Secretary of the Interior--

(A) to execute the Compact; and

(B) to take any other action necessary to carry out the Compact in accordance with this subtitle; and

(4) to authorize funds necessary for the implementation of the Compact and this subtitle.

Sec. 3703. [Definitions.]-- In this subtitle:

(1) Allottee.-- The term “allottee" means any individual who holds a beneficial real property interest in an allotment of Indian land that is--

(A) located within the Reservation; and

(B) held in trust by the United States.

(2) Birch creek agreement.-- The term “Birch Creek Agreement" means--

(A) the agreement between the Tribe and the State regarding Birch Creek water use dated January 31, 2008 (as amended on February 13, 2009); and

(B) any amendment or exhibit (including exhibit amendments) to that agreement that is executed in accordance with this subtitle.

(3) Blackfeet irrigation project.-- The term “Blackfeet Irrigation Project" means the irrigation project authorized by the matter under the heading “Montana" of title II of the Act of March 1, 1907 (34 Stat. 1035, chapter 2285), and administered by the Bureau of Indian Affairs.

(4) Compact.-- The term “Compact" means--

(A) the Blackfeet-Montana water rights compact dated April 15, 2009, as contained in section 85-20-1501 of the Montana Code Annotated (2015); and

(B) any amendment or exhibit (including exhibit amendments) to the Compact that is executed to make the Compact consistent with this subtitle.

(5) Enforceability date.-- The term “enforceability date" means the date described in section 3720(f).

(6) Lake Elwell.-- The term “Lake Elwell" means the water impounded on the Marias River in the State by Tiber Dam, a feature of the Lower Marias Unit of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944") (58 Stat. 891, chapter 665).

(7) Milk river basin.--The term “Milk River Basin" means the North Fork, Middle Fork, South Fork, and main stem of the Milk River and tributaries, from the headwaters to the confluence with the Missouri River.

(8) Milk river project.--

(A) In general.-- The term “Milk River Project" means the Bureau of Reclamation project conditionally approved by the Secretary on March 14, 1903, pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), commencing at Lake Sherburne Reservoir and providing water to a point approximately 6 miles east of Nashua, Montana.

(B) Inclusions.-- The term “Milk River Project" includes--

(i) the St. Mary Unit;

(ii) the Fresno Dam and Reservoir; and

(iii) the Dodson pumping unit.

(9) Milk river project water rights.--The term “Milk River Project water rights" means the water rights held by the Bureau of Reclamation on behalf of the Milk River Project, as finally adjudicated by the Montana Water Court.

(10) Milk river water right.--The term “Milk River water right" means the portion of the Tribal water rights described an article III.F of the Compact and this subtitle.

(11) Missouri river basin.--The term “Missouri River Basin" means the hydrologic basin of the Missouri River (including tributaries).

(12) MR&I system.--The term “MR&I System" means the intake, treatment, pumping, storage, pipelines, appurtenant items, and any other feature of the system, as generally described in the document entitled “Blackfeet Regional Water System", prepared by DOWL HKM, and dated

June 2010, and modified by DOWL HKM, as set out in the addendum to the report dated March 2013.

(13) OM&R.--The term “OM&R" means--

(A) any recurring or ongoing activity associated with the day-to-day operation of a project;

(B) any activity relating to scheduled or unscheduled maintenance of a project; and

(C) any activity relating to replacing a feature of a project.

(14) Reservation.-- The term “Reservation" means the Blackfeet Indian Reservation of Montana, as--

(A) established by the Treaty of October 17, 1855 (11 Stat. 657); and

(B) modified by-

(i) the Executive order of July 5, 1873 (relating to the Blackfeet Reserve);

(ii) the Act of April 15, 1874 (18 Stat. 28, chapter 96);

(iii) the Executive order of August 19, 1874 (relating to the Blackfeet Reserve);

(iv) the Executive order of April 13, 1875 (relating to the Blackfeet Reserve);

(v) the Executive order of July 13, 1880 (relating to the Blackfeet Reserve);

(vi) the Agreement with the Blackfeet, ratified by the Act of May 1, 1888 (25 Stat. 113, chapter 213); and

(vii) the Agreement with the Blackfeet, ratified by the Act of June 10, 1896 (29 Stat. 353, chapter 398).

(15) St. Mary river water right.--The term “St. Mary River water right" means that portion of the Tribal water rights described in article III.G.1.a.i. of the Compact and this subtitle.

(16) St. Mary unit.--

(A) In general.--The term “St. Mary Unit" means the St. Mary Storage Unit of the Milk River Project authorized by Congress on March 25, 1905.

(B) Inclusions.--The term “St. Mary Unit" includes--

(i) Sherburne Dam and Reservoir;

(ii) Swift Current Creek Dike;

(iii) Lower St. Mary Lake;

(iv) St. Mary Canal Diversion Dam; and

(v) St. Mary Canal and appurtenances.

(17) Secretary.--The term “Secretary" means the Secretary of the Interior.

(18) State.--The term “State" means the State of Montana.

(19) Swiftcurrent Creek Bank Stabilization Project.--The term “Swiftcurrent Creek Bank Stabilization Project" means the project to mitigate the physical and environmental problems associated with the St. Mary Unit from Sherburne Dam to the St. Mary River, as described in the report entitled “Boulder/Swiftcurrent Creek Stabilization Project, Phase II Investigations Report", prepared by DOWL HKM, and dated March 2012.

(20) Tribal water rights.--The term “Tribal water rights" means the water rights of the Tribe described in article III of the Compact and this subtitle, including--

(A) the Lake Elwell allocation provided to the Tribe under section 3709; and

(B) the instream flow water rights described in section 3719.

(21) Tribe.--The term “Tribe" means the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

Sec. 3704. [Ratification of Compact.]

(a) Ratification.--

(1) In general.--As modified by this subtitle, the Compact is authorized, ratified, and confirmed.

(2) Amendments.--Any amendment to the Compact is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Compact consistent with this subtitle.

(b) Execution.--

(1) In general.--To the extent that the Compact does not conflict with this subtitle, the Secretary shall execute the Compact, including all exhibits to, or parts of, the Compact requiring the signature of the Secretary.

(2) Modifications.--Nothing in this subtitle precludes the Secretary from approving any modification to an appendix or exhibit to the Compact that is consistent with this subtitle, to the extent that the modification does not otherwise require congressional approval under section 2116 of the Revised Statutes (25 U.S.C. 177) or any other applicable provision of Federal law.

(c) Environmental Compliance.--

(1) In general.--In implementing the Compact and this subtitle, the Secretary shall comply with all applicable provisions of--

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

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

(C) all other applicable environmental laws and regulations.

(2) Effect of execution.--

(A) In general.--The execution of the Compact by the Secretary under this section shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) Compliance.--The Secretary shall carry out all Federal compliance activities necessary to implement the Compact and this subtitle.

Sec. 3705. [Milk River Water Right.]

(a) In General.-- With respect to the Milk River water right, the Tribe--

(1) may continue the historical uses and the uses in existence on the date of enactment of this Act; and

(2) except as provided in article III.F.1.d of the Compact, shall not develop new uses until the date on which--

(A) the Tribe has entered into the agreement described in subsection (c); or

(B) the Secretary has established the terms and conditions described in subsection (e).

(b) Water Rights Arising Under State Law.--With respect to any water rights arising under State law in the Milk River Basin owned or acquired by the Tribe, the Tribe--

(1) may continue any use in existence on the date of enactment of this Act; and

(2) shall not change any use until the date on which--

(A) the Tribe has entered into the agreement described in subsection (c); or

(B) the Secretary has established the terms and conditions described in subsection (e).

(c) Tribal Agreement.--

(1) In general.-- In consultation with the Commissioner of Reclamation and the Director of the Bureau of Indian Affairs, the Tribe and the Fort Belknap Indian Community shall enter into an agreement to provide for the exercise of their respective water rights on the respective reservations of the Tribe and the Fort Belknap Indian Community in the Milk River.

(2) Considerations.--The agreement entered into under paragraph (1) shall take into consideration--

(A) the equal priority dates of the 2 Indian tribes;

(B) the water supplies of the Milk River; and

(C) historical, current, and future uses identified by each Indian tribe.

(d) Secretarial Determination.--

(1) In general.-- Not later than 120 days after the date on which the agreement described in subsection (c) is submitted to the Secretary, the Secretary shall review and approve or disapprove the agreement.

(2) Approval.-- The Secretary shall approve the agreement if the Secretary finds that the agreement--

(A) equitably accommodates the interests of each Indian tribe in the Milk River;

(B) adequately considers the factors described in subsection (c)(2); and

(C) is otherwise in accordance with applicable law.

(3) Deadline extension.-- The deadline to review the agreement described in paragraph (1) may be extended by the Secretary after consultation with the Tribe and the Fort Belknap Indian Community.

(e) Secretarial Decision.--

(1) In general.-- If the Tribe and the Fort Belknap Indian Community do not, by 3 years after the Secretary certifies under section 3720(f)(5) that the Tribal membership has approved the Compact and this subtitle, enter into an agreement approved under subsection d(2), the Secretary, in the Secretary's sole discretion, shall establish, after consultation with the Tribe and the Fort Belknap Indian Community, terms and conditions that reflect the considerations described in subsection (c)(2) by which the respective water rights of the Tribe and the Fort Belknap Indian Community in the Milk River may be exercised.

(2) Consideration as final agency action.--The establishment by the Secretary of terms and conditions under paragraph (1) shall be considered to be a final agency action for purposes of review under chapter 7 of title 5, United States Code.

(3) Judicial review.--An action for judicial review pursuant to this section shall be brought by not later than the date that is 1 year after the date of notification of the establishment of the terms and conditions under this subsection.

(4) Incorporation into decrees.--The agreement under subsection (c), or the decision of the Secretary under this subsection, shall be filed with the Montana Water Court, or the district court with jurisdiction, for incorporation into the final decrees of the Tribe and the Fort Belknap Indian Community.

(5) Effective date.--The agreement under subsection (c) and a decision of the Secretary under this subsection--

(A) shall be effective immediately; and

(B) may not be modified absent--

(i) the approval of the Secretary; and

(ii) the consent of the Tribe and the Fort Belkn Indian Community.

(f) Use of Funds.--The Secretary shall distribute equally the funds made available under section 3718(a)(2)(C)(ii) to the Tribe and the Fort Belknap Indian Community to use to reach an agreement under this section, including for technical analyses and legal and other related efforts.

Sec. 3706. [Water Delivery Through Milk River Project.]

(a) In General.--Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall carry out the activities authorized under this section with respect to the St. Mary River water right.

(b) Treatment.--Notwithstanding article IV.D.4 of the Compact, any responsibility of the United States with respect to the St. Mary River water right shall be limited to, and fulfilled pursuant to-

(1) subsection (c) of this section; and

(2) subsection (b)(3) of section 3716 and subsection (a)(1)(C) of section 3718.

(c) Water Delivery Contract.--

(1) In general.-- Not later than 180 days after the enforceability date, the Secretary shall enter into a water delivery contract with the Tribe for the delivery of not greater than 5,000 acre-feet per year of the St. Mary River water right through Milk River Project facilities to the Tribe or another entity specified by the Tribe.

(2) Terms and conditions.-- The contract under paragraph (1) shall establish the terms and conditions for the water deliveries described in paragraph (1) in accordance with the Compact and this subtitle.

(3) Requirements.-- The water delivery contract under paragraph (1) shall include provisions requiring that—

(A) the contract shall be without limit as to term;

(B) the Tribe, and not the United States, shall collect, and shall be entitled to, all consideration due to the Tribe under any lease, contract, or agreement entered into by the Tribe pursuant to subsection (f);

(C) the United States shall have no obligation to monitor, administer, or account for-

(i) any funds received by the Tribe as consideration under any lease, contract, or agreement entered into by the Tribe pursuant to subsection (f); or

(ii) the expenditure of such funds;

(D) if water deliveries under the contract are interrupted for an extended period of time because of damage to, or a reduction in the capacity of, St. Mary Unit facilities, the rights of the Tribe shall be treated in the same manner as the rights of other contractors receiving water deliveries through the Milk River Project with respect to the water delivered under this section;

(E) deliveries of water under this section shall be--

(i) limited to not greater than 5,000 acre-feet of water in any 1 year;

(ii) consistent with operations of the Milk River Project and without additional costs to the Bureau of Reclamation, including OM&R costs; and

(iii) without additional cost to the Milk River Project water users; and

(F) the Tribe shall be required to pay OM&R for water delivered under this section.

(d) Shortage Sharing or Reduction.--

(1) In general.-- The 5,000 acre-feet per year of water delivered under paragraph (3)(E)(i) of subsection (c) shall not be subject to shortage sharing or reduction, except as provided in paragraph (3)(D) of that subsection.

(2) No injury to milk river project water users.-- Notwithstanding article IV.D.4 of the Compact, any reduction in the Milk River Project water supply caused by the delivery of water under subsection (c) shall not constitute injury to Milk River Project water users.

(e) Subsequent Contracts.--

(1) In general.--As part of the studies authorized by section 3707(c)(1), the Secretary, acting through the Commissioner of Reclamation, and in cooperation with the Tribe, shall identify alternatives to provide to the Tribe water from the St. Mary River water right in quantities greater than the 5,000 acre-feet per year of water described in subsection (c)(3)(E)(i).

(2) Contract for water delivery.--If the Secretary determines under paragraph (1) that more than 5,000 acre-feet per year of the St. Mary River water right can be delivered to the Tribe, the Secretary shall offer to enter into 1 or more contracts with the Tribe for the delivery of that water, subject to the requirements of subsection (c)(3) (except subsection (c)(3)(E)(i)) and this subsection.

(3) Treatment.-- Any delivery of water under this subsection shall be subject to reduction in the same manner as for Milk River Project contract holders.

(f) Subcontracts.--

(1) In general.-- The Tribe may enter into any subcontract for the delivery of water under this section to a third party, in accordance with section 3715(e).

(2) Compliance with other law.--All subcontracts described in paragraph (1) shall comply with--

(A) this subtitle;

(B) the Compact;

(C) the tribal water code; and

(D) other applicable law.

(3) No liability.-- The Secretary shall not be liable to any party, including the Tribe, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(g) Effect of Provisions.-- Nothing in this section--

(1) precludes the Tribe from taking the water described in subsection (c)(3)(E)(i), or any additional water provided under subsection (e), from the direct flow of the St. Mary River; or

(2) modifies the quantity of the Tribal water rights described in article III.G.1. of the Compact.

(h) Other Rights.--Notwithstanding the requirements of article III.G.1.d of the Compact, after satisfaction of all water rights under State law for use of St. Mary River water, including the Milk River Project water rights, the Tribe shall have the right to the remaining portion of the share of the United States in the St. Mary River under the International Boundary Waters Treaty of 1909 (36 Stat. 2448) for any tribally authorized use or need consistent with this subtitle.

Sec. 3707. [Bureau of Reclamation Activities to Improve Water Management.]

(a) Milk River Project Purposes.--The purposes of the Milk River Project shall include--

(1) irrigation;

(2) flood control;

(3) the protection of fish and wildlife;

(4) recreation;

(5) the provision of municipal, rural, and industrial water supply; and

(6) hydroelectric power generation.

(b) Use of Milk River Project Facilities for the Benefit of Tribe.-- The use of Milk River Project facilities to transport water for the Tribe pursuant to subsections (c) and (e) of section 3706, together with any use by the Tribe of that water in accordance with this subtitle--

(1) shall be considered to be an authorized purpose of the Milk River Project; and
(2) shall not change the priority date of any Tribal water rights.

(c) St. Mary River Studies.--

(1) In general.--Subject to the availability of appropriations, the Secretary, in cooperation with the Tribe and the State, shall conduct--

(A) an appraisal study—

(i) to develop a plan for the management and development of water supplies in the St. Mary River Basin and Milk River Basin, including the St. Mary River and Milk River water supplies for the Tribe and the Milk River water supplies for the Fort Belknap Indian Community; and

(ii) to identify alternatives to develop additional water of the St. Mary River for the Tribe; and

(B) a feasibility study--

(i) using the information resulting from the appraisal study conducted under subparagraph (A) and such other information as is relevant, to evaluate the feasibility of--

(I) alternatives for the rehabilitation of the St. Mary Diversion Dam and Canal; and

(II) increased storage in Fresno Dam and Reservoir; and

(ii) to create a cost allocation study that is based on the authorized purposes described in subsections (a) and (b).

(2) Cooperative agreement.--On request of the Tribe, the Secretary shall enter into a cooperative agreement with the Tribe with respect to the portion of the appraisal study described in paragraph (1)(A).

(3) Costs nonreimbursable.--The cost of the studies under this subsection shall not be--

(A) considered to be a cost of the Milk River Project; or

(B) reimbursable in accordance with the reclamation laws.

(d) Swiftcurrent Creek Bank Stabilization.--

(1) In general.--Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall carry out appropriate activities concerning the Swiftcurrent Creek Bank Stabilization Project, including--

(A) a review of the final project design; and

(B) value engineering analyses.

(2) Modification of final design.--Prior to beginning construction activities for the Swiftcurrent Creek Bank Stabilization Project, on the basis of the review conducted under paragraph (1), the Secretary shall negotiate with the Tribe appropriate changes, if any, to the final design--

(A) to ensure compliance with applicable industry standards;

(B) to improve the cost-effectiveness of the Swiftcurrent Creek Bank Stabilization Project; and

(C) to ensure that the Swiftcurrent Creek Bank Stabilization Project may be constructed using only the amounts made available under section 3718.

(3) Applicability of isdeaa.--At the request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out the Swiftcurrent Bank Stabilization Project.

(e) Administration.--The Commissioner of Reclamation and the Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation under any agreement entered into under this section, subject to the condition that the total cost for the oversight shall not exceed 4 percent of the total costs incurred under this section.

(f) Milk River Project Rights-of-Way and Easements.--

(1) In general.--Subject to paragraphs (2) and (3), the Tribe shall grant the United States a right-of-way on Reservation land owned by the Tribe for all uses by the Milk River Project (permissive or otherwise) in existence as of December 31, 2015, including all facilities, flowage easements, and access easements necessary for the operation and maintenance of the Milk River Project.

(2) Agreement regarding existing uses.--The Tribe and the Secretary shall enter into an agreement for a process to determine the location, nature, and extent of the existing uses referenced in this subsection. The agreement shall require that--

(A) a panel of three individuals determine the location, nature, and extent of existing uses necessary for the operation and maintenance of the Milk River Project (the “Panel Determination"), with the Tribe appointing one representative of the Tribe, the Secretary appointing one representative of the Secretary, and those two representatives jointly appointing a third individual;

(B) if the Panel Determination is unanimous, the Tribe grant a right-of-way to the United States for the existing uses identified in the Panel Determination in accordance with applicable law without additional compensation;

(C) if the Panel Determination is not unanimous--

(i) the Secretary adopt the Panel Determination with any amendments the Secretary reasonably determines necessary to correct any clear error (the “Interior Determination"), provided that if any portion of the Panel Determination is unanimous, the Secretary will not amend that portion; and

(ii) the Tribe grant a right-of-way to the United States for the existing uses identified in the Interior Determination in accordance with applicable law without additional compensation, with the agreement providing for the timing of the grant to take into consideration the possibility of review under paragraph (5).

(3) Effect.--Determinations made under this subsection--

(A) do not address title as between the United States and the Tribe; and

(B) do not apply to any new use of Reservation land by the United States for the Milk River Project after December 31, 2015.

(4) Interior determination as final agency action.--Any determination by the Secretary under paragraph (2)(C) shall be considered to be a final agency action for purposes of review under chapter 7 of title 5, United States Code.

(5) Judicial review.--An action for judicial review pursuant to this section shall be brought by not later than the date that is 1 year after the date of notification of the Interior Determination.

(g) Funding.--The total amount of obligations incurred by the Secretary, prior to any adjustment provided for in section 3718, shall not exceed--

(1) $3,800,000 to carry out subsection (c);

(2) $20,700,000 to carry out subsection (d); and

(3) $3,100,000 to carry out subsection (f).

Sec. 3708. [St. Mary Canal Hydroelectric Power Generation.]

(a) Bureau of Reclamation Jurisdiction.--Effective beginning on the date of enactment of this Act, the Commissioner of Reclamation shall have exclusive jurisdiction to authorize the development of hydropower on the St. Mary Unit.

(b) Rights of Tribe.--

(1) Exclusive right of tribe.--Subject to paragraph (2) and notwithstanding any other provision of law, the Tribe shall have the exclusive right to develop and market hydroelectric power of the St. Mary Unit.

(2) Limitations.--The exclusive right described in paragraph (1)--

(A) shall expire on the date that is 15 years after the date of enactment of an Act appropriating funds for rehabilitation of the St. Mary Unit; but

(B) may be extended by the Secretary at the request of the Tribe.

(3) OM&R costs.--Effective beginning on the date that is 10 years after the date on which the Tribe begins marketing hydroelectric power generated from the St. Mary Unit to any third party, the Tribe shall make annual payments for OM&R costs attributable to the direct use of any facilities by the Tribe for hydroelectric power generation, in amounts determined in accordance with the guidelines and methods of the Bureau of Reclamation for assessing OM&R charges.

(c) Bureau of Reclamation Cooperation.--The Commissioner of Reclamation shall cooperate with the Tribe in the development of any hydroelectric power generation project under this section.

(d) Agreement.--Before construction of a hydroelectric power generation project under this section, the Tribe shall enter into an agreement with the Commissioner of Reclamation that includes provisions--

(1) requiring that--

(A) the design, construction, and operation of the project shall be consistent with the Bureau of Reclamation guidelines and methods for hydroelectric power development at Bureau facilities, as appropriate; and

(B) the hydroelectric power generation project will not impair the efficiencies of the Milk River Project for authorized purposes;

(2) regarding construction and operating criteria and emergency procedures; and

(3) under which any modification proposed by the Tribe to a facility owned by the Bureau of Reclamation shall be subject to review and approval by the Secretary, acting through the Commissioner of Reclamation.

(e) Use of Hydroelectric Power by Tribe.--Any hydroelectric power generated in accordance with this section shall be used or marketed by the Tribe.

(f) Revenues.--The Tribe shall collect and retain any revenues from the sale of hydroelectric power generated by a project under this section.

(g) Liability of United States.--The United States shall have no obligation to monitor, administer, or account for--

(1) any revenues received by the Tribe under this section; or

(2) the expenditure of those revenues.

(h) Preference.--During any period for which the exclusive right of the Tribe described in subsection (b)(1) is not in effect, the Tribe shall have a preference to develop hydropower on the St. Mary Unit facilities, in accordance with Bureau of Reclamation guidelines and methods for hydroelectric power development at Bureau facilities.

Sec. 3709. [Storage Allocation from Lake Elwell.]

(a)(1) Storage Allocation to Tribe.--The Secretary shall allocate to the Tribe 45,000 acre-feet per year of water stored in Lake Elwell for use by the Tribe for any beneficial purpose on or off the Reservation, under a water right held by the United States and managed by the Bureau of Reclamation, as measured at the outlet works of Tiber Dam or through direct pumping from Lake Elwell.

(2) Reduction.--Up to 10,000 acre-feet per year of water allocated to the Tribe pursuant to paragraph (1) will be subject to an acre-foot for acre-foot reduction if depletions from the Tribal water rights above Lake Elwell exceed 88,000 acre-feet per year of water because of New Development (as defined in article II.37 of the Compact).

(b) Treatment.--

(1) In general.--The allocation to the Tribe under subsection (a) shall be considered to be part of the Tribal water rights.

(2) Priority date.--The priority date of the allocation to the Tribe under subsection (a) shall be the priority date of the Lake Elwell water right held by the Bureau of Reclamation.

(3) Administration.--The Tribe shall administer the water allocated under subsection (a) in accordance with the Compact and this subtitle.

(c) Allocation Agreement.--

(1) In general.--As a condition of receiving an allocation under this section, the Tribe shall enter into an agreement with the Secretary to establish the terms and conditions of the allocation, in accordance with the Compact and this subtitle.

(2) Inclusions.--The agreement under paragraph (1) shall include provisions establishing that--

(A) the agreement shall be without limit as to term;

(B) the Tribe, and not the United States, shall be entitled to all consideration due to the Tribe under any lease, contract, or agreement entered into by the Tribe pursuant to subsection (d);

(C) the United States shall have no obligation to monitor, administer, or account for-

(i) any funds received by the Tribe as consideration under any lease, contract, or agreement entered into by the Tribe pursuant to subsection (d); or

(ii) the expenditure of those funds;

(D) if the capacity or function of Lake Elwell facilities are significantly reduced, or are anticipated to be significantly reduced, for an extended period of time, the Tribe shall have the same rights as other storage contractors with respect to the allocation under this section;

(E) the costs associated with the construction of the storage facilities at Tiber Dam
allocable to the Tribe shall be nonreimbursable;

(F) no water service capital charge shall be due or payable for any water allocated to the Tribe pursuant to this section or the allocation agreement, regardless of whether that water is delivered for use by the Tribe or under a lease, contract, or by agreement entered into by the Tribe pursuant to subsection (d);

(G) the Tribe shall not be required to make payments to the United States for any water allocated to the Tribe under this subtitle or the allocation agreement, except for

each acre-foot of stored water leased or transferred for industrial purposes as described in subparagraph (H);

(H) for each acre-foot of stored water leased or transferred by the Tribe for industrial purposes—

(i) the Tribe shall pay annually to the United States an amount necessary to cover the proportional share of the annual OM&R costs allocable to the quantity of water leased or transferred by the Tribe for industrial purposes; and

(ii) the annual payments of the Tribe shall be reviewed and adjusted, as appropriate, to reflect the actual OM&R costs for Tiber Dam; and (I) the adjustment process identified in subsection (a)(2) will be based on specific enumerated provisions.

(d) Agreements by Tribe.--The Tribe may use, lease, contract, exchange, or enter into other agreements for use of the water allocated to the Tribe under subsection (a), if--

(1) the use of water that is the subject of such an agreement occurs within the Missouri River Basin; and

(2) the agreement does not permanently alienate any portion of the water allocated to the Tribe under subsection (a).

(e) Effective Date.--The allocation under subsection (a) takes effect on the enforceability date.

(f) No Carryover Storage.--The allocation under subsection (a) shall not be increased by any year-to-year carryover storage.

(g) Development and Delivery Costs.--The United States shall not be required to pay the cost of developing or delivering any water allocated under this section.

Sec. 3710. [Irrigation Activities.]

(a) In General.--Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation and in accordance with subsection (c), shall carry out the following actions relating to the Blackfeet Irrigation Project:

(1) Deferred maintenance.

(2) Dam safety improvements for Four Horns Dam.

(3) Rehabilitation and enhancement of the Four Horns Feeder Canal, Dam, and Reservoir.

(b) Lead Agency.--The Bureau of Reclamation shall serve as the lead agency with respect to any activities carried out under this section.

(c) Scope of Deferred Maintenance Activities and Four Horns Dam Safety Improvements.--

(1) In general.--Subject to the conditions described in paragraph (2), the scope of the deferred maintenance activities and Four Horns Dam safety improvements shall be as generally described in--

(A) the document entitled “Engineering Evaluation and Condition Assessment, Blackfeet Irrigation Project", prepared by DOWL HKM, and dated August 2007; and

(B) the provisions relating to Four Horns Rehabilitated Dam of the document entitled “Four Horns Dam Enlarged Appraisal Evaluation Design Report", prepared by DOWL HKM, and dated April 2007.

(2) Conditions.--The conditions referred to in paragraph (1) are that, before commencing construction activities, the Secretary shall--

(A) review the design of the proposed rehabilitation or improvement;

(B) perform value engineering analyses;

(C) perform appropriate Federal environmental compliance activities; and

(D) ensure that the deferred maintenance activities and dam safety improvements may be constructed using only the amounts made available under section 3718.

(d) Scope of Rehabilitation and Enhancement of Four Horns Feeder Canal, Dam, and Reservoir.-

(1) In general.--The scope of the rehabilitation and improvements shall be as generally described in the document entitled “Four Horns Feeder Canal Rehabilitation with Export", prepared by DOWL HKM, and dated April 2013, subject to the condition that, before commencing construction activities, the Secretary shall—

(A) review the design of the proposed rehabilitation or improvement;

(B) perform value engineering analyses;

(C) perform appropriate Federal environmental compliance activities; and

(D) ensure that the rehabilitation and improvements may be constructed using only the amounts made available under section 3718.

(2) Inclusions.--The activities carried out by the Secretary under this subsection shall include--

(A) the rehabilitation or improvement of the Four Horns feeder canal system to a capacity of not fewer than 360 cubic feet per second;

(B) the rehabilitation or improvement of the outlet works of Four Horns Dam and Reservoir to deliver not less than 15,000 acre-feet of water per year, in accordance with subparagraph (C); and

(C) construction of facilities to deliver not less than 15,000 acre-feet of water per year from Four Horns Dam and Reservoir, to a point on or near Birch Creek to be designated by the Tribe and the State for delivery of water to the water delivery system of the Pondera County Canal and Reservoir Company on Birch Creek, in accordance with the Birch Creek Agreement.

(3) Negotiation with tribe.--On the basis of the review described in paragraph (1)(A), the Secretary shall negotiate with the Tribe appropriate changes to the final design of any activity under this subsection to ensure that the final design meets applicable industry standards.

(e) Funding.--The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 3718, shall not exceed $54,900,000, of which--

(1) $40,900,000 shall be allocated to carry out the activities described in subsection (c); and

(2) $14,000,000 shall be allocated to carry out the activities described in subsection (d)(2).

(f) Nonreimbursability of Costs.--All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(g) Non-Federal Contribution.--No part of the project under subsection (d) shall be commenced until the State has made available $20,000,000 to carry out the activities described in subsection (d)(2).

(h) Administration.--The Commissioner of Reclamation and the Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation under any agreement entered into under subsection (m), subject to the condition that the total cost for the oversight shall not exceed 4 percent of the total project costs for each project.

(i) Project Efficiencies.--If the total cost of planning, design, and construction activities relating to the projects described in this section results in cost savings and is less than the amounts authorized to be obligated, the Secretary, at the request of the Tribe, may--

(1) use those cost savings to carry out a project described in section 3707(d), 3711, 3712, or 3713; or

(2) deposit those cost savings to the Blackfeet OM&R Trust Account.

(j) Ownership by Tribe of Birch Creek Delivery Facilities.-- Notwithstanding any other provision of law, the Secretary shall transfer to the Tribe, at no cost, title in and to the facilities constructed under subsection (d)(2)(C).

(k) Ownership, Operation, and Maintenance.--On transfer to the Tribe of title under subsection (j), the Tribe shall--

(1) be responsible for OM&R in accordance with the Birch Creek Agreement; and

(2) enter into an agreement with the Bureau of Indian Affairs regarding the operation of the facilities described in that subsection.

(l) Liability of United States.--The United States shall have no obligation or responsibility with respect the facilities described in subsection (d)(2)(C).

(m) Applicability of ISDEAA.--At the request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out this section.

(n) Effect.--Nothing in this section--

(1) alters any applicable law (including regulations) under which the Bureau of Indian Affairs collects assessments or carries out Blackfeet Irrigation Project OM&R; or

(2) impacts the availability of amounts made available under subsection (a)(1)(B) of section 3718.

Sec. 3711. [Design and Construction of MR&I System.]

(a) In General.--Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct the water diversion and delivery features of the MR&I System in accordance with 1 or more agreements between the Secretary and the Tribe.

(b) Lead Agency.--The Bureau of Reclamation shall serve as the lead agency with respect to any activity to design and construct the water diversion and delivery features of the MR&I System.

(c) Scope.--

(1) In general.--The scope of the design and construction under this section shall be as generally described in the document entitled “Blackfeet Regional Water System", prepared by DOWL HKM, dated June 2010, and modified by DOWL HKM in the addendum to the report dated March 2013, subject to the condition that, before commencing final design and construction activities, the Secretary shall—

(A) review the design of the proposed rehabilitation and construction;

(B) perform value engineering analyses; and

(C) perform appropriate Federal compliance activities.

(2) Negotiation with tribe.--On the basis of the review described in paragraph (1)(A), the Secretary shall negotiate with the Tribe appropriate changes, if any, to the final design--

(A) to ensure that the final design meets applicable industry standards;

(B) to improve the cost-effectiveness of the delivery of MR&I System water; and

(C) to ensure that the MR&I System may be constructed using only the amounts made available under section 3718.

(d) Nonreimbursability of Costs.--All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) Funding.--The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 3718, shall not exceed $76,200,000.
(f) Non-Federal Contribution.--

(1) Consultation.--Before completion of the final design of the MR&I System required by subsection (c), the Secretary shall consult with the Tribe, the State, and other affected non-Federal parties to discuss the possibility of receiving non-Federal contributions for the cost of the MR&I System.

(2) Negotiations.--If, based on the extent to which non-Federal parties are expected to use the MR&I System, a non-Federal contribution to the MR&I System is determined by the parties described in paragraph (1) to be appropriate, the Secretary shall initiate negotiations for an agreement regarding the means by which the contributions shall be provided.

(g) Ownership by Tribe.--Title to the MR&I System and all facilities rehabilitated or constructed under this section shall be held by the Tribe.
(h) Administration.--The Commissioner of Reclamation and the Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation under any agreement entered into under this section, subject to the condition that the total cost for the oversight shall not exceed 4 percent of the total costs incurred under this section.
(i) OM&R Costs.--The Federal Government shall have no obligation to pay for the OM&R costs for any facility rehabilitated or constructed under this section.
(j) Project Efficiencies.--If the total cost of planning, design, and construction activities relating to the projects described in this section results in cost savings and is less than the amounts authorized to be obligated, the Secretary, at the request of the Tribe, may--

(1) use those cost savings to carry out a project described in section 3707(d), 3710, 3712, or 3713; or

(2) deposit those cost savings to the Blackfeet OM&R Trust Account.

(k) Applicability of ISDEAA.--At the request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out this section.

Sec. 3712. [Design and Construction of Water Storage and Irrigation Facilities.]

(a) In General.--Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct 1 or more facilities to store water and support irrigation on the Reservation in accordance with 1 or more agreements between the Secretary and the Tribe.
(b) Lead Agency.--The Bureau of Reclamation shall serve as the lead agency with respect to any activity to design and construct the irrigation development and water storage facilities described in subsection (c).
(c) Scope.--

(1) In general.--The scope of the design and construction under this section shall be as generally described in the document entitled “Blackfeet Water Storage, Development, and Project Report", prepared by DOWL HKM, and dated March 13, 2013, as modified and agreed to by the Secretary and the Tribe, subject to the condition that, before commencing final design and construction activities, the Secretary shall--

(A) review the design of the proposed construction;

(B) perform value engineering analyses; and

(C) perform appropriate Federal compliance activities.

(2) Modification.--The Secretary may modify the scope of construction for the projects described in the document referred to in paragraph (1), if—

(A) the modified project is--

(i) similar in purpose to the proposed projects; and

(ii) consistent with the purposes of this subtitle; and

(B) the Secretary has consulted with the Tribe regarding any modification.

(3) Negotiation with tribe.--On the basis of the review described in paragraph (1)(A), the Secretary shall negotiate with the Tribe appropriate changes, if any, to the final design--

(A) to ensure that the final design meets applicable industry standards;

(B) to improve the cost-effectiveness of any construction; and

(C) to ensure that the projects may be constructed using only the amounts made available under section 3718.

(d) Nonreimbursability of Costs.--All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) Funding.--The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 3718, shall not exceed $87,300,000.

(f) Ownership by Tribe.--Title to all facilities rehabilitated or constructed under this section shall be held by the Tribe, except that title to the Birch Creek Unit of the Blackfeet Indian Irrigation Project shall remain with the Bureau of Indian Affairs.

(g) Administration.--The Commissioner of Reclamation and the Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation under any agreement entered into under this section, subject to the condition that the total cost for the oversight shall not exceed 4 percent of the total costs incurred under this section.

(h) OM&R Costs.--The Federal Government shall have no obligation to pay for the OM&R costs for the facilities rehabilitated or constructed under this section.

(i) Project Efficiencies.--If the total cost of planning, design, and construction activities relating to the projects described in this section results in cost savings and is less than the amounts authorized to be obligated, the Secretary, at the request of the Tribe, may—

(1) use those cost savings to carry out a project described in section 3707(d), 3710, 3711, or 3713; or

(2) deposit those cost savings to the Blackfeet OM&R Trust Account.

(j) Applicability of ISDEAA.--At the request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out this section.

Sec. 3713. [Blackfeet Water, Storage, and Development Projects.]

(a) In General.--

(1) Scope.--The scope of the construction under this section shall be as generally described in the document entitled “Blackfeet Water Storage, Development, and Project Report", prepared by DOWL HKM, and dated March 13, 2013, as modified and agreed to by the Secretary and the Tribe.

(2) Modification.--The Tribe may modify the scope of the projects described in the document referred to in paragraph (1) if--

(A) the modified project is--

(i) similar to the proposed project; and

(ii) consistent with the purposes of this subtitle; and

(B) the modification is approved by the Secretary.

(b) Nonreimbursability of Costs.--All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.
(c) Funding.--The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 3718, shall not exceed $91,000,000.
(d) OM&R Costs.--The Federal Government shall have no obligation to pay for the OM&R costs for the facilities rehabilitated or constructed under this section.
(e) Ownership by Tribe.--Title to any facility constructed under this section shall be held by the Tribe.

Sec. 3714. [Easements and Rights-of-Way.]

(a) Tribal Easements and Rights-of-Way.--

(1) In general.--On request of the Secretary, the Tribe shall grant, at no cost to the United States, such easements and rights-of-way over tribal land as are necessary for the construction of the projects authorized by sections 3710 and 3711.

(2) Jurisdiction.--An easement or right-of-way granted by the Tribe pursuant to paragraph (1) shall not affect in any respect the civil or criminal jurisdiction of the Tribe over the easement or right-of-way.

(b) Landowner Easements and Rights-of-Way.--In partial consideration for the construction activities authorized by section 3711, and as a condition of receiving service from the MR&I System, a landowner shall grant, at no cost to the United States or the Tribe, such easements and rights-of-way over the land of the landowner as may be necessary for the construction of the MR&I System.
(c) Land Acquired by United States or Tribe.--Any land acquired within the boundaries of the Reservation by the United States on behalf of the Tribe, or by the Tribe on behalf of the Tribe, in connection with achieving the purposes of this subtitle shall be held in trust by the United States for the benefit of the Tribe.

Sec. 3715. [Tribal Water Rights.]

(a) Confirmation of Tribal Water Rights.--

(1) In general.--The Tribal water rights are ratified, confirmed, and declared to be valid.

(2) Use.--Any use of the Tribal water rights shall be subject to the terms and conditions of the Compact and this subtitle.

(3) Conflict.--In the event of a conflict between the Compact and this subtitle, the provisions of this subtitle shall control.

(b) Intent of Congress.--It is the intent of Congress to provide to each allottee benefits that are equivalent to, or exceed, the benefits the allottees possess on the day before the date of enactment of this Act, taking into consideration--

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Compact and this subtitle;

(2) the availability of funding under this subtitle and from other sources;

(3) the availability of water from the Tribal water rights; and

(4) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), and this subtitle to protect the interests of allottees.

(c) Trust Status of Tribal Water Rights.--The Tribal water rights--

(1) shall be held in trust by the United States for the use and benefit of the Tribe and the allottees in accordance with this subtitle; and

(2) shall not be subject to forfeiture or abandonment.

(d) Allottees.--

(1) Applicability of act of February 8, 1887.--The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes, shall apply to the Tribal water rights.

(2) Entitlement to water.--Any entitlement to water of an allottee under Federal law shall be satisfied from the Tribal water rights.

(3) Allocations.--An allottee shall be entitled to a just and equitable allocation of water for irrigation purposes.

(4) Claims.--

(A) Exhaustion of remedies.--Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an allottee shall exhaust remedies available under the tribal water code or other applicable tribal law.

(B) Action for relief.--After the exhaustion of all remedies available under the tribal water code or other applicable tribal law, an allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law.

(5) Authority of secretary.--The Secretary shall have the authority to protect the rights of allottees in accordance with this section.

(e) Authority of Tribe.--

(1) In general.--The Tribe shall have the authority to allocate, distribute, and lease the Tribal water rights for any use on the Reservation in accordance with the Compact, this subtitle, and applicable Federal law.

(2) Off-reservation use.--The Tribe may allocate, distribute, and lease the Tribal water rights for off-Reservation use in accordance with the Compact, subject to the approval of the Secretary.

(3) Land leases by allottees.--Notwithstanding paragraph (1), an allottee may lease any interest in land held by the allottee, together with any water right determined to be appurtenant to the interest in land, in accordance with the tribal water code.

(f) Tribal Water Code.--

(1) In general.--Notwithstanding article IV.C.1. of the Compact, not later than 4 years after the date on which the Tribe ratifies the Compact in accordance with this subtitle, the Tribe shall enact a tribal water code that provides for--

(A) the management, regulation, and governance of all uses of the Tribal water rights in accordance with the Compact and this subtitle; and

(B) establishment by the Tribe of conditions, permit requirements, and other requirements for the allocation, distribution, or use of the Tribal water rights in accordance with the Compact and this subtitle.

(2) Inclusions.--Subject to the approval of the Secretary, the tribal water code shall provide-

(A) that use of water by allottees shall be satisfied with water from the Tribal water rights;

(B) a process by which an allottee may request that the Tribe provide water for irrigation use in accordance with this subtitle, including the provision of water under any allottee lease under section 4 of the Act of June 25, 1910 (25 U.S.C. 403);

(C) a due process system for the consideration and determination by the Tribe of any request by an allottee (or a successor in interest to an allottee) for an allocation of water for irrigation purposes on allotted land, including a process for--

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision; and

(D) a requirement that any allottee asserting a claim relating to the enforcement of rights of the allottee under the tribal water code, or to the quantity of water allocated to land of the allottee, shall exhaust all remedies available to the allottee under tribal law before initiating an action against the United States or petitioning the Secretary pursuant to subsection (d)(4)(B).

(3) Action by secretary.--

(A) In general.--During the period beginning on the date of enactment of this Act and ending on the date on which a tribal water code described in paragraphs

(1) and (2) is enacted, the Secretary shall administer, with respect to the rights of allottees, the Tribal water rights in accordance with this subtitle.

(B) Approval.--The tribal water code described in paragraphs (1) and (2) shall not be valid unless--

(i) the provisions of the tribal water code required by paragraph (2) are approved by the Secretary; and

(ii) each amendment to the tribal water code that affects a right of an allottee is approved by the Secretary.

(C) Approval period.--

(i) In general.--The Secretary shall approve or disapprove the tribal water code or an amendment to the tribal water code not later than 180 days after the date on which the tribal water code or amendment is submitted to the Secretary.

(ii) Extension.--The deadline described in clause (i) may be extended by the Secretary after consultation with the Tribe.

(g) Administration.--

(1) No alienation.--The Tribe shall not permanently alienate any portion of the Tribal water rights.

(2) Purchases or grants of land from indians.--An authorization provided by this subtitle for the allocation, distribution, leasing, or other arrangement entered into pursuant to this subtitle shall be considered to satisfy any requirement for authorization of the action by treaty or convention imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(3) Prohibition on forfeiture.--The non-use of all or any portion of the Tribal water rights by a lessee or contractor shall not result in the forfeiture, abandonment, relinquishment, or other loss of all or any portion of the Tribal water rights.

(h) Effect.--Except as otherwise expressly provided in this section, nothing in this subtitle--

(1) authorizes any action by an allottee against any individual or entity, or against the Tribe, under Federal, State, tribal, or local law; or

(2) alters or affects the status of any action brought pursuant to section 1491(a) of title 28, United States Code.

Sec. 3716. [Blackfeet Settlement Trust Fund.]

(a) Establishment.--There is established in the Treasury of the United States a trust fund, to be known as the “Blackfeet Settlement Trust Fund" (referred to in this section as the “Trust Fund"), to be managed, invested, and distributed by the Secretary and to remain available until expended,

consisting of the amounts deposited in the Trust Fund under subsection (c), together with any interest earned on those amounts, for the purpose of carrying out this subtitle.

(b) Accounts.--The Secretary shall establish in the Trust Fund the following accounts:

(1) The Administration and Energy Account.

(2) The OM&R Account.

(3) The St. Mary Account.

(4) The Blackfeet Water, Storage, and Development Projects Account.

(c) Deposits.--The Secretary shall deposit in the Trust Fund--

(1) in the Administration and Energy Account, the amount made available pursuant to section 3718(a)(1)(A);

(2) in the OM&R Account, the amount made available pursuant to section 3718(a)(1)(B);

(3) in the St. Mary Account, the amount made available pursuant to section 3718(a)(1)(C); and

(4) in the Blackfeet Water, Storage, and Development Projects Account, the amount made available pursuant to section 3718(a)(1)(D).

(d) Management and Interest.--

(1) Management.--The Secretary shall manage, invest, and distribute all amounts in the Trust Fund in a manner that is consistent with the investment authority of the Secretary under--

(A) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this section.

(2) Interest.--In addition to the deposits under subsection (c), any interest credited to amounts unexpended in the Trust Fund are authorized to be appropriated to be used in accordance with the uses described in subsection (h).

(e) Availability of Amounts.--

(1) In general.--Amounts appropriated to, and deposited in, the Trust Fund, including any investment earnings, shall be made available to the Tribe by the Secretary beginning on the enforceability date.

(2) Funding for tribal implementation activities.-- Notwithstanding paragraph (1), on approval pursuant to this subtitle and the Compact by a referendum vote of a majority of votes cast by members of the Tribe on the day of the vote, as certified by the Secretary and the Tribe and subject to the availability of appropriations, of the amounts in the Administration and Energy Account, $4,800,000 shall be made available to the Tribe for the implementation of this subtitle.

(f) Withdrawals Under AIFRMRA.--

(1) In general.--The Tribe may withdraw any portion of the funds in the Trust Fund on approval by the Secretary of a tribal management plan submitted by the Tribe in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) Requirements.--

(A) In general.--In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan under paragraph (1) shall require that the Tribe shall spend all amounts withdrawn from the Trust Fund in accordance with this subtitle.

(B) Enforcement.--The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the tribal management plan to ensure that amounts withdrawn by the Tribe from the Trust Fund under this subsection are used in accordance with this subtitle.

(g) Withdrawals Under Expenditure Plan.—

(1) In general.--The Tribe may submit to the Secretary a request to withdraw funds from the Trust Fund pursuant to an approved expenditure plan.

(2) Requirements.--To be eligible to withdraw funds under an expenditure plan under paragraph (1), the Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the Trust Fund that the Tribe elects to withdraw pursuant to this subsection, subject to the condition that the funds shall be used for the purposes described in this subtitle.

(3) Inclusions.--An expenditure plan under this subsection shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Trust Fund will be used by the Tribe, in accordance with subsection (h).

(4) Approval.--On receipt of an expenditure plan under this subsection, the Secretary shall approve the plan, if the Secretary determines that the plan--

(A) is reasonable; and

(B) is consistent with, and will be used for, the purposes of this subtitle.

(5) Enforcement.--The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this subsection are used in accordance with this subtitle.

(h) Uses.--Amounts from the Trust Fund shall be used by the Tribe for the following purposes:

(1) The Administration and Energy Account shall be used for administration of the Tribal water rights and energy development projects under this subtitle and the Compact.

(2) The OM&R Account shall be used to assist the Tribe in paying OM&R costs.

(3) The St. Mary Account shall be distributed pursuant to an expenditure plan approved under subsection (g), subject to the conditions that--

(A) during the period for which the amount is available and held by the Secretary, $500,000 shall be distributed to the Tribe annually as compensation for the deferral of the St. Mary water right; and

(B) any additional amounts deposited in the account may be withdrawn and used by the Tribe to pay OM&R costs or other expenses for 1 or more projects to benefit the Tribe, as approved by the Secretary, subject to the requirement that the Secretary shall not approve an expenditure plan under this paragraph unless the Tribe provides a resolution of the tribal council-

(i) approving the withdrawal of the funds from the account; and

(ii) acknowledging that the Secretary will not be able to distribute funds under subparagraph (A) indefinitely if the principal funds in the account are reduced.

(4) The Blackfeet Water, Storage, and Development Projects Account shall be used to carry out section 3713.

(i) Liability.--The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Tribe under subsection (f) or (g).

(j) No Per Capita Distributions.--No portion of the Trust Fund shall be distributed on a per capita basis to any member of the Tribe.

(k) Deposit of Funds.--On request by the Tribe, the Secretary may deposit amounts from an account described in paragraph (1), (2), or (4) of subsection (b) to any other account the Secretary determines to be appropriate.

Sec. 3717. [Blackfeet Water Settlement Implementation Fund.]

(a) Establishment.--There is established in the Treasury of the United States a nontrust, interest-bearing account, to be known as the "Blackfeet Water Settlement Implementation Fund" (referred to in this section as the "Implementation Fund"), to be managed and distributed by the Secretary, for use by the Secretary for carrying out this subtitle.

(b) Accounts.--The Secretary shall establish in the Implementation Fund the following accounts:

(1) The MR&I System, Irrigation, and Water Storage Account.

(2) The Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account.

(3) The St. Mary/Milk Water Management and Activities Fund.

(c) Deposits.--The Secretary shall deposit in the Implementation Fund--

(1) in the MR&I System, Irrigation, and Water Storage Account, the amount made available pursuant to section 3718(a)(2)(A);

(2) in the Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account, the amount made available pursuant to section 3718(a)(2)(B); and

(3) in the St. Mary/Milk Water Management and Activities Fund, the amount made available pursuant to section 3718(a)(2)(C).

(d) Uses.--

(1) MR&I system, irrigation, and water storage account.--The MR&I System, Irrigation, and Water Storage Account shall be used to carry out sections 3711 and 3712.

(2) Blackfeet Irrigation Project deferred maintenance and four horns dam safety improvements account.--The Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account shall be used to carry out section 3710.

(3) St. Mary/Milk Water Management and Activities Account.-- The St. Mary/Milk Water Management and Activities Account shall be used to carry out sections 3705 and 3707.

(e) Management.--Amounts in the Implementation Fund shall not be available to the Secretary for expenditure until the enforceability date.

(f) Interest.--In addition to the deposits under subsection (c), any interest credited to amounts unexpended in the Implementation Fund are authorized to be appropriated to be used in accordance with the uses described in subsection (d).

Sec. 3718. [Authorization of Appropriations.]

(a) In General.--Subject to subsection (b), there are authorized to be appropriated to the Secretary--

(1) as adjusted on appropriation to reflect changes since April 2010 in the Consumer Price Index for All Urban Consumers West Urban 50,000 to 1,500,000 index for the amount appropriated--

(A) for deposit in the Administration and Energy Account of the Blackfeet SettlementTrust Fund established under section 3716(b)(1), $28,900,000;

(B) for deposit in the OM&R Account of the Blackfeet Settlement Trust Fund established under section 3716(b)(2), $27,760,000;

(C) for deposit in the St. Mary Account of the Blackfeet Settlement Trust Fund established under section 3716(b)(3), $27,800,000;

(D) for deposit in the Blackfeet Water, Storage, and Development Projects

Account of the Blackfeet Settlement Trust Fund established under section 3716(b)(4), $91,000,000; and

(E) the amount of interest credited to the unexpended amounts of the Blackfeet Settlement Trust Fund; and

(2) as adjusted annually to reflect changes since April 2010 in the Bureau of Reclamation Construction Cost Trends Index applicable to the types of construction involved--

(A) for deposit in the MR&I System, Irrigation, and Water Storage Account of the Blackfeet Water Settlement Implementation Fund established under section 3717(b)(1), $163,500,000;

(B) for deposit in the Blackfeet Irrigation Project Deferred Maintenance, Four Horns Dam Safety, and Rehabilitation and Enhancement of the Four Horns Feeder Canal, Dam, and Reservoir Improvements Account of the Blackfeet Water Settlement Implementation Fund established under section 3717(b)(2), $54,900,000, of which--

(i) $40,900,000 shall be made available for activities and projects under section 3710(c); and

(ii) $14,000,000 shall be made available for activities and projects under section 3710(d)(2);

(C) for deposit in the St. Mary/Milk Water Management and Activities Account of the Blackfeet Water Settlement Implementation Fund established under section 3717(b)(3), $28,100,000, of which--

(i) $27,600,000 shall be allocated in accordance with section 3707(g); and

(ii) $500,000 shall be used to carry out section 3705; and

(D) the amount of interest credited to the unexpended amounts of the Blackfeet Water Settlement Implementation Fund.

(b) Adjustments.--

(1) In general.--The adjustment of the amounts authorized to be appropriated pursuant to subsection (a)(1) shall occur each time an amount is appropriated for an account and shall add to, or subtract from, as applicable, the total amount authorized.

(2) Repetition.--The adjustment process under this subsection shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated.

(3) Treatment.--The amount of an adjustment may be considered--

(A) to be authorized as of the date on which congressional action occurs; and

(B) in determining the amount authorized to be appropriated.

Sec. 3719. [Water Rights in Lewis and Clark National Forest and Glacier National Park.]--The instream flow water rights of the Tribe on land within the Lewis and Clark National Forest and Glacier National Park--

(1) are confirmed; and

(2) shall be as described in the document entitled “Stipulation to Address Claims by and for the Benefit of the Blackfeet Indian Tribe to Water Rights in the Lewis & Clark National Forest and Glacier National Park" and as finally decreed by the Montana Water Court, or, if the Montana Water Court is found to lack jurisdiction, by the United States district court with jurisdiction.

Sec. 3720. [Waivers and Releases of Claims.]

(a) In General.--

(1) Waiver and release of claims by tribe and united states as trustee for tribe.--Subject to the reservation of rights and retention of claims under subsection (c), as consideration for recognition of the Tribal water rights and other benefits as described in the Compact and this sue, the Tribe, acting on behalf of the Tribe and members of the Tribe (but not any member of the Tribe as an allottee), and the United States, acting as trustee for the Tribe and the members of the Tribe (but not any member of the Tribe as an allottee), shall execute a waiver and release of all claims for water rights within the State that the Tribe, or the United States acting as trustee for the Tribe, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such rights are recognized in the Compact and this subtitle.
(2) Waiver and release of claims by united states as trustee for allottees.--Subject to the reservation of rights and the retention of claims under subsection (c), as consideration for recognition of the Tribal water rights and other benefits as described
in the Compact and this subtitle, the United States, acting as trustee for allottees, shall execute a waiver and release of all claims for water rights within the Reservation that the United States, acting as trustee for the allottees, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such rights are recognized in the Compact and this subtitle.
(3) Waiver and release of claims by tribe against united states.--Subject to the reservation of rights and retention of claims under subsection (d), the Tribe, acting on behalf of the Tribe and members of the Tribe (but not any member of the Tribe as an allottee), shall execute a waiver and release of all claims against the United States (including any agency or employee of the United States)--

(A) relating to--

(i) water rights within the State that the United States, acting as trustee for the Tribe, asserted or could have asserted in any proceeding, including a stream adjudication in the State, except to the extent that such rights are recognized as Tribal water rights under this subtitle;

(ii) damage, loss, or injury to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State that first accrued at any time on or before the enforceability date;

(iii) a failure to establish or provide a municipal rural or industrial water delivery system on the Reservation;

(iv) a failure to provide for operation or maintenance, or deferred maintenance, for the Blackfeet Irrigation Project or any other irrigation system or irrigation project on the Reservation;

(v) the litigation of claims relating to the water rights of the Tribe in the State; and

(vi) the negotiation, execution, or adoption of the Compact (including exhibits) or this subtitle;

(B) reserved in subsections (b) through (d) of section 3706 of the settlement for the case styled Blackfeet Tribe v. United States, No. 02-127L (Fed. Cl. 2012); and

(C) that first accrued at any time on or before the enforceability date--

(i) arising from the taking or acquisition of the land of the Tribe or resources for the construction of the features of the St. Mary Unit of the Milk River Project;

(ii) relating to the construction, operation, and maintenance of the St. Mary Unit of the Milk River Project, including Sherburne Dam, St. Mary Diversion Dam, St. Mary Canal and associated infrastructure, and the management of flows in Swiftcurrent Creek, including the diversion of Swiftcurrent Creek into Lower St. Mary Lake;

(iii) relating to the construction, operation, and management of Lower Two Medicine Dam and Reservoir and Four Horns Dam and Reservoir, including any claim relating to the failure to provide dam safety improvements for Four Horns Reservoir; or

(iv) relating to the allocation of waters of the Milk River and St. Mary River (including tributaries) between the United States and Canada pursuant to the International Boundary Waters Treaty of 1909 (36 Stat. 2448).

(b) Effectiveness.--The waivers and releases under subsection (a) shall take effect on the enforceability date.

(c) Withdrawal of Objections.--The Tribe shall withdraw all objections to the water rights claims filed by the United States for the benefit of the Milk River Project, except objections to those claims consolidated for adjudication within Basin 40J, within 14 days of the certification under subsection (f)(5) that the Tribal membership has approved the Compact and this subtitle.

(1) Prior to withdrawal of the objections, the Tribe may seek leave of the Montana Water Court for a right to reinstate the objections in the event the conditions of enforceability in subsection (f)(1) through (8) are not satisfied by the date of expiration described in section 3723 of this subtitle.

(2) If the conditions of enforceability in subsection (f)(1) through (8) are satisfied, and any authority the Montana Water Court may have granted the Tribe to reinstate objections described in this section has not yet expired, the Tribe shall notify the Montana Water Court and the United States in writing that it will not exercise any such authority.

(d) Reservation of Rights and Retention of Claims.--Notwithstanding the waivers and releases under subsection (a), the Tribe, acting on behalf of the Tribe and members of the Tribe, and the United States, acting as trustee for the Tribe and allottees, shall retain--

(1) all claims relating to--

(A) enforcement of, or claims accruing after the enforceability date relating to water rights recognized under, the Compact, any final decree, or this subtitle;

(B) activities affecting the quality of water, including any claim under--

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including damages to natural resources;

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the “Clean Water Act"); and

(iv) any regulations implementing the Acts described in clauses (i) through (iii); or

(C) damage, loss, or injury to land or natural resources that are not due to loss of water or water rights (including hunting, fishing, gathering, or cultural rights);

(2) all rights to use and protect water rights acquired after the date of enactment of this Act; and

(3) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle or the Compact.

(e) Effect of Compact and Subtitle.--Nothing in the Compact or this subtitle--

(1) affects the ability of the United States, acting as a sovereign, to take any action authorized by law (including any law relating to health, safety, or the environment), including--

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (californi et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the "Clean Water Act"); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(2) affects the ability of the United States to act as trustee for any other Indian tribe or allottee of any other Indian tribe;

(3) confers jurisdiction on any State court--

(A) to interpret Federal law regarding health, safety, or the environment;

(B) to determine the duties of the United States or any other party pursuant to a Federal law regarding health, safety, or the environment; or

(C) to conduct judicial review of a Federal agency action;

(4) waives any claim of a member of the Tribe in an individual capacity that does not derive from a right of the Tribe;

(5) revives any claim waived by the Tribe in the case styled Blackfeet Tribe v. United States, No. 02-127L (Fed. Cl. 2012); or

(6) revives any claim released by an allottee or a tribal member in the settlement for the case styled Cobell v. Salazar, No. 1:96CV01285-JR (D.D.C. 2012).

(f) Enforceability Date.--The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that--

(1)(A) the Montana Water Court has approved the Compact, and that decision has become final and nonappealable; or

(B) if the Montana Water Court is found to lack jurisdiction, the appropriate United States district court has approved the Compact, and that decision has become final and nonappealable;

(2) all amounts authorized under section 3718(a) have been appropriated;

(3) the agreements required by sections 3706(c), 3707(f), and 3709(c) have been executed;

(4) the State has appropriated and paid into an interest-bearing escrow account any payments due as of the date of enactment of this Act to the Tribe under the Compact, the Birch Creek Agreement, and this subtitle;

(5) the members of the Tribe have voted to approve this subtitle and the Compact by a majority of votes cast on the day of the vote, as certified by the Secretary and the Tribe;

(6) the Secretary has fulfilled the requirements of section 3709(a);

(7) the agreement or terms and conditions referred to in section 3705 are executed and final; and

(8) the waivers and releases described in subsection (a) have been executed by the Tribe and the Secretary.

(g) Tolling of Claims.--

(1) In general.--Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled during the period beginning on the date of enactment of this Act and ending on the date on which the amounts made available to carry out this subtitle are transferred to the Secretary.

(2) Effect of subsection.--Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(h) Expiration.--If all appropriations authorized by this subtitle have not been made available to the Secretary by January 21, 2026, or such alternative later date as is agreed to by the Tribe and the Secretary, the waivers and releases described in this section shall--

(1) expire; and

(2) have no further force or effect.

(i) Voiding of Waivers.--If the waivers and releases described in this section are void under subsection (h)--

(1) the approval of the United States of the Compact under section 3704 shall no longer be effective;

(2) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this subtitle, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized under this subtitle shall be returned to the Federal Government, unless otherwise agreed to by the Tribe and the United States and approved by Congress; and

(3) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (2), the United States shall be entitled to offset any Federal funds appropriated or made available to carry out the activities authorized under this subtitle that were expended or withdrawn, together with any interest accrued, against any claims against the United States relating to water rights in the State asserted by the Tribe or any user of the Tribal water rights or in any future settlement of the water rights of the Tribe or an allottee.

Sec. 3721. [Satisfaction of Claims.]

(a) Tribal Claims.--The benefits realized by the Tribe under this subtitle shall be in complete replacement of, complete substitution for, and full satisfaction of all--

(1) claims of the Tribe against the United States waived and released pursuant to section 3720(a); and

(2) objections withdrawn pursuant to section 3720(c).

(b) Allottee Claims.--The benefits realized by the allottees under this subtitle shall be in complete replacement of, complete substitution for, and full satisfaction of--

(1) all claims waived and released pursuant to section 3720(a)(2); and

(2) any claim of an allottee against the United States similar in nature to a claim described in section 3720(a)(2) that the allottee asserted or could have asserted.

Sec. 3722. [Miscellaneous Provisions.]
(a) Waiver of Sovereign Immunity.--Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this subtitle waives the sovereign immunity of the United States.
(b) Other Tribes Not Adversely Affected.-- Nothing in this subtitle quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian tribe, band, or community other than the Tribe.
(c) Limitation on Claims for Reimbursement.-- With respect to any Indian-owned land located within the Reservation--
(1) the United States shall not submit against that land any claim for reimbursement of the cost to the United States of carrying out this subtitle or the Compact; and
(2) no assessment of that land shall be made regarding that cost.
(d) Limitation on Liability of United States.--
(1) In general.--The United States has no obligation--
(A) to monitor, administer, or account for, in any manner, any funds provided to the Tribe by the State; or
(B) to review or approve any expenditure of those funds.
(2) Indemnity.--The Tribe shall indemnify the United States, and hold the United States harmless, with respect to all claims (including claims for takings or breach of trust) arising from the receipt or expenditure of amounts described in this subsection.
(e) Effect on Current Law.--Nothing in this section affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to preenforcement review of any Federal environmental enforcement action.
(f) Effect on Reclamation Laws.--The activities carried out by the Commissioner of Reclamation under this subtitle shall not establish a precedent or impact the authority provided under any other provision of the reclamation laws, including--
(1) the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.); and
(2) the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991).
(g) Irrigation Efficiency in Upper Birch Creek Drainage.--Any activity carried out by the Tribe in the Upper Birch Creek Drainage (as defined in article II.50 of the Compact) using funds made available to carry out this subtitle shall achieve an irrigation efficiency of not less than 50 percent.
(h) Birch Creek Agreement Approval.--The Birch Creek Agreement is approved to the extent that the Birch Creek Agreement requires approval under section 2116 of the Revised Statutes (25 U.S.C. 177).
(i) Limitation on Effect.--Nothing in this subtitle or the Compact--
(1) makes an allocation or apportionment of water between or among States; or
(2) addresses or implies whether, how, or to what extent the Tribal water rights, or any portion of the Tribal water rights, should be accounted for as part of, or otherwise charged against, an allocation or apportionment of water made to a State in an interstate allocation or apportionment.
Sec. 3723. [Expiration on Failure to Meet Enforceability Date.]-- If the Secretary fails to publish a statement of findings under section 3720(f) by not later than January 21, 2025, or such alternative later date as is agreed to by the Tribe and the Secretary, after reasonable notice to the State, as applicable--

(1) this subtitle expires effective on the later of--

(A) January 22, 2025; and

(B) the day after such alternative later date as is agreed to by the Tribe and the Secretary;

(2) any action taken by the Secretary and any contract or agreement entered into pursuant to this subtitle shall be void;

(3) any amounts made available under section 3718, together with any interest on those amounts, that remain unexpended shall immediately revert to the general fund of the Treasury, except for any funds made available under section 3716(e)(2) if the Montana Water Court denies the Tribe's request to reinstate the objections in section 3720(c); and

(4) the United States shall be entitled to offset against any claims asserted by the Tribe against the United States relating to water rights--

(A) any funds expended or withdrawn from the amounts made available pursuant to this subtitle; and

(B) any funds made available to carry out the activities authorized by this subtitle from other authorized sources, except for any funds provided under section 3716(e)(2) if the Montana Water court denies the Tribe's request to reinstate the objections in section 3720(c).

Sec. 3724. [Antidefiency.]-- The United States shall not be liable for any failure to carry out any obligation or activity authorized by this subtitle (including any obligation or activity under the Compact) if--

(1) adequate appropriations are not provided expressly by Congress to carry out the purposes of this subtitle; or

(2) there are not enough monies available to carry out the purposes of this subtitle in the Reclamation Water Settlements Fund established under section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)).

Subtitle H--Water Desalination

Sec. 3801. [Reauthorization of Water Desalination Act of 1996.]

(a) Authorization of Research and Studies.--Section 3 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) is amended--

(1) in subsection (a)--

(A) in paragraph (6), by striking “and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(8) development of metrics to analyze the costs and benefits of desalination relative to other sources of water (including costs and benefits related to associated infrastructure, energy use, environmental impacts, and diversification of water supplies); and

“(9) development of design and siting specifications that avoid or minimize, adverse economic and environmental impacts."; and

(2) by adding at the end the following:

“(e) Prioritization.--In carrying out this section, the Secretary shall prioritize funding for research--

“(1) to reduce energy consumption and lower the cost of desalination, including chloride control;

“(2) to reduce the environmental impacts of seawater desalination and develop technology and strategies to minimize those impacts;
“(3) to improve existing reverse osmosis and membrane technology;
“(4) to carry out basic and applied research on next generation desalination technologies, including improved energy recovery systems and renewable energy-powered desalination systems that could significantly reduce desalination costs;
“(5) to develop portable or modular desalination units capable of providing temporary emergency water supplies for domestic or military deployment purposes; and
“(6) to develop and promote innovative desalination technologies, including chloride control, identified by the Secretary.".

(b) Desalination Demonstration and Development.--Section 4 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) is amended by adding at the end the following:

“(c) Prioritization.--In carrying out demonstration and development activities under this section, the Secretary shall prioritize projects--
“(1) for the benefit of drought-stricken States and communities;
“(2) for the benefit of States that have authorized funding for research and development of desalination technologies and projects;
“(3) that can reduce reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and
“(4) that demonstrably leverage the experience of international partners with considerable expertise in desalination, such as the State of Israel.
“(d) Water Production.--The Secretary shall provide, as part of the annual budget submission to Congress, an estimate of how much water has been produced and delivered in the past fiscal year using processes and facilities developed or demonstrated using assistance provided under sections 3 and 4. This submission shall include, to the extent practicable, available information on a detailed water accounting by process and facility and the cost per acre foot of water produced and delivered.".

(c) Authorization of Appropriations.--Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) is amended--
(1) in subsection (a), by striking “2013" and inserting “2021"; and
(2) in subsection (b), by striking “for each of fiscal years 2012 through 2013" and inserting “for each of fiscal years 2017 through 2021".

(d) Consultation.--Section 9 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) is amended--
(1) by striking the section designation and heading and all that follows through ``In carrying out" in the first sentence and inserting the following:
“SEC. 9. CONSULTATION AND COORDINATION.
“(a) Consultation.--In carrying out";
(2) in the second sentence, by striking ``The authorization" and inserting the following:
“(c) Other Desalination Programs.--The authorization"; and
(3) by inserting after subsection (a) (as designated by paragraph (1)) the following:

"(b) Coordination of Federal Desalination Research and Development.--The White House Office of Science and Technology Policy shall develop a coordinated strategic plan that--

"(1) establishes priorities for future Federal investments in desalination;

"(2) coordinates the activities of Federal agencies involved in desalination, including the Bureau of Reclamation, the Corps of Engineers, the United States Army Tank Automotive Research, Development and Engineering Center, the National Science Foundation, the Office of Naval Research of the Department of Defense, the National Laboratories of the Department of Energy, the United States Geological Survey, the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration;

"(3) strengthens research and development cooperation with international partners, such as the State of Israel, in the area of desalination technology; and

"(4) promotes public-private partnerships to develop a framework for assessing needs for, and to optimize siting and design of, future ocean desalination projects.".

* * * * *

Subtitle J--California Water

Sec. 4001. [Operations and Reviews.]

(a) Water Supplies.--The Secretary of the Interior and Secretary of Commerce shall provide the maximum quantity of water supplies practicable to Central Valley Project agricultural, municipal and industrial contractors, water service or repayment contractors, water rights settlement contractors, exchange contractors, refuge contractors, and State Water Project contractors, by approving, in accordance with applicable Federal and State laws (including regulations), operations or temporary projects to provide additional water supplies as quickly as possible, based on available information.

(b) Administration.--In carrying out subsection (a), the Secretary of the Interior and Secretary of Commerce shall, consistent with applicable laws (including regulations)

(1)(A) in close coordination with the California Department of Water Resources and the California Department of Fish and Wildlife, implement a pilot project to test and evaluate the ability to operate the Delta cross-channel gates daily or as otherwise may be appropriate to keep them open to the greatest extent practicable to protect out-migrating salmonids, manage salinities in the interior Delta and any other water quality issues, and maximize Central Valley Project and State Water Project pumping, subject to the condition that the pilot project shall be designed and implemented consistent with operational criteria and monitoring criteria required by the California State Water Resources Control Board; and

(B) design, implement, and evaluate such real-time monitoring capabilities to enable effective real-time operations of the cross channel in order efficiently to meet the objectives described in subparagraph (A);

(2) with respect to the operation of the Delta cross-channel gates described in paragraph (1), collect data on the impact of that operation on--

(A) species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) water quality; and

(C) water supply benefits;

(3) collaborate with the California Department of Water Resources to install a deflection barrier at Georgiana Slough and the Delta Cross Channel Gate to protect migrating

salmonids, consistent with knowledge gained from activities carried out during 2014 and 2015;
(4) upon completion of the pilot project in paragraph (1), submit to the Senate Committees on Energy and Natural Resources and Environment and Public Works and the House Committee on Natural Resources a written notice and explanation on the extent to which the gates are able to remain open and the pilot project achieves all the goals set forth in paragraphs (1) through (3);
(5) implement turbidity control strategies that may allow for increased water deliveries while avoiding jeopardy to adult Delta smelt (Hypomesus transpacificus);
(6) in a timely manner, evaluate any proposal to increase flow in the San Joaquin River through a voluntary sale, transfer, or exchange of water from an agency with rights to divert water from the San Joaquin River or its tributaries;
(7) adopt a 1:1 inflow to export ratio for the increment of increased flow, as measured as a 3-day running average at Vernalis during the period from April 1 through May 31, that results from the voluntary sale, transfer, or exchange, unless the Secretary of the Interior and Secretary of Commerce determine in writing that a 1:1 inflow to export ratio for that increment of increased flow will cause additional adverse effects on listed salmonid species beyond the range of the effects anticipated to occur to the listed salmonid species for the duration of the salmonid biological opinion using the best scientific and commercial data available; and subject to the condition that any individual sale, transfer, or exchange using a 1:1 inflow to export ratio adopted under the authority of this section may only proceed if-

(A) the Secretary of the Interior determines that the environmental effects of the proposed sale, transfer, or exchange are consistent with effects permitted under applicable law (including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code 13000 et seq.));
(B) Delta conditions are suitable to allow movement of the acquired, transferred, or exchanged water through the Delta consistent with existing Central Valley Project and State Water Project permitted water rights and the requirements of subsection (a)(1)(H) of the Central Valley Project Improvement Act; and
(C) such voluntary sale, transfer, or exchange of water results in flow that is in addition to flow that otherwise would occur in the absence of the voluntary sale, transfer, or exchange;

(8)(A) issue all necessary permit decisions during emergency consultation under the authority of the Secretary of the Interior and Secretary of Commerce not later than 60 days after receiving a completed application by the State to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for State Water Project and Central Valley Project south-of-Delta water contractors and other water users, which barriers or gates shall provide benefits for species protection and in-Delta water user water quality, provided that they are designed so that, if practicable, formal consultations under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) are not necessary; and

(B) take longer to issue the permit decisions in subparagraph (A) only if the Secretary determines in writing that an Environmental Impact Statement is needed for the proposal to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(9) allow and facilitate, consistent with existing priorities, water transfers through the C.W. “Bill" Jones Pumping Plant or the Harvey O. Banks Pumping Plant from April 1 to November 30;
(10) require the Director of the United States Fish and Wildlife Service and the Commissioner of Reclamation to--

(A) determine if a written transfer proposal is complete within 30 days after the date of submission of the proposal. If the contracting district or agency or the Secretary determines that the proposal is incomplete, the district or agency or the Secretary shall state with specificity what must be added to or revised for the proposal to be complete;
(B) complete all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. et seq.) necessary to make final permit decisions on water transfer requests in the State, not later than 45 days after receiving a completed request;
(C) take longer to issue the permit decisions in subparagraph (B) only if the Secretary determines in writing that an Environmental Impact Statement is needed for the proposal to comply with the National Environmental Policy Act of 1969 (42 U.S.C. et seq.), or that the application is incomplete pursuant to subparagraph (A); and
(D) approve any water transfer request described in subparagraph (A) to maximize the quantity of water supplies on the condition that actions associated with the water transfer are consistent with--

(i) existing Central Valley Project and State Water Project permitted water rights and the requirements of section 3405(a)(1)(H) of the Central Valley Project Improvement Act; and
(ii) all other applicable laws and regulations;

(11) in coordination with the Secretary of Agriculture, enter into an agreement with the National Academy of Sciences to conduct a comprehensive study, to be completed not later than 1 year after the date of enactment of this subtitle, on the effectiveness and environmental impacts of salt cedar biological control efforts on increasing water supplies and improving riparian habitats of the Colorado River and its principal tributaries, in the State of California and elsewhere;
(12) pursuant to the research and adaptive management procedures of the smelt biological opinion and the salmonid biological opinion use all available scientific tools to identify any changes to the real-time operations of Bureau of Reclamation, State, and local water projects that could result in the availability of additional water supplies; and
(13) determine whether alternative operational or other management measures would meet applicable regulatory requirements for listed species while maximizing water supplies and water supply reliability; and
(14) continue to vary the averaging period of the Delta Export/Inflow ratio, to the extent consistent with any applicable State Water Resources Control Board orders under decision D-1641, to operate to a

(A) ratio using a 3-day averaging period on the rising limb of a Delta inflow hydrograph; and
(B) 14-day averaging period on the falling limb of the Delta inflow hydrograph.

(c) Other Agencies.--To the extent that a Federal agency other than the Department of the Interior and the Department of Commerce has a role in approving projects described in subsections (a) and (b), this section shall apply to the Federal agency.
(d) Accelerated Project Decision and Elevation.--

(1) In general.--On request of the Governor of California, the Secretary of the Interior and Secretary of Commerce shall use the expedited procedures under this subsection to make final decisions relating to Federal or federally approved projects or operational changes proposed pursuant to subsections (a) and (b) to provide additional water supplies or otherwise address emergency drought conditions.
(2) Request for resolution.--Not later than 7 days after receiving a request of the Governor of California, the Secretaries referred to in paragraph (1), or the head of another Federal agency responsible for carrying out a review of a project, as applicable, the Secretary of the Interior shall convene a final project decision meeting with the heads of all relevant Federal agencies to decide whether to approve a project to provide emergency water supplies or otherwise address emergency drought condition.
(3) Notification.--Upon receipt of a request for a meeting under this subsection, the Secretary of the Interior shall notify the heads of all relevant Federal agencies of the request, including a description of the project to be reviewed and the date for the meeting.
(4) Decision.--Not later than 10 days after the date on which a meeting is requested under paragraph (2), the head of the relevant Federal agency shall issue a final decision on the project.
(2) Meeting convened by secretary.--The Secretary of the Interior may convene a final project decision meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under paragraph (2).
(3) Limitation.--The expedited procedures under this subsection apply only to--

(A) proposed new Federal projects or operational changes pursuant to subsection (a) or (b); and
(B) the extent they are consistent with applicable laws (including regulations).

(e) Operations Plan.--The Secretaries of Commerce and the Interior, in consultation with appropriate State officials, shall develop an operations plan that is consistent with the provisions of this subtitle and other applicable Federal and State laws, including provisions that are intended to provide additional water supplies that could be of assistance during the current drought.

Sec. 4002. [Scientifically Supported Implementation of OMR Flow Requirements.]

(a) In General.--In implementing the provisions of the smelt biological opinion and the salmonid biological opinion, the Secretary of the Interior and the Secretary of Commerce shall manage reverse flow in Old and Middle Rivers at the most negative reverse flow rate allowed under the applicable biological opinion to maximize water supplies for the Central Valley Project and the State Water Project, unless that management of reverse flow in Old and Middle Rivers to maximize water supplies would cause additional adverse effects on the listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the applicable biological opinion, or would be inconsistent with applicable State law requirements, including water quality, salinity control, and compliance with State Water Resources Control Board Order D-1641 or a successor order.
(b) Requirements.--If the Secretary of the Interior or Secretary of Commerce determines to manage rates of pumping at the C.W. “Bill" Jones and the Harvey O. Banks pumping plants in

the southern Delta to achieve a reverse OMR flow rate less negative than the most negative reverse flow rate prescribed by the applicable biological opinion, the Secretary shall--

(1) document in writing any significant facts regarding real-time conditions relevant to the determinations of OMR reverse flow rates, including--

(A) targeted real-time fish monitoring in the Old River pursuant to this section, including as it pertains to the smelt biological opinion monitoring of Delta smelt in the vicinity of Station 902;

(B) near-term forecasts with available salvage models under prevailing conditions of the effects on the listed species of OMR flow at the most negative reverse flow rate prescribed by the biological opinion; and

(C) any requirements under applicable State law; and

(2) explain in writing why any decision to manage OMR reverse flow at rates less negative than the most negative reverse flow rate prescribed by the biological opinion is necessary to avoid additional adverse effects on the listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the applicable biological opinion, after considering relevant factors such as--

(A) the distribution of the listed species throughout the Delta;

(B) the potential effects of high entrainment risk on subsequent species abundance;

(C) the water temperature;

(D) other significant factors relevant to the determination, as required by applicable Federal or State laws;

(E) turbidity; and

(F) whether any alternative measures could have a substantially lesser water supply impact.

(c) Level of Detail Required.--The analyses and documentation required by this section shall be comparable to the depth and complexity as is appropriate for real time decision-making. This section shall not be interpreted to require a level of administrative findings and documentation that could impede the execution of effective real time adaptive management.

(d) First Sediment Flush.--During the first flush of sediment out of the Delta in each water year, and provided that such determination is based upon objective evidence, notwithstanding subsection (a), the Secretary of the Interior shall manage OMR flow pursuant to the provisions of the smelt biological opinion that protects adult Delta smelt from the first flush if required to do so by the smelt biological opinion.

(e) Construction.--The Secretary of the Interior and the Secretary of Commerce are authorized to implement subsection (a) consistent with the results of monitoring through Early Warning Surveys to make real time operational decisions consistent with the current applicable biological opinion.

(f) Calculation of Reverse Flow in OMR.--Within 180 days of the enactment of this subtitle, the Secretary of the Interior is directed, in consultation with the California Department of Water Resources, and consistent with the smelt biological opinion and the salmonid biological opinion, to review, modify, and implement, if appropriate, the method used to calculate reverse flow in Old and Middle Rivers, for implementation of the reasonable and prudent alternatives in the smelt biological opinion and the salmonid biological opinion, and any succeeding biological opinions.

Sec. 4003. [Temporary Operational Flexibility for Storm Events.]

(a) In General.--

(1) Nothing in this subtitle authorizes additional adverse effects on listed species beyond the range of the effects anticipated to occur to the listed species for the duration of the smelt biological opinion or salmonid biological opinion, using the best scientific and commercial data available.

(2) When consistent with the environmental protection mandate in paragraph (1) while maximizing water supplies for Central Valley Project and State Water Project contractors, the Secretary of the Interior and the Secretary of Commerce, through an operations plan, shall evaluate and may authorize the Central Valley Project and the State Water Project, combined, to operate at levels that result in OMR flows more negative than the most negative reverse flow rate prescribed by the applicable biological opinion (based on United States Geological Survey gauges on Old and Middle Rivers) daily average as described in subsections (b) and (c) to capture peak flows during storm-related events.

(b) Factors to Be Considered.--In determining additional adverse effects on any listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the smelt biological opinion or salmonid biological opinion, using the best scientific and commercial data available, the Secretaries of the Interior and Commerce may consider factors including:

(1) The degree to which the Delta outflow index indicates a higher level of flow available for diversion.

(2) Relevant physical parameters including projected inflows, turbidity, salinities, and tidal cycles.

(3) The real-time distribution of listed species.

(c) Other Environmental Protections.--

(1) State law.--The actions of the Secretary of the Interior and the Secretary of Commerce under this section shall be consistent with applicable regulatory requirements under State law.

(2) First sediment flush.--During the first flush of sediment out of the Delta in each water year, and provided that such determination is based upon objective evidence, the Secretary of the Interior shall manage OMR flow pursuant to the portion of the smelt biological opinion that protects adult Delta smelt from the first flush if required to do so by the smelt biological opinion.

(3) Applicability of opinion.--This section shall not affect the application of the salmonid biological opinion from April 1 to May 31, unless the Secretary of Commerce finds that some or all of such applicable requirements may be adjusted during this time period to provide emergency water supply relief without resulting in additional adverse effects on listed salmonid species beyond the range of the effects anticipated to occur to the listed salmonid species for the duration of the salmonid biological opinion using the best scientific and commercial data available. In addition to any other actions to benefit water supply, the Secretary of the Interior and the Secretary of Commerce shall consider allowing through-Delta water transfers to occur during this period if they can be accomplished consistent with section 3405(a)(1)(H) of the Central Valley Project Improvement Act and other applicable law. Water transfers solely or exclusively through the State Water Project are not required to be consistent with subsection (a)(1)(H) of the Central Valley Project Improvement Act.

(4) Monitoring.--During operations under this section, the Commissioner of Reclamation, in coordination with the Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife, shall undertake expanded monitoring programs and other data gathering to improve the efficiency of operations for listed species protections and Central Valley Project and State Water Project water supply to ensure incidental take levels are not exceeded, and to identify potential negative impacts, if any.

(d) Effect of High Outflows.--When exercising their authorities to capture peak flows pursuant to subsection (c), the Secretary of the Interior and the Secretary of Commerce shall not count such days toward the 5-day and 14-day running averages of tidally filtered daily Old and Middle River flow requirements under the smelt biological opinion and salmonid biological opinion, unless doing so is required to avoid additional adverse effects on listed fish species beyond those anticipated to occur through implementation of the smelt biological opinion and salmonid biological opinion using the best scientific and commercial data available.

(e) Level of Detail Required for Analysis.--In articulating the determinations required under this section, the Secretary of the Interior and the Secretary of Commerce shall fully satisfy the requirements herein but shall not be expected to provide a greater level of supporting detail for the analysis than feasible to provide within the short timeframe permitted for timely real-time decisionmaking in response to changing conditions in the Delta.

Sec. 4004. [Consultation on Coordinated Operations.]

(a) Resolution of Water Resource Issues.--In furtherance of the policy established by section 2(c)(2) of the Endangered Species Act of 1973, that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species, in any consultation or reconsultation on the coordinated operations of the Central Valley Project and the State Water Project, the Secretaries of the Interior and Commerce shall ensure that any public water agency that contracts for the delivery of water from the Central Valley Project or the State Water Project that so requests shall--

(1) have routine and continuing opportunities to discuss and submit information to the action agency for consideration during the development of any biological assessment;

(2) be informed by the action agency of the schedule for preparation of a biological assessment;

(3) be informed by the consulting agency, the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, of the schedule for preparation of the biological opinion at such time as the biological assessment is submitted to the consulting agency by the action agency;

(4) receive a copy of any draft biological opinion and have the opportunity to review that document and provide comment to the consulting agency through the action agency, which comments will be afforded due consideration during the consultation;

(5) have the opportunity to confer with the action agency and applicant, if any, about reasonable and prudent alternatives prior to the action agency or applicant identifying one or more reasonable and prudent alternatives for consideration by the consulting agency; and

(6) where the consulting agency suggests a reasonable and prudent alternative be informed-

(A) how each component of the alternative will contribute to avoiding jeopardy or adverse modification of critical habitat and the scientific data or information that supports each component of the alternative; and

(B) why other proposed alternative actions that would have fewer adverse water supply and economic impacts are inadequate to avoid jeopardy or adverse modification of critical habitat.

(b) Input.--When consultation is ongoing, the Secretaries of the Interior and Commerce shall regularly solicit input from and report their progress to the Collaborative Adaptive Management Team and the Collaborative Science and Adaptive Management Program policy group. The Collaborative Adaptive Management Team and the Collaborative Science and Adaptive Management Program policy group may provide the Secretaries with recommendations to improve the effects analysis and Federal agency determinations. The Secretaries shall give due consideration to the recommendations when developing the Biological Assessment and Biological Opinion.

(c) Meetings.--The Secretaries shall establish a quarterly stakeholder meeting during any consultation or reconsultation for the purpose of providing updates on the development of the Biological Assessment and Biological Opinion. The quarterly stakeholder meeting shall be open to stakeholders identified by the Secretaries representing a broad range of interests including environmental, recreational and commercial fishing, agricultural, municipal, Delta, and other regional interests, and including stakeholders that are not state or local agencies.

(d) Clarification.--Neither subsection (b) or (c) of this section may be used to meet the requirements of subsection (a).

(e) Non-applicability of FACA.--For the purposes of subsection (b), the Collaborative Adaptive Management Team, the Collaborative Science and Adaptive Management Program policy group, and any recommendations made to the Secretaries, are exempt from the Federal Advisory Committee Act.

Sec. 4005. [Protections.]

(a) Applicability.--This section shall apply only to sections 4001 through 4006.

(b) Offset for State Water Project.--

(1) Implementation impacts.--The Secretary of the Interior shall confer with the California Department of Fish and Wildlife in connection with the implementation of the applicable provisions of this subtitle on potential impacts to any consistency determination for operations of the State Water Project issued pursuant to California Fish and Game Code section 2080.1.

(2) Additional yield.--If, as a result of the application of the applicable provisions of this subtitle, the California Department of Fish and Wildlife--

(A) determines that operations of the State Water Project are inconsistent with the consistency determinations issued pursuant to California Fish and Game Code section 2080.1 for operations of the State Water Project; or

(B) requires take authorization under California Fish and Game Code section 2081 for operation of the State Water Project; in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with the water supply available under the smelt biological opinion and the salmonid biological opinion; and as a result, Central Valley Project yield is greater than it otherwise would have been, then that additional yield shall be made available to the State Water Project for delivery to State Water Project contractors to offset that reduced water supply, provided that if it is necessary to reduce water supplies for any Central Valley Project authorized uses or contractors to make available to the State Water Project that additional

yield, such reductions shall be applied proportionately to those uses or contractors that benefit from that increased yield.

(3) Notification related to environmental protections.--The Secretary of the Interior and Secretary of Commerce shall--

(A) notify the Director of the California Department of Fish and Wildlife regarding any changes in the manner in which the smelt biological opinion or the salmonid biological opinion is implemented; and

(B) confirm that those changes are consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(4) Savings.--Nothing in the applicable provisions of this subtitle shall have any effect on the application of the California Endangered Species Act (California Fish and Game Code sections 2050 through 2116).

(c) Area of Origin and Water Rights Protections.--

(1) In general.--The Secretary of the Interior and the Secretary of Commerce, in carrying out the mandates of the applicable provisions of this subtitle, shall take no action that--

(A) diminishes, impairs, or otherwise affects in any manner any area of origin, watershed of origin, county of origin, or any other water rights protection, including rights to water appropriated before December 19, 1914, provided under State law;

(B) limits, expands or otherwise affects the application of section 10505, 10505.5, 11128, 11460, 11461, 11462, 11463 or 12200 through 12220 of the California Water Code or any other provision of State water rights law, without respect to whether such a provision is specifically referred to in this section; or

(C) diminishes, impairs, or otherwise affects in any manner any water rights or water rights priorities under applicable law.

(2) Effect of act.--

(A) Nothing in the applicable provisions of this subtitle affects or modifies any obligation of the Secretary of the Interior under section 8 of the Act of June 17, 1902 (32 Stat. 390, chapter 1093).

(B) Nothing in the applicable provisions of this subtitle diminishes, impairs, or otherwise affects in any manner any Project purposes or priorities for the allocation, delivery or use of water under applicable law, including the Project purposes and priorities established under section 3402 and section 3406 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706).

(d) No Redirected Adverse Impacts.--

(1) In general.--The Secretary of the Interior and Secretary of Commerce shall not carry out any specific action authorized under the applicable provisions of this subtitle that would directly or through State agency action indirectly result in the involuntary reduction of water supply to an individual, district, or agency that has in effect a contract for water with the State Water Project or the Central Valley Project, including Settlement and Exchange contracts, refuge contracts, and Friant Division contracts, as compared to the water supply that would be provided in the absence of action under this subtitle, and nothing in this section is intended to modify, amend or affect any of the rights and obligations of the parties to such contracts.

(2) Action on determination.--If, after exploring all options, the Secretary of the Interior or the Secretary of Commerce makes a final determination that a proposed action under the

applicable provisions of this subtitle cannot be carried out in accordance with paragraph (1), that Secretary--

(A) shall document that determination in writing for that action, including a statement of the facts relied on, and an explanation of the basis, for the decision; and

(B) is subject to applicable law, including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(e) Allocations for Sacramento Valley Water Service Contractors.--

(1) Definitions.--In this subsection:

(A) Existing central valley project agricultural water service contractor within the Sacramento River watershed.--The term ``existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed'' means any water service contractor within the Shasta, Trinity, or Sacramento River division of the Central Valley Project that has in
effect a water service contract on the date of enactment of this subtitle that provides water for irrigation.

(B) Year terms.--The terms “Above Normal", “Below Normal", “Dry", and “Wet", with respect to a year, have the meanings given those terms in the Sacramento Valley Water Year Type (40-30-30) Index.

(2) Allocations of water.--

(A) Allocations.--Subject to paragraph (3), the Secretary of the Interior shall make every reasonable effort in the operation of the Central Valley Project to allocate water provided for irrigation purposes to each existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in accordance with the following:

(i) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a ``Wet'' year.

(ii) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service Contractor within the Sacramento River Watershed in an “Above Normal" year.

(iii) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a “Below Normal" year that is preceded by an “Above Normal" or “Wet" year.

(iv) Not less than 50 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a “Dry" year that is preceded by a “Below Normal", “Above Normal", or “Wet" year.

(v) In any other year not identified in any of clauses (i) through (iv), not less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent.

(B) Effect of clause.--In the event of anomalous circumstances, nothing in clause (A)(v) precludes an allocation to an existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed that is greater than twice the allocation percentage to a south-of-Delta Central Valley Project agricultural water service contractor.

(3) Protection of environment, municipal and industrial supplies, and other contractors.--

(A) Environment.--Nothing in paragraph (2) shall adversely affect any protections for the environment, including--

(i) the obligation of the Secretary of the Interior to make water available to managed wetlands pursuant to section 3406(d) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4722); or

(ii) any obligation--

(I) of the Secretary of the Interior and the Secretary of Commerce under the smelt biological opinion, the salmonid biological opinion, or any other applicable biological opinion; including the Shasta Dam cold water pool requirements as set forth in the salmonid biological opinion or any other applicable State or Federal law (including regulations); or

(II) under the Endangered Species Act of 1973 (16 U.S.C. et seq.), the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706), or any other applicable State or Federal law (including regulations).

(B) Municipal and industrial supplies.--Nothing in paragraph (2) shall--

(i) modify any provision of a water service contract that addresses municipal or industrial water shortage policies of the Secretary of the Interior and the Secretary of Commerce;

(ii) affect or limit the authority of the Secretary of the Interior and the Secretary of Commerce to adopt or modify municipal and industrial water shortage policies;

(iii) affect or limit the authority of the Secretary of the Interior and the Secretary of Commerce to implement a municipal or industrial water shortage policy;

(v) constrain, govern, or affect, directly or indirectly, the operations of the American River division of the Central Valley Project or any deliveries from that division or a unit or facility of that division; or

(v) affects any allocation to a Central Valley Project municipal or industrial water service contractor by increasing or decreasing allocations to the contractor, as compared to the allocation the contractor would have received absent paragraph (2).

(C) Other contractors.--Nothing in paragraph (2) shall--

(i) affect the priority of any individual or entity with a Sacramento River settlement contract over water service or repayment contractors;

(ii) affect the obligation of the United States to make a substitute supply of water available to the San Joaquin River exchange contractors;

(iii) affect the allocation of water to Friant division contractors of the Central Valley Project;

(iv) result in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant division;

(v) result in the involuntary reduction in water allocations to refuge contractors; or

(vi) authorize any actions inconsistent with State water rights law.

Sec. 4006. [New Melones Reservoir.]-- The Commissioner is directed to work with local water and irrigation districts in the Stanislaus River Basin to ascertain the water storage made available by the Draft Plan of Operations in New Melones Reservoir (DRPO) for water conservation

programs, conjunctive use projects, water transfers, rescheduled project water and other projects to maximize water storage and ensure the beneficial use of the water resources in the Stanislaus River Basin. All such programs and projects shall be implemented according to all applicable laws and regulations. The source of water for any such storage program at New Melones Reservoir shall be made available under a valid water right, consistent with the State water transfer guidelines and any other applicable State water law. The Commissioner shall inform the Congress within 18 months setting forth the amount of storage made available by the DRPO that has been put to use under this program, including proposals received by the Commissioner from interested parties for the purpose of this section.

Sec. 4007. [Storage.]

(a) Definitions.--In this subtitle:

(1) Federally owned storage project.--The term “federally owned storage project" means any project involving a surface water storage facility in a Reclamation State--

(A) to which the United States holds title; and

(B) that was authorized to be constructed, operated, and maintained pursuant to the reclamation laws.

(2) State-led storage project.--The term “State-led storage project" means any project in a Reclamation State that--

(A) involves a groundwater or surface water storage facility constructed, operated, and maintained by any State, department of a State, subdivision of a State, or public agency organized pursuant to State law; and

(B) provides a benefit in meeting any obligation under Federal law (including regulations).

(b) Federally Owned Storage Projects.--

(1) Agreements.--On the request of any State, any department, agency, or subdivision of a State, or any public agency organized pursuant to State law, the Secretary of the Interior may negotiate and enter into an agreement on behalf of the United States for the design, study, and construction or expansion of any federally owned storage project in accordance with this section.

(2) Federal cost share.--Subject to the requirements of this subsection, the Secretary of the Interior may participate in a federally owned storage project in an amount equal to not more than 50 percent of the total cost of the federally owned storage project.

(3) Commencement.--The construction of a federally owned storage project that is the subject of an agreement under this subsection shall not commence until the Secretary of the Interior--

(A) determines that the proposed federally owned storage project is feasible in accordance with the reclamation laws;

(B) secures an agreement providing upfront funding as is necessary to pay the non-Federal share of the capital costs; and

(C) determines that, in return for the Federal cost-share investment in the federally owned storage project, at least a proportionate share of the project benefits are Federal benefits, including water supplies dedicated to specific purposes such as environmental enhancement and wildlife refuges.

(4) Environmental laws.--In participating in a federally owned storage project under this subsection, the Secretary of the Interior shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) State-Led Storage Projects.--

(1) In general.--Subject to the requirements of this subsection, the Secretary of the Interior may participate in a State-led storage project in an amount equal to not more than 25 percent of the total cost of the State-led storage project.

(2) Request by governor.--Participation by the Secretary of the Interior in a State-led storage project under this subsection shall not occur unless--

(A) the participation has been requested by the Governor of the State in which the State-led storage project is located;

(B) the State or local sponsor determines, and the Secretary of the Interior concurs, that--

(i) the State-led storage project is technically and financially feasible and provides a Federal benefit in accordance with the reclamation laws;

(ii) sufficient non-Federal funding is available to complete the State-led storage project; and

(iii) the State-led storage project sponsors are financially solvent;

(C) the Secretary of the Interior determines that, in return for the Federal cost-share investment in the State-led storage project, at least a proportional share of the project benefits are the Federal benefits, including water supplies dedicated to specific purposes such as environmental enhancement and wildlife refuges; and

(D) the Secretary of the Interior submits to Congress a written notification of these determinations within 30 days of making such determinations.

(3) Environmental laws.--When participating in a State-led storage project under this subsection, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) Information.--When participating in a State-led storage project under this subsection, the Secretary of the Interior--

(A) may rely on reports prepared by the sponsor of the State-led storage project, including feasibility (or equivalent) studies, environmental analyses, and other pertinent reports and analyses; but

(B) shall retain responsibility for making the independent determinations described in paragraph (2).

(d) Authority to Provide Assistance.--The Secretary of the Interior may provide financial assistance under this subtitle to carry out projects within any Reclamation State.

(e) Rights To Use Capacity.--Subject to compliance with State water rights laws, the right to use the capacity of a federally owned storage project or State-led storage project for which the Secretary of the Interior has entered into an agreement under this subsection shall be allocated in such manner as may be mutually agreed to by the Secretary of the Interior and each other party to the agreement.

(f) Compliance with California Water Bond.--

(1) In general.--The provision of Federal funding for construction of a State-led storage project in the State of California shall be subject to the condition that the California Water Commission shall determine that the State-led storage project is consistent with the California Water Quality, Supply, and Infrastructure Improvement Act, approved by California voters on November 4, 2014.

(2) Applicability.--This subsection expires on the date on which State bond funds available under the Act referred to in paragraph (1) are expended.

(g) Partnership and Agreements.--The Secretary of the Interior, acting through the Commissioner, may partner or enter into an agreement regarding the water storage projects identified in section 103(d)(1) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108-361; 118 Stat. 1688) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, to advance those projects.

(h) Authorization of Appropriations.--

(1) $335,000,000 of funding in section 4011(e) is authorized to remain available until expended.

(2) Projects can only receive funding if enacted appropriations legislation designates funding to them by name, after the Secretary recommends specific projects for funding pursuant to this section and transmits such recommendations to the appropriate committees of Congress.

(i) Sunset.--This section shall apply only to federally owned storage projects and State-led storage projects that the Secretary of the Interior determines to be feasible before January 1, 2021.

(j) Consistency with State Law.--Nothing in this section preempts or modifies any obligation of the United States to act in conformance with applicable State law.

(k) CALFED Authorization.--Title I of Public Law 108-361 (the CALFED Bay-Delta Authorization Act) (118 Stat. 1681; 123 Stat. 2860; 128 Stat. 164; 128 Stat. 2312) (as amended by section 207 of Public Law 114-113) is amended by striking “2017" each place it appears and inserting “2019".

Sec. 4008. [Losses caused by the construction and operation of storage projects.]

(a) Marinas, Recreational Facilities, Other Businesses.--If in constructing any new or modified water storage project included in section 103(d)(1)(A) of Public Law 108-361 (118 Stat. 1684), the Bureau of Reclamation destroys or otherwise adversely affects any existing marina, recreational facility, or other water-dependent business when constructing or operating a new or modified water storage project, the Secretaries of the Interior and Agriculture, acting through the Bureau and the Forest Service shall--

(1) provide compensation otherwise required by law; and

(2) provide the owner of the affected marina, recreational facility, or other water-dependent business under mutually agreeable terms and conditions with the right of first refusal to construct and operate a replacement marina, recreational facility, or other water-dependent business, as the case may be, on United States land associated with the new or modified water storage project.

(b) Hydroelectric Projects.--If in constructing any new or modified water storage project included in section 103(d)(1)(A) of Public Law 108-361 (118 Stat. 1684), the Bureau of Reclamation reduces or eliminates the capacity or generation of any existing non-Federal hydroelectric project by inundation or otherwise, the Secretary of the Interior shall, subject to the requirements and limitations of this section--

(1) provide compensation otherwise required by law;

(2) provide the owner of the affected hydroelectric project under mutually agreeable terms and conditions with a right of first refusal to construct, operate, and maintain replacement hydroelectric generating facilities at such new or modified water storage project on Federal land associated with the new or modified water storage project or on private land owned by the affected hydroelectric project owner;

(3) provide compensation for the construction of any water conveyance facilities as are necessary to convey water to any new powerhouse constructed by such owner in association with such new hydroelectric generating facilities;
(4) provide for paragraphs (1), (2), and (3) at a cost not to exceed the estimated value of the actual impacts to any existing non-Federal hydroelectric project, including impacts to its capacity and energy value, and as estimated for the associated feasibility study, including additional planning, environmental, design, construction, and operations and maintenance costs for existing and replacement facilities; and
(5) ensure that action taken under paragraphs (1), (2), (3), and (4) shall not directly or indirectly increase the costs to recipients of power marketed by the Western Area Power Administration, nor decrease the value of such power.

(c) Existing Licensee.--The owner of any project affected under subsection (b)(2) shall be deemed the existing licensee, in accordance with section 15(a) of the Act of June 10, 1920 (16 U.S.C. 808(a)), for any replacement project to be constructed within the proximate geographic area of the affected project.

(d) Cost Allocation.--

(1) Compensation.--Any compensation under this section shall be a project cost allocated solely to the direct beneficiaries of the new or modified water project constructed under this section.

(2) Replacement costs.--The costs of the replacement project, and any compensation, shall be--

(A) treated as a stand-alone project and shall not be financially integrated in any other project; and

(B) allocated in accordance with mutually agreeable terms between the Secretary and project beneficiaries.

(e) Applicability.--This section shall only apply to federally owned water storage projects whether authorized under section 4007 or some other authority.

(f) Limitation.--Nothing in this section affects the ability of landowners or Indian tribes to seek compensation or any other remedy otherwise provided by law.

(g) Savings Clause.--No action taken under this section shall directly or indirectly increase the costs to recipients of power marketed by the Western Area Power Administration, nor decrease the value of such power.

Sec. 4009. [Other Water Supply Projects.]

(a) Water Desalination Act Amendments.--Section 4 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) is amended--

(1) in subsection (a)--

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

"(1) Projects.--

"(A) In general.--Subject to the requirements of this subsection, the Secretary of the Interior may participate in an eligible desalination project in an amount equal to not more than 25 percent of the total cost of the eligible desalination project.

"(B) Eligible desalination project.--The term `eligible desalination project' means any project in a Reclamation State, that--

"(i) involves an ocean or brackish water desalination facility either constructed, operated and maintained; or sponsored by any State, department of a State, subdivision of a State or public agency organized pursuant to a State law; and

"(ii) provides a Federal benefit in accordance with the reclamation Laws (including regulations).

"(C) State role.--Participation by the Secretary of the Interior in an eligible desalination project under this subsection shall not occur unless--

"(i) the project is included in a state-approved plan or federal participation has been requested by the Governor of the State in which the eligible desalination project is located; and

"(ii) the State or local sponsor determines, and the Secretary of the Interior concurs, that--

"(I) the eligible desalination project is technically and financially feasible and provides a Federal benefit in accordance with the reclamation laws;

"(II) sufficient non-Federal funding is available to complete the eligible desalination project; and

"(III) the eligible desalination project sponsors are financially solvent; and

"(iii) the Secretary of the Interior submits to Congress a written notification of these determinations within 30 days of making such determinations.

"(D) Environmental laws.--When participating in an eligible desalination project under this subsection, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(E) Information.--When participating in an eligible desalination project under this subsection, the Secretary of the Interior--

"(i) may rely on reports prepared by the sponsor of the eligible desalination project, including feasibility (or equivalent) studies, environmental analyses, and other pertinent reports and analyses; but

"(ii) shall retain responsibility for making the independent determinations described in subparagraph (C).

"(F) Authorization of appropriations.--

"(i) $30,000,000 of funding is authorized to remain available until expended; and

"(ii) Projects can only receive funding if enacted appropriations legislation designates funding to them by name, after the Secretary recommends specific projects for funding pursuant to this subsection and transmits such recommendations to the appropriate committees of Congress.".

(c) Authorization of New Water Recycling and Reuse Projects.--

Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102-575; 43 U.S.C. 390h et. seq.) is amended by adding at the end the following new subsections:

"(e) Authorization of New Water Recycling and Reuse Projects.--

"(1) Submission to the secretary.--

"(A) In general.--Non-Federal interests may submit proposals for projects eligible to be authorized pursuant to this section in the form of completed feasibility studies to the Secretary.

"(B) Eligible projects.--A project shall be considered eligible for consideration under this section if the project reclaims and reuses--

"(i) municipal, industrial, domestic, or agricultural wastewater; or

"(ii) impaired ground or surface waters.

"(C) Guidelines.--Within 60 days of the enactment of this Act the Secretary shall issue guidelines for feasibility studies for water recycling and reuse projects to provide sufficient information for the formulation of the studies.

"(2) Review by the secretary.--The Secretary shall review each feasibility study received under paragraph (1)(A) for the purpose of--

"(A) determining whether the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water recycling and reuse projects; and

"(B) the project is technically and financially feasible and provides a Federal benefit in accordance with the reclamation laws.

"(3) Submission to congress.--Not later than 180 days after the date of receipt of a feasibility study received under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

"(A) the results of the Secretary's review of the study under paragraph (2), including a determination of whether the project is feasible;

"(B) any recommendations the Secretary may have concerning the plan or design of the project; and

"(C) any conditions the Secretary may require for construction of the project.

"(4) Eligibility for funding.--The non-Federal project sponsor of any project determined by the Secretary to be feasible under paragraph (3)(A) shall be eligible to apply to the Secretary for funding for the Federal share of the costs of planning, designing and constructing the project pursuant to subsection (f).

"(f) Competitive Grant Program for the Funding of Water Recycling and Reuse Projects.—

"(1) Establishment.--The Secretary shall establish a competitive grant program under which the non-Federal project sponsor of any project determined by the Secretary to be feasible under subsection (e)(3)(A) shall be eligible to apply for funding for the planning, design, and construction of the project, subject to subsection (g)(2).

"(2) Priority.--When funding projects under paragraph (1), the Secretary shall give funding priority to projects that meet one or more of the criteria listed in paragraph (3) and are located in an area that—

"(A) has been identified by the United States Drought Monitor as experiencing severe, extreme, or exceptional drought at any time in the 4-year period before such funds are made available; or

"(B) was designated as a disaster area by a State during the 4-year period before such funds are made available.

"(3) Criteria.--The project criteria referred to in paragraph (2) are the following:

"(A) Projects that are likely to provide a more reliable water supply for States and local governments.

"(B) Projects that are likely to increase the water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

"(C) Projects that are regional in nature.

"(D) Projects with multiple stakeholders.

"(E) Projects that provide multiple benefits, including water supply reliability, eco-system benefits, groundwater management and enhancements, and water quality improvements.

"(g) Authorization of Appropriations.--

"(1) There is authorized to be appropriated to the Secretary of the Interior an additional $50,000,000 to remain available until expended.

"(2) Projects can only receive funding if enacted appropriations legislation designates funding to them by name, after the Secretary recommends specific projects for funding pursuant to subsection (f) and transmits such recommendations to the appropriate committees of Congress.".

(d) Funding.--Section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364) is amended in subsection (e) by striking "$350,000,000" and inserting "$450,000,000" on the condition that of that amount, $50,000,000 of it is used to carry out section 206 of the Energy and Water Development and Related Agencies Appropriation Act, 2015 (43 U.S.C. 620 note; Public Law 113-235).

Sec. 4010. [Actions to Benefit Threatened and Endangered Species and Other Wildlife.]

(a) Increased Real-Time Monitoring and Updated Science.--

(1) Smelt biological opinion.--The Director shall use the best scientific and commercial data available to implement, continuously evaluate, and refine or amend, as appropriate, the reasonable and prudent alternative described in the smelt biological opinion.

(2) Increased monitoring to inform real-time operations.--

(A) In general.--The Secretary of the Interior shall conduct additional surveys, on an annual basis at the appropriate time of year based on environmental conditions, in collaboration with interested stakeholders regarding the science of the Delta in general, and to enhance real time decisionmaking in particular, working in close coordination with relevant State authorities.

(B) Requirements.--In carrying out this subsection, the Secretary of the Interior shall use--

(i) the most appropriate and accurate survey methods available for the detection of Delta smelt to determine the extent to which adult Delta smelt are distributed in relation to certain levels of turbidity or other environmental factors that may influence salvage rate;

(ii) results from appropriate surveys for the detection of Delta smelt to determine how the Central Valley Project and State Water Project may be operated more efficiently to maximize fish and water supply benefits; and

(iii) science-based recommendations developed by any of the persons or entities described in paragraph (4)(B) to inform the agencies' real-time decisions.

(C) Winter monitoring.--During the period between December 1 and March 31, if suspended sediment loads enter the Delta from the Sacramento River, and the suspended sediment loads appear likely to raise turbidity levels in the Old River north of the export pumps from values below 12 Nephelometric Turbidity Units (NTUs) to values above 12 NTUs, the Secretary of the Interior shall--

(i) conduct daily monitoring using appropriate survey methods at locations including the vicinity of Station 902 to determine the extent to which adult Delta smelt are moving with turbidity toward the export pumps; and

(ii) use results from the monitoring under subparagraph (A) to determine how increased trawling can inform daily real-time Central Valley Project and State Water Project operations to maximize fish and water supply benefits.

(3) Periodic review of monitoring.--Not later than 1 year after the date of enactment of this subtitle, the Secretary of the Interior shall--

(A) evaluate whether the monitoring program under paragraph (2), combined with other monitoring programs for the Delta, is providing sufficient data to inform Central Valley Project and State Water Project operations to maximize the water supply for fish and water supply benefits; and

(B) determine whether the monitoring efforts should be changed in the short or long term to provide more useful data.

(4) Delta smelt distribution study.--

(A) In general.--Not later than March 15, 2021, the Secretary of the Interior shall--

(i) complete studies, to be initiated by not later than 90 days after the date of enactment of this subtitle, designed--

(I) to understand the location and determine the abundance and distribution of Delta smelt throughout the range of the Delta smelt; and

(II) to determine potential methods to minimize the effects of Central Valley Project and State Water Project operations on the Delta smelt;

(ii) based on the best available science, if appropriate and practicable, implement new targeted sampling and monitoring of Delta smelt in order to maximize fish and water supply benefits prior to completion of the study under clause (i);

(iii) to the maximum extent practicable, use new technologies to allow for better tracking of Delta smelt, such as acoustic tagging, optical recognition during trawls, and fish detection using residual deoxyribonucleic acid (DNA); and

(iv) if new sampling and monitoring is not implemented under clause (ii), provide a detailed explanation of the determination of the Secretary of the Interior that no change is warranted.

(B) Consultation.--In determining the scope of the studies under this subsection, the Secretary of the Interior shall consult with--

(i) Central Valley Project and State Water Project water contractors and public water agencies;

(ii) other public water agencies;
(iii) the California Department of Fish and Wildlife and the California Department of Water Resources; and
(iv) nongovernmental organizations.

(b) Actions to Benefit Endangered Fish Populations.--

(1) Findings.--Congress finds that--

(A) minimizing or eliminating stressors to fish populations and their habitat in an efficient and structured manner is a key aspect of a fish recovery strategy;

(B) functioning, diverse, and interconnected habitats are necessary for a species to be viable; and

(C) providing for increased fish habitat may not only allow for a more robust fish recovery, but also reduce impacts to water supplies.

(2) Actions for benefit of endangered species.--There is authorized to be appropriated the following amounts:

(A) $15,000,000 for the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, to carry out the following activities in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.):

(i) Gravel and rearing area additions and habitat restoration to the Sacramento River to benefit Chinook salmon and steelhead trout.

(ii) Scientifically improved and increased real-time monitoring to inform real-time operations of Shasta and related Central Valley Project facilities, and alternative methods, models, and equipment to improve temperature modeling and related forecasted information for purposes of predicting impacts to salmon and salmon habitat as a result of water management at Shasta.

(iii) Methods to improve the Delta salvage systems, including alternative methods to redeposit salvaged salmon smolts and other fish from the Delta in a manner that reduces predation losses.

(B) $3,000,000 for the Secretary of the Interior to conduct the Delta smelt distribution study referenced in subsection (a)(4).

(3) Commencement.--If the Administrator of the National Oceanic and Atmospheric Administration determines that a proposed activity is feasible and beneficial for protecting and recovering a fish population, the Administrator shall commence implementation of the activity by not later than 1 year after the date of enactment of this subtitle.

(4) Consultation.--The Administrator shall take such steps as are necessary to partner with, and coordinate the efforts of, the Department of the Interior, the Department of Commerce, and other relevant Federal departments and agencies to ensure that all Federal reviews, analyses, opinions, statements, permits, licenses, and other approvals or decisions required under Federal law are completed on an expeditious basis, consistent with Federal law.

(5) Conservation fish hatcheries.--

(A) In general.--Not later than 2 years after the date of enactment of this subtitle, the Secretaries of the Interior and Commerce, in coordination with the Director of the California Department of Fish and Wildlife, shall develop and implement as necessary the expanded use of conservation hatchery programs to enhance, supplement, and rebuild Delta smelt and Endangered Species Act-listed fish species under the smelt and salmonid biological opinions.

(B) Requirements.--The conservation hatchery programs established under paragraph (1) and the associated hatchery and genetic management plans shall be designed--

(i) to benefit, enhance, support, and otherwise recover naturally spawning fish species to the point where the measures provided under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are no longer necessary; and

(ii) to minimize adverse effects to Central Valley Project and State Water Project operations.

(C) Priority; cooperative agreements.--In implementing this section, the Secretaries of the Interior and Commerce--

(i) shall give priority to existing and prospective hatchery programs and facilities within the Delta and the riverine tributaries thereto; and

(ii) may enter into cooperative agreements for the operation of conservation hatchery programs with States, Indian tribes, and other nongovernmental entities for the benefit, enhancement, and support of naturally spawning fish species.

(6) Acquisition of land, water, or interests from willing sellers for environmental purposes in California.--

(A) In general.--The Secretary of the Interior is authorized to acquire by purchase, lease, donation, or otherwise, land, water, or interests in land or water from willing sellers in California--

(i) to benefit listed or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the California Endangered Species Act (California Fish and Game Code sections 2050 through 2116);

(ii) to meet requirements of, or otherwise provide water quality benefits under, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Porter Cologne Water Quality Control Act (division 7 of the California Water Code); or

(iii) for protection and enhancement of the environment, as determined by the Secretary of the Interior.

(B) State participation.--In implementing this section, the Secretary of the Interior is authorized to participate with the State of California or otherwise hold such interests identified in subparagraph (A) in joint ownership with the State of California based on a cost share deemed appropriate by the Secretary.

(C) Treatment.--Any expenditures under this subsection shall be nonreimbursable and nonreturnable to the United States.

(7) Reauthorization of the fisheries restoration and irrigation mitigation act of 2000.--

(A) Section 10(a) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended by striking “$25 million for each of fiscal years 2009 through 2015" and inserting “$15 million through 2021"; and

(B) Section 2 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended by striking “Montana, and Idaho" and inserting “Montana, Idaho, and California".

(c) Actions to Benefit Refuges.--

(1) In general.--In addition to funding under section 3407 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4726), there is authorized to be

appropriated to the Secretary of the Interior $2,000,000 for each of fiscal years 2017 through 2021 for the acceleration and completion of water infrastructure and conveyance facilities necessary to achieve full water deliveries to Central Valley wildlife refuges and habitat areas pursuant to section 3406(d) of that Act (Public Law 102-575; 106 Stat. 4722).

(2) Cost sharing.--

(A) Federal share.--The Federal share of the cost of carrying out an activity described in this section shall be not more than 50 percent.

(B) Non-federal share.--The Non-Federal share of the cost of carrying out an activity described in this section--

(i) shall be not less than 50 percent; and

(ii) may be provided in cash or in kind.

(d) Non-Federal Program to Protect Native Anadromous Fish in Stanislaus River.--

(1) Definition of district.--In this section, the term “district" means--

(A) the Oakdale Irrigation District of the State of California; and

(B) the South San Joaquin Irrigation District of the State of California.

(2) Establishment.--The Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, and the districts shall jointly establish and conduct a nonnative predator research and pilot fish removal program to study the effects of removing from the Stanislaus River--

(A) nonnative striped bass, smallmouth bass, largemouth bass, black bass; and

(B) other nonnative predator fish species.

(3) Requirements.--The program under this section shall--

(A) be scientifically based, with research questions determined jointly by--

(i) National Marine Fisheries Service scientists; and

(ii) technical experts of the districts;

(B) include methods to quantify by, among other things, evaluating the number of juvenile anadromous fish that migrate past the rotary screw trap located at Caswell--

(i) the number and size of predator fish removed each year; and

(ii) the impact of the removal on--

(I) the overall abundance of predator fish in the Stanislaus River; and

(II) the populations of juvenile anadromous fish in the Stanislaus River;

(C) among other methods, consider using wire fyke trapping, portable resistance board weirs, and boat electrofishing; and

(D) be implemented as quickly as practicable after the date of issuance of all necessary scientific research permits.

(4) Management.--The management of the program shall be the joint responsibility of the Assistant Administrator and the districts, which shall--

(A) work collaboratively to ensure the performance of the program; and

(B) discuss and agree on, among other things--

(i) qualified scientists to lead the program;

(ii) research questions;

(iii) experimental design;

(iv) changes in the structure, management, personnel, techniques, strategy, data collection and access, reporting, and conduct of the program; and

(v) the need for independent peer review.

(5) Conduct.--

(A) In general.--For each applicable calendar year, the districts, on agreement of the Assistant Administrator, may elect to conduct the program under this section using--

(i) the personnel of the Assistant Administrator or districts;

(ii) qualified private contractors hired by the districts;

(iii) personnel of, on loan to, or otherwise assigned to the National Marine Fisheries Service; or

(iv) a combination of the individuals described in clauses (i) through (iii).

(B) Participation by national marine fisheries service.--

(i) In general.--If the districts elect to conduct the program using district personnel or qualified private contractors hired under clause (i) or (ii) of subparagraph (A), the Assistant Administrator may assign an employee of, on loan to, or otherwise assigned to the National Marine Fisheries Service, to be present for all activities performed in the field to ensure compliance with paragraph (4).

(ii) Costs.--The districts shall pay the cost of participation by the employee under clause (i), in accordance with paragraph (6).

(C) Timing of election.--The districts shall notify the Assistant Administrator of an election under subparagraph (A) by not later than October 15 of the calendar year preceding the calendar year for which the election applies.

(6) Funding.--

(A) In general.--The districts shall be responsible for 100 percent of the cost of the program.

(B) Contributed funds.--The Secretary of Commerce may accept and use contributions of funds from the districts to carry out activities under the program.

(C) Estimation of cost.--

(i) In general.--Not later than December 1 of each year of the program, the Secretary of Commerce shall submit to the districts an estimate of the cost to be incurred by the National Marine Fisheries Service for the program during the following calendar year, if any, including the cost of any data collection and posting under paragraph (7).

(ii) Failure to fund.--If an amount equal to the estimate of the Secretary of Commerce is not provided through contributions pursuant to subparagraph (B) before December 31 of that calendar year--

(I) the Secretary shall have no obligation to conduct the program activities otherwise scheduled for the following calendar year until the amount is contributed by the districts; and

(II) the districts may not conduct any aspect of the program until the amount is contributed by the districts.

(D) Accounting.--

(i) In general.--Not later than September 1 of each year, the Secretary of Commerce shall provide to the districts an accounting of the costs incurred by the Secretary for the program during the preceding calendar year.

(ii) Excess amounts.--If the amount contributed by the districts pursuant to subparagraph (B) for a calendar year was greater than the costs incurred by the Secretary of Commerce during that year, the Secretary shall--

(I) apply the excess amounts to the cost of activities to be performed by the Secretary under the program, if any, during the following calendar year; or

(II) if no such activities are to be performed, repay the excess amounts to the districts.

(7) Publication and evaluation of data.--

(A) In general.--All data generated through the program, including by any private consultants, shall be routinely provided to the Assistant Administrator.

(B) Internet.--Not later than the 15th day of each month of the program, the Assistant Administrator shall publish on the Internet website of the National Marine Fisheries Service a tabular summary of the raw data collected under the program during the preceding month.

(C) Report.--On completion of the program, the Assistant Administrator shall prepare a final report evaluating the effectiveness of the program, including recommendations for future research and removal work.

(8) Consistency with law.--

(A) In general.--The programs in this section and subsection (e) are found to be consistent with the requirements of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706).

(B) Limitation.--No provision, plan, or definition under that Act, including section 3406(b)(1) of that Act (Public Law 102-575; 106 Stat. 4714), shall be used--

(i) to prohibit the implementation of the programs in this subsection and subsection (e); or

(ii) to prevent the accomplishment of the goals of the programs.

(e) Pilot Projects to Implement CALFED Invasive Species Program.--

(1) In general.--Not later than January 1, 2018, the Secretary of the Interior, in collaboration with the Secretary of Commerce, the Director of the California Department of Fish and Wildlife, and other relevant agencies and interested parties, shall establish and carry out pilot projects to implement the invasive species control program under section 103(d)(6)(A)(iv) of Public Law 108-361 (118 Stat. 1690).

(2) Requirements.--The pilot projects under this section shall--

(A) seek to reduce invasive aquatic vegetation (such as water hyacinth), predators, and other competitors that contribute to the decline of native listed pelagic and anadromous species that occupy the Sacramento and San Joaquin Rivers and their tributaries and the Delta; and

(B) remove, reduce, or control the effects of species including Asiatic clams, silversides, gobies, Brazilian water weed, largemouth bass, smallmouth bass, striped bass, crappie, bluegill, white and channel catfish, zebra and quagga mussels, and brown bullheads.

(3) Emergency environmental reviews.--To expedite environmentally beneficial programs in this subtitle for the conservation of threatened and endangered species, the Secretaries of the Interior and Commerce shall consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (or successor regulations), to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for those programs.

(f) Collaborative Processes.--Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.) and applicable Federal acquisitions and contracting authorities, the Secretaries of the Interior and Commerce may use the collaborative processes under the Collaborative Science Adaptive Management Program to enter into contracts with specific individuals or organizations directly or in conjunction with appropriate State agencies.

(g) The “Save Our Salmon Act".--

(1) Treatment of striped bass.--

(A) Anadromous fish.--Section 3403(a) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575) is amended by striking “striped bass," after “stocks of salmon (including steelhead),".

(B) Fish and wildlife restoration activities.-- Section 3406(b) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575) is amended by--

(i) striking paragraphs (14) and (18);

(ii) redesignating paragraphs (15) through (17) as paragraphs (14) through (16), respectively; and

(iii) redesignating paragraphs (19) through (23) as paragraphs (17) through (21), respectively.

(2) Conforming changes.--Section 3407(a) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575) is amended by striking “(10)-(18), and (20)-(22)" and inserting “(10)-(16), and (18)-(20)".

Sec. 4011. [Offsets and Water Storage Account.]

(a) Prepayment of Certain Repayment Contracts Between the United States and Contractors of Federally Developed Water Supplies.--

(1) Conversion and prepayment of contracts.--Upon request of the contractor, the Secretary of the Interior shall convert any water service contract in effect on the date of enactment of this subtitle and between the United States and a water users' association to allow for prepayment of the repayment contract pursuant to paragraph (2) under mutually agreeable terms and conditions. The manner of conversion under this paragraph shall be as follows:

(A) Water service contracts that were entered into under section (e) of the Act of August 4, 1939 (53 Stat. 1196), to be converted under this section shall be converted to repayment contracts under section 9(d) of that Act (53 Stat. 1195).

(B) Water service contracts that were entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to be converted under this section shall be converted to a contract under subsection (c)(1) of section 9 of that Act (53 Stat. 1195).

(2) Prepayment.--Except for those repayment contracts under which the contractor has previously negotiated for prepayment, all repayment contracts under section 9(d) of that Act (53 Stat. 1195) in effect on the date of enactment of this subtitle at the request of the contractor, and all contracts converted pursuant to paragraph (1)(A) shall--

(A) provide for the repayment, either in lump sum or by accelerated prepayment, of the remaining construction costs identified in water project specific irrigation rate repayment schedules, as adjusted to reflect payment not reflected in such schedules, and properly assignable for ultimate return by the contractor, or if made in approximately equal installments, no later than 3 years after the effective date of the repayment contract, such amount to be discounted by \1/2\ the Treasury rate. An estimate of the remaining construction costs, as adjusted, shall be provided by the

Secretary to the contractor no later than 90 days following receipt of request of the contractor;

(B) require that construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the rate schedule referenced in subparagraph (A), and properly assignable to such contractor shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversion under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) continue so long as the contractor pays applicable charges, consistent with section 9(d) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(3) Contract requirements.--Except for those repayment contracts under which the contractor has previously negotiated for prepayment, the following shall apply with regard to all repayment contracts under subsection (c)(1) of section 9 of that Act (53 Stat. 1195) in effect on the date of enactment of this subtitle at the request of the contractor, and all contracts converted pursuant to paragraph (1)(B):

(A) Provide for the repayment in lump sum of the remaining construction costs identified in water project specific municipal and industrial rate repayment schedules, as adjusted to reflect payments not reflected in such schedules, and properly assignable for ultimate return by the contractor. An estimate of the remaining construction costs, as adjusted, shall be provided by the Secretary to the contractor no later than 90 days after receipt of the request of contractor.

(B) The contract shall require that construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the rate schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversion under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law.

(C) Continue so long as the contractor pays applicable charges, consistent with section 9(c)(1) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(4) Conditions.--All contracts entered into pursuant to paragraphs (1), (2), and (3) shall--

(A) not be adjusted on the basis of the type of prepayment financing used by the water users' association;

(B) conform to any other agreements, such as applicable settlement agreements and new constructed appurtenant facilities; and

(C) not modify other water service, repayment, exchange and transfer contractual rights between the water users' association, and the Bureau of Reclamation, or any rights, obligations, or relationships of the water users' association and their landowners as provided under State law.

(b) Accounting.--The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary of the Interior. In the event that the final cost

allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be not less than one year and not more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary shall credit such overpayment as an offset against any outstanding or future obligation of the contractor, with the exception of Restoration Fund charges pursuant to section 3407(d) of Public Law 102-575.

(c) Applicability of Certain Provisions.--

(1) Effect of existing law.--Upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs pursuant to a contract entered into pursuant to subsection (a)(2)(A), subsections (a) and (b) of section 213 of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to affected lands.

(2) Effect of other obligations.--The obligation of a contractor to repay construction costs or other capitalized costs described in subsection (a)(2)(B), (a)(3)(B), or (b) shall not affect a contractor's status as having repaid all of the construction costs assignable to the contractor or the
applicability of subsections (a) and (b) of section 213 of the Reclamation Reform Act of 1982 (96 Stat. 1269) once the amount required to be paid by the contractor under the repayment contract entered into pursuant to subsection (a)(2)(A) has been paid.

(d) Effect on Existing Law Not Altered.--Implementation of the provisions of this subtitle shall not alter--

(1) the repayment obligation of any water service or repayment contractor receiving water from the same water project, or shift any costs that would otherwise have been properly assignable to the water users' association identified in subsections (a)(1), (a)(2), and (a)(3) absent this section, including operation and maintenance costs, construction costs, or other capitalized costs incurred after the date of the enactment of this subtitle, or to other contractors; and

(2) specific requirements for the disposition of amounts received as repayments by the Secretary under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.);

(3) the priority of a water service or repayment contractor to receive water; or

(4) except as expressly provided in this section, any obligations under the reclamation law, including the continuation of Restoration Fund charges pursuant to section 3407(d) (Public Law 102-575), of the water service and repayment contractors making prepayments pursuant to this section.

(e) Water Storage Enhancement Program.--

(1) In general.--Except as provided in subsection (d)(2), $335,000,000 out of receipts generated from prepayment of contracts under this section beyond amounts necessary to cover the amount of receipts forgone from scheduled payments under current law for the 10-year period following the date of enactment of this Act shall be directed to the Reclamation Water Storage Account under paragraph (2).

(2) Storage account.--The Secretary shall allocate amounts collected under paragraph (1) into the “Reclamation Storage Account" to fund the construction of water storage. The Secretary may also enter into cooperative agreements with water users' associations for the

construction of water storage and amounts within the Storage Account may be used to fund such construction. Water storage projects that are otherwise not federally authorized shall not be considered Federal facilities as a result of any amounts allocated from the Storage Account for part or all of such facilities.

(3) Repayment.--Amounts used for water storage construction from the Account shall be fully reimbursed to the Account consistent with the requirements under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) except that all funds reimbursed shall be deposited in the Account established under paragraph (2).

(4) Availability of amounts.--Amounts deposited in the Account under this subsection shall--

(A) be made available in accordance with this section, subject to appropriation; and

(B) be in addition to amounts appropriated for such purposes under any other provision of law.

(f) Definitions.--For the purposes of this subtitle, the following definitions apply:

(1) Account.--The term “Account" means the Reclamation Water Storage Account established under subsection (e)(2).

(2) Construction.--The term “construction" means the designing, materials engineering and testing, surveying, and building of water storage including additions to existing water storage and construction of new water storage facilities, exclusive of any Federal statutory or regulatory obligations relating to any permit, review, approval, or other such requirement.

(3) Water storage.--The term “water storage" means any federally owned facility under the jurisdiction of the Bureau of Reclamation or any non-Federal facility used for the storage and supply of water resources.

(4) Treasury rate.--The term “Treasury rate" means the 20-year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury existing on the effective date of the contract.

(5) Water users' association.--The term “water users' association" means--

(A) an entity organized and recognized under State laws that is eligible to enter into contracts with Reclamation to receive contract water for delivery to end users of the water and to pay applicable charges; and

(B) includes a variety of entities with different names and differing functions, such as associations, conservancy districts, irrigation districts, municipalities, and water project contract units.

Sec. 4012. [Savings Language.]

(a) In General.--This subtitle shall not be interpreted or implemented in a manner that--

(1) preempts or modifies any obligation of the United States to act in conformance with applicable State law, including applicable State water law;

(2) affects or modifies any obligation under the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706), except for the savings provisions for the Stanislaus River predator management program expressly established by section 11(d) and provisions in section 11(g);

(3) overrides, modifies, or amends the applicability of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the application of the smelt and salmonid biological opinions to the operation of the Central Valley Project or the State Water Project;

(4) would cause additional adverse effects on listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the applicable biological opinion, using the best scientific and commercial data available; or

(5) overrides, modifies, or amends any obligation of the Pacific Fisheries Management Council, required by the Magnuson Stevens Act or the Endangered Species Act of 1973, to manage fisheries off the coast of California, Oregon, or Washington.

(b) Successor Biological Opinions.--

(1) In general.--The Secretaries of the Interior and Commerce shall apply this Act to any successor biological opinions to the smelt or salmonid biological opinions only to the extent that the Secretaries determine is consistent with--

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), its implementing regulations, and the successor biological opinions; and

(B) subsection (a)(4).

(2) Limitation.--Nothing in this Act shall restrict the Secretaries of the Interior and Commerce from completing consultation on successor biological opinions and through those successor biological opinions implementing whatever adjustments in operations or other activities as may be required by the Endangered Species Act of 1973 and its implementing regulations.

(c) Severability.--If any provision of this subtitle, or any application of such provision to any person or circumstance, is held to be inconsistent with any law or the biological opinions, the remainder of this subtitle and the application of this subtitle to any other person or circumstance shall not be affected.

Sec 4013. [Duration.] This subtitle shall expire on the date that is 5 years after the date of its enactment, with the exception of--

(1) section 4004, which shall expire 10 years after the date of its enactment; and

(2) projects under construction in sections 4007, 4009(a), and 4009(c).

Sec. 4014. [Definitions.] In this subtitle:

(1) Assistant administrator.--The term “Assistant Administrator" means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(2) Central valley project.--The term “Central Valley Project" has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4707).

(3) Commissioner.--The term “Commissioner" means the Commissioner of Reclamation.

(4) Delta.--The term “Delta" means the Sacramento-San Joaquin Delta and the Suisun Marsh (as defined in section 12220 of the California Water Code and section 29101 of the California Public Resources Code (as in effect on the date of enactment of this Act)).

(5) Delta smelt.--The term “Delta smelt" means the fish species with the scientific name Hypomesus transpacificus.

(6) Director.--The term “Director" means the Director of the United States Fish and Wildlife Service.

(7) Listed fish species.--The term “listed fish species" means--

(A) any natural origin steelhead, natural origin genetic spring run Chinook, or genetic winter run Chinook salmon (including any hatchery steelhead or salmon population within the evolutionary significant unit or a distinct population segment); and

(B) Delta smelt.

(8) Reclamation state.--The term “Reclamation State" means any of the States of--

(A) Arizona;
(B) California;
(C) Colorado;
(D) Idaho;
(E) Kansas;
(F) Montana;
(G) Nebraska;
(H) Nevada;
(I) New Mexico;
(J) North Dakota;
(K) Oklahoma;
(L) Oregon;
(M) South Dakota;
(N) Texas;
(O) Utah;
(P) Washington; and
(Q) Wyoming.

(9) Salmonid biological opinion.--

(A) In general.--The term “salmonid biological opinion" means the biological and conference opinion of the National Marine Fisheries Service dated June 4, 2009, regarding the long-term operation of the Central Valley Project and the State Water Project, and successor biological opinions.

(B) Inclusions.--The term “salmonid biological opinion" includes the operative incidental take statement of the opinion described in subparagraph (A).

(10) Smelt biological opinion.--

(A) In general.--The term “smelt biological opinion" means the biological opinion dated December 15, 2008, regarding the coordinated operation of the Central Valley Project and the State Water Project, and successor biological opinions.

(B) Inclusions.--The term “smelt biological opinion" includes the operative incidental take statement of the opinion described in subparagraph (A).

(11) State water project.--The term “State Water Project" means the water project described in chapter 5 of part 3 of division 6 of the California Water Code (sections 11550 et seq.) (as in effect on the date of enactment of this Act) and operated by the California Department of Water Resources.

* * * * *

Sec. 5010. [Columbia River Basin Restoration.] Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

“SEC. 123. COLUMBIA RIVER BASIN RESTORATION.

“(a) Definitions.--In this section, the following definitions apply:

“(1) Columbia river basin.--The term `Columbia River Basin' means the entire United States portion of the Columbia River watershed.

“(2) Estuary partnership.--The term `Estuary Partnership' means the Lower Columbia Estuary Partnership, an entity created by the States of Oregon and Washington and the Environmental Protection Agency under section 320.

“(3) Estuary plan.--

"(A) In general.--The term `Estuary Plan' means the Estuary Partnership Comprehensive Conservation and Management Plan adopted by the Environmental Protection Agency and the Governors of Oregon and Washington on October 20, 1999, under section 320.

"(B) Inclusion.--The term `Estuary Plan' includes any amendments to the plan.

"(4) Lower Columbia River Estuary.--The term `Lower Columbia River Estuary' means the mainstem Columbia River from the Bonneville Dam to the Pacific Ocean and tidally influenced portions of tributaries to the Columbia River in that region.

"(5) Middle and Upper Columbia River Basin.--The term 'Middle and Upper Columbia River Basin' means the region consisting of the United States portion of the Columbia River Basin above Bonneville Dam.

"(6) Program.--The term `Program' means the Columbia River Basin Restoration Program established under subsection (b)(1)(A).

"(b) Columbia River Basin Restoration Program.--

"(1) Establishment.--

"(A) In general.--The Administrator shall establish within the Environmental Protection Agency a Columbia River Basin Restoration Program.

"(B) Effect.--

"(i) The establishment of the Program does not modify any legal or regulatory authority or program in effect as of the date of enactment of this section, including the roles of Federal agencies in the Columbia River Basin.

"(ii) This section does not create any new regulatory authority.

"(2) Scope of program.--The Program shall consist of a collaborative stakeholder-based program for environmental protection and restoration activities throughout the Columbia River Basin.

"(3) Duties.--The Administrator shall--

"(A) assess trends in water quality, including trends that affect uses of the water of the Columbia River Basin;

"(B) collect, characterize, and assess data on water quality to identify possible causes of environmental problems; and

"(C) provide grants in accordance with subsection (d) for projects that Assist in-

"(i) eliminating or reducing pollution;

"(ii) cleaning up contaminated sites;

"(iii) improving water quality;

"(iv) monitoring to evaluate trends;

"(v) reducing runoff;

"(vi) protecting habitat; or

"(vii) promoting citizen engagement or knowledge.

"(c) Stakeholder Working Group.--

“(1) Establishment.--The Administrator shall establish a Columbia River Basin Restoration Working Group (referred to in this subsection as the `Working Group').

“(2) Membership.--

“(A) In general.--Membership in the Working Group shall be on a voluntary basis and any person invited by the Administrator under this subsection may decline membership.

“(B) Invited representatives.--The Administrator shall invite, at a minimum, representatives of--

“(i) each State located in whole or in part in the Columbia River Basin;

“(ii) the Governors of each State located in whole or in part in the Columbia River Basin;

“(iii) each federally recognized Indian tribe in the Columbia River Basin;

“(iv) local governments in the Columbia River Basin;

“(v) industries operating in the Columbia River Basin that affect or could affect water quality;

“(vi) electric, water, and wastewater utilities operating in the Columba River Basin;

“(vii) private landowners in the Columbia River Basin;

“(viii) soil and water conservation districts in the Columbia River Basin;

“(ix) nongovernmental organizations that have a presence in the Columbia River Basin;

“(x) the general public in the Columbia River Basin; and

“(xi) the Estuary Partnership.

“(3) Geographic representation.--The Working Group shall include representatives from-

“(A) each State located in whole or in part in the Columbia River Basin; and

“(B) each of the lower, middle, and upper basins of the Columbia River.

“(4) Duties and responsibilities.--The Working Group shall--

“(A) recommend and prioritize projects and actions; and

“(B) review the progress and effectiveness of projects and actions implemented.

“(5) Lower Columbia River Estuary.--

“(A) Estuary partnership.--The Estuary Partnership shall perform the duties and fulfill the responsibilities of the Working Group described in paragraph (4) as those duties and responsibilities relate to the Lower Columbia River Estuary for such time as the Estuary Partnership is the management conference for the Lower Columbia River National Estuary Program under section 320.

“(B) Designation.--If the Estuary Partnership ceases to be the management conference for the Lower Columbia River National Estuary Program under section 320, the Administrator may designate the new management conference to assume the duties and responsibilities of the Working Group

described in paragraph (4) as those duties and responsibilities relate to the Lower Columbia River Estuary.

"(C) Incorporation.--If the Estuary Partnership is removed from the National Estuary Program, the duties and responsibilities for the lower 146 miles of the Columbia River pursuant to this section shall be incorporated into the duties of the Working Group.

"(d) Grants.--

"(1) In general.--The Administrator shall establish a voluntary, competitive Columbia River Basin program to provide grants to State governments, tribal governments, regional water pollution control agencies and entities, local government entities, nongovernmental entities, or soil and water conservation districts to develop or implement projects authorized under this section for the purpose of environmental protection and restoration activities throughout the Columbia River Basin.

"(2) Federal share.--

"(A) In general.--Except as provided in subparagraph (B), the Federal share of the cost of any project or activity carried out using funds from a grant provided to any person (including a State, tribal, or local government or interstate or regional agency) under this subsection for a fiscal year--

"(i) shall not exceed 75 percent of the total cost of the project or activity; and

"(ii) shall be made on condition that the non-Federal share of such total cost shall be provided from non-Federal sources.

"(B) Exceptions.--With respect to cost-sharing for a grant provided under this subsection--

"(i) a tribal government may use Federal funds for the non-Federal share; and

"(ii) the Administrator may increase the Federal share under such circumstances as the Administrator determines to be appropriate.

"(3) Allocation.--In making grants using funds appropriated to carry out this section, the Administrator shall--

"(A) provide not less than 25 percent of the funds to make grants for projects, programs, and studies in the Lower Columbia River Estuary;

"(B) provide not less than 25 percent of the funds to make grants for projects, programs, and studies in the Middle and Upper Columbia River Basin, including the Snake River Basin; and

"(C) retain not more than 5 percent of the funds for the Environmental Protection Agency for purposes of implementing this section.

"(4) Reporting.--

"(A) In general.--Each grant recipient under this subsection shall submit to the Administrator reports on progress being made in achieving the purposes of this section.

"(B) Requirements.--The Administrator shall establish requirements and timelines for recipients of grants under this subsection to report on progress made in achieving the purposes of this section.

"(5) Relationship to other funding.--

"(A) In general.--Nothing in this subsection limits the eligibility of the Estuary Partnership to receive funding under section 320(g).

"(B) Limitation.--None of the funds made available under this subsection may be used for the administration of a management conference under section 320.

"(e) Annual Budget Plan.--The President, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, shall submit information regarding each Federal agency involved in protection and restoration of the Columbia River Basin, including an interagency crosscut budget that displays for each Federal agency—

"(1) the amounts obligated for the preceding fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin;

"(2) the estimated budget for the current fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

"(3) the proposed budget for protection and restoration projects, programs, and studies relating to the Columbia River Basin.".

* * * * *

Approved December 16, 2016.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 612:
CONGRESSIONAL RECORD: Vol. 161 (2015): May 21, considered and passed Senate.
CONGRESSIONAL RECORD: Vol. 162 (2016):
Dec. 8, considered and passed House, amended. Senate considered concurring in House amendment.
Dec. 9, Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016): Dec. 16, Presidential Statement.
BUREAU OF RECLAMATION TESTIMONY
Blackfeet Water Right Settlement Act: May 24, 2016.
Reauthorization of the Water Desalination Act: April 17, 2012; May 23, 2013.
San Luis Rey Indian Water Rights Settlements Act: Oct. 10, 2015.
Tule River Tribe Water Development: Sept. 25, 2007; July 23, 2009.

July 27, 2018

GIBSON DAM HYDROELECTRIC PROJECT DEADLINE

An Act to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Gibson Dam. (An act of July 27, 2018, Public Law 115-219, 132 Stat. 1556)

[Section 1. Reinstatement and Extension of Time for Federal Energy Regulatory Commission Project Involving Gibson Dam.]

(a) In General.--Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12478-003, the Federal Energy Regulatory Commission (referred to in this section as the "Commission") may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of, and the procedures of the Commission under, that section, extend the time period during which the licensee is required to commence construction of the project for not more than 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) Reinstatement of Expired License.--

(1) In general.--If the period required for the commencement of construction of the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission may reinstate the license effective as of that date of expiration.

(2) Extension.--If the Commission reinstates the license under paragraph (1), the first extension authorized under subsection (a) shall take effect on the date of that expiration.

Approved July 27, 2018.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 490:
Senate Report: No. 115-100, (Comm. on Energy and Natural Resources, June 8, 2018.
CONGRESSIONAL BUDGET OFFICE: Cost Estimate, Senate Bill, April 6, 2017.
CONGRESSIONAL RECORD, Vol. 164 (2018):
June 28, considered and passed Senate, Pg. S4809.
July 16, considered and passed House, Pg. H6226.

August 1, 2018

WHITE MOUNTAIN APACHE TRIBE
WATER RIGHTS QUALIFICATIONS ACT AMENDMENTS

An Act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund. (An act of August 1, 2018, Public Law 115-227, 132 Stat. 1626)

[Section 1. Use of Funds in WMAT Settlement Fund for WMAT Rural Water System.]
(a) Authorization of WMAT Rural Water System.--Section 307(a) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111-291; 124 Stat. 3080) is amended in the matter preceding paragraph (1) by inserting ", (b)(2)," after "subsections (a)".
(b) Funding.--Section 312(b)(2)(C)(i)(III) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111-291; 124 Stat. 3093) is amended by striking the period at the end and inserting the following: ", including the planning, design, and construction of the WMAT rural water system, in accordance with section 307(a).".
Sec. 2. Expansion of Pueblo of Santa Clara Land Eligible for 99-year Lease.]-- Subsection (a) of the first section of the Act of August 9, 1955 (commonly known as the "Long-Term Leasing Act") (25 U.S.C. 415(a)), is amended--

(1) by striking "Indians,," and inserting "Indians,";
(2) by inserting "Ohkay Owingeh pueblo," after "Cochiti,";
(3) by inserting "the pueblo of Santa Clara," after "Pojoaque,";
(4) by striking "the the lands" and inserting "the land";
(5) by striking "lands held in trust for the Pueblo of Santa Clara,"; and
(6) by striking "lands held in trust for Ohkay Owingeh Pueblo".

Approved August 1, 2018.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 2850:
CONGRESSIONAL RECORD, Vol. 164 (2018):
July 18 considered and passed Senate.
July 23, considered and passed House.
BUREAU OF RECLAMATION TESTIMONY: July 21, 2009 (H.R. 1065) House Comm. on Natural Resources.

September 21, 2018

ENERGY AND WATER, LEGISLATIVE BRANCH, AND MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATION ACT, 2019

[Extracts from] An Act making consolidated appropriations for Energy and Water Development, the Legislative Branch, Military Construction, Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2019, and for other purposes. (An act of September 21, 2018, Public Law 115-244, 132 Stat. 2897)

[Section 1. Short Title.]-- This Act may be cited as the "Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019".
Sec. 2. [Table of Contents.]-- The table of contents of this Act is as follows:
Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Statement of appropriations.
DIVISION A--ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2019
Title II--Department of the Interior

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DIVISION A--ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2019

TITLE II

DEPARTMENT OF THE INTERIOR

Central Utah Project; Central Utah Project completion account-- For carrying out activities authorized by the Central Utah Project Completion Act [Public Law 102-575], $15,000,000, to remain available until expended, of which $898,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission:

Provided, That of the amount provided under this heading, $1,398,675 shall be available until September 30, 2020, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior:

Provided further, That for fiscal year 2019, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

Bureau of Reclamation-- The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

Water and Related Resources (including transfers of funds)-- For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $1,391,992,000, to remain available until expended, of which $67,393,000 shall be available for transfer to the Upper Colorado River

Basin Fund and $5,551,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund:

Provided, That such transfers may be increased or decreased within the overall appropriation under this heading:

Provided further, That within available funds, $250,000 shall be for grants and financial assistance for educational activities:

Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account:

Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed:

Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

Central Valley Project Restoration Fund-- For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $62,008,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended:

Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575:

Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

California Bay-Delta Restoration (including transfers of funds)-- For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $35,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes:

Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management:

Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

Policy and Administration-- For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2020, $61,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377:

Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

administrative provision-- Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS--DEPARTMENT OF THE INTERIOR

Sec. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2019, shall be available for obligation or expenditure through a reprogramming of funds that--

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $400,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term transfer means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

Sec. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program--Alternative Repayment Plan" and the "SJVDP--Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

Sec. 203. Hereinafter, notwithstanding any other provision of law, during the period from November 1 through April 30, water users may use their diversion structures for the purpose of recharging the Eastern Snake Plain Aquifer, when the Secretary, in consultation with the Advisory Committee and Water District 1 watermaster, determines there is water available in excess of that needed to satisfy existing Minidoka Project storage and hydropower rights and ensure operational flexibility.

Sec. 204. Section 9001(d) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1295) is amended by striking "10" and inserting "20".

Sec. 205. (a) Section 206(c)(2) of the Energy and Water Development and Related Agencies Appropriations Act, 2015 (43 U.S.C. 620 note; Public Law 113-235) is amended by striking "2018." and inserting the following: "2022: Provided, That the Secretary shall not fund pilot projects in the Upper Colorado River Basin without the participation of the Upper Colorado River Division States, acting through the Upper Colorado River Commission.".

(b) Section 9504(e) of the Secure Water Act of 2009 (42 U.S.C. 10364(e)) is amended by striking "$450,000,000" and inserting "$480,000,000".

Sec. 206. Section 9 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106-382; 114 Stat. 1457, 123 Stat. 2856, 128 Stat. 164) is amended by striking "2020" each place it appears in subsections (a)(1) and (b) and inserting "2026".

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Approved September 21, 2018.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 5895 (S. 2975):
HOUSE REPORT: No. 115-697, Comm. on Appropriations, May 21, 2018.
HOUSE REPORT: No. 115-929, Comm. of Conference, September 10, 2018.
SENATE REPORT: No. 115-258, Comm. on Appropriations, accompanying S. 2975.
CONGRESSIONAL RECORD, Vol. 164 (2018):
June 7, considered in House, Pgs. H4884 and H4956.
June 8, votes on House passage.
June 18-21, 25, considered and passed Senate, amended.
Sept. 12, Senate agreed to conference report.
Sept. 13, House agreed to conference report, Pg. H8239.
BUREAU OF RECLAMATION TESTIMONY:
March 14, 2018, House Comm. on Appropriations.
April 20, 2018, Senate Comm. on Appropriations.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):
Sept. 21, Presidential remarks and statement.

October 23, 2018

AMERICA'S WATER INFRASTRUCTURE ACT OF 2018

[Extracts from] An Act to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, to provide for water pollution control activities, and for other purposes. (An act of October 23, 2018, Public Law 115-270, 132 Stat. 3765)

[Section 1. Short Title; Table of Contents.]

(a) Short Title.--This Act may be cited as "America's Water Infrastructure Act of 2018".

* * * * *

Subtitle A--General Provisions

Sec. 1101. [Sense of Congress Regarding Water Resources Development Bills.]-- It is the sense of Congress that, because the missions of the Corps of Engineers for navigation, flood control, beach erosion control and shoreline protection, hydroelectric power, recreation, water supply, environmental protection, restoration, and enhancement, and fish and wildlife mitigation benefit all Americans, and because water resources development projects are critical to maintaining the country's economic prosperity, national security, and environmental protection, Congress should consider a water resources development bill not less often than once every Congress.

Sec. 1102. [Study of the Future of the United States Corps of Engineers.]

(a) In General.--The Secretary shall enter into an agreement with the National Academy of Sciences to convene a committee of experts to carry out a comprehensive study on--

(1) the ability of the Corps of Engineers to carry out its statutory missions and responsibilities, and the potential effects of transferring the functions (including regulatory obligations), personnel, assets, and civilian staff responsibilities of the Secretary relating to civil works from the Department of Defense to a new or existing agency or subagency of the Federal Government, including how such a transfer might affect the Federal Government's ability to meet the current statutory missions and responsibilities of the Corps of Engineers; and

(2) improving the Corps of Engineers' project delivery processes, including recommendations for such improvements, taking into account factors including--

(A) the effect of the annual appropriations process on the ability of the Corps of Engineers to efficiently secure and carry out contracts for water resources development projects and perform regulatory obligations;

(B) the effect that the current Corps of Engineers leadership and geographic structure at the division and district levels has on its ability to carry out its missions in a cost-effective manner; and

(C) the effect of the frequency of rotations of senior leaders of the Corps of Engineers and how such frequency affects the function of the district.

(b) Considerations.--The study carried out under subsection (a) shall include consideration of-

(1) effects on the national security of the United States;

(2) the ability of the Corps of Engineers to maintain sufficient engineering capability and capacity to assist ongoing and future operations of the United States armed services;

(3) emergency and natural disaster response obligations of the Federal Government that are carried out by the Corps of Engineers; and

(4) the ability of the Corps of Engineers to increase efficiency, coordination, transparency, and cost savings of the project delivery process.

(c) Submission to Congress.--The Secretary shall submit the final report of the National Academy containing the findings of the study carried out under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate not later than 2 years after the date of enactment of this Act.

(d) Congressional Approval.--The Secretary may not implement the findings of the study carried out under subsection (a) unless expressly authorized by Congress.

Sec. 1103. [Study on Economic and Budgetary Analyses.]

(a) In General.--Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to--

(1) carry out a study on the economic principles and analytical methodologies currently used by or applied to the Corps of Engineers to formulate, evaluate, and budget for water resources development projects; and

(2) make recommendations to Congress on potential changes to such principles and methodologies to improve transparency, return on Federal investment, cost savings, and prioritization, in the formulation, evaluation, and budgeting of such projects.

(b) Considerations.--The study under subsection (a) shall include--

(1) an analysis of the current economic principles and analytical methodologies used by or applied to the Corps of Engineers in determining the total benefits and total costs during the formulation of, and plan selection for, a water resources development project;

(2) an analysis of improvements or alternatives to how the Corps of Engineers utilizes the National Economic Development, Regional Economic Development, Environmental Quality, and Other Social Effects accounts developed by the Institute for Water Resources of the Corps of Engineers in the formulation of, and plan selection for, such projects;

(3) an analysis of whether such principles and methodologies fully account for all of the potential benefits of project alternatives, including any reasonably associated benefits of such alternatives that are not contrary to law, Federal policy, or sound water resources management;

(4) an analysis of whether such principles and methodologies fully account for all of the costs of project alternatives, including potential societal costs, such as lost ecosystem services, and full lifecycle costs for such alternatives;

(5) an analysis of the methodologies utilized by the Federal Government in setting and applying discount rates for benefit-cost analyses used in the formulation, evaluation, and budgeting of Corps of Engineers water resources development projects;

(6) an analysis of whether or not the Corps of Engineers—

(A) considers cumulative benefits of locally developed projects, including Master Plans approved by the Corps; and

(B) uses the benefits referred to in subparagraph (A) for purposes of benefit-cost analysis for project justification for potential projects within such Master Plans; and

(7) consideration of the report submitted under section 1204, if that report is submitted prior to completion of the study under this section.

(c) Publication.--The agreement entered into under subsection (a) shall require the National Academy of Sciences to, not later than 30 days after the completion of the study--

(1) submit a report containing the results of the study and the recommendations to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and
(2) make a copy of such report available on a publicly accessible website.

* * * * *

Sec. 1108. [Aquatic Invasive Species Research.]

(a) In General.--As part of the ongoing activities of the Engineer Research and Development Center to address the spread and impacts of aquatic invasive species, the Secretary shall undertake research on the management and eradication of aquatic invasive species, including Asian carp and zebra mussels.

(b) Locations.--In carrying out subsection (a), the Secretary shall work with Corps of Engineers district offices representing diverse geographical regions of the continental United States that are impacted by aquatic invasive species, such as the Atlantic, Pacific, and Gulf coasts and the Great Lakes.

(c) Report.--Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report recommending a plan to address the spread and impacts of aquatic invasive species.

Sec. 1109. [Harmful Algal Bloom Technology Demonstration.]

(a) In General.--The Secretary, acting through the Engineer Research and Development Center, shall implement a 5-year harmful algal bloom technology development demonstration program under the Aquatic Nuisance Research Program. To the extent practicable, the Secretary shall support research that will identify and develop improved strategies for early detection, prevention, and management techniques and procedures to reduce the occurrence and effects of harmful algal blooms in the Nation's water resources.

(b) Scalability Requirement.--The Secretary shall ensure that technologies identified, tested, and deployed under the harmful algal bloom technology development demonstration program have the ability to scale up to meet the needs of harmful-algal-bloom-related events.

* * * * *

Sec. 1121. [Upper Missouri Mainstem Reservoir Water Withdrawal Intake Easement Review.]

(a) In General.--During the 10-year period beginning on the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, expedite the review of applications for a covered easement.

(b) Process.--In carrying out this section, the Secretary shall develop an application to obtain a covered easement that requires an applicant for a covered easement to submit information that includes--

(1) all permissible locations for the proposed easement;
(2) the corresponding dimensions of the proposed easement;
(3) the methods of installation of the water withdrawal intakes; and
(4) any other information that the Secretary may require to complete the review.

(c) Response.--Not later than 30 days after the date on which the Secretary receives an application under subsection (b), the Secretary shall seek to provide to the applicant a written notification that states--

(1) whether the application is complete; and

(2) if the application is not complete, what information is needed for the application to be complete.

(d) Determination.--To the maximum extent practicable, not later than 120 days after the date on which the Secretary receives a complete application for a covered easement, the Secretary shall approve or deny the application for the covered easement.

(e) Covered Easement Defined.--In this section, the term “covered easement" means an easement necessary to access Federal land under the control of the Secretary for the placement of water withdrawal intakes in the Upper Missouri Mainstem Reservoirs that does not otherwise involve the alteration or modification of any structures or facilities located on that Federal land, other than those owned by the non-Federal interest.

(f) Limitations.--Nothing in this section affects any obligation to comply with the provisions of any Federal law, including--

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

(2) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

* * * * *

Sec. 1129. [Inclusion of Tribal Interests in Project Consultations.]

(a) Report Required.--As soon as practicable following the date of enactment of this Act, the Secretary shall submit the report required under section 1120(a)(3) of the Water Resources Development Act of 2016 (130 Stat. 1643).

(b) Consultation.--The Secretary shall ensure that all existing Tribal consultation policies, regulations, and guidance continue to be implemented, and that consultations with Federal and State agencies and Indian Tribes required for a water resources development project are carried out.

* * * * *

Sec. 1133. [Columbia River.]

(a) **Bonneville Dam, Oregon**.--

(1) In general.--The Secretary, in consultation with the Secretary of the Interior, shall examine and assess the extent to which Indians (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) have been displaced as a result of the construction of the Bonneville Dam, Oregon, as authorized by the first section of the Act of August 30, 1935 (49 Stat. 1032) and the first section and section 2(a) of the Act of August 20, 1937 (16 U.S.C. 832, 832a(a)).

(2) Inclusion.--The examination and assessment under paragraph (1) may include assessments relating to housing and related facilities.

(3) Assistance.--If the Secretary determines, based on the examination and assessment under paragraph (1), that assistance is required or needed, the Secretary may use all existing authorities of the Secretary, including under this Act, to provide assistance to Indians who have been displaced as a result of the construction of the Bonneville Dam, Oregon.

(4) Tribal assistance.--Section 1178(c)(1)(A) of the Water Resources Development Act of 2016 (130 Stat. 1675) is amended by striking “Upon the request of the Secretary of the Interior, the Secretary may provide assistance" and inserting “The Secretary, in consultation with the Secretary of the Interior, may provide assistance".

(b) **John Day Dam, Washington and Oregon**.--

(1) In general.--The Secretary, in consultation with the Secretary of the Interior, shall examine and assess the extent to which Indians (as defined in section 4 of the Indian Self-

Determination and Education Assistance Act (25 U.S.C. 5304) have been displaced as a result of the construction of the John Day Dam, Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179).

(2) Inclusion.--The examination and assessment under paragraph (1) may include--

(A) assessments relating to housing and related facilities; and

(B) the study required by section 1178(c)(2) of the Water Resources Development Act of 2016 (130 Stat. 1675).

(3) Assistance.--If the Secretary determines, based on the examination and assessment under paragraph (1), that assistance is required or needed, the Secretary may use all existing authorities of the Secretary, including under this Act, to provide assistance to Indians who have been displaced as a result of the construction of the John Day Dam, Oregon.

(c) **Dalles Dam, Washington and Oregon.--**

(1) In general.-- The Secretary, in consultation with the Secretary of the Interior, shall complete and carry out a village development plan for any Indian village submerged as a result of the construction of the Dalles Dam, Columbia River, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179).

(2) Assistance.--The Secretary may acquire land from willing land owners in carrying out a village development plan under paragraph (1).

(3) Requirements.--A village development plan completed under paragraph (1) shall include, at a minimum, an estimated cost and tentative schedule for the construction of a replacement village.

Sec. 1134. [Missouri River Reservoir Sediment Management.] Section 1179(a) of the Water Resources Development Act of 2016 (130 Stat. 1675) is amended--

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(2) by inserting after paragraph (3) the following:

"(4) Prioritization of sediment management plans.--In carrying out the pilot project under this subsection, the Secretary shall give priority to developing and implementing sediment management plans that affect reservoirs that cross State lines."; and

(3) in paragraph (8) (as so redesignated)--

(A) by redesignating subparagraph (B) as subparagraph (D); and

(B) by striking subparagraph (A) and inserting the following:

"(A) In general.--The Secretary shall carry out the pilot program established under this subsection in partnership with the Secretary of the Interior, and the program shall apply to reservoirs managed or owned by the Bureau of Reclamation.

"(B) Memorandum of agreement.--For sediment management plans that apply to a reservoir managed or owned by the Bureau of Reclamation under subparagraph (A), the Secretary and the Secretary of the Interior shall execute a memorandum of agreement establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.

"(C) Payments.--The Secretary is authorized to accept and expend funds from the Secretary of the Interior to complete any work under this paragraph at a reservoir managed or owned by the Bureau of Reclamation.".

* * * * *

Sec. 1151. [Operation and Maintenance of Navigation and Hydroelectric Facilities.]
(a) In General.--Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended--

(1) in the heading by inserting “navigation and" before “hydroelectric facilities";

(2) in the first sentence, by striking “Activities currently performed" and inserting the following:

“(a) In General.--Activities currently performed";

(3) in subsection (a) (as designated by paragraph (2)), by inserting “navigation or" before “hydroelectric";

(4) in the second sentence, by striking “This section" and inserting the following:

“(b) Major Maintenance Contracts Allowed.--This section"; and

(5) by adding at the end the following:

“(c) Exclusion.--This section does not--

“(1) apply to a navigation facility that was under contract on or before the date of enactment of this subsection with a non-Federal interest to perform operations or maintenance; and

“(2) prohibit the Secretary from contracting out commercial activities after the date of enactment of this subsection at a navigation facility.".

(b) Clerical Amendment.--The table of contents contained in section 1(b) of the Water Resources Development Act of 1990 (104 Stat. 4604) is amended by striking the item relating to section 314 and inserting the following:

“Sec. 314. Operation and maintenance of navigation and hydroelectric facilities.".

* * * * *

Sec. 1155. [Indian Tribes.]
(a) Cost Sharing Provisions for Territories and Indian Tribes.-- Section 1156(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2310(a)(2)) is amended by striking “(as defined" and all that follows through the period at the end and inserting “or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).".
(b) Written Agreement Requirement for Water Resources Projects.-- Section 221(b)(1) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)(1)) is amended by striking “(including a" and all that follows through “; or" at the end and inserting “(including an Indian tribe and a tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); or".
Sec. 1156. [Inflation Adjustment of Cost-Sharing Provisions for Territories and Indian Tribes.]-- Section 1156(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2310(b)) is amended by striking “the date of enactment of this subsection" and inserting “the date of enactment of the Water Resources Development Act of 2018".

* * * * *

Sec. 1163. [Dam Safety.]-- Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended by striking “2015 through 2019" each place it appears and inserting “2019 through 2023".

* * * * *

Sec. 1174. [Middle Rio Grande Peak Flow Restoration.]
(a) Restarting of Temporary Deviation.--Subject to subsection (b), the Secretary shall restart the temporary deviation in the operation of Cochiti Lake and Jemez Canyon Dam, that was initiated in 2009 and terminated in 2013, to continue to evaluate the effects of the deviation.
(b) Approval and Consultation.--Before restarting the temporary deviation under subsection (a), the Secretary shall, as required under the applicable water control manuals--

(1) first obtain approval from--

(A) Pueblo de Cochiti;

(B) Pueblo of Santa Ana; and

(C) the Rio Grande Compact Commission established by the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155); and

(2) to the maximum extent practicable, consult with the existing Cochiti Lake Environmental Resources Team, which includes other Federal agencies and landowners in the region.

(c) Sunset.--The authority to conduct the temporary deviation described in subsection (a) shall terminate on the date that is 5 years after the date on which the Secretary restarts the temporary deviation under such subsection.

* * * * *

Sec. 1201. [Authorization of Proposed Feasibility Studies.]-- The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress on March 17, 2017, and February 5, 2018, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) **Cave Buttes Dam, Arizona**.--Project for flood risk management, Phoenix, Arizona.

(2) **San Diego River, California**.--Project for flood risk management, navigation, and ecosystem restoration, San Diego, California.

* * * * *

(7) **Trinity River and Tributaries, Texas.--**Project for navigation, Liberty, Texas.

(8) **West Cell Levee, Texas**.--Project for flood risk management, Irving, Texas.

* * * * *

Sec. 1203. [Expedited Completion.]
(a) Feasibility Reports.--The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

* * * * *

(3) Project for navigation, **Nome, Alaska**.

(4) Project for flood diversion, **Seward, Alaska.**

(5) Project for flood control, water conservation, and related purposes, **Coyote Valley Dam, California.**

(6) Project for flood risk management, **Lower Cache Creek, California**.

(7) Project for flood risk management, **Lower San Joaquin River, California**, as described in section 1322(b)(2)(F) of the Water Resources Development Act of 2016 (130 Stat. 1707) (second phase of feasibility study).

(8) Project for flood risk management, **South San Francisco, California**.

(9) Project for flood risk management and ecosystem restoration, **Tijuana River, California**.
(10) Project for flood damage reduction, **Westminster-East Garden Grove, California.**

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(23) Project for flood control and water supply, **Abiquiu Dam, New Mexico**.

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(26) Project for water resource improvements, **Willamette River Basin, Fern Ridge, Oregon**.

* * * * *

(30) Project for navigation, **Tacoma Harbor, Washington**.

(b) **Lower San Joaquin River, California**.--In expediting completion of the second phase of the Lower San Joaquin River feasibility study under subsection (a)(7), the Secretary shall review and give priority to any plans and designs requested by non-Federal interests and incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.

* * * * *

(d) Post-Authorization Change Report.--The Secretary shall expedite completion of a post-authorization change report for the project for flood risk management, **San Luis Rey River Flood Control Protection Project, California**.

* * * * *

(f) **Upper Missouri River Basin** Flood and Drought Monitoring.--The Secretary shall expedite activities authorized under section 4003(a) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1311, 130 Stat. 1677).

(g) Project Modifications for Improvement of Environment.--For fiscal years 2019 and 2020, the Secretary shall give priority to projects that restore degraded ecosystems through modification of existing flood risk management projects for projects--

(1) authorized under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a); and
(2) located within the **Upper Missouri River Basin**.

* * * * *

Sec. 1204. [GAO Study on Benefit-Cost Analysis Reforms.]-- Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall--

(1) conduct a study on the benefit-cost procedures of the Secretary and the Director of the Office of Management and Budget (referred to in this section as the ``Director''), including-

(A) an examination of the benefits and costs that the Secretary and the Director do and do not include in the benefit-cost calculation, including, at a minimum, local and regional economic benefits; and
(B) a review of the calculation, if any, of navigation benefits used in a benefit-cost calculation for a non-commercial harbor that is used by a State maritime academy (as defined in section 51102 of title 46, United States Code) for military training purposes; and

(2) submit to Congress a report that--

(A) describes the results of the study under paragraph (1); and
(B) includes recommendations for legislative or regulatory changes to improve the benefit-cost analysis procedures of the Secretary and the Director.

* * * * *

Sec. 1206. [Identification of Nonpowered Dams for Hydropower Development.]
(a) In General.--Not later than 18 months after the date of enactment of this section, the Secretary shall develop a list of existing nonpowered dams owned and operated by the Corps of Engineers that have the greatest potential for hydropower development.
(b) Considerations.--In developing the list under subsection (a), the Secretary may consider the following:

(1) The compatibility of hydropower generation with existing purposes of the dam.
(2) The proximity of the dam to existing transmission resources.
(3) The existence of studies to characterize environmental, cultural, and historic resources relating to the dam.
(4) Whether hydropower is an authorized purpose of the dam.

(c) Availability.--The Secretary shall provide the list developed under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make such list available to the public.

* * * * *

Sec. 1222. [Forecast-Informed Reservoir Operations.]
(a) Report on Forecast-Informed Reservoir Operations.--Not later than 1 year after the date of completion of the forecast-informed reservoir operations research study pilot program at **Coyote Valley Dam, Russian River Basin, California** (authorized by the River and Harbor Act of 1950 (64 Stat. 177)), the Secretary shall issue a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of the study pilot program.
(b) Contents of Report.--The Secretary shall include in the report
issued under subsection (a)--

(1) an analysis of the use of forecast-informed reservoir operations at **Coyote Valley Dam, California;**
(2) an assessment of the viability of using forecast-informed reservoir operations at other dams owned or operated by the Secretary;
(3) an identification of other dams owned or operated by the Secretary where forecast-informed reservoir operations may assist the Secretary in the optimization of future reservoir operations; and
(4) any additional areas for future study of forecast-informed reservoir operations.

* * * * *

Sec. 1226. [Missouri River.]
(a) IRC Report.--Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report regarding the impacts of interception-rearing complex construction on the navigation, flood control, and other authorized purposes set forth in the Missouri River Master Manual, and on the population recovery of the pallid sturgeon.
(b) No Additional IRC Construction.--Until the report under subsection (a) is submitted, no additional interception-rearing complex construction is authorized.
Sec. 1227. [Lower Missouri River Bank Stabilization and Navigation.]
(a) In General.--Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of

Representatives and the Committee on Environment and Public Works of the Senate a report on the function and reliability of the Lower Missouri River bank stabilization and navigation project, authorized by the first section of the Act of July 25, 1912 (37 Stat. 219, chapter 253).
(b)Considerations and Coordination.--In developing the report required under subsection (a), the Secretary shall--

(1) consider recommended improvements to the project described in such subsection and current and future flood risks; and

(2) coordinate with State and local governments and affected stakeholders.

Sec. 1228. [Costal Texas Study.]-- The Secretary shall expedite the completion of studies for flood damage reduction, hurricane and storm damage reduction, and ecosystem restoration in the coastal areas of Texas that are identified in the interim report due to be published in 2018 that describes the tentatively selected plan developed in accordance with section 4091 of the Water Resources Development Act of 2007 (121 Stat. 1187).

Sec. 1229. [Report on Water Supply Contract, Wright Patman Lake, Texas.]-- Not later than June 30, 2019, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of the implementation of the water supply contract, Department of the Army, Civil Works Contract No. 29-68-A-0130, at **Wright Patman Lake, Texas**, that--

(1) describes the implementation of that contract at Wright Patman Lake; and

(2) identifies--

(A) the activities that the Secretary expects to be necessary to complete the execution of the contract;

(B) the expected completion date for each activity identified under subparagraph (A); and

(C) the expected date of completion of the execution of the contract.

Subtitle C--Deauthorizations, Modifications, and Related Provisions

Sec. 1301. [Deauthorization of Inactive Projects.]

(a) Purposes.--The purposes of this section are--

(1) to identify $4,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to--

(A) a lack of local support;

(B) a lack of available Federal or non-Federal resources; or

(C) an authorizing purpose that is no longer relevant or feasible;

(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and

(3) to allow the continued authorization of water resources development projects that are viable for construction.

(b) Interim Deauthorization List.--

(1) In general.--The Secretary shall develop an interim deauthorization list that identifies-

(A) each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which--

(i) planning, design, or construction was not initiated before the date of enactment of this Act; or

(ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable

element of the project during the current fiscal year or any of the 6 preceding fiscal years;

(B) each project or separable element of a project identified and included on a list to Congress for deauthorization pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)); and

(C) any project or separable element of a project for which the non-Federal sponsor of such project or separable element submits a request for inclusion on the list.

(2) Public comment and consultation.--

(A) In general.--The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).

(B) Comment period.--The public comment period shall be 90 days.

(3) Submission to congress; publication.--Not later than 90 days after the date of the close of the comment period under paragraph (2), the Secretary shall--

(A) submit a revised interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the revised interim deauthorization list in the Federal Register.

(c) Final Deauthorization List.--

(1) In general.--The Secretary shall develop a final deauthorization list of water resources development projects, or separable elements of projects, from the revised interim deauthorization list described in subsection (b)(3).

(2) Deauthorization amount.--

(A) Proposed final list.--The Secretary shall prepare a proposed final deauthorization list of projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least $4,000,000,000.

(B) Determination of federal cost to complete.--For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

(3) Identification of projects.--

(A) Sequencing of projects.--

(i) In general.--The Secretary shall identify projects and separable elements of projects for inclusion on the proposed final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending with the latest project or separable element of a project necessary to meet the aggregate amount under paragraph (2)(A).

(ii) Factors to consider.--The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.

(iii) Consideration of public comments.--In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (b)(2).

(B) Appendix.--The Secretary shall include as part of the proposed final deauthorization list an appendix that--

(i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (b) that is not included on the proposed final deauthorization list; and

(ii) describes the reasons why the project or separable element is not included on the proposed final list.

(4) Public comment and consultation.—

(A) In general.--The Secretary shall solicit comments from the public and the Governor of each applicable State on the proposed final deauthorization list and appendix developed under paragraphs (2) and (3).

(B) Comment period.--The public comment period shall be 90 days.

(5) Submission of final list to congress; publication.--Not later than 120 days after the date of the close of the comment period under paragraph (4), the Secretary shall--

(A) submit a final deauthorization list and an appendix to the final deauthorization list in a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register.

(d) Deauthorization; Congressional Review.--

(1) In general.--After the expiration of the 180-day period beginning on the date of submission of the final deauthorization list and appendix under subsection (c), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period.

(2) Non-federal contributions.--

(A) In general.--A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

(B) Treatment of projects.--Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (c)(2)(A).

(3) Projects identified in appendix.--A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

(e) Special Rule for Projects Receiving Funds for Post-Authorization Study.--A project or separable element of a project may not be identified on the interim deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the

project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years.

(f) General Provisions.--

(1) Definitions.--In this section, the following definitions apply:

(A) Post-authorization study.--The term “post-authorization study" means--

(i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

(ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(iii) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that--

(I) demonstrates a Federal interest; and

(II) requires additional analysis for the project or separable element.

(B) Water resources development project.--The term “water resources development project" includes an environmental infrastructure assistance project or program of the Corps of Engineers.

(2) Treatment of project modifications.--For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent modification.

* * * * *

Sec. 1303. [Project Modifications.]

(a) Consistency With Reports.--Congress finds that the project modifications described in this section are in accordance with the reports submitted to Congress by the Secretary under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), titled “Report to Congress on Future Water Resources Development", or have otherwise been reviewed by Congress.

(b) Modifications.--

(1) **Harbor/South bay, California.**--Section 219(f)(43) of the Water Resources Development Act of 1992 (113 Stat. 337)); 114 Stat. 2763A-220) is amended by striking “$35,000,000" and inserting “$70,000,000".

* * * * * *

Sec. 1304. [Lytle and Cajon Creeks, California.]-- That portion of the channel improvement project, Lytle and Cajon Creeks, California, authorized to be carried out as a part of the project for the Santa Ana River Basin, California, by the Act of December 22, 1944 (Chapter 665; 58 Stat. 900) that consists of five earth-filled groins commonly referred to as ``the Riverside Avenue groins" is no longer authorized as a Federal project beginning on the date of enactment of this Act.

Sec. 1305. [Yuba River Basin, California.]

(a) In General.--The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275) is modified to allow a non-Federal interest to construct a new levee to connect the existing levee with high ground.

(b) Project Description.--The levee to be constructed shall tie into the existing levee at a point N2186189.2438, E6703908.8657, thence running east and south along a path to be determined to a point N2187849.4328, E6719262.0164.

(c) Cooperation Agreement.--The Secretary shall execute a conforming amendment to the Memorandum of Understanding Respecting the Sacramento River Flood Control Project with the State of California dated November 30, 1953, that is limited to changing the description of the project to reflect the modification.

(d) No Federal Cost.--

(1) Review costs.--Before construction of the levee described in subsection (b), the Secretary may accept and expend funds received from a non-Federal interest to review the planning, engineering, and design of the levee described in subsection (b) to ensure that such planning, engineering, and design complies with Federal standards.

(2) Non-federal share.--The Non-Federal share of the cost of constructing the levee shall be 100 percent.

* * * * *

Sec. 1321. [Fargo-Moorhead Metropolitan Area Diversion Project, North Dakota.]

(a) Exemption.--Subject to subsections (b) and (c), notwithstanding section 404(b)(2)(B)(ii) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)(ii)), and any regulations promulgated to carry out that section, beginning on the date of enactment of this Act, any property in the State of North Dakota that was acquired through hazard mitigation assistance provided under section 203 of that Act (42 U.S.C. 5133), section 404 of that Act (42 U.S.C. 5170c), or section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), that was subject to any open space deed restriction is exempt from those restrictions to the extent necessary to complete the Fargo-Moorhead Metropolitan Area Diversion Project authorized by section 7002(2) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1366).

(b) Conditions.--As a condition of the exemption under subsection (a)--

(1) no new or additional structure unrelated to the Project may be erected on the property unless the new or additional structure is in compliance with section 404(b)(2)(B)(ii) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)(ii)); and

(2) any subsequent use of the land on the property that is unrelated to the Project shall comply with that section.

(c) Disaster Assistance Prohibited.--After the date of enactment of this Act, no disaster assistance from any Federal source may be provided with respect to any improvements made on the property referred to in subsection (a).

(d) Savings Provision.--Nothing in this section affects the responsibility of any entity to comply with all other applicable laws (including regulations) with respect to the properties described in subsection (a).

Sec. 1322. [Clatsop County, Oregon.]-- The portions of the project for raising and improving existing levees of Clatsop County Diking District No. 13, in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1590), that are referred to as Christensen No. 1 Dike No. 42 and Christensen No. 2 Levee No. 43 are no longer authorized beginning on the date of enactment of this Act.

Sec. 1323. [Svensen Island, Oregon.]-- The project for flood risk management, Svensen Island, Oregon, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 180), is no longer authorized beginning on the date of enactment of this Act.

* * * * *

Sec. 1325. [**Puget Sound Nearshore Ecosystem Restoration.]--** Section 544(f) of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2675) is amended--

(1) by striking "$40,000,000" and inserting "$60,000,000"; and

(2) by striking "$5,000,000" and inserting "$10,000,000".

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Sec. 1331. [Conveyances.]

* * * * *

(e) **Port of Whitman County, Washington**.--

(1) Definitions.--In this subsection:

(A) Federal land.--The term "Federal land" means the approximately 288 acres of land situated in Whitman County, Washington, contained within Tract D of Little Goose Lock and Dam.

(B) Non-federal land.--The term "non-Federal land" means a tract or tracts of land owned by the Port of Whitman County, Washington, that the Secretary determines, with approval of the Washington Department of Fish and Wildlife and the Secretary of the Interior acting through the Director of the United States Fish and Wildlife Service, equals or exceeds the value of the Federal land both as habitat for fish and wildlife and for recreational opportunities related to fish and wildlife.

(2) Land exchange.--On conveyance by the Port of Whitman County to the United States of all right, title, and interest in and to the non-Federal land, the Secretary of the Army shall convey to the Port of Whitman County all right, title, and interest of the United States in and to the Federal land.

(3) Deeds.--

(A) Deed to non-federal land.--The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(B) Deed to federal land.--The Secretary shall convey the Federal land to the Port of Whitman County by quitclaim deed and subject to any reservations, terms, and conditions the Secretary determines necessary to allow the United States to operate and maintain the Lower Snake River Project and to protect the interests of the United States.

(4) Cash payment.--If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as determined by the Secretary, the Port of Whitman County shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(5) Administrative expenses.--The Port of Whitman County shall be responsible for the administrative costs of the transaction in accordance with section 2695 of title 10, United States Code.

Subtitle D--Water Resources Infrastructure

Sec. 1401. [Project Authorizations.]--The following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress on March 17, 2017, and February 5, 2018, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section:

(1) Navigation.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AR	Three Rivers Southeast Arkansas	September 6, 2018	Total: $184,395,000 (to be derived \1/2\ from the general fund of the Treasury and \1/2\ from the Inland Waterways Trust Fund)
2. PR	San Juan Harbor	August 23, 2018	Federal: $41,345,840 Non-Federal: $13,781,267 Total: $55,127,107
3. TX	Galveston Harbor Channel Extension Project, Houston-Galveston Navigation Channels	Aug. 8, 2017	Federal: $10,444,000 Non-Federal: $3,481,000 Total: $13,925,000
4. WA	Seattle Harbor Navigation Improvement Project	June 7, 2018	Federal: $29,362,000 Non-Federal: $31,880,000 Total: $61,242,000

(2) Flood risk management.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	Lower San Joaquin River	July 31, 2018	Federal: $712,169,000 Non-Federal: $383,475,000 Total: $1,095,644,000
2. HI	Ala Wai Canal	Dec. 21, 2017	Federal: $212,754,000 Non-Federal: $114,560,000 Total: $327,313,000

3. NY	Mamaroneck-Sheldrake Rivers	Dec. 14, 2017	Federal: $53,500,000 Non-Federal: $28,750,000 Total: $82,250,000

(3) Hurricane and storm damage risk reduction.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. FL	St. Johns County	Aug. 8, 2017	Initial Federal: $5,873,283 Initial Non-Federal: $19,661,924 Initial Total: $25,535,207 Renourishment Federal: $9,751,788 Renourishment Non-Federal: $45,344,169 Renourishment Total: $55,095,957
2. FL	St. Lucie County	Dec. 15, 2017	Initial Federal: $7,239,497 Initial Non-Federal: $13,443,614 Initial Total: $20,683,110 Renourishment Federal: $9,093,999 Renourishment Non-Federal: $24,588,991 Renourishment Total: $33,682,990
3. TX	Sabine Pass to Galveston Bay	Dec. 7, 2017	Federal: $2,200,357,000 Non-Federal: $1,184,807,000 Total: $3,385,164,000

(4) Flood risk management and ecosystem restoration.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. NM	Espanola Valley, Rio Grande	May 11, 2018	Federal: $55,602,266 Non-Federal: $7,637,764 Total: $63,240,030

(5) Ecosystem restoration.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Resacas, in the vicinity of the City of Brownsville	September 6, 2018	Federal: $141,489,000 Non-Federal: $65,675,000 Total: $207,164,000

(6) Modifications and other projects.--

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. GA	Savannah Harbor Expansion Project	Dec. 5, 2016	Federal: $731,700,000 Non-Federal: $287,200,000 Total: $1,018,900,000
2. MI	Soo Locks, Sault Ste. Marie	June 29, 2018	Federal: $922,432,000 Non-Federal: $0 Total: $922,432,000
3. TN	Chickamauga Lock Replacement	July 19, 2018	Total: $757,666,000 (to be derived \1/2\ from the general fund of the Treasury and \1/2\ from the Inland Waterways Trust Fund)

Sec. 1402. [Special Rules.]

(a) **St. Paul Harbor, Alaska.--**Notwithstanding section 2008(c) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1074), the project for navigation, St. Paul Harbor, authorized by section 101(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3667), shall be cost-shared substantially in accordance with the costs established by section 105 of the Energy and Water Development Appropriations Act, 2003 (117 Stat. 139).

(b) **Espanola Valley, New Mexico**.--The Secretary shall carry out the project for flood risk management and ecosystem restoration, Espanola Valley, Rio Grande and Tributaries, New Mexico, authorized by section 1401(4) of this Act substantially in accordance with terms and conditions described in the Report of the Chief of Engineers, dated May 11, 2018, including, notwithstanding section 2008(c) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1074), the recommended cost share.

* * * * *

TITLE II--DRINKING WATER SYSTEM IMPROVEMENT

Sec. 2001. [Indian Reservation Drinking Water Program.]

(a) In General.--Subject to the availability of appropriations, the Administrator of the Environmental Protection Agency shall carry out a program to implement--

(1) 10 eligible projects described in subsection (b) that are within the Upper Missouri River Basin; and

(2) 10 eligible projects described in subsection (b) that are within the Upper Rio Grande Basin.

(b) Eligible Projects.--A project eligible to participate in the program under subsection (a) is a project--

(1) that is on a reservation (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452) that serves a federally recognized Indian Tribe; and
(2) the purpose of which is to connect, expand, or repair an existing public water system, as defined in section 1401(4) of the Safe Drinking Water Act (42 U.S.C. 300f(4)), in order to improve water quality, water pressure, or water services.

(c) Requirement.--In carrying out the program under subsection (a)(1), the Administrator of the Environmental Protection Agency shall select not less than one eligible project for a reservation that serves more than one federally recognized Indian Tribe.

(d) Authorization of Appropriations.--There is authorized to be appropriated to carry out the program under subsection (a) $20,000,000 for each of fiscal years 2019 through 2022.

* * * * *

Sec. 2007. [Innovative Water Technology Grant Program.]

(a) Definitions.--In this section:
(1) Administrator.--The term “Administrator" means the Administrator of the Environmental Protection Agency.
(2) Eligible entity.--The term ``eligible entity" means--
(A) a public water system (as defined under section 1401(4) of the Safe Drinking Water Act (42 U.S.C. 300f(4)));
(B) an institution of higher education;
(C) a research institution or foundation;
(D) a regional water organization; or
(E) a nonprofit organization described in section 1442(e)(8) of the Safe Drinking Water Act (42 U.S.C. 300j-1(e)(8)).

(b) Grant Program Authorized.--The Administrator shall carry out a grant program for the purpose of accelerating the development and deployment of innovative water technologies that address pressing drinking water supply, quality, treatment, or security challenges of public water systems, areas served by private wells, or source waters.

(c) Grants.--In carrying out the program under subsection (b), the Administrator shall make grants to eligible entities--
(1) to develop, test, and deploy innovative water technologies; or
(2) to provide technical assistance to deploy demonstrated innovative water technologies.

(d) Selection Criteria.--In making grants under this section, the Administrator shall--
(1) award grants through a competitive process to eligible entities the Administrator determines are best able to carry out the purpose of the program; and
(2) give priority to projects that have the potential--
(A) to reduce ratepayer or community costs or costs of future capital investments;
(B) to significantly improve human health or the environment; or
(C) to provide additional drinking water supplies with minimal environmental impact.

(e) Cost-Sharing.--The Federal share of the cost of activities carried out using a grant under this section shall be not more than 65 percent.

(f) Limitation.--The maximum amount of a grant under this section shall be $5,000,000.

(g) Report.--Each year, the Administrator shall submit to Congress and make publicly available on the website of the Administrator a report that describes any advancements during the previous

year in development of innovative water technologies made as a result of funding provided under this section.

(h) Partnerships.--Grants awarded under this program may include projects that are carried out by an eligible entity in cooperation with a private entity, including a farmer, farmer cooperative, or manufacturer of water technologies.

(i) Authorization of Appropriations.--There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019 and 2020.

* * * * *

TITLE III--ENERGY

Sec. 3001. [Modernizing Authorizations for Necessary Hydropower Approvals.]

(a) Preliminary Permits.--Section 5 of the Federal Power Act (16 U.S.C. 798) is amended--

(1) in subsection (a), by striking "three" and inserting "4"; and

(2) in subsection (b)--

(A) by striking "Commission may extend the period of a preliminary permit once for not more than 2 additional years beyond the 3 years" and inserting the following: "Commission may--

"(1) extend the period of a preliminary permit once for not more than 4 additional years beyond the 4 years";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(2) after the end of an extension period granted under paragraph (1), issue an additional permit to the permittee if the Commission determines that there are extraordinary circumstances that warrant the issuance of the additional permit.".

(b) Time Limit for Construction of Project Works.--Section 13 of the Federal Power Ac t (16 U.S.C. 806) is amended in the second sentence by striking "once but not longer than two additional years" and inserting "for not more than 8 additional years,".

(c) Obligation for Payment of Annual Charges.--Any obligation of a licensee or exemptee for the payment of annual charges under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) for a project that has not commenced construction as of the date of enactment of this Act shall commence not earlier than the latest of--

(1) the date by which the licensee or exemptee is required to commence construction; or

(2) the date of any extension of the deadline under paragraph (1).

Sec. 3002. [Qualifying Conduit Hydropower Facilities.]-- Section 30(a) of the Federal Power Act (16 U.S.C. 823a(a)) is amended--

(1) in paragraph (2)(C), by striking "45 days" and inserting "30 days"; and

(2) in paragraph (3)(C)(ii), by striking "5" and inserting "40".

Sec. 3003. [Promoting Hydropower Development at Existing Nonpowered Dams.] Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"SEC. 34. PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS.

"(a) Expedited Licensing Process for Non-Federal Hydropower Projects at Existing Nonpowered Dams.--

"(1) In general.--As provided in this section, the Commission may issue and amend licenses, as appropriate, for any facility the Commission determines is a qualifying facility.

"(2) Rule.--Not later than 180 days after the date of enactment of this section, the Commission shall issue a rule establishing an expedited process for issuing and amending licenses for qualifying facilities under this section.

"(3) Interagency task force.--

"(A) In establishing the expedited process under this section, the Commission shall convene an interagency task force, with appropriate Federal and State agencies and Indian tribes represented, to coordinate the regulatory processes associated with the authorizations required to construct and operate a qualifying facility.

"(B) The task force shall develop procedures that are consistent with subsection (e)(1)(E) to seek to ensure that, for projects licensed pursuant to this section, the Commission and appropriate Federal and State agencies and Indian tribes shall exercise their authorities in a manner that, to the extent practicable, will not result in any material change to the storage, release, or flow operations of the associated nonpowered dam existing at the time an applicant files its license application.

"(4) Length of process.--The Commission shall seek to ensure that the expedited process under this section will result in a final decision on an application for a license by not later than 2 years after receipt of a completed application for the license.

"(b) Dam Safety.--

"(1) Assessment.--Before issuing any license for a qualifying facility, the Commission shall assess the safety of existing non-Federal dams and other non-Federal structures related to the qualifying facility (including possible consequences associated with failure of such structures).

"(2) Requirements.--In issuing any license for a qualifying facility at a non-Federal dam, the Commission shall ensure that the Commission's dam safety requirements apply to such qualifying facility, and the associated qualifying nonpowered dam, over the term of such license.

"(c) Interagency Communications.--Interagency cooperation in the preparation of environmental documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license for a qualifying facility under this section, and interagency communications relating to licensing process coordination pursuant to this section, shall not--

"(1) be considered to be ex parte communications under Commission rules; or

"(2) preclude an agency from participating in a licensing proceeding under this part, providing that any agency participating as a party in a licensing proceeding under this part shall, to the extent practicable, demonstrate a separation of staff cooperating with the Commission under the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and staff participating in the applicable proceeding under this part.

"(d) Identification of Nonpowered Dams for Hydropower Development.--

"(1) In general.--Not later than 12 months after the date of enactment of this section, the Commission, with the Secretary of the Army, the Secretary of the Interior, and the Secretary of Agriculture, shall jointly develop a list of existing nonpowered Federal dams that the Commission and the Secretaries agree have the greatest potential for non-Federal hydropower development.

“(2) Considerations.--In developing the list under paragraph (1), the Commission and the Secretaries may consider the following:

“(A) The compatibility of hydropower generation with existing purposes of the dam.

“(B) The proximity of the dam to existing transmission resources.

“(C) The existence of studies to characterize environmental, cultural, and historic resources relating to the dam.

“(D) The effects of hydropower development on release or flow operations of the dam.

“(3) Availability.--The Commission shall--

“(A) provide the list developed under paragraph (1) to--

“(i) the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, and the Committee on Natural Resources, of the House of Representatives; and

“(ii) the Committee on Environment and Public Works, and the Committee on Energy and Natural Resources, of the Senate; and

“(B) make such list available to the public.

“(e) Definitions.--For purposes of this section:

“(1) Qualifying criteria.--The term `qualifying criteria' means, with respect to a facility-

“(A) as of the date of enactment of this section, the facility is not licensed under, or exempted from the license requirements contained in, this part;

“(B) the facility will be associated with a qualifying nonpowered dam;

“(C) the facility will be constructed, operated, and maintained for the generation of electric power;

“(D) the facility will use for such generation any withdrawals, diversions, releases, or flows from the associated qualifying nonpowered dam, including its associated impoundment or other infrastructure; and

“(E) the operation of the facility will not result in any material change to the storage, release, or flow operations of the associated qualifying nonpowered dam.

“(2) Qualifying facility.--The term `qualifying facility' means a facility that is determined under this section to meet the qualifying criteria.

“(3) Qualifying nonpowered dam.--The term `qualifying nonpowered dam' means any dam, dike, embankment, or other barrier--

“(A) the construction of which was completed on or before the date of enactment of this section;

“(B) that is or was operated for the control, release, or distribution of water for agricultural, municipal, navigational, industrial, commercial, environmental, recreational, aesthetic, drinking water, or flood control purposes; and

“(C) that, as of the date of enactment of this section, is not generating electricity with hydropower generating works that are licensed under, or exempted from the license requirements contained in, this part.

“(f) Savings Clause.--Nothing in this section affects--

“(1) any authority of the Commission to license a facility at a nonpowered dam under this part; and

“(2) any authority of the Commission to issue an exemption to a small hydroelectric power project under the Public Utility Regulatory Policies Act of 1978.".

Sec. 3004. [Closed-Loop Pumped Storage Projects.]-- Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended, is further amended by adding at the end the following:

"SEC. 35. CLOSED-LOOP PUMPED STORAGE PROJECTS.

"(a) Expedited Licensing Process for Closed-Loop Pumped Storage Projects.--

"(1) In general.--As provided in this section, the Commission may issue and amend licenses, as appropriate, for closed-loop pumped storage projects.

"(2) Rule.--Not later than 180 days after the date of enactment of this section, the Commission shall issue a rule establishing an expedited process for issuing and amending licenses for closed-loop pumped storage projects under this section.

"(3) Interagency task force.--In establishing the expedited process under this section, the Commission shall convene an interagency task force, with appropriate Federal and State agencies and Indian tribes represented, to coordinate the regulatory processes associated with the authorizations required to construct and operate closed-loop pumped storage projects.

"(4) Length of process.--The Commission shall seek to ensure that the expedited process under this section will result in final decision on an application for a license by not later than 2 years after receipt of a completed application for such license.

"(b) Dam Safety.--Before issuing any license for a closed-loop pumped storage project, the Commission shall assess the safety of existing dams and other structures related to the project (including possible consequences associated with failure of such structures).

"(c) Exceptions from Other Requirements.--

"(1) In general.--In issuing or amending a license for a closed-loop pumped storage project pursuant to the expedited process established under this section, the Commission may grant an exception from any other requirement of this part with respect to any part of the closed-loop pumped storage project (not including any dam or other impoundment).

"(2) Consultation.--In granting an exception under paragraph (1), the Commission shall consult with the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the State agency exercising administration over the fish and wildlife resources of the State in which the closed-loop pumped storage project is or will be located, in the manner provided by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

"(3) Terms and conditions.--In granting an exception under paragraph (1), the Commission shall include in any such exception--

"(A) such terms and conditions as the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the State agency described in paragraph (2) each determine are appropriate to prevent loss of, or damage to, fish and wildlife resources and to otherwise carry out the purposes of the Fish and Wildlife Coordination Act; and

"(B) such terms and conditions as the Commission deems appropriate to ensure that such closed-loop pumped storage project continues to comply with the provisions of this section and terms and conditions included in any such exception.

"(4) Fees.--The Commission, in addition to the requirements of section 10(e), shall establish fees which shall be paid by an applicant for a license for a closed-loop

pumped storage project that is required to meet terms and conditions set by fish and wildlife agencies under paragraph (3). Such fees shall be adequate to reimburse the fish and wildlife agencies referred to in paragraph (3) for any reasonable costs incurred in connection with any studies or other reviews carried out by such agencies for purposes of compliance with this section. The fees shall, subject to annual appropriations Acts, be transferred to such agencies by the Commission for use solely for purposes of carrying out such studies and shall remain available until expended.

"(d) Transfers.--Notwithstanding section 5, and regardless of whether the holder of a preliminary permit for a closed-loop pumped storage project claimed municipal preference under section 7(a) when obtaining the permit, on request by a municipality, the Commission may, to facilitate development of a closed-loop pumped storage project--

"(1) add entities as joint permittees following issuance of a preliminary permit; and

"(2) transfer a license in part to one or more nonmunicipal entities as co-licensees with a municipality, if the municipality retains majority ownership of the project for which the license was issued.

"(e) Interagency Communications.--Interagency cooperation in the preparation of environmental documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license for a closed-loop pumped storage project submitted pursuant to this section, and interagency communications relating to licensing process coordination pursuant to this section, shall not--

"(1) be considered to be ex parte communications under Commission rules; or

"(2) preclude an agency from participating in a licensing proceeding under this part, providing that any agency participating as a party in a licensing proceeding under this part shall, to the extent practicable, demonstrate a separation of staff cooperating with the Commission under the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and staff participating in the applicable proceeding under this part.

"(f) Developing Abandoned Mines for Pumped Storage.--

"(1) Workshop.--Not later than 6 months after the date of enactment of this section, the Commission shall hold a workshop to explore potential opportunities for development of closed-loop pumped storage projects at abandoned mine sites.

"(2) Guidance.--Not later than 1 year after the date of enactment of this section, the Commission shall issue guidance to assist applicants for licenses or preliminary permits for closed-loop pumped storage projects at abandoned mine sites.

"(g) Qualifying Criteria for Closed-Loop Pumped Storage Projects.--

"(1) In general.--The Commission shall establish criteria that a pumped storage project shall meet in order to qualify as a closed-loop pumped storage project eligible for the expedited process established under this section.

"(2) Inclusions.--In establishing the criteria under paragraph (1), the Commission shall include criteria requiring that the pumped storage project--

"(A) cause little to no change to existing surface and ground water flows and uses; and

"(B) is unlikely to adversely affect species listed as a threatened species or endangered species under the Endangered Species Act of 1973.

"(h) Savings Clause.--Nothing in this section affects any authority of the Commission to license a closed-loop pumped storage project under this part.".

Sec. 3005. [Considerations for Relicensing Terms.]-- Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended, is further amended by adding at the end the following:

"SEC. 36. CONSIDERATIONS FOR RELICENSING TERMS.

"(a) In General.--In determining the term of a new license issued when an existing license under this part expires, the Commission shall take into consideration, among other things--

"(1) project-related investments by the licensee under the new license; and

"(2) project-related investments by the licensee over the term of the existing license.

"(b) Equal Weight.--The determination of the Commission under subsection (a) shall give equal weight to--

"(1) investments by the licensee to implement the new license under this part, including investments relating to redevelopment, new construction, new capacity, efficiency, modernization, rehabilitation or replacement of major equipment, safety improvements, or environmental, recreation, or other protection, mitigation, or enhancement measures required or authorized by the new license; and

"(2) investments by the licensee over the term of the existing license (including any terms under annual licenses) that--

"(A) resulted in redevelopment, new construction, new capacity, efficiency, modernization, rehabilitation or replacement of major equipment, safety improvements, or environmental, recreation, or other protection, mitigation, or enhancement measures conducted over the term of the existing license; and

"(B) were not expressly considered by the Commission as contributing to the length of the existing license term in any order establishing or extending the existing license term.

"(c) Commission Determination.--At the request of the licensee, the Commission shall make a determination as to whether any planned, ongoing, or completed investment meets the criteria under subsection (b)(2). Any determination under this subsection shall be issued within 60 days following receipt of the licensee's request. When issuing its determination under this subsection, the Commission shall not assess the incremental number of years that the investment may add to the new license term. All such assessment shall occur only as provided in subsection (a).".

Sec. 3006. [Fair Ratepayer Accountability, Transparency, and Efficiency Standards.]-- Section 205 of the Federal Power Act (16 U.S.C. 824d) is amended by adding at the end the following:

"(g) Inaction of Commissioners.--

"(1) In general.--With respect to a change described in subsection (d), if the Commission permits the 60-day period established therein to expire without issuing an order accepting or denying the change because the Commissioners are divided two against two as to the lawfulness of the change, as a result of vacancy, incapacity, or recusal on the Commission, or if the Commission lacks a quorum--

"(A) the failure to issue an order accepting or denying the change by the Commission shall be considered to be an order issued by the Commission accepting the change for purposes of section 313(a); and

"(B) each Commissioner shall add to the record of the Commission a written statement explaining the views of the Commissioner with respect to the change.

"(2) Appeal.--If, pursuant to this subsection, a person seeks a rehearing under section 313(a), and the Commission fails to act on the merits of the rehearing request by the

date that is 30 days after the date of the rehearing request because the Commissioners are divided two against two, as a result of vacancy, incapacity, or recusal on the Commission, or if the Commission lacks a quorum, such person may appeal under section 313(b).".

* * * * *

Sec. 3008. [Stay and Reinstatement of FERC License No. 11393 for the Mahoney Lake Hydroelectric Project.]

(a) Definitions.--In this section:

(1) Commission.--The term “Commission" means the Federal Energy Regulatory Commission.

(2) License.--The term “license" means the license for the Commission project numbered 11393.

(3) Licensee.--The term “licensee" means the holder of the license.

(b) Stay of License.--On the request of the licensee, the Commission shall issue an order continuing the stay of the license.

(c) Lifting of Stay.--On the request of the licensee, but not later than 10 years after the date of enactment of this Act, the Commission shall--

(1) issue an order lifting the stay of the license under subsection (b); and

(2) make the effective date of the license the date on which the stay is lifted under paragraph (1).

(d) Extension of License.--

(1) In general.-- Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Commission project numbered 11393, the Commission may, at the request of the licensee, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of, and the procedures of the Commission under, that section, extend the time period during which the licensee is required to commence the construction of the project for not more than 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(2) Reinstatement of expired license.--

(A) In general.--If the period required for the commencement of construction of the project described in paragraph (1) has expired prior to the date of enactment of this Act, the Commission may reinstate the license effective as of the date of the expiration of the license.

(B) Extension.--If the Commission reinstates the license under subparagraph (A), the first extension authorized under paragraph (1) shall take effect on the date of that expiration.

(e) Effect.--Nothing in this Act prioritizes, or creates any advantage or disadvantage to, Commission project numbered 11393 under Federal law, including the Federal Power Act (16 U.S.C. 791a et seq.) or the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), as compared to--

(1) any electric generating facility in existence on the date of enactment of this Act; or

(2) any electric generating facility that may be examined, proposed, or developed during the period of any stay or extension of the license under this Act.

* * * * *

Sec. 4105. [Authorization of Appropriations for Columbia River Basin Restoration.]-- Section 123(d) of the Federal Water Pollution Control Act (33 U.S.C. 1275(d)) is amended by adding at the end the following:

"(6) Authorization of appropriations.--There is authorized to be appropriated to carry out this subsection $30,000,000 for each of fiscal years 2020 and 2021.".

Sec. 4301. [Agreement with Commissioner of Reclamation.]-- Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency and the Commissioner of Reclamation shall enter into an agreement under section 5030(g) of the Water Infrastructure Finance and Innovation Act (as added by this Act).

Sec. 4302. [Snake River Basin Flood Prevention Action Plan.]

(a) In General.-- As soon as practicable after the date of enactment of this Act, the Commissioner of Reclamation, in consultation with the Secretary of the Army, shall develop a flood prevention action plan for each State or portion of a State within the Snake River Basin.

(b) Requirements.--A flood prevention action plan developed under subsection (a) shall--

(1) focus on the areas most likely to experience flooding within the 2 years following the date of enactment of this Act;

(2) include steps to manage and reduce flood risks within the Snake River Basin; and

(3) include a description of the actions the Secretary and the Commissioner of Reclamation plan to take to improve coordination with local stakeholders to help manage and reduce flood risks in the areas described in paragraph (1).

(c) Submission.-- Not later than 180 days after the date of enactment of this Act, after coordinating with local stakeholders, the Commissioner of Reclamation shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives, the flood prevention plans developed under subsection (a).

Sec. 4303. [GAO Audit of Contracts and Tainter Gate Repairs of Harlan County Dam.]

(a) In General.-- Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall--

(1) conduct an audit of the extraordinary maintenance repayment contracts No. 16XX630077 and No. 16XX630076 between the United States and the Bostwick Division for repairs to the Tainter gates and other features at Harlan County Dam, including--

(A) an examination of whether--

(i) the Corps of Engineers should have designated the Tainter gate rehabilitation as a "Dam Safety Modification", subject to the cost-sharing requirements under section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n), instead of an ``extraordinary maintenance project''; and

(ii) a more appropriate cost share should have applied to the Bostwick Division;

(B) a review of--

(i) the amounts owed by the Bostwick Division to the Bureau of Reclamation; and

(ii) any reimbursements owed by the Corps of Engineers to the Bureau of Reclamation based on the actual costs of the project after completion; and

(C) a review of project designations and cost-share policies of the Bureau of Reclamation and other Federal agencies for similar spillway gate repairs; and

(2) submit to Congress a report on the results of the audit under paragraph (1).

(b) Treatment of Payments.-- Payments made after the date of enactment of this Act by the Bostwick Division to the Bureau of Reclamation under the contracts described in subsection (a)(1) shall be--

(1) deposited into a no-year account; and

(2) disbursed to the Bureau of Reclamation upon submission of the report under subsection (a)(2).

* * * * *

Sec. 4308. [Klamath Project Water and Power.]

(a) Addressing Water Management and Power Costs for Irrigation.--The Klamath Basin Water Supply Enhancement Act of 2000 (Public Law 106-498; 114 Stat. 2221) is amended--

(1) by redesignating sections 4 through 6 as sections 5 through 7, respectively; and

(2) by inserting after section 3 the following:

"SEC. 4. POWER AND WATER MANAGEMENT.

"(a) Definitions.--In this section:

"(1) Covered power use.--The term `covered power use' means a use of power to develop or manage water from any source for irrigation, wildlife purposes, or drainage on land that is--

"(A) associated with the Klamath Project, including land within a unit of the National Wildlife Refuge System that receives water due to the operation of Klamath Project facilities; or

"(B) irrigated by the class of users covered by the agreement dated April 30, 1956, between the California Oregon Power Company and Klamath Basin Water Users Protective Association and within the Off Project Area (as defined in the Upper Basin Comprehensive Agreement entered into on April 18, 2014), only if each applicable owner and holder of a possessory interest of the land is a party to that agreement (or a successor agreement that
the Secretary determines provides a comparable benefit to the United States).

"(2) Klamath project.--

"(A) In general.--The term `Klamath Project' means the Bureau of Reclamation project in the States of California and Oregon.

"(B) Inclusions.--The term `Klamath Project' includes any dam, canal, or other works or interests for water diversion, storage, delivery, and drainage, flood control, or any similar function that is part of the project described in subparagraph (A).

"(3) Power cost benchmark.--The term `power cost benchmark' means the average net delivered cost of power for irrigation and drainage at Reclamation projects in the area surrounding the Klamath Project that are similarly situated to the Klamath Project, including Reclamation projects that--

"(A) are located in the Pacific Northwest; and

"(B) receive project-use power.

"(b) Water Activities and Drought Response.--

"(1) In general.--Pursuant to the reclamation laws and subject to appropriations and required environmental reviews, the Secretary may carry out activities, including entering into a contract or making financial assistance available through cooperative agreements or other methods--

"(A) to plan, implement, and administer programs to align water supplies and demand for irrigation water users associated with the Klamath Project, with a

primary emphasis on programs developed or endorsed by local entities comprised of representatives of those water users;

"(B) Expenditures under this paragraph shall not exceed $10 million on an average annual basis.

"(2) 2018 drought response.--All disbursements made or to be made based on actions approved by the Secretary under Contract Numbers 18-WC-20-5322 and 18-WC-20-5323 are authorized.

"(3) Requirements.--The Secretary shall ensure that the activities under this subsection-

"(A) do not foster groundwater use that results in groundwater level declines that, based on existing data from the United States Geological Survey, are more than appropriate in a critically dry year, taking into consideration the long-term sustainability of aquifers;

"(B) do not adversely affect compliance with applicable laws protecting fishery resources in Upper Klamath Lake and the Klamath River.

"(4) Conveyance of non-project water.--

"(A) In general.--Subject to subparagraphs (B) and (C), any entity operating under a contract entered into with the United States for the operation and maintenance of any Klamath Project works or facility, and any entity operating any works or facility not owned by the United States that receives Klamath Project water, may use, without any additional Federal contract, permit, or other authorization, any Klamath Project works or facility to convey non-Klamath Project water for any authorized purpose of the Klamath Project.

"(B) Permits; measurement.--A use of water pursuant to subparagraph (A) (including an addition or conveyance of water) shall be subject to the requirements that--

"(i) the applicable entity shall secure all permits required under State or local law; and

"(ii) as applicable--

"(I) all water delivered into and taken out of a Klamath Project works or facility pursuant to that subparagraph shall be measured; and

"(II) any irrigation district conveying water shall ensure that only the land authorized to receive water under applicable State law shall receive, and put to beneficial use, the water, in accordance with the applicable State law and any associated terms and conditions.

"(C) Limitation.--A use of non-Klamath Project water under this paragraph shall not-

"(i) adversely affect the delivery of water to any water user or land served by the Klamath Project; or

"(ii) result in any additional cost to the United States.

"(4) Effect of subsection.--Nothing in this subsection authorizes the Secretary--

"(A) to develop or construct new facilities for the Klamath Project without appropriate approval from Congress under section 9 of the Reclamation Projects Act of 1939 (43 U.S.C. 485h); or

"(B) to carry out activities that have not otherwise been authorized.

"(c) Reducing Power Costs.--

"(1) In general.--Not later than 180 days after the date of enactment of America's Water Infrastructure Act of 2018, the Secretary, in consultation with interested irrigation interests that are eligible for covered power use and organizations representative of those interests,

shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that--

"(A) identifies the power cost benchmark; and

"(B) recommends actions (other than direct payments to persons making covered power uses or to other entities for the purposes of subsidizing power rates) that, in the judgment of the Secretary, are necessary and appropriate to ensure that the net delivered power cost for covered power use is equal to or less than the power cost benchmark, including a description of--

"(i) actions--

"(I) to immediately reduce power costs; and

"(II) to ensure that the net delivered power cost for covered power use is equal to, or less than, the power cost benchmark in the near term, while longer-term actions are being implemented;

"(ii) actions that prioritize--

"(I) water and power conservation and efficiency measures that could assist in achieving the power cost benchmark;

"(II) to the extent actions involving the development or acquisition of power generation are included, renewable energy technologies (including hydropower); and

"(III) regional economic development;

"(iii) the potential costs and timeline for the actions recommended under this subparagraph;

"(iv) provisions for modifying the actions and timeline to adapt to new information or circumstances; and

"(v) a description of public input regarding the proposed actions, including--

"(I) input from water users that have covered power use; and

"(II) the degree to which those water users concur with the recommendations.".

(b) Effect.--None of the amendments made by this section--

(1) modify any authority or obligation of the United States with respect to any tribal trust or treaty obligation of the United States;

(2) create or determine any water right or affects any water right or water right claim in existence on the date of enactment of this Act; or

(3) authorize the use of Federal funds for the physical deconstruction of the Iron Gate, Copco 1, Copco 2, or John C. Boyle Dam located on the Klamath River in the States of California and Oregon.

Sec. 4309. [Certain Bureau of Reclamation Dikes.]

(a) In General.--Notwithstanding any other provision of law (including regulations), effective beginning on the date of enactment of this section, the Federal share of the operations and maintenance costs of a dike described in subsection (b) shall be 100 percent.

(b) Description of Dikes.--A dike referred to in subsection (a) is a dike--

(1) that is owned by the Bureau of Reclamation on the date of enactment of this section;

(2) the construction of which was completed not later than December 31, 1945;

(3) a corrective action study for which was completed not later than December 31, 2015; and

(4) the construction of which was authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795).

Sec. 4310. [Authority to Make Entire Active Capacity of Fontenelle Reservoir Available for Use.]

(a)In General.--The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the State of Wyoming, may amend the Definite Plan Report for the Seedskadee Project authorized under the first section of the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620), to provide for the study, design, planning, and construction activities that will enable the use of all active storage capacity (as may be defined or limited by legal, hydrologic, structural, engineering, economic, and environmental considerations) of Fontenelle Dam and Reservoir, including the placement of sufficient riprap on the upstream face of Fontenelle Dam to allow the active storage capacity of Fontenelle Reservoir to be used for those purposes for which the Seedskadee Project was authorized.

(b) Cooperative Agreements.--

(1) In general.--The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out subsection (a).

(2) State of Wyoming.--

(A) In general.--The Secretary shall enter into a cooperative agreement with the State of Wyoming to work in cooperation and collaboratively with the State of Wyoming for planning, design, related preconstruction activities, and construction of any modification of the Fontenelle Dam under subsection (a).

(B) Requirements.--The cooperative agreement under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary and the State of Wyoming with respect to--

(i) completing the planning and final design of the modification of the Fontenelle Dam under subsection (a);

(ii) any environmental and cultural resource compliance activities required for the modification of the Fontenelle Dam under subsection (a) including compliance with--

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(III) subdivision 2 of division A of subtitle III of title 54, United States Code; and

(iii) the construction of the modification of the Fontenelle Dam under subsection (a).

(c) Funding by State of Wyoming.--Pursuant to the Act of March 4, 1921 (41 Stat. 1404, chapter 161; 43 U.S.C. 395), and as a condition of providing any additional storage under subsection (a), the State of Wyoming shall provide to the Secretary funds for any work carried out under subsection (a).

(d) Other Contracting Authority.--

(1) In general.--The Secretary may enter into contracts with the State of Wyoming, on such terms and conditions as the Secretary and the State of Wyoming may agree, for division of any additional active capacity made available under subsection (a).

(2) Terms and conditions.--Unless otherwise agreed to by the Secretary and the State of Wyoming, a contract entered into under paragraph (1) shall be subject to the terms and

conditions of Bureau of Reclamation Contract No. 14-06-400-2474 and Bureau of Reclamation Contract No. 14-06-400-6193.

(e) Savings Provisions.--Unless expressly provided in this section, nothing in this section modifies, conflicts with, preempts, or otherwise affects--

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(3) the Boulder Canyon Project Adjustment Act (43 U.S.C. 618 et seq.);

(4) the Treaty between the United States of America and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219);

(5) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31);

(6) the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.);

(7) the Colorado River Basin Project Act (Public Law 90-537; 82 Stat. 885); or

(8) any State of Wyoming or other State water law.

Sec. 4311. [Blackfeet Water Rights Settlement.]

(a) Blackfeet Settlement Trust Fund.--Section 3716(e) of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1835) is amended--

(1) in paragraph (2), by striking "appropriations," and all that follows through the period at the end and inserting the following: "appropriations, the following amounts shall be made available to the Tribe for implementation of this subtitle:

"(A) 50 percent of the amounts in the Administration and Energy Account.

"(B) 50 percent of the amounts in the OM&R Account.

"(C) 50 percent of the amounts in the St. Mary Account.

"(D) 50 percent of the amounts in the Blackfeet Water, Storage, and Development Projects Account."; and

(2) by adding at the end the following:

"(3) Availability.--

"(A) In general.--Except as provided in subparagraph (B), none of the funds deposited in the Trust Fund in fiscal year 2018 shall be available for expenditure in accordance with this subsection until the enforceability date.

"(B) Exception.--Notwithstanding subparagraph (A), of the funds in the Administration and Energy Account, $4,800,000 shall be available to the Tribe for the implementation of this subtitle.".

(b) Blackfeet Water Settlement Implementation Fund.--Section 3717(e) of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1837) is amended--

(1) by striking "Amounts in" and inserting the following:

"(1) In general.--Amounts in"; and

(2) by adding at the end the following:

"(2) Funding for implementation activities.--

Notwithstanding paragraph (1), the following amounts shall be available to the Secretary for the implementation of this subtitle:

"(A) 50 percent of the amounts in the MR&I System, Irrigation, and Water Storage Account to carry out section 3711.

"(B) 50 percent of the amounts in the MR&I System, Irrigation, and Water Storage Account to carry out section 3712.

"(C) 50 percent of the amounts in the Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account to carry out section 3710(c).

"(D) The amounts in the Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account to carry out section 3710(d).

"(E) From the St. Mary/Water Milk Management and Activities Account:

"(i) 50 percent of the amount described in section 3707(g)(1) to carry out section 3707(c).

"(ii) 50 percent of the amount described in section 3707(g)(2) to carry out section 3707(d).

"(iii) The amount described in section 3707(g)(3) to carry out subsection (f).

"(iv) The amounts in the Account to carry out section 3705.

"(3) Availability.--None of the funds made available under this section in fiscal year 2018 shall be available until the enforceability date.".

(c) Technical Corrections.--Section 3720 of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1839) is amended--

(1) in subsection (a)(3)(B), by striking "section 3706" and inserting "section 6"; and

(2) in subsection (h), in the matter preceding paragraph (1), by striking "January 21, 2026" and inserting "January 21, 2025".

Sec. 4312. [Indian Irrigation Fund Reauthorization.]

(a) Deposits to Funds.--Section 3212(a) of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1750) is amended by striking "each of fiscal years 2017 through 2021" and inserting "each of fiscal years 2017 through 2028".

(b) Expenditures From Fund.--Section 3213(a) of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1750) is amended in the matter preceding paragraph (1) by striking "each of fiscal years 2017 through 2021" and inserting ``each of fiscal years 2017 through 2028".

(c) Termination.--Section 3216 of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1750) is amended in the matter preceding paragraph (1) by striking "September 30, 2021" and inserting "September 30, 2028".

Sec. 4313. [Reauthorization of Repair, Replacement, and Maintenance of Certain Indian Irrigation Projects.]

(a) In General.--Section 3221(b) of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1751) is amended in the matter preceding paragraph (1) by striking "each of fiscal years 2017 through 2021" and inserting "each of fiscal years 2017 through 2028".

(b) Status Report on Certain Projects.--Section 3224(d) of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1753) is amended in the matter preceding paragraph (1) by striking "fiscal year 2021" and inserting "fiscal year 2028".

(c) Allocation Among Projects.--Section 3226 of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1753) is amended--

(1) in subsection (a), by striking “each of fiscal years 2017 through 2021" and inserting “each of fiscal years 2017 through 2028"; and

(2) in subsection (b), by striking “the day before the date of enactment of this Act" and inserting “the day before the date of enactment of America's Water Infrastructure Act of 2018".

Sec. 4314. [Indian Dam Safety Reauthorization.]-- Section 3101 of the Water Infrastructure Improvements for the Nation Act (25 U.S.C. 3805) is amended--

(1) by striking “each of fiscal years 2017 through 2023" each place it appears and inserting “each of fiscal years 2017 through 2030";

(2) in subsection (b)--

(A) in paragraph (1)(F), in the matter preceding clause (i), by striking “September 30, 2023" and inserting “September 30, 2030"; and

(B) in paragraph (2)(F), in the matter preceding clause (i), by striking “September 30, 2023" and inserting “September 30, 2030"; and

(3) in subsection (f)--

(A) in paragraph (2), by striking “4 years" and inserting “11 years"; and

(B) in paragraph (3), by striking “each of fiscal years 2017, 2018, and 2019" and inserting “each of fiscal years 2017 through 2026".

* * * * *

Approved October 23, 2018.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 3021:

CONGRESSIONAL RECORD, Vol. 164 (2018):

Sept. 4, considered and passed Senate.

Sept. 13, considered and passed House, amended.

Oct. 10, Senate considered and concurred in House amendments.

CONGRESSIONAL BUDGET OFFICE: Preliminary Estimate of Direct Spending; Sept. 12, 2018.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2018):

Oct. 23, Presidential remarks.

BUREAU OF RECLAMATION TESTIMONY:

Reclamation Pumped Storage Hydropower Development Act: June 13, 2018 (H.R. 1967).

Increasing the Active Capacity of Fontenelle Reservoir: June 18 and June 25, 2015.

December 11, 2018

DICKINSON RESERVOIR LANDS TITLE TRANSFER

An Act to establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota, and for other purposes. (An act of December 11, 2018, Public Law 115-306, 132 Stat. 4403)

[Section 1. Definitions.] In this Act:
(1) Department.--The term “Department" means Dickinson Parks & Recreation in Dickinson, North Dakota.
(2) Dickinson reservoir.--The term “Dickinson Reservoir" means the Dickinson Reservoir constructed as part of the Dickinson Unit, Heart Division, Pick-Sloan Missouri Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891, chapter 665).
(3) Game and fish headquarters.--The term “game and fish headquarters" means the approximately 10 acres of land depicted as “Game and Fish Headquarters" on the Map.
(4) Management agreement.--The term “Management Agreement" means the management agreement entitled “Management Agreement between the Bureau of Reclamation, et al., for the Development, Management, Operation, and Maintenance of Lands and Recreation Facilities at Dickinson Reservoir", MA No. 07AG602222, Modification No. 1 and dated March 15, 2017.
(5) Map.--The term “Map" means the map prepared by the Bureau of Reclamation, entitled “Dickinson Reservoir", and dated May 2018.
(6) Permitted cabin land.--The term “permitted cabin land" means the land depicted as “Permitted Cabin Land" on the Map.
(7) Property.--The term “property" means any cabin site located on permitted cabin land for which a permit is in effect on the date of enactment of this Act.
(8) Recreation land.--The term “recreation land" means the land depicted as “Recreation and Public Purpose Lands" on the Map.
(9) Secretary.--The term “Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.
(10) State.--The term “State" means the State of North Dakota, acting through the North Dakota Game and Fish Department.

Sec. 2. [Conveyances to Dickinson Department of Parks and Recreations.]
(a) Conveyances to Dickinson Department of Parks and Recreation.--

(1) In general.--Subject to the management requirements of paragraph (3) and the easements and reservations under section 4, not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the Department all right, title, and interest of the United States in and to--

(A) the recreation land; and

(B) the permitted cabin land.

(2) Costs.--

(A) In general.--Except as provided in subparagraph (B), the Secretary shall convey the land described in paragraph (1) at no cost.

]

(B) Title transfer; land surveys.--As a condition of the conveyances under paragraph (1), the Department shall agree to pay all survey and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (1).

(3) Management.--

(A) Recreation land.--The Department shall manage the recreation land conveyed under paragraph (1)--

(i) for recreation and public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.);

(ii) for public access;

(iii) for fish and wildlife habitat; or

(iv) to preserve the natural character of the recreation land.

(B) Permitted cabin land.--The Department shall manage the permitted cabin land conveyed under paragraph (1)--

(i) for cabins or recreational residences in existence as of the date of enactment of this Act; or

(ii) for any of the recreation land management purposes described in subparagraph (A).

(4) Haying and grazing.--With respect to recreation land conveyed under paragraph (1) that is used for haying or grazing authorized by the Management Agreement as of the date of enactment of this Act, the Department may continue to permit haying and grazing in a manner that is permissible under the 1 or more haying or grazing contracts in effect as of the date of enactment of this Act.

(b) Reversion.--If a parcel of land conveyed under subparagraph (A) or (B) of subsection (a)(1) is used in a manner that is inconsistent with the requirements described in subparagraph (A) or (B), respectively, of subsection (a)(3), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(c) Sale of Permitted Cabin Land by Department.--

(1) In general.--If the Department sells any parcel of permitted cabin land conveyed under subsection (a)(1)(B), the parcel shall be sold at fair market value, as determined by a third-party appraiser in accordance with the Uniform Standards of Professional Appraisal Practice, subject to paragraph (2).

(2) Improvements.--For purposes of an appraisal conducted under paragraph (1), any improvements on the permitted cabin land made by the permit holder shall not be included in the appraised value of the land.

(3) Proceeds from the sale of land by the department.--If the Department sells a parcel of permitted cabin land conveyed under subsection (a)(1)(B), the Department shall pay to the Secretary the amount of any proceeds of the sale that exceed the costs of preparing the sale by the Department.

(d) Availability of Funds to the Secretary.--Any amounts paid to the Secretary for land conveyed by the Secretary under this Act shall be made available to the Secretary, subject to the availability of appropriations made in advance, for activities relating to the operation of the Dickinson Dam and Reservoir.

Sec. 3. [Conveyance of Game and Fish Headquarters to the State.]
(a) Conveyance of Game and Fish Headquarters.-- Not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the State all right, title, and interest of the United States in and to the game and fish headquarters, on the condition that the game and fish headquarters continue to be used as a game and fish headquarters or substantially similar purposes.
(b) Reversion.--If land conveyed under subsection (a) is used in a manner that is inconsistent with the requirements described in that subsection, the land shall, at the discretion of the Secretary, revert to the United States.
Sec. 4. [Reservations, Easements, and other Outstanding Rights.]
(a) In General.--Each conveyance to the Department or the State pursuant to this Act shall be made subject to--

(1) valid existing rights;
(2) operational requirements of the Pick-Sloan Missouri River Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891, chapter 665), including the Dickinson Reservoir;
(3) any flowage easement reserved by the United States to allow full operation of Dickinson Reservoir for authorized purposes;
(4) reservations described in the Management Agreement;
(5) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by, or in favor of, the United States or a third party;
(6) any permit, license, lease, right-of-use, flowage easement, or right-of-way of record in, on, over, or across the applicable property or Federal land, whether owned by the United States or a third party, as of the date of enactment of this Act;
(7) a deed restriction that prohibits building any new permanent structure on property below an elevation of 2,430.6 feet; and
(8) the granting of applicable easements for--

(A) vehicular access to the property; and
(B) access to, and use of, all docks, boathouses, ramps, retaining walls, and other improvements for which access is provided in the permit for use of the property as of the date of enactment of this Act.

(b) Liability; Taking.--

(1) Liability.--The United States shall not be liable for flood damage to a property subject to a permit, the Department, or the State, or for damages arising out of any act, omission, or occurrence relating to a permit holder, the Department, or the State, other than for damages caused by an act or omission of the United States or an
employee, agent, or contractor of the United States before the date of enactment of this Act.
(2) Taking.--Any temporary flooding or flood damage to the property of a permit holder, the Department, or the State, shall not be considered to be a taking by the United States.

Sec. 5. [Interim Requirements.]-- During the period beginning on the date of enactment of this Act and ending on the date of conveyance of a property or parcel of land under this Act, the provisions of the Management Agreement that are applicable to the property or land, or to leases between the State and the Secretary, and any applicable permits, shall remain in force and effect.

Approved December 11, 2018.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 440:
SENATE REPORTS: No. 115-313, Comm. on Energy and Natural Resources, Aug. 1, 2018.
CONGRESSIONAL BUDGET OFFICE: Cost Estimate, Senate Bill, July 9, 2018.
CONGRESSIONAL RECORD, Vol. 164 (2018):
Oct. 4, considered and passed Senate, Pg. S6549.
Nov. 13, considered and passed House, amended, H9480.
Nov. 27, Senate concurred in House amendment, Pg. 7141.
BUREAU OF RECLAMATION TESTIMONY
June 14, 2017, Senate Comm. on Energy and Natural Resources

December 11, 2018

JAMESTOWN RESERVOIR LANDS TITLE TRANSFER

An Act to establish a procedure for the conveyance of certain Federal property around the Jamestown Reservoir in the State of North Dakota, and for other purposes. (An act of December 11, 2018, Public Law 115-308, 132 Stat. 4419)

[Section 1. Definitions.] In this Act:
(1) Board.--The term “Board" means the Stutsman County Park Board in Jamestown, North Dakota.
(2) Game and fish headquarters.--The term “game and fish headquarters" means the land depicted as ``Game and Fish Headquarters" on the Map.
(3) Jamestown reservoir.--The term “Jamestown Reservoir" means the Jamestown Reservoir constructed as a unit of the Missouri-Souris Division, Pick-Sloan Missouri Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944") (58 Stat. 891, chapter 665).
(4) Management agreement.--The term “Management Agreement" means the management agreement entitled “Management Agreement between the United States of America and Stutsman County Park Board for the Management, Development, Operation and Maintenance of Recreation and Related Improvements and Facilities at Jamestown Reservoir Stutsman County, North Dakota", numbered 15-LM-60-2255, and dated February 17, 2015.
(5) Map.--The term “Map" means the map prepared by the Bureau of Reclamation, entitled “Jamestown Reservoir", and dated May 2018.
(6) Permitted cabin land.--The term “permitted cabin land" means the land depicted as “Permitted Cabin Lands" on the Map.
(7) Property.--The term “property" means any cabin site located on permitted cabin land for which a permit is in effect on the date of enactment of this Act.
(8) Recreation land.--The term “recreation land" means the land depicted as ``Recreation and Public Purpose Lands" on the Map.
(9) Secretary.--The term “Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.
(10) State.--The term “State" means the State of North Dakota, acting through the North Dakota Game and Fish Department.

Sec. 2. [Conveyances to Stutsman County Park Board.]
(a) Conveyances to Stutsman County Park Board.--
(1) In general.--Subject to the management requirements of paragraph (3) and the easements and reservations under section 4, not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the Board all right, title, and interest of the United States in and to--
(A) the recreation land; and
(B) the permitted cabin land.
(2) Costs.--
(A) In general.--Except as provided in subparagraph (B), the Secretary shall convey the land described in paragraph (1) at no cost.
(B) Title transfer; land surveys.--As a condition of the conveyances under paragraph (1), the Board shall agree to pay all survey and other administrative costs necessary for

the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (1).

(3) Management.--

(A) Recreation land.--The Board shall manage the recreation land conveyed under paragraph (1)-

(i) for recreation and public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.);

(ii) for public access;

(iii) for fish and wildlife habitat; or

(iv) to preserve the natural character of the recreation land.

(B) Permitted cabin land.--The Board shall manage the permitted cabin land conveyed under paragraph (1)--

(i) for cabins or recreational residences in existence as of the date of enactment of this Act; or

(ii) for any of the recreation land management purposes described in subparagraph (A).

(4) Haying and grazing.--With respect to recreation land conveyed under paragraph (1) that is used for haying or grazing authorized by the Management Agreement as of the date of enactment of this Act, the Board may continue to permit haying and grazing in a manner that is permissible under the 1 or more haying or grazing contracts in effect as of the date of enactment of this Act.

(b) Reversion.--If a parcel of land conveyed under subparagraph (A) or (B) of subsection (a)(1) is used in a manner that is inconsistent with the requirements described in subparagraph (A) or (B), respectively, of subsection (a)(3), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(c) Sale of Permitted Cabin Land by Board.--

(1) In general.--If the Board sells any parcel of permitted cabin land conveyed under subsection (a)(1)(B), the parcel shall be sold at fair market value, as determined by a third-party appraiser in accordance with the Uniform Standards of Professional Appraisal Practice, subject to paragraph (2).

(2) Improvements.--For purposes of an appraisal conducted under paragraph (1), any improvements on the permitted cabin land made by a permit holder shall not be included in the appraised value of the land.

(3) Proceeds from the sale of land by the board.--If the Board sells a parcel of permitted cabin land conveyed under subsection (a)(1)(B), the Board shall pay to the Secretary the amount of any proceeds of the sale that exceed the costs of preparing the sale by the Board.

(d) Availability of Funds to the Secretary.--Any amounts paid to the Secretary for land conveyed by the Secretary under this Act shall be made available to the Secretary, subject to the availability of appropriations made in advance, for activities relating to the operation of the Jamestown Dam and Reservoir.

Sec. 3. [Conveyance of Game and Fish Headquarters to the State.]

(a) Conveyance of Game and Fish Headquarters.-- Not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the State all right, title, and interest of the United States in and to the game and fish headquarters, on the condition that the game and fish

headquarters continue to be used as a game and fish headquarters or substantially similar purposes.

(b) Reversion.-- If land conveyed under subsection (a) is used in a manner that is inconsistent with the requirements described in that subsection, the land shall, at the discretion of the Secretary, revert to the United States.

Sec. 4. [Reservations, Easements, and other Outstanding Rights.]

(a) In General.--Each conveyance to the Board or the State pursuant to this Act shall be made subject to--

(1) valid existing rights;

(2) operational requirements of the Pick-Sloan Missouri River Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891, chapter 665), including the Jamestown Reservoir;

(3) any flowage easement reserved by the United States to allow full operation of the Jamestown Reservoir for authorized purposes;

(4) reservations described in the Management Agreement;

(5) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by, or in favor of, the United States or a third party;

(6) any permit, license, lease, right-of-use, flowage easement, or right-of-way of record in, on, over, or across the applicable property or Federal land, whether owned by the United States or a third party, as of the date of enactment of this Act;

(7) a deed restriction that prohibits building any new permanent structure on property below an elevation of 1,454 feet; and

(8) the granting of applicable easements for--

(A) vehicular access to the property; and

(B) access to, and use of, all docks, boathouses, ramps, retaining walls, and other improvements for which access is provided in the permit for use of the property as of the date of enactment of this Act.

(b) Liability; Taking.--

(1) Liability.--The United States shall not be liable for flood damage to a property subject to a permit, the Board, or the State, or for damages arising out of any act, omission, or occurrence relating to a permit holder, the Board, or the State, other than for damages caused by an act or omission of the United States or an employee, agent, or contractor of the United States before the date of enactment of this Act.

(2) Taking.--Any temporary flooding or flood damage to the property of a permit holder, the Board, or the State, shall not be considered to be a taking by the United States.

Sec. 5. [Interim Requirements.]-- During the period beginning on the date of enactment of this Act and ending on the date of conveyance of a property or parcel of land under this Act, the provisions of the Management Agreement that are applicable to the property or land, or to leases between the State and the Secretary, and any applicable permits, shall remain in force and effect.

Approved December 11, 2018.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 2074 (H.R. 6039):
HOUSE REPORT: No. 115-901, accompanying H.R. 6039, Comm. on Natural Resources, Aug. 14, 2018.
SENATE REPORT: No. 115-314, Comm. on Energy and Natural Resources, Aug. 1, 2008.

CONGRESSIONAL BUDGET OFFICE; Cost Estimate, Senate Bill, May 17, 2018.
CONGRESSIONAL RECORD, Vol. 164 (2018):
Oct. 4, considered and passed Senate, Pg. S6550.
Nov. 13, considered and passed House, amended, Pg. H9482.
Nov. 27, Senate concurred in House amendment, Pg. S7141.
BUREAU OF RECLAMATION TESTIMONY:
July 11, 2018, House Comm. on Natural Resources
Feb. 28, 2018, Senate Comm. on Energy and Natural Resources

January 10, 2019

NORTHPORT IRRIGATION DISTRICT EARLY REPAYMENT AUTHORIZATION

An Act to authorize early repayment of obligations to the Bureau of Reclamation within the Northport Irrigation District in the State of Nebraska. (An act of January 10, 2019, Public Law 115-429, 132 Stat. 5519)

[Section 1. Early Repayment of Construction Costs.]

(a) In General.--Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within the Northport Irrigation District in the State of Nebraska (referred to in this section as the "District") may repay, at any time, the construction costs of project facilities allocated to the landowner's land within the District.

(b) Applicability of Full-Cost Pricing Limitations.--On discharge, in full, of the obligation for repayment of all construction costs described in subsection (a) that are allocated to all land the landowner owns in the District in question, the parcels of land shall not be subject to the ownership and full-cost pricing limitations under Federal reclamation law (the Act of June 17, 1902, 32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), including the Reclamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).

(c) Certification.--On request of a landowner that has repaid, in full, the construction costs described in subsection (a), the Secretary of the Interior shall provide to the landowner a certificate described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(d) Effect.--Nothing in this section--

(1) modifies any contractual rights under, or amends or reopens, the reclamation contract between the District and the United States; or

(2) modifies any rights, obligations, or relationships between the District and landowners in the District under Nebraska State law.

Approved January 10, 2019.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 4689:
House Report: No. 115-700, Comm. on Natural Resources, May 22, 2018.
CONGRESSIONAL RECORD, Cost Estimate; House Bill, May 22, 2018.
CONGRESSIONAL RECORD, Vol. 164 (2018):
Sept. 12, considered and passed House, Pg. H8144.
Dec. 22, considered and passed Senate, Pg. S8034.
BUREAU OF RECLAMATION TESTIMONY;
June 10, 2014; June 10, 2015; June 18, 2015, Northport Irrigation District

March 12, 2019

JOHN D. DINGELL, JR. CONSERVATION, MANAGEMENT, AND RECREATION ACT

[Extracts from] An Act to provide for the management of the natural resources of the United States, and for other purposes. (An act of March 12, 2019, Public Law 116-9, 133 Stat. 580)

[Section 1. Short Title; Table of Contents.]

(a) Short Title.--This Act may be cited as the "John D. Dingell, Jr. Conservation, Management, and Recreation Act".

(b) Table of Contents.--The table of contents for this Act is as follows:

* * * * *

TITLE VIII--WATER AND POWER
Subtitle A--Reclamation Title Transfer
Sec. 8001. Purpose.
Sec. 8002. Definitions.
Sec. 8003. Authorization of transfers of title to eligible facilities.
Sec. 8004. Eligibility criteria.
Sec. 8005. Liability.
Sec. 8006. Benefits.
Sec. 8007. Compliance with other laws.
Subtitle B--Endangered Fish Recovery Programs
Sec. 8101. Extension of authorization for annual base funding of fish recovery programs; removal of certain reporting requirement.
Sec. 8102. Report on recovery implementation programs.
Subtitle C--Yakima River Basin Water Enhancement Project
Sec. 8201. Authorization of phase III.
Sec. 8202. Modification of purposes and definitions.
Sec. 8203. Yakima River Basin Water Conservation Program.
Sec. 8204. Yakima Basin water projects, operations, and authorizations.
Subtitle D--Bureau of Reclamation Facility Conveyances
Sec. 8301. Conveyance of Maintenance Complex and District Office of the Arbuckle Project, Oklahoma.
Sec. 8302. Contra Costa Canal transfer.
Subtitle E--Project Authorizations
Sec. 8401. Extension of Equus Beds Division of the Wichita Project.
Subtitle F--Modifications of Existing Programs
Sec. 8501. Watersmart.
Subtitle G--Bureau of Reclamation Transparency
Sec. 8601. Definitions.
Sec. 8602. Asset Management Report enhancements for reserved works.
Sec. 8603. Asset Management Report enhancements for transferred works.

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Sec. 2. [Definition of Secretary.]-- In this Act, the term "Secretary" means the Secretary of the Interior.

* * * * *

TITLE VIII--WATER AND POWER

Subtitle A--Reclamation Title Transfer

Sec. 8001. [Purpose.]-- The purpose of this subtitle is to facilitate the transfer of title to Reclamation project facilities to qualifying entities on the completion of repayment of capital costs.

Sec. 8002. [Definitions.]-- In this subtitle:

(1) Conveyed property.--The term “conveyed property" means an eligible facility that has been conveyed to a qualifying entity under section 8003.

(2) Eligible facility.--The term “eligible facility" means a facility that meets the criteria for potential transfer established under section 8004(a).

(3) Facility.--

(A) In general.--The term “facility" includes a dam or appurtenant works, canal, lateral, ditch, gate, control structure, pumping station, other infrastructure, recreational facility, building, distribution and drainage works, and associated land or interest in land or water.

(B) Exclusions.--The term “facility" does not include a Reclamation project facility, or a portion of a Reclamation project facility--

(i) that is a reserved works as of the date of enactment of this Act;

(ii) that generates hydropower marketed by a Federal power marketing administration; or

(iii) that is managed for recreation under a lease, permit, license, or other management agreement that does contribute to capital repayment.

(4) Project use power.--The term “project use power" means the electrical capacity, energy, and associated ancillary service components required to provide the minimum electrical service needed to operate or maintain Reclamation project facilities in accordance with the authorization for the Reclamation project.

(5) Qualifying entity.--The term “qualifying entity" means an agency of a State or political subdivision of a State, a joint action or powers agency, a water users association, or an Indian Tribe or Tribal utility authority that--

(A) as of the date of conveyance under this subtitle, is the current operator of the eligible facility pursuant to a contract with Reclamation; and

(B) as determined by the Secretary, has the capacity to continue to manage the eligible facility for the same purposes for which the property has been managed under the reclamation laws.

(6) Reclamation.--The term “Reclamation" means the Bureau of Reclamation.

(7) Reclamation project.--The term “Reclamation project" means--

(A) any reclamation or irrigation project, including incidental features of the project-

(i) that is authorized by the reclamation laws;

(ii) that is constructed by the United States pursuant to the reclamation laws; or

(iii) in connection with which there is a repayment or water service contract executed by the United States pursuant to the reclamation laws; or

(B) any project constructed by the Secretary for the reclamation of land.

(8) Reserved works.--The term “reserved works" means any building, structure, facility, or equipment--

(A) that is owned by the Bureau; and

(B) for which operations and maintenance are performed, regardless of the source of funding--

(i) by an employee of the Bureau; or

(ii) through a contract entered into by the Commissioner.

(9) Secretary.--The term “Secretary" means the Secretary, acting through the Commissioner of Reclamation.

Sec. 8003. [Authorization of Transfers of Title to Eligible Facilities.]

(a) Authorization.--

(1) In general.--Subject to the requirements of this subtitle, the Secretary, without further authorization from Congress, may, on application of a qualifying entity, convey to a qualifying entity all right, title, and interest of the United States in and to any eligible facility, if--

(A) not later than 90 days before the date on which the Secretary makes the conveyance, the Secretary submits to Congress--

(i) a written notice of the proposed conveyance; and

(ii) a description of the reasons for the conveyance; and

(B) a joint resolution disapproving the conveyance is not enacted before the date on which the Secretary makes the conveyance.

(2) Consultation.--A conveyance under paragraph (1) shall be made by written agreement between the Secretary and the qualifying entity, developed in consultation with any existing water and power customers affected by the conveyance of the eligible facility.

(b) Reservation of Easement.--The Secretary may reserve an easement over a conveyed property if--

(1) the Secretary determines that the easement is necessary for the management of any interests retained by the Federal Government under this subtitle;

(2) the Reclamation project or a portion of the Reclamation project remains under Federal ownership; and

(3) the Secretary enters into an agreement regarding the easement with the applicable qualifying entity.

(c) Interests in Water.--No interests in water shall be conveyed under this subtitle unless the conveyance is provided for in a separate, quantified agreement between the Secretary and the qualifying entity, subject to applicable State law and public process requirements.

Sec. 8004. [Eligibility Criteria.]

(a) Establishment.--The Secretary shall establish criteria for determining whether a facility is eligible for conveyance under this subtitle.

(b) Minimum Requirements.--

(1) Agreement of qualifying entity.--The criteria established under subsection (a) shall include a requirement that a qualifying entity shall agree--

(A) to accept title to the eligible facility;

(B) to use the eligible facility for substantially the same purposes for which the eligible facility is being used at the time the Secretary evaluates the potential transfer; and

(C) to provide, as consideration for the assets to be conveyed, compensation to the reclamation fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093), in an amount that is the equivalent of the net present value of any repayment obligation to the United States or other income stream that the United States derives from the eligible facility to be transferred, as of the date of the transfer.

(2) Determinations of secretary.--The criteria established under subsection (a) shall include a requirement that the Secretary shall--

(A) be able to enter into an agreement with the qualifying entity with respect to the legal, institutional, and financial arrangements relating to the conveyance;

(B) determine that the proposed transfer--

(i) would not have an unmitigated significant effect on the environment;

(ii) is consistent with the responsibilities of the Secretary--

(I) in the role as trustee for federally recognized Indian Tribes; and

(II) to ensure compliance with any applicable international and Tribal treaties and agreements and interstate compacts and agreements;

(iii) is in the financial interest of the United States;

(iv) protects the public aspects of the eligible facility, including water rights managed for public purposes, such as flood control or fish and wildlife;

(v) complies with all applicable Federal and State law; and

(vi) will not result in an adverse impact on fulfillment of existing water delivery obligations consistent with historical operations and applicable contracts; and

(C) if the eligible facility proposed to be transferred is a dam or diversion works (not including canals or other project features that receive or convey water from the diverting works) diverting water from a water body containing a species listed as a threatened species or an endangered species or critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), determine that--

(i) the eligible facility continues to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in a manner that provides no less protection to the listed species as existed under Federal ownership; and

(ii) the eligible facility is not part of the Central Valley Project in the State of California.

(3) Status of reclamation land.--The criteria established under subsection (a) shall require that any land to be conveyed out of Federal ownership under this subtitle is--

(A) land acquired by the Secretary; or

(B) land withdrawn by the Secretary, only if--

(i) the Secretary determines in writing that the withdrawn land is encumbered by facilities to the extent that the withdrawn land is unsuitable for return to the public domain; and

(ii) the qualifying entity agrees to pay fair market value based on historical or existing uses for the withdrawn land to be conveyed.

(c) Hold Harmless.--No conveyance under this subtitle shall adversely impact applicable Federal power rates, repayment obligations, or other project power uses.

Sec. 8005. [Liability.]

(a) In General.--Effective on the date of conveyance of any eligible facility under this subtitle, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the eligible facility, other than damages caused by acts of negligence committed by the United States or by agents or employees of the United States prior to the date of the conveyance.

(b) Effect.--Nothing in this section increases the liability of the United States beyond that currently provided in chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

Sec. 8006. [Benefits.] After a conveyance of an eligible facility under this subtitle--
(1) the conveyed property shall no longer be considered to be part of a Reclamation project;
(2) except as provided in paragraph (3), the qualifying entity to which the conveyed property is conveyed shall not be eligible to receive any benefits, including project use power, with respect to the conveyed property, except for any benefit that would be available to a similarly situated entity with respect to property that is not a part of a Reclamation project; and
(3) the qualifying entity to which the conveyed property is conveyed may be eligible to receive project use power if--

(A) the qualifying entity is receiving project use power as of the date of enactment of this Act;

(B) the project use power will be used for the delivery of Reclamation project water; and

(C) the Secretary and the qualifying entity enter into an agreement under which the qualifying entity agrees to continue to be responsible for a proportionate share of operation and maintenance and capital costs for the Federal facilities that generate and deliver, if applicable, power used for delivery of Reclamation project water after the date of conveyance, in accordance with Reclamation project use power rates.

Sec. 8007. [Compliance with Other Laws.]
(a) In General.--Before conveying an eligible facility under this subtitle, the Secretary shall comply with all applicable Federal environmental laws, including--

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and
(3) subtitle III of title 54, United States Code.

(b) Sense of Congress.--It is the sense of Congress that any Federal permitting and review processes required with respect to a conveyance of an eligible facility under this subtitle should be completed with the maximum efficiency and effectiveness.

Subtitle B--Endangered Fish Recovery Programs

Sec. 8101. [Extension of Authorization for Annual Base Funding of Fish Recovery Programs; Removal of Certain Reporting Requirement.]-- Section 3(d) of Public Law 106-392 (114 Stat. 1604; 126 Stat. 2444) is amended--

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

"(1) Authorization of appropriations.--

"(A) In general.--There is authorized to be appropriated to the Secretary to be used by the Bureau of Reclamation to make the annual base funding contributions to the Recovery Implementation Programs $10,000,000 for each of fiscal years 2020 through 2023.

"(B) Nonreimursable funds.--The funds contributed to the Recovery Implementation Programs under subparagraph (A) shall be considered a nonreimbursable Federal expenditure."; and

(2) in paragraph (2), by striking the fourth, fifth, sixth, and seventh sentences.

Sec. 8102. [Report on Recovery Implementation Programs.]-- Section 3 of Public Law 106-392 (114 Stat. 1603; 126 Stat. 2444) is amended by adding at the end the following:

"(j) Report.--

"(1) In general.--Not later than September 30, 2021, the Secretary shall submit to the appropriate committees of Congress a report that--

"(A) describes the accomplishments of the Recovery Implementation Programs;

"(B) identifies--

"(i) as of the date of the report, the listing status under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) of the Colorado pikeminnow, humpback chub, razorback sucker, and bonytail; and

"(ii) as of September 30, 2023, the projected listing status under that Act of each of the species referred to in clause (i);

"(C)(i) identifies--

"(I) the total expenditures and the expenditures by categories of activities by the Recovery Implementation Programs during the period beginning on the date on which the applicable Recovery Implementation Program was established and ending on September 30, 2021; and

"(II) projected expenditures by the Recovery Implementation Programs during the period beginning on October 1, 2021, and ending on September 30, 2023; and

"(ii) for purposes of the expenditures identified under clause (i), includes a description of--

"(I) any expenditures of appropriated funds;

"(II) any power revenues;

"(III) any contributions by the States, power customers, Tribes, water users, and environmental organizations; and

"(IV) any other sources of funds for the Recovery Implementation Programs; and

"(D) describes—

"(i) any activities to be carried out under the Recovery Implementation Program after September 30, 2023; and

"(ii) the projected cost of the activities described under clause (i).

"(2) Consultation required.--The Secretary shall consult with the participants in the Recovery Implementation Programs in preparing the report under paragraph (1).".

Subtitle C--Yakima River Basin Water Enhancement Project

Sec. 8201. [Authorization of Phase III.]

(a) Definitions.--In this section:

(1) Integrated plan.--The term "Integrated Plan" means the Yakima River Basin Integrated Water Resource Management Plan, the Federal elements of which are known as "phase III of the Yakima River Basin Water Enhancement Project", as described in the Bureau of Reclamation document entitled "Record of Decision for the Yakima River Basin Integrated Water Resource Management Plan Final Programmatic Environmental Impact Statement" and dated March 2, 2012.

(2) Irrigation entity.--The term "irrigation entity" means a district, project, or State-recognized authority, board of control, agency, or entity located in the Yakima River basin that manages and delivers irrigation water to farms in the Yakima River basin.

(3) Proratable irrigation entity.--The term "proratable irrigation entity" means an irrigation entity that possesses, or the members of which possess, proratable water (as defined in section 1202 of Public Law 103-434 (108 Stat. 4551)).

(4) State.--The term "State" means the State of Washington.

(5) Total water supply available.--The term “total water supply available" has the meaning given the term in applicable civil actions, as determined by the Secretary.
(6) Yakima river basin water enhancement project.--The term “Yakima River Basin Water Enhancement Project" means the Yakima River basin water enhancement project authorized by Congress pursuant to title XII of Public Law 103-434 (108 Stat. 4550; 114 Stat. 1425) and other Acts (including Public Law 96-162 (93 Stat. 1241), section 109 of Public Law 98-381 (16 U.S.C. 839b note), and Public Law 105-62 (111 Stat. 1320)) to promote water conservation, water supply, habitat, and stream enhancement improvements in the Yakima River basin.

(b) Integrated Plan.--

(1) Initial development phase.--

(A) In general.--As the initial development phase of the Integrated Plan, the Secretary, in coordination with the State and the Yakama Nation, shall identify and implement projects under the Integrated Plan that are prepared to be commenced during the 10-year period beginning on the date of enactment of this Act.
(B) Requirement.--The initial development phase of the Integrated Plan under subparagraph (A) shall be carried out in accordance with--

(i) this subsection, including any related plans, reports, and correspondence referred to in this subsection; and
(ii) title XII of Public Law 103-434 (108 Stat. 4550; 114 Stat. 1425).

(2) Intermediate and final development phases.--

(A) Plans.--The Secretary, in coordination with the State and the Yakama Nation, shall develop plans for the intermediate and final development phases of the Integrated Plan to achieve the purposes of title XII of Public Law 103-434 (108 Stat. 4550; 114 Stat. 1425), including conducting applicable feasibility studies, environmental reviews, and other relevant studies required to develop those plans.
(B) Intermediate development phase.--The Secretary, in coordination with the State and the Yakama Nation, shall develop an intermediate development phase of the Integrated Plan, to commence not earlier than the date that is 10 years after the date of enactment of this Act.
(C) Final development phase.--The Secretary, in coordination with the State and the Yakama Nation, shall develop a final development phase of the Integrated Plan, to commence not earlier than the date that is 20 years after the date of enactment of this Act.

(3) Requirements.--The projects and activities identified by the Secretary for implementation under the Integrated Plan shall be carried out only--

(A) subject to authorization and appropriation;
(B) contingent on the completion of applicable feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development;
(C) on public review and a determination by the Secretary that design, construction, and operation of a proposed project or activity is in the best interest of the public; and
(D) in accordance with applicable laws, including--

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(4) Effect of subsection.--Nothing in this subsection--

(A) shall be considered to be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.);

(B) affects--

(i) any contract in existence on the date of enactment of this Act that was executed pursuant to the reclamation laws; or

(ii) any contract or agreement between the Bureau of Indian Affairs and the Bureau of Reclamation;

(C) affects, waives, abrogates, diminishes, defines, or interprets any treaty between the Yakama Nation and the United States; or

(D) constrains the authority of the Secretary to provide fish passage in the Yakima River basin, in accordance with the Hoover Power Plant Act of 1984 (43 U.S.C. 619 et seq.).

(5) Progress report.--Not later than 5 years after the date of enactment of this Act, the Secretary, in conjunction with the State and in consultation with the Yakama Nation, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a progress report on the development and implementation of the Integrated Plan.

(c) Financing, Construction, Operation, and Maintenance of Kachess Drought Relief Pumping Plant and Keechelus to Kachess Pipeline.--

(1) Long-term agreements.--

(A) In general.--A long-term agreement negotiated pursuant to this section or the reclamation laws between the Secretary and a participating proratable irrigation entity in the Yakima River basin for the non-Federal financing, construction, operation, or maintenance of the Drought Relief Pumping Plant or the Keechelus to Kachess Pipeline shall include provisions regarding--

(i) responsibilities of each participating proratable irrigation entity for--

(I) the planning, design, and construction of infrastructure, in consultation and coordination with the Secretary; and

(II) the pumping and operational costs necessary to provide the total water supply available that is made inaccessible due to drought pumping during any preceding calendar year, if the Kachess Reservoir fails to refill as a result of pumping drought storage water during such a calendar year;

(ii) property titles and responsibilities of each participating proratable irrigation entity for the maintenance of, and liability for, all infrastructure constructed under title XII of Public Law 103-434 (108 Stat. 4550; 114 Stat. 1425);

(iii) operation and integration of the projects by the Secretary in the operation of the Yakima Project; and

(iv) costs associated with the design, financing, construction, operation, maintenance, and mitigation of projects, with the costs of Federal oversight and review to be nonreimbursable to the participating proratable irrigation entities and the Yakima Project.

(B) Treatment.--A facility developed or operated by a participating proratable irrigation entity under this subsection shall not be considered to be a supplemental work for purposes of section 9(a) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(a)).

(2) Kachess reservoir.--

(A) In general.--Any additional stored water made available by the construction of a facility to access and deliver inactive and natural storage in Kachess Lake and Reservoir under this subsection--

(i) shall be considered to be Yakima Project water;

(ii) shall be used exclusively by the Secretary to enhance the water supply during years for which the total water supply available is not sufficient to provide a percentage of proratable entitlements in order to make that additional water available, in a quantity representing not more than 70 percent of proratable entitlements to the Kittitas Reclamation District, the Roza Irrigation District, or any other proratable irrigation entity participating in the construction, operation, or maintenance costs of a facility under this section, in accordance with such terms and conditions as the districts may agree, subject to the conditions that--

(I) the Bureau of Indian Affairs, the Wapato Irrigation Project, and the Yakama Nation, on an election to participate, may also obtain water from Kachess Reservoir inactive storage to enhance applicable existing irrigation water supply in accordance with such terms and conditions as the Bureau of Indian Affairs and the Yakama Nation may agree; and

(II) the additional supply made available under this clause shall be available to participating individuals and entities based on--

(aa) the proportion that--

(AA) the proratable entitlement of each participating individual or entity; bears to

(BB) the proratable entitlements of all participating individuals and entities; or

(bb) such other proportion as the participating entities may agree; and

(iii) shall not be any portion of the total water supply available.

(B) Effect of paragraph.--Nothing in this paragraph affects, as in existence on the date of enactment of this Act, any--

(i) contract;

(ii) law (including regulations) relating to repayment costs;

(iii) water rights; or

(iv) treaty right of the Yakama Nation.

(3) Project power for kachess pumping plant.--

(A) In general.--Subject to subparagraphs (B) through (D), the Administrator of the Bonneville Power Administration, pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), shall provide to the Secretary project power to operate the Kachess Pumping Plant constructed under this section if inactive storage in the Kachess Reservoir is needed to provide drought relief for irrigation.

(B) Determinations by secretary.--The project power described in subparagraph (A) may be provided only if the Secretary determines that--

(i) there are in effect--

(I) a drought declaration issued by the State; and

(II) conditions that have led to 70 percent or lower water delivery to proratable irrigation districts; and

(ii) it is appropriate to provide the power under that subparagraph.

(C) Period of availability.--The power described in subparagraph (A) shall be provided during the period--

(i) beginning on the date on which the Secretary makes the determinations described in subparagraph (B); and

(ii) ending on the earlier of--

(I) the date that is 1 year after that date; and

(II) the date on which the Secretary determines that--

(aa) drought mitigation measures are still necessary in the Yakima River basin; or

(bb) the power should no longer be provided for any other reason.

(D) Rate.—

(i) In general.--The Administrator of the Bonneville Power Administration shall provide project power under subparagraph (A) at the then-applicable lowest Bonneville Power Administration rate for public body, cooperative, and Federal agency customer firm obligations on the date on which the authority is provided.

(ii) No discounts.--The rate under clause (i) shall not include any irrigation discount.

(E) Local provider.--During any period for which project power is not provided under subparagraph (A), the Secretary shall obtain power to operate the Kachess Pumping Plant from a local provider.

(F) Other costs.--The cost of power for pumping and station service, and the costs of transmitting power from the Federal Columbia River power system to the pumping facilities of the Yakima River Basin Water Enhancement Project, shall be borne by the irrigation districts receiving the benefits of the applicable water.

(G) Duties of commissioner.--For purposes of this paragraph, the Commissioner of Reclamation shall arrange transmission for any delivery of--

(i) Federal power over the Bonneville system through applicable tariff and business practice processes of that system; or

(ii) power obtained from any local provider.

(d) Design and Use of Groundwater Recharge Projects.--The Secretary, in coordination with the State and the Yakama Nation, may provide technical assistance for, participate in, and enter into agreements, including with irrigation entities for the use of excess conveyance capacity in Yakima River Basin Water Enhancement Project facilities, for--

(1) groundwater recharge projects; and

(2) aquifer storage and recovery projects.

(e) Operational Control of Water Supplies.--

(1) In general.--The Secretary shall retain authority and discretion over the management of Yakima River Basin Water Enhancement Project supplies--

(A) to optimize operational use and flexibility; and

(B) to ensure compliance with all applicable Federal and State laws, treaty rights of the Yakama Nation, and legal obligations, including those under title XII of Public Law 103-434 (108 Stat. 4550; 114 Stat. 1425).

(2) Inclusion.--The authority and discretion described in paragraph (1) shall include the ability of the United States to store, deliver, conserve, and reuse water supplies deriving from projects authorized under title XII of Public Law 103-434 (108 Stat. 4550; 114 Stat. 1425).

(f) Cooperative Agreements and Grants.--The Secretary may enter into cooperative agreements and make grants to carry out this section, including for the purposes of land and water transfers, leases, and acquisitions from willing participants, subject to the condition that the acquiring entity shall hold title to, and be responsible for, all required operation, maintenance, and management of the acquired land or water during any period in which the acquiring entity holds title to the acquired land.

(g) Water Conservation Projects.--The Secretary may participate in, provide funding for, and accept non-Federal financing for water conservation projects, regardless of whether the projects are in accordance with the Yakima River Basin Water Conservation Program established under section 1203 of Public Law 103-434 (108 Stat. 4551), that are intended to partially implement the Integrated Plan by providing conserved water to improve tributary and mainstem stream flow.

(h) Indian Irrigation Projects.--

(1) In general.--The Secretary, acting through the Commissioner of Reclamation, may contribute funds for the preparation of plans and investigation measures, and, after the date on which the Secretary certifies that the measures are consistent with the water conservation objectives of this section, to any Indian irrigation project--

(A) that is located in the Pacific Northwest Region;

(B) that is identified in the report of the Government Accountability Office numbered GAO-15-453T;

(C) that has been identified as part of a Bureau of Reclamation basin study pursuant to subtitle F of title IX of Public Law 111-11 (42 U.S.C. 10361 et seq.) to increase water supply for the Pacific Northwest Region; and

(D) an improvement to which would contribute to the flow of interstate water.

(2) Authorization of appropriations.--There is authorized to be appropriated to carry out this subsection $75,000,000.

Sec. 8202. [Modification of Purposes and Definitions.]

(a) Purposes.--Section 1201 of Public Law 103-434 (108 Stat. 4550) is amended--

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

"(1) to protect, mitigate, and enhance fish and wildlife and the recovery and maintenance of self-sustaining harvestable populations of fish and other aquatic life, both anadromous and resident species, throughout their historic distribution range in the Yakima Basin through--

"(A) improved water management and the constructions of fish passage at storage and diversion dams, as authorized under the Hoover Power Plant Act of 1984 (43 U.S.C. 619);

"(B) improved instream flows and water supplies;

"(C) improved water quality, watershed, and ecosystem function;

"(D) protection, creation, and enhancement of wetlands; and

“(E) other appropriate means of habitat improvement;";

(2) in paragraph (2), by inserting ``, municipal, industrial, and domestic water supply and use purposes, especially during drought years, including reducing the frequency and severity of water supply shortages for pro-ratable irrigation entities" before the semicolon at the end;

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

“(3) to authorize the Secretary to make water available for purchase or lease for meeting municipal, industrial, and domestic water supply purposes;";

(6) by redesignating paragraphs (5) and (6) as paragraphs (6) and (8), respectively;

(7) by inserting after paragraph (4) (as redesignated by paragraph (4)) the following:

“(5) to realize sufficient water savings from implementing the Yakima River Basin Integrated Water Resource Management Plan, so that not less than 85,000 acre feet of water savings are achieved by implementing the initial development phase of the Integrated Plan pursuant to section 8201(b)(1) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, in addition to the 165,000 acre-feet of water savings targeted through the Basin Conservation Program, as authorized on October 31, 1994;";

(8) in paragraph (6) (as redesignated by paragraph (6))--

(A) by inserting “an increase in" before “voluntary"; and

(B) by striking “and" at the end;

(9) by inserting after paragraph (6) (as so redesignated) the following:

“(7) to encourage an increase in the use of, and reduce the barriers to, water transfers, leasing, markets, and other voluntary transactions among public and private entities to enhance water management in the Yakima River basin;";

(10) in paragraph (8) (as so redesignated), by striking the period at the end and inserting “; and"; and

(11) by adding at the end the following:

“(9) to improve the resilience of the ecosystems, economies, and communities in the Yakima River basin facing drought, hydrologic changes, and other related changes and variability in natural and human systems, for the benefit of the people, fish, and wildlife of the region.".

(b) Definitions.--Section 1202 of Public Law 103-434 (108 Stat. 4550) is amended--

(1) by redesignating paragraphs (6), (7), (8), (9), (10), (11), (12), (13), and (14) as paragraphs (8), (10), (11), (12), (13), (14), (15), (17), and (18), respectively;

(2) by inserting after paragraph (5) the following:

“(6) Designated federal official.--The term `designated Federal official' means the Commissioner of Reclamation (or a designee), acting pursuant to the charter of the Conservation Advisory Group.

“(7) Integrated plan.--The term `Integrated Plan' has the meaning given the term in section 8201(a) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, to be carried out in cooperation with, and in addition to, activities of the State of Washington and the Yakama Nation.";

(3) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

"(9) Municipal, industrial, and domestic water supply and use.--The term `municipal, industrial, and domestic water supply and use' means the supply and use of water for-

"(A) domestic consumption (whether urban or rural);

"(B) maintenance and protection of public health and safety;

"(C) manufacture, fabrication, processing, assembly, or other production of a good or commodity;

"(D) production of energy;

"(E) fish hatcheries; or

"(F) water conservation activities relating to a use described in subparagraphs (A) through (E).''; and

(4) by inserting after paragraph (15) (as so redesignated) the following:

"(16) Yakima enhancement project; Yakima River Basin Water Enhancement Project.--The terms `Yakima Enhancement Project' and `Yakima River Basin Water Enhancement Project' mean the Yakima River basin water enhancement project authorized by Congress pursuant to this Act and other Acts (including Public Law 96-162 (93 Stat. 1241), section 109 of Public Law 98-381 (16 U.S.C. 839b note; 98 Stat. 1340), Public Law 105-62 (111 Stat. 1320), and Public Law 106-372 (114 Stat. 1425) to promote water conservation, water supply, habitat, and stream enhancement improvements in the Yakima River basin.''.

Sec. 8203. [Yakima River Basin Water Conservation Program.]-- Section 1203 of Public Law 103-434 (108 Stat. 4551) is amended--

(1) in subsection (a)--

(A) in paragraph (1)—

(i) in the second sentence, by striking "title'' and inserting "section''; and

(ii) in the third sentence, by striking "within 5 years of the date of enactment of this Act''; and

(B) in paragraph (2), by striking "irrigation'' and inserting "the number of irrigated acres'';

(2) in subsection (c)--

(A) in paragraph (2)--

(i) in each of subparagraphs (A) through (D), by striking the comma at the end of the subparagraph and inserting a semicolon;

(ii) in subparagraph (E), by striking the comma at the end and inserting ``; and'';

(iii) in subparagraph (F), by striking "Department of Wildlife of the State of Washington, and'' and inserting ``Department of Fish and Wildlife of the State of Washington.''; and

(iv) by striking subparagraph (G);

(B) in paragraph (3)--

(i) in each of subparagraphs (A) through (C), by striking the comma at the end of the subparagraph and inserting a semicolon;

(ii) in subparagraph (D), by striking ", and'' at the end and inserting a semicolon;

(iii) in subparagraph (E), by striking the period at the end and inserting "; and''; and

(iv) by adding at the end the following:

"(F) provide recommendations to advance the purposes and programs of the Yakima Enhancement Project, including the Integrated Plan.''; and

(C) by striking paragraph (4) and inserting the following:

"(4) Authority of designated federal official.--The designated Federal official may--

“(A) arrange and provide logistical support for meetings of the Conservation Advisory Group;
“(B) use a facilitator to serve as a moderator for meetings of the Conservation Advisory Group or provide additional logistical support; and
“(C) grant any request for a facilitator by any member of the Conservation Advisory Group.";

(3) in subsection (d), by adding at the end the following:

“(4) Payment of local share by state or federal government.--

“(A) In general.--The State or the Federal Government may fund not more than the 17.5-percent local share of the costs of the Basin Conservation Program in exchange for the long-term use of conserved water, subject to the requirement that the funding by the Federal Government of the local share of the costs shall provide a quantifiable public benefit in meeting Federal responsibilities in the Yakima River basin and the purposes of this title.

“(B) Use of conserved water.--The Yakima Project Manager may use water resulting from conservation measures taken under this title, in addition to water that the Bureau of Reclamation may acquire from any willing seller through purchase, donation, or lease, for water management uses pursuant to this title.";

(4) in subsection (e), by striking the first sentence and inserting the following: ``To participate in the Basin Conservation Program, as described in subsection (b), an entity shall submit to the Secretary a proposed water conservation plan.";

(5) in subsection (i)(3)--

(A) by striking “purchase or lease" each place it appears and inserting “purchase, lease, or management"; and

(B) in the third sentence, by striking “made immediately upon availability" and all that follows through “Committee" and inserting “continued as needed to provide water to be used by the Yakima Project Manager as recommended by the System Operations Advisory Committee and the Conservation Advisory Group"; and

(6) in subsection (j)(4), in the first sentence, by striking “initial acquisition" and all that follows through “flushing flows" and inserting ``acquisition of water from willing sellers or lessors specifically to provide improved instream flows for anadromous and resident fish and other aquatic life, including pulse flows to facilitate outward migration of anadromous fish".

Sec. 8204. [Yakima Basin Water Projects, Operations, and Authorizations.]

(a) Redesignation of Yakama Nation.--Section 1204(g) of Public Law 103-434 (108 Stat. 4557) is amended--

(1) by striking the subsection designation and heading and all that follows through paragraph (1) and inserting the following:

“(g) Redesignation of Yakama Indian Nation to Yakama Nation.--

“(1) Redesignation.--The Confederated Tribes and Bands of the Yakama Indian Nation shall be known and designated as the `Confederated Tribes and Bands of the Yakama Nation'."; and

(2) in paragraph (2), by striking “deemed to be a reference to the `Confederated Tribes and Bands of the Yakama Indian Nation'." and inserting “deemed to be a reference to the ‘Confederated Tribes and Bands of the Yakama Nation'.".

(b) Operation of Yakima Basin Projects.--Section 1205 of Public Law 103-434 (108 Stat. 4557) is amended--

(1) in subsection (a)(4)--
(A) in subparagraph (A)--
(i) in clause (i)--
(I) by inserting “additional" after “secure";
(II) by striking “flushing" and inserting “pulse"; and
(III) by striking “uses" and inserting “uses, in addition to the quantity of water provided under the treaty between the Yakama Nation and the United States";
(ii) by striking clause (ii);
(iii) by redesignating clause (iii) as clause (ii); and
(iv) in clause (ii) (as so redesignated) by inserting “and water rights mandated" after “goals"; and
(B) in subparagraph (B)(i), in the first sentence, by inserting “in proportion to the funding received" after “Program";
(2) in subsection (b), in the second sentence, by striking “instream flows for use by the Yakima Project Manager as flushing flows or as otherwise" and inserting “fishery purposes, as"; and
(3) in subsection (e), by striking paragraph (1) and inserting the following:
“(1) In general.--Additional purposes of the Yakima Project shall be any of the following:
“(A) To recover and maintain self-sustaining harvestable populations of native fish, both anadromous and resident species, throughout their historic distribution range in the Yakima River basin.
“(B) To protect, mitigate, and enhance aquatic life and wildlife.
“(C) Recreation.
“(D) Municipal, industrial, and domestic use.".

(c) Enhancement of Water Supplies for Yakima Basin Tributaries.-- Section 1207 of Public Law 103-434 (108 Stat. 4560) is amended--
(1) in the section heading, by striking “supplies" and inserting ``management";
(2) in subsection (a)--
(A) in the matter preceding paragraph (1), by striking “supplies" and inserting “management";
(B) in paragraph (1), by inserting “and water supply entities" after “owners"; and
(C) in paragraph (2)--
(i) in subparagraph (A), by inserting “that choose not to participate in, or opt out of, tributary enhancement projects pursuant to this section" after “water right owners"; and
(ii) in subparagraph (B), by inserting “nonparticipating" before “tributary water users";
(3) in subsection (b)--
(A) in paragraph (1)--
(i) by striking the paragraph designation and all that follows through “(but not limited to)--
" and inserting the following:
“(1) In general.--The Secretary, following consultation with the State of Washington, tributary water right owners, and the Yakama Nation, and on

agreement of appropriate water right owners, is authorized to conduct studies to evaluate measures to further Yakima Project purposes on tributaries to the Yakima River. Enhancement programs that use measures authorized by this subsection may be investigated and implemented by the Secretary in tributaries to the Yakima River, including Taneum Creek, other areas, or tributary basins that currently or could potentially be provided supplemental or transfer water by entities, such as the Kittitas Reclamation District or the Yakima-Tieton Irrigation District, subject to the condition that activities may commence on completion of applicable and required feasibility studies, environmental reviews, and cost-benefit analyses that include favorable recommendations for further project development, as appropriate. Measures to evaluate include--";

(ii) by indenting subparagraphs (A) through (F) appropriately;

(iii) in subparagraph (A), by inserting before the semicolon at the end the following: ", including irrigation efficiency improvements (in coordination with programs of the Department of Agriculture), consolidation of diversions or administration, and diversion scheduling or coordination";

(iv) by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively;

(v) by inserting after subparagraph (B) the following:

"(C) improvements in irrigation system management or delivery facilities within the Yakima River basin when those improvements allow for increased irrigation system conveyance and corresponding reduction in diversion from tributaries or flow enhancements to tributaries through direct flow supplementation or groundwater recharge;

"(D) improvements of irrigation system management or delivery facilities to reduce or eliminate excessively high flows caused by the use of natural streams for conveyance or irrigation water or return water;";

(vi) in subparagraph (E) (as redesignated by clause (iv)), by striking "ground water" and inserting "groundwater recharge and";

(vii) in subparagraph (G) (as so redesignated), by inserting "or transfer" after "purchase"; and

(viii) in subparagraph (H) (as so redesignated), by inserting "stream processes and" before "stream habitats";

(B) in paragraph (2)--

(i) in the matter preceding subparagraph (A), by striking 'the Taneum Creek study" and inserting "studies under this subsection";

(ii) in subparagraph (B)--

(I) by striking "and economic" and inserting ", infrastructure, economic, and land use"; and

(II) by striking "and" at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(D) any related studies already underway or undertaken."; and

(C) in paragraph (3), in the first sentence, by inserting “of each tributary or group of tributaries" after “study";

(4) in subsection (c)--

(A) in the subsection heading, by inserting “and Nonsurface Storage" after “Nonstorage"; and

(B) in the matter preceding paragraph (1), by inserting “and nonsurface storage" after “nonstorage";

(5) by striking subsection (d);

(6) by redesignating subsection (e) as subsection (d); and

(7) in paragraph (2) of subsection (d) (as so redesignated)--

(A) in the first sentence--

(i) by inserting “and implementation" after “investigation";

(ii) by striking “other" before “Yakima River"; and

(iii) by inserting “and other water supply entities" after “owners"; and

(B) by striking the second sentence.

(d) Chandler Pumping Plant and Powerplant-operations at Prosser Diversion Dam.--Section 1208(d) of Public Law 103-434 (108 Stat. 4562; 114 Stat. 1425) is amended by inserting “negatively" before “affected".

Subtitle D--Bureau of Reclamation Facility Conveyances

Sec. 8301. [Conveyance of Maintenance Complex and District Office of the Arbuckle Project, Oklahoma.]

(a) Definitions.--In this section:

(1) Agreement.--The term “Agreement" means the agreement entitled “Agreement between the United States and the Arbuckle Master Conservancy District for Transferring Title to the Federally Owned Maintenance Complex and District Office to the Arbuckle Master Conservancy District" and numbered 14AG640141.

(2) District.--The term “District" means the Arbuckle Master Conservancy District, located in Murray County, Oklahoma.

(3) District office.--The term “District Office" means--

(A) the headquarters building located at 2440 East Main, Davis, Oklahoma; and

(B) the approximately 0.83 acres of land described in the Agreement.

(4) Maintenance complex.--The term “Maintenance Complex" means the caretaker's residence, shop buildings, and any appurtenances located on the land described in the Agreement comprising approximately 2 acres.

(b) Conveyance to District.--As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the District, all right, title, and interest of the United States in and to the Maintenance Complex and District Office, Arbuckle Project, Oklahoma, consistent with the terms and conditions of the Agreement.

(c) Liability.--

(1) In general.--Effective on the date of conveyance to the District of the Maintenance Complex and District Office under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the Maintenance Complex or District Office, except for damages caused by acts of negligence committed by the United States or by an employee or agent of the United States prior to the date of conveyance.

(2) Applicable law.--Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"), on the date of enactment of this Act.

(d) Benefits.--After the conveyance of the Maintenance Complex and District Office to the District under this section--

(1) the Maintenance Complex and District Office shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising that Maintenance Complex and District Office, other than benefits that would be available to a similarly situated person with respect to a facility that is not part of a Federal reclamation project.

(e) Communication.--If the Secretary has not completed the conveyance required under subsection (b) by the date that is 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a letter with sufficient detail that--

(1) explains the reasons the conveyance has not been completed; and

(2) specifies the date by which the conveyance will be completed.

Sec. 8302. [Contra Costa Canal Transfer.]

(a) Definitions.--In this section:

(1) Acquired land.--The term "acquired land" means land in Federal ownership and land over which the Federal Government holds an interest for the purpose of the construction and operation of the Contra Costa Canal, including land under the jurisdiction of--

(A) the Bureau of Reclamation;

(B) the Western Area Power Administration; and

(C) the Department of Defense in the case of the Clayton Canal diversion traversing the Concord Naval Weapons Station.

(2) Contra costa canal.--

(A) In general.--The term "Contra Costa Canal" means the Contra Costa Canal Unit of the Central Valley Project, which exclusively serves the Contra Costa Water District in an urban area of Contra Costa County, California.

(B) Inclusions.--The term "Contra Costa Canal" includes pipelines, conduits, pumping plants, aqueducts, laterals, water storage and regulatory facilities, electric substations, related works and improvements, and all interests in land associated with the Contra Costa Canal Unit of the Central Valley Project in existence on the date of enactment of this Act.

(C) Exclusion.--The term "Contra Costa Canal" does not include the Rock Slough fish screen Facility.

(3) Contra costa canal agreement.--The term "Contra Costa Canal Agreement" means an agreement between the District and the Bureau of Reclamation to determine the legal, institutional, and financial terms surrounding the transfer of the Contra Costa Canal, including compensation to the reclamation fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093), equal to the net present value of miscellaneous revenues that the United States would otherwise derive over the 10 years following the date of enactment of this Act from the eligible land and facilities to be transferred, as governed by reclamation law and policy and the contracts.

(4) Contracts.--The term "contracts" means the existing water service contract between the District and the United States, Contract No. 175r-3401A-LTR1 (2005), Contract No. 14-

06-200-6072A (1972, as amended), and any other contract or land permit involving the United States, the District, and Contra Costa Canal.

(5) District.--The term “District" means the Contra Costa Water District, a political subdivision of the State of California.

(6) Rock slough fish screen facility.--

(A) In general.--The term “Rock Slough fish screen facility" means the fish screen facility at the Rock Slough intake to the Contra Costa Canal.

(B) Inclusions.--The term “Rock Slough fish screen facility" includes the screen structure, rake cleaning system, and accessory structures integral to the screen function of the Rock Slough fish screen facility, as required under the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706).

(7) Rock slough fish screen facility title transfer agreement.--The term “Rock Slough fish screen facility title transfer agreement" means an agreement between the District and the Bureau of Reclamation to--

(A) determine the legal, institutional, and financial terms surrounding the transfer of the Rock Slough fish screen facility; and

(B) ensure the continued safe and reliable operations of the Rock Slough fish screen facility.

(b) Conveyance of Land and Facilities.--

(1) In general.--Not later than 180 days after the date of enactment of this Act, in consideration for the District assuming from the United States all liability for the administration, operation, maintenance, and replacement of the Contra Costa Canal, consistent with the terms and conditions set forth in the Contra Costa Canal Agreement and subject to valid existing rights and existing recreation agreements between the Bureau of Reclamation and the East Bay Regional Park District for Contra Loma Regional Park and other local agencies within the Contra Costa Canal, the Secretary shall offer to convey and assign to the District--

(A) all right, title, and interest of the United States in and to--

(i) the Contra Costa Canal; and

(ii) the acquired land; and

(B) all interests reserved and developed as of the date of enactment of this Act for the Contra Costa Canal in the acquired land, including existing recreation agreements between the Bureau of Reclamation and the East Bay Regional Park District for Contra Loma Regional Park and other local agencies within the Contra Costa Canal.

(2) Rock slough fish screen facility.--

(A) In general.--The Secretary shall convey and assign to the District all right, title, and interest of the United States in and to the Rock Slough fish screen facility pursuant to the Rock Slough fish screen facility title transfer agreement.

(B) Cooperation.--Not later than 180 days after the conveyance of the Contra Costa Canal, the Secretary and the District shall enter into good faith negotiations to accomplish the conveyance and assignment under subparagraph (A).

(3) Payment of costs.--The District shall pay to the Secretary any administrative and real estate transfer costs incurred by the Secretary in carrying out the conveyances and assignments under paragraphs (1) and (2), including the cost of any boundary survey, title search, cadastral survey, appraisal, and other real estate transaction required for the conveyances and assignments.

(4) Compliance with environmental laws.--

(A) In general.--Before carrying out the conveyances and assignments under paragraphs (1) and (2), the Secretary shall comply with all applicable requirements under--

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

(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(iii) any other law applicable to the Contra Costa Canal or the acquired land.

(B) Effect.--Nothing in this section modifies or alters any obligations under--

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

(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(c) Relationship to Existing Central Valley Project Contracts.--

(1) In general.--Nothing in this section affects--

(A) the application of the reclamation laws to water delivered to the District pursuant to any contract with the Secretary; or

(B) subject to paragraph (2), the contracts.

(2) Amendments to contracts.--The Secretary and the District may modify the contracts as necessary to comply with this section.

(3) Liability.--

(A) In general.--Except as provided in subparagraph (B), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the Contra Costa Canal or the acquired land.

(B) Exception.--The United States shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of the conveyance and assignment under subsection (b)(1), consistent with chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(C) Limitation.--Nothing in this section increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(d) Report.--If the conveyance and assignment authorized by subsection (b)(1) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that--

(1) describes the status of the conveyance and assignment;

(2) describes any obstacles to completing the conveyance and assignment; and

(3) specifies an anticipated date for completion of the conveyance and assignment.

Subtitle E--Project Authorizations

Sec. 8401. [Extension of Equus Beds Division of the Wichita Project.]-- Section 10(h) of Public Law 86-787 (74 Stat. 1026; 120 Stat. 1474) is amended by striking "10 years" and inserting "20 years".

Subtitle F--Modifications of Existing Programs

Sec. 8501. [WatersMART.]-- Section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364) is amended in subsection (a)--

(1) in paragraph (2)(A)--

(A) by striking "within the States" and inserting the following: "within--

"(i) the States";

(B) in clause (i) (as so designated), by striking “and" at the end; and
(C) by adding at the end the following:
``(ii) the State of Alaska; or
``(iii) the State of Hawaii; and"; and
(2) in paragraph (3)(B)--
(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;
(B) in the matter preceding subclause (I) (as so redesignated), by striking “In carrying" and inserting the following:
“(i) In general.--Except as provided in clause (ii), in carrying"; and
(C) by adding at the end the following:
“(ii) Indian tribes.--In the case of an eligible applicant that is an Indian tribe, in carrying out paragraph (1), the Secretary shall not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the Indian tribe agrees not--
“(I) to use any associated water savings to increase the total irrigated acreage more than the water right of that Indian tribe, as determined by--
“(aa) a court decree;
“(bb) a settlement;
“(cc) a law; or
“(dd) any combination of the authorities described in items (aa) through (cc); or
“(II) to otherwise increase the consumptive use of water more than the water right of the Indian tribe described in subclause (I).".

Subtitle G--Bureau of Reclamation Transparency

Sec. 8601. [Definitions.]-- In this part:
(1) Asset.--
(A) In general.--The term “asset" means any of the following assets that are used to achieve the mission of the Bureau to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the people of the United States:
(i) Capitalized facilities, buildings, structures, project features, power production equipment, recreation facilities, or quarters.
(ii) Capitalized and noncapitalized heavy equipment and other installed equipment.
(B) Inclusions.--The term “asset" includes assets described in subparagraph (A) that are considered to be mission critical.
(2) Asset management report.--The term “Asset Management Report" means--
(A) the annual plan prepared by the Bureau known as the “Asset Management Plan"; and
(B) any publicly available information relating to the plan described in subparagraph (A) that summarizes the efforts of the Bureau to evaluate and manage infrastructure assets of the Bureau.
(3) Major repair and rehabilitation need.--The term “major repair and rehabilitation need" means major nonrecurring maintenance at a Reclamation facility, including maintenance related to the safety of dams, extraordinary maintenance of dams, deferred major maintenance activities, and all other significant repairs and extraordinary maintenance.

Sec. 8602. [Asset Management Report Enhancements for Reserved Works.]

(a) In General.--Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress an Asset Management Report that--

(1) describes the efforts of the Bureau--

(A) to maintain in a reliable manner all reserved works at Reclamation facilities; and

(B) to standardize and streamline data reporting and processes across regions and areas for the purpose of maintaining reserved works at Reclamation facilities; and

(2) expands on the information otherwise provided in an Asset Management Report, in accordance with subsection (b).

(b) Infrastructure Maintenance Needs Assessment.--

(1) In general.--The Asset Management Report submitted under subsection (a) shall include--

(A) a detailed assessment of major repair and rehabilitation needs for all reserved works at all Reclamation projects; and

(B) to the maximum extent practicable, an itemized list of major repair and rehabilitation needs of individual Reclamation facilities at each Reclamation project.

(2) Inclusions.--To the maximum extent practicable, the itemized list of major repair and rehabilitation needs under paragraph (1)(B) shall include--

(A) a budget level cost estimate of the appropriations needed to complete each item; and

(B) an assignment of a categorical rating for each item, consistent with paragraph (3).

(3) Rating requirements.--

(A) In general.--The system for assigning ratings under paragraph (2)(B) shall be-

(i) consistent with existing uniform categorization systems to inform the annual budget process and agency requirements; and

(ii) subject to the guidance and instructions issued under subparagraph (B).

(B) Guidance.--As soon as practicable after the date of enactment of this Act, the Secretary shall issue guidance that describes the applicability of the rating system applicable under paragraph (2)(B) to Reclamation facilities.

(4) Public availability.--Except as provided in paragraph (5), the Secretary shall make publicly available, including on the internet, the Asset Management Report required under subsection (a).

(5) Confidentiality.--The Secretary may exclude from the public version of the Asset Management Report made available under paragraph (4) any information that the Secretary identifies as sensitive or classified, but shall make available to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a version of the report containing the sensitive or classified information.

(c) Updates.--Not later than 2 years after the date on which the Asset Management Report is submitted under subsection (a) and biennially thereafter, the Secretary shall update the Asset Management Report, subject to the requirements of section 8603(b)(2).

(d) Consultation.--To the extent that such consultation would assist the Secretary in preparing the Asset Management Report under subsection (a) and updates to the Asset Management Report under subsection (c), the Secretary shall consult with--

(1) the Secretary of the Army (acting through the Chief of Engineers); and

(2) water and power contractors.

Sec. 8603. [Asset Management Report Enhancements for Transferred Works.]

(a) In General.--The Secretary shall coordinate with the non-Federal entities responsible for the operation and maintenance of transferred works in developing reporting requirements for Asset Management Reports with respect to major repair and rehabilitation needs for transferred works that are similar to the reporting requirements described in section 8602(b).

(b) Guidance.--

(1) In general.--After considering input from water and power contractors of the Bureau, the Secretary shall develop and implement a rating system for transferred works that incorporates, to the maximum extent practicable, the rating system for major repair and rehabilitation needs for reserved works developed under section 8602(b)(3).

(2) Updates.--The ratings system developed under paragraph (1) shall be included in the updated Asset Management Reports under section 8602(c).

* * * * *

Approved March 12, 2019.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 47:

CONGRESSIONAL BUDGET OFFICE

Preliminary Estimate; Final Bill, Feb.5, 2018.

CONGRESSIONAL RECORD, Vol. 165 (2019):

Feb. 12, considered and passed Senate, Pg. S1186.

Feb. 26, considered and passed House, Pg. H2141.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

Mar. 12, Presidential statement.

RECLAMATION CONGRESSIONAL TESTIMONY

Title Transfer: Sept. 21, 2006; Sept. 25, 2008; Feb. 27, 2017; June 8, 2017; and Jan.17, 2018; March 22, 2018

Endangered Fish Recovery: Feb. 28, 2018.

Yakima River Basin Enhancement Project: July 7, 2015.

Arbuckle Project Transfer: June 13, 2018; Oct. 28, 2015

Contra Costa Canal Transfer: July 11, 2018

BOR Transparency: March 22, 2019; June 25 and June 18,, 2015

Authorize the Equus Beds Division of the Wichita Project (S. 1025), July 8, 2004 and Oct. 6, 2005.

April 16, 2019

COLORADO RIVER DROUGHT CONTINGENCY PLAN AUTHORIZATION ACT

An Act to direct the Secretary of the Interior to execute and carry out agreements concerning Colorado River Drought Contingency Management and Operations, and for other purposes. (An act of April 16, 2019, Public Law 116-14, 133 Stat. 850)

[Section 1. Short Title.]-- This Act may be cited as the "Colorado River Drought Contingency Plan Authorization Act".

Sec. 2. [Colorado River Basin Drought Contingency Plans.]

(a) In General.--Notwithstanding any other provision of law expressly addressing the operation of the applicable Colorado River System reservoirs, immediately upon execution of the March 19, 2019, versions of the Agreement Concerning Colorado River Drought Contingency Management and Operations and the agreements attached thereto as Attachments A1, A2, and B, by all of the non-Federal parties thereto, the Secretary of the Interior shall, without delay, execute such agreements, and is directed and authorized to carry out the provisions of such agreements and operate applicable Colorado River System reservoirs accordingly.

(b) Effect.--Nothing in this section shall--

(1) be construed or interpreted as precedent for the litigation of, or as altering, affecting, or being deemed as a congressional determination regarding, the water rights of the United States, any Indian Tribe, band, or community, any State or political subdivision or district of a State, or any person; or

(2) exempt the implementation of such agreements and the operation of applicable Colorado River System reservoirs from any requirements of applicable Federal environmental laws.

Approved April 16, 2019.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 2030 (S. 1057):
CONGRESSIONAL RECORD, Vol. 165 (2019):
Apr. 8, considered and passed House, Pg. H3112.
Apr. 9, considered and passed Senate, Pg. S2298.
BUREAU OF RECLAMATION TESTIMONY
March 28, 2019, House Comm. on Natural Resources
March 27, 2019, Senate Comm. on Energy and Natural Resources

August 9, 2019

RENAMING THE SUCCESS DAM IN TULARE COUNTY, CALIFORNIA

An Act to rename the Success Dam in Tulare County, California, as the Richard L. Schafer Dam. (An act of August 9, 2019, Public Law 116-41, 133 Stat. 1064)

[Section 1. Renaming of Dam.]
(a) Renaming.--The Success Dam in Tulare County, California, shall hereafter be known and designated as the "Richard L. Schafer Dam".
(b) References.--Any reference in any law, regulation, map, document, paper, or other record of the United States to the dam referred to in subsection (a) shall be considered to be a reference to the Richard L. Schafer Dam.

Approved August 9, 2019.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 2695:
CONGRESSIONAL RECORD, Vol. 165 (2019):
June 10, considered and passed House, Pg. H4378.
July 29, considered and passed Senate, Pg. S5149.

December 20, 2019

FURTHER CONSOLIDATED APPROPRIATIONS ACT, 2020

An Act making further consolidated appropriations for the fiscal year ending September 30, 2020, and for other purposes. (An act of December 20, 2019, Public Law 116-94, 133 Stat. 2534)

[Section 1. Short Title.]-- This Act may be cited as the "Further Consolidated Appropriations Act, 2020".

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DIVISION C-- ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

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TITLE II: DEPARTMENT OF THE INTERIOR

Central Utah Project; Central Utah Project completion account-- For carrying out activities authorized by the Central Utah Project Completion Act, $20,000,000, to remain available until expended, of which $1,800,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission:

Provided, That of the amount provided under this heading, $1,500,000 shall be available until September 30, 2021, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior:

Provided further, That for fiscal year 2020, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

Bureau of Reclamation-- The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

water and related resources (including transfers of funds)-- For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $1,512,151,000, to remain available until expended, of which $69,932,000 shall be available for transfer to the Upper Colorado River Basin Fund and $5,023,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund:

Provided, That $10,000,000 shall be available for transfer into the Blackfeet Water Settlement Implementation Fund established by section 3717 of Public Law 114-322:

Provided further, That the unobligated balances in "Water and Related Resources" for the Blackfeet Water Rights Settlement Act may be transferred to the Blackfeet Water Settlement Implementation Fund account:

Provided further, That such transfers may be increased or decreased within the overall appropriation under this heading:

Provided further, That within available funds, $250,000 shall be for grants and financial assistance for educational activities:

Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account:

Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed:

Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading:

Provided further, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706:

Provided further, That of the amounts made available under this heading, $4,000,000 shall be for one payment for deferred construction funding to the Navajo Nation to fulfill the construction obligations described in section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585), as amended by the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106-554), and to complete the commissioning and title transfer of the Navajo Nation Municipal Pipeline:

Provided further, That in accordance with section 4009(c) of Public Law 114-322, and as recommended by the Secretary in a letter dated February 13, 2019, funding provided for such purpose in fiscal year 2018 shall be made available to the Expanding Recycled Water Delivery Project (VenturaWaterPure), the Pure Water Monterey Groundwater Replenishment Project, the Groundwater Reliability Improvement Program (GRIP) Recycled Water Project, the North Valley Regional Recycled Water Program, the South Sacramento County Agriculture and Habitat Lands Recycled Water Program, and the Central Coast Blue project:

Provided further, That in accordance with section 4007 of Public Law 114-322, and as recommended by the Secretary in a letter dated February 13, 2019, funding provided for such purpose in fiscal years 2017 and 2018 shall be made available to the Cle Elum Pool Raise, the Boise River Basin Feasibility Study, the Del Puerto Water District, the Los Vaqueros Reservoir Phase 2 Expansion Project, the North-of-the Delta Off stream Storage (Sites Reservoir Project), and the Friant-Kern Canal Capacity Correction Resulting Subsidence:

Provided further, That in accordance with section 4009(a) of Public Law 114-322, and as recommended by the Secretary in a letter dated February 13, 2019, funding provided for such purpose in fiscal years 2017 and 2018 shall be made available to the Doheny Ocean Desalination Project, the Kay Bailey Hutchison Desalination Plant, the North Pleasant Valley Desalter Facility, and the Mission Basin Groundwater Purification Facility Well Expansion and Brine Minimization.

Central Valley Project Restoration Fund-- For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $54,849,000, to be derived from such
sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended:

Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575:

Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

California Bay-Delta Restoration (including transfers of funds)-- For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $33,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes:

Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management:

Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

policy and administration-- For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2021, $60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377:

Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

administrative provision-- Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS--DEPARTMENT OF THE INTERIOR

Sec. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2020, shall be available for obligation or expenditure through a reprogramming of funds that--

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of both Houses of Congress:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $400,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of both Houses of Congress; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of both Houses of Congress.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer" means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

Sec. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program--Alternative Repayment Plan" and the “SJVDP--Alternative Repayment Plan" described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

Sec. 203. Section 9504(e) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(e)) is amended by striking “$480,000,000" and inserting “$530,000,000".

Sec. 204. Title I of Public Law 108-361 (the CALFED Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 4007(k) of Public Law 114-322 (43 USC 390b), is amended by striking “2019" each place it appears and inserting “2020".

Sec. 205. Section 9106(g)(2) of Public Law 111-11 (Omnibus Public Land Management Act of 2009) (123 Stat. 1309) is amended by striking “2019" and inserting “2020".

Sec. 206. The Claims Resolution Act of 2010 (Public Law 111-291) is amended--

(1) in section 309(d) (124 Stat. 3088), by striking “2021" each place it appears and inserting “2023"; and

(2) in section 311(h) (124 Stat. 3092), by striking “2021" and inserting “2023".

* * * * *

Approved December 20, 2019.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 1865:
House Report: 116-83, to accompany H.R. 2960, May 23, 2019.
Senate Report, 116-102, to accompany S.2470, Sept. 12, 2019.

CONGRESSIONAL RECORD, Vol. 165 (2019):
Nov. 12, considered and passed Senate, amended.
Dec. 17, House concurred in Senate amendment with an amendment. Senate considered House amendment, Pg. H10316.
Dec. 19, Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):
Dec. 20, Presidential statement.
BUREAU OF RECLAMATION TESTIMONY
May 16, 2019, House Comm. on Appropriations
April 10, 2019, Senate Comm. on Appropriations

December 20, 2019

COLUMBIA RIVER IN-LIEU AND TREATY FISHING ACCESS SITES IMRPOVEMENT ACT

An Act to authorize the Secretary of the Interior to assess sanitation and safety conditions at Bureau of Indian Affairs facilities that were constructed to provide affected Columbia River Treaty tribes access to traditional fishing grounds and expend funds on construction of facilities and structures to improve those conditions, and for other purposes. (An act of December 20, 2019, Public Law 116-99, 133 Stat. 3254)

[Section 1. Short Title.]-- This Act may be cited as the "Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act".

Sec. 2. [Sanitation and Safety Conditions at Certain Bureau of Indian Affairs Facilities.]

(a) Assessment of Conditions.--The Secretary of the Interior, acting through the Bureau of Indian Affairs, in consultation with the affected Columbia River Treaty tribes, may assess current sanitation and safety conditions on lands held by the United States for the benefit of the affected Columbia River Treaty tribes, including all permanent Federal structures and improvements on those lands, that were set aside to provide affected Columbia River Treaty tribes access to traditional fishing grounds--

(1) in accordance with the Act of March 2, 1945 (59 Stat. 10, chapter 19) (commonly known as the "River and Harbor Act of 1945"); or

(2) in accordance with title IV of Public Law 100-581 (102 Stat. 2944).

(b) Exclusive Authorization; Contracts.--The Secretary of the Interior, acting through the Bureau of Indian Affairs--

(1) subject to paragraph (2)(B), shall be the only Federal agency authorized to carry out the activities described in this section; and

(2) may delegate the authority to carry out activities described in paragraphs (1) and (2) of subsection (d)--

(A) through one or more contracts entered into with an Indian Tribe or Tribal organization under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); or

(B) to include other Federal agencies that have relevant expertise.

(c) Definition of Affected Columbia River Treaty Tribes.--In this section, the term "affected Columbia River Treaty tribes" means the Nez Perce Tribe, the Confederated Tribes of Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of the Yakama Nation.

(d) Authorization of Appropriations.--There are authorized to be appropriated to the Secretary of the Interior $11,000,000 for the period of fiscal years 2020 through 2025, to remain available until expended--

(1) for improvements to existing structures and infrastructure to improve sanitation and safety conditions assessed under subsection (a); and

(2) to improve access to electricity, sewer, and water infrastructure, where feasible, to reflect needs for sanitary and safe use of facilities referred to in subsection (a).

COLUMBIA RIVER IN-LIEU AND TREATY FISHING ACCESS SITES IMRPOVEMENT ACT

Sec. 3. [Study of Assessment and Improvement Activities.]-- The Comptroller General of the United States, in consultation with the Committee on Indian Affairs of the Senate, shall--
(1) conduct a study to evaluate whether the sanitation and safety conditions on lands held by the United States for the benefit of the affected Columbia River Treaty tribes (as defined in section 2(c)) have improved as a result of the activities authorized in section 2; and
(2) prepare and submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the results of that study.

Approved December 20, 2019.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 50 (H.R. 91):
Senate Report: No. 116-7, Comm. on Indian Affairs, March 13, 2019.
CONGRESSIONAL BUDGET OFFICE: Cost Estimate, Senate Bill, Feb.19, 2019.
CONGRESSIONAL RECORD, Vol. 165 (2019):
June 27, considered and passed Senate, Pg. S4649.
Dec. 16, considered and passed House, Pg. H10301.

October 30, 2020

KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000 AMENDMENTS

An Act to amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections. (An act of October 30, 2020, Public Law 116-191, 134 STAT. 976)

[Section 1. Klamath Basin Water Supply Enhancement Act of 2000 Technical Corrections.]-- Section 4(b) of the Klamath Basin Water Supply Enhancement Act of 2000 (114 Stat. 2222; 132 Stat. 3887) is amended—

(1) in paragraph (1)--

(A) in the matter preceding subparagraph (A)--

(i) by striking “Pursuant to the reclamation laws and subject" and inserting “Subject"; and

(ii) by striking “may" and inserting “is authorized to"; and

(B) in subparagraph (A), by inserting “, including conservation and efficiency measures, land idling, and use of groundwater," after “administer programs";

(2) in paragraph (3)(A), by inserting “and" after the semicolon at the end;

(3) by redesignating the second paragraph (4) (relating to the effect of the subsection) as paragraph (5); and

(4) in paragraph (5) (as so redesignated)--

(A) by striking subparagraph (B);

(B) in subparagraph (A), by striking “; or" and inserting a period; and

(C) by striking “the Secretary--" and all that follows through “to develop" in subparagraph (A) and inserting “the Secretary to develop".

Sec. 2. [Continued use of Pick-Sloan Missouri Basin Program Project Use Power by the Kinsey Irrigation Company and the Sidney Water Users Irrigation District.]

(a) Authorization.--Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Interior (acting through the Commissioner of Reclamation) shall continue to treat the irrigation pumping units known as the “Kinsey Irrigation Company" in Custer County, Montana and the ``Sidney Water Users Irrigation District" in Richland County, Montana, or any successor to the Kinsey Irrigation Company or Sidney Water Users Irrigation District, as irrigation pumping units of the Pick-Sloan Missouri Basin Program for the purposes of wheeling, administration, and payment of project use power, including the applicability of provisions relating to the treatment of costs beyond the ability to pay under section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944") (58 Stat. 891, chapter 665).

(b) Limitation.--The quantity of power to be provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District (including any successor to the Kinsey Irrigation Company or the Sidney Water Users Irrigation District) under subsection (a) may not exceed the maximum quantity of power provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District under the applicable contract for electric service in effect on the date of enactment of this Act.

Approved October 30, 2020.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 3758:
CONGRESSIONAL RECORD, Vol. 166 (2020):
June 30, considered and passed Senate, Pg. S4080.
Oct. 1, considered and passed House.
BUREAU OF RECLAMATION TESTIMONY;
June 26, 2019, Senate Comm. on Energy and Natural Resources, on S. 1882

December 27, 2020

CONSOLIDATED APPROPRIATIONS ACT, 2021

[Extracts from] An Act making consolidated appropriations for fiscal year ending September 30, 2021, providing coronavirus emergency response and relief, and for other purposes. (An act of December 27, 2020, Public Law 116-260, 134 Stat. 1182)

[Section 1. Short Title.]-- This Act may be cited as the "Consolidated Appropriations Act, 2021".

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DIVISION D--ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

* * * * *

TITLE II; DEPARTMENT OF THE INTERIOR

Central Utah Project

Central Utah Project Completion Account-- For carrying out activities authorized by the Central Utah Project Completion Act, $21,000,000, to remain available until expended, of which $1,800,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission:

Provided, That of the amount provided under this heading, $1,500,000 shall be available until September 30, 2022, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior:

Provided further, That for fiscal year 2021, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses. Bureau of Reclamation The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

water and related resources (including transfers of funds)-- For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian Tribes, and others, $1,521,125,000, to remain available until expended, of which $58,476,000 shall be available for transfer to the Upper Colorado River Basin Fund and $5,584,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund:

Provided, That $25,882,000 shall be available for transfer into the Blackfeet Water Settlement Implementation Fund established by section 3717 of Public Law 114-322:

Provided further, That such transfers may be increased or decreased within the overall appropriation under this heading:

Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account:

Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed:

Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That of the amounts provided herein, funds may be used for

high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706:

Provided further, That within available funds, $250,000 shall be for grants and financial assistance for educational activities:

Provided further, That in accordance with section 4007 of Public Law 114-322, funding provided for such purpose in fiscal years 2017, 2018, 2019, and 2020 shall be made available for the construction, pre-construction, or study of the Friant-Kern Canal Capacity Correction Resulting from Subsidence, the Boise River Basin--Anderson Ranch Dam Raise, the North-of-the-Delta Off Stream Storage (Sites Reservoir Project), the Los Vaqueros Reservoir Phase 2 Expansion Project, and the Cle Elum Pool Raise (Yakima), as recommended by the Secretary in the letters dated June 22, 2020, and December 3, 2020, inclusive; the Delta Mendota Canal Subsidence Correction, the Del Puerto Water District, the San Luis Low Point Improvement Project, and the Sacramento Regional Water Bank, as recommended by the Secretary in the letter dated June 22, 2020:

Provided further, That in accordance with section 4009(c) of Public Law 114-322, and as recommended by the Secretary in a letter dated December 3, 2020, funding provided for such purpose in fiscal years 2019 and 2020 shall be made available to the El Paso Aquifer Storage and Recovery Using Reclaimed Water Project, the Pure Water Monterey: A Groundwater Replenishment Project, the Pure Water Soquel: Groundwater Replenishment and Seawater Intrusion Prevention Project, the Magna Water District Water Reclamation and Reuse Project, the Pure Water Oceanside: Mission Basin Groundwater Purification Facility Project, the Groundwater Reliability Improvement Program Recycled Water Project, and the Palmdale Regional Groundwater Recharge and Recovery Project:

Provided further, That in accordance with section 4009(a) of Public Law 114-322, and as recommended by the Secretary in a letter dated December 3, 2020, funding provided for such purpose in fiscal years 2019 and 2020 shall be made available to the Doheny Ocean Desalination Project, the North Pleasant Valley Desalter Facility, and the Energy-Efficient Brackish Groundwater Desalination Project.

central valley project restoration fund-- For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,875,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended:

Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575:

Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

California Bay-Delta Restoration (including transfers of funds)-- For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $33,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes:

Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management:

Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

policy and administration-- For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the six regions of the Bureau of Reclamation, to remain available until September 30, 2022, $60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377:

Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

administrative provision-- Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS--DEPARTMENT OF THE INTERIOR

Sec. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2021, shall be available for obligation or expenditure through a reprogramming of funds that--

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of both Houses of Congress:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $400,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of both Houses of Congress; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of both Houses of Congress.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer" means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

Sec. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program--Alternative Repayment Plan" and the "SJVDP--Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

Sec. 203. Section 9504(e) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(e)) is amended by striking " $530,000,000" and inserting " $610,000,000".

Sec. 204. Title I of Public Law 108-361 (the CALFED Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 4007(k) of Public Law 114-322, is amended by striking "2020" each place it appears and inserting "2021".

Sec. 205. Section 9106(g)(2) of Public Law 111-11 (Omnibus Public Land Management Act of 2009) is amended by striking "2020" and inserting "2021".

Sec. 206. Section 6002(g)(4) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11) is amended by striking "2020" and inserting "2021".

Sec. 207.

(a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking "2020" and inserting "2021".

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking "2020" and inserting "2021".

Sec. 208. None of the funds made available by this Act may be used for pre-construction or construction activities for any project recommended after enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2020 and prior to enactment of this Act by the Secretary of the Interior and transmitted to the appropriate committees of Congress pursuant to section 4007, section 4009(a), or section 4009(c) of the Water Infrastructure Improvements for the Nation Act (Public Law 114-322) if such project is not named in this Act.

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DIVISION AA – WATER RESOURCES DEVELOPMENT ACT OF 2020

Sec. 1. [Short Title]

(a) Short Title.—This division may be cited as the "Water Resources Development Act of 2020."

* * * * *

Sec. 162. Leveraging Federal Infrastructure for Increased Water Supply.-- Section 1118(i) of the Water Resources Development Act of 2016 (43 U.S.C. 390b-2(i)) is amended—

(1) by striking ‘‘The Secretary may’’ and inserting the following:

‘‘(1) CONTRIBUTED FUNDS FOR CORPS PROJECTS.—The Secretary may’’; and

(2) by adding at the end the following:

‘‘(2) CONTRIBUTED FUNDS FOR OTHER FEDERAL RESERVOIR PROJECTS.—The Secretary is authorized to receive and expend funds from a non-Federal interest to formulate, review, or revise operational documents, pursuant to a proposal submitted in accordance subsection (a), for any reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood control or navigation pursuant to section 7 of the Act of December 22, 1944 (33 U.S.C. 709).

* * * * *

Sec. 203. Expedited Modifications of Existing Feasibility Studies.

In General.— The Secretary [of the Army] shall expedite the completion of the following feasibility studies, as modified by this section, and if the Secretary determines that a project that is the subject of the feasibility study is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project”

(1)**San Francisco Bay, California**.-- The study for flood risk reduction authorized by section 142 of the Water Resources Development Act of 1976 (90 Stat. 2930), is modified to authorize the Secretary to—

(A) investigate the ocean shoreline of San Mateo, San Francisco, and Marin Counties for the purposes of providing flood protection against tidal and fluvial flooding;

(B) with respect to the bay and ocean shorelines of San Mateo, San Francisco, and Marin Counties, investigate measures to adapt to rising sea levels; and

(C) with respect to the bay and ocean shorelines, and streams running to the bay and ocean shorelines, of San Mateo, San Francisco, and Marin Counties, investigate the effects of proposed flood protection and other measures or improvements on—

(i) the local economy;

(ii) habitat restoration, enhancement, or expansion efforts or opportunities; (iii) public infrastructure protection and improvement;

(iv) stormwater runoff capacity and control measures, including those that may mitigate flooding;

(v) erosion of beaches and coasts; and

(vi) any other measures or improvements relevant to adapting to rising sea levels.

(2) **Sacramento River, Southern Sutter County, California.—**The study for flood control and allied purposes for the Sacramento River Basin, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), is modified to authorize the Secretary to conduct a study for flood risk management, southern Sutter County between the Sacramento River and Sutter Bypass, California.

(3) **Salton Sea, California**.—In carrying out the program to implement projects to restore the Salton Sea, California, authorized by section 3032 of the Water Resources Development Act of 2007 (121 Stat. 1113; 130 Stat. 1677), the Secretary is authorized to carry out a study for the construction of a perimeter lake, or a northern or southern subset thereof, for the Salton Sea, California.

* * * * *

Section 337. San Juan-Chama Project, Abiquiu Dam, New Mexico.

(a) Abiquiu Reservoir.—Section 5(b) of Public Law 97–140 (43 U.S.C. 620a note) is amended by striking ‘‘a total of two hundred thousand acre-feet of’’.

(b) Water Storage at Abiquiu Dam, New Mexico.—Section 1 of Public Law 100–522 (43 U.S.C. 620a note) is amended—

(1) by striking ‘‘200,000 acre-feet of’’;

(2) by inserting ‘‘and San Juan-Chama project’’ after ‘‘Rio Grande system’’; and

(3) by striking ‘‘, in lieu of the water storage authorized by section 5 of Public Law 97–140, to the extent that contracting entities under section 5 of Public Law 97–140 no longer require such storage’’.

(c) Water Storage.—The Secretary shall—

(1) store up to elevation 6230.00 NGVD29 at Abiquiu Dam, New Mexico, to the extent that the necessary real property interests have been acquired by any entity requesting such storage; and

(2) amend the March 20, 1986, contract between the United States of America and the Albuquerque Bernalillo County Water Utility Authority (assigned by the City of Albuquerque, New Mexico to the Albuquerque Bernalillo County Water Utility Authority) for water storage space in Abiquiu Reservoir to allow for storage by the Albuquerque Bernalillo County Water Utility Authority of San Juan-Chama project water or native Rio Grande system water up to elevation 6230.00 NGVD29.

(d) Storage Agreements with Users Other Than The Albuquerque Bernalillo County Water Utility Authority.—The Secretary shall—

(1) retain or enter into new agreements with entities for a proportionate allocation of 29,100 acre-feet of storage space pursuant to section 5 of Public Law 97–140; and

(2) amend or enter into new storage agreements for storage of San Juan-Chama project water or native Rio Grande system water up to the space allocated for each entity’s proportionate share of San Juan-Chama water.

(e) Operations Documents.—The Secretary shall amend or revise any existing operations documents, including the Water Control Manual or operations plan for 11 Abiquiu Reservoir, as necessary to meet the requirements of this section.

(f) Limitations.—In carrying out this section, the following limitations shall apply:

(1) The storage of native Rio Grande system water shall be subject to the provisions of the Rio Grande Compact and the resolutions of the Rio Grande Compact Commission.

(2) The storage of native Rio Grande system water shall only be authorized to the extent that the necessary water ownership and storage rights have 22 been acquired by the entity requesting such storage.

(3) The storage of native Rio Grande system water or San-Juan Chama project water shall not interfere with the authorized purposes of the Abiquiu Dam and Reservoir project.

(4) Each user of storage space, regardless of source of water, shall pay for any increase in costs attributable to storage of that user’s water.

* * * * *

Sec. 511 Soil Moisture and Snowpack Monitoring.

(a) Installation of Network.—

(1) In General.—In accordance with the activities required under section 4003(a) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1310; 130 Stat.

1676), and to support the goals of the Weather Research and Forecasting Innovation Act of 2017 (Public Law 115–25) and the National Integrated Drought Information System Reauthorization Act of 2018 (Public Law 115–423), the Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration (referred to in this section as the ‘‘Administrator’’), the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of Reclamation, shall continue installation of a network of soil moisture and plains snowpack monitoring stations, and modification of existing stations, in the Upper Missouri River Basin.

(2) Requirements.—In carrying out installation and modification activities under paragraph (1), the Secretary—

(A) may continue to enter into agreements, including cooperative agreements, with State mesonet programs for purposes of installing new stations or modifying existing stations;

(B) shall transfer ownership and all responsibilities for operation and maintenance of new stations to the respective State mesonet program for the State in which the monitoring station is located on completion of installation of the station; and

(C) shall establish, in consultation with the Administrator, requirements and standards for the installation of new stations and modification of existing stations to ensure seamless data integration into—

(i) the National Mesonet Program;

(ii) the National Coordinated Soil Moisture Network; and

(iii) other relevant networks.

(3) Authorization of Appropriations.-- There is authorized to be appropriated to carry out this subsection, in addition to any other funds authorized to be appropriated for the installation of a network of soil moisture and plains snowpack monitoring stations or the modification of existing stations in the Upper Missouri River Basin, $7,000,000 for each of fiscal years 2021 through 2025.

(b) Soil Moisture and Snowpack Monitoring Pilot Program.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall establish within the National Mesonet Program a pilot program for the acquisition and use of data generated by the network described in subsection (a).

(2) Requirements.—In establishing the pilot program under paragraph (1), the Administrator shall—

(A) enter into agreements with State mesonet programs in the Upper Missouri River Basin to acquire data generated by the network described in subsection (a) that—

(i) are similar to the agreements in effect as of the date of the enactment of this Act with States under the National Mesonet Program; and

(ii) allow for sharing of data with other Federal agencies and with institutions engaged in federally supported research, including the United States Drought Monitor, as appropriate and feasible;

(B) in coordination with the Secretary, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of Reclamation, gather data from the operation of the network

to inform ongoing efforts of the National Oceanic and Atmospheric Administration in support of—

(i) the National Integrated Drought Information System, including the National Coordinated Soil Moisture Network;

(ii) the United States Drought Monitor;

(iii) the National Water Model and other relevant national modeling efforts;

(iv) validation, verification, and calibration of satellite-based, in situ, and other remote sensing activities and output products;

(v) flood risk and water resources monitoring initiatives by the Secretary and the Commissioner; and

(vi) any other programs or initiatives the Administrator considers appropriate;

(C) at the request of State mesonet programs, or as the Administrator considers appropriate, provide technical assistance to such programs under the pilot program under paragraph (1) to ensure proper data requirements; and

(D) ensure an appropriate mechanism for quality control and quality assurance is employed for the data acquired under the pilot program, such as the Meteorological Assimilation Data Ingest System.

(3) Study Required.—

(A) In General.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall initiate a study of the pilot program required by paragraph (1) to evaluate the data generated by the network described in subsection (a) and the applications of that data to programs and initiatives described in paragraph (2)(B).

(B) Elements.—The study required by 8 subparagraph (A) shall include an assessment of—

(i) the contribution of the soil moisture, snowpack, and other relevant data generated by the network described in subsection (a) to weather, subseasonal and seasonal, and climate forecasting products on the local, regional, and national levels;

(ii) the enhancements made to the National Integrated Drought Information System, the National Water Model, and the United States Drought Monitor, and other relevant national modeling efforts, using data and derived data products generated by the network;

(iii) the contribution of data generated by the network to remote sensing products and approaches;

(iv) the viability of the ownership and operational structure of the network; and

(v) any other matters the Administrator considers appropriate, in coordination with the Secretary, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of Reclamation.

(4) Report Required.—Not later than 4 years after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report—

(A) setting forth the findings of the study required by paragraph (3); and

(B) making recommendations based on those findings to improve weather, subseasonal, seasonal, and climate monitoring nationally.

(5) Government Accountability Office Audit.—

(A) In General.—Not later than 60 days after the report required by paragraph (4) is submitted, the Comptroller General of the United States shall initiate an audit to evaluate that report and determine whether—

(i) the Administrator, in conducting the pilot program under paragraph (1), has utilized the relevant data generated by the network described in subsection (a) in the manner most beneficial to the programs and initiatives described in paragraph (2)(B);

(ii) the acquisition agreements entered into under paragraph (2)(A) with State mesonet programs fully comply with the requirements of that paragraph; and

(iii) the heads of other agencies, including the Secretary, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of Reclamation, are utilizing the data generated by the network to better inform and improve the missions of those agencies.

(B) Report Required.—Not later than 270 days after initiating the audit required by subparagraph (A), the Comptroller General shall submit to the appropriate congressional committees a report setting forth the findings of the audit.

(6) Appropriate Congressional Committees Defined.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Natural Resources of the House of Representatives.

DIVISON FF – OTHER MATTER

TITLE XI. WESTERN WATER AND INDIAN AFFAIRS PACKAGE

Sec. 1101.—Bureau of Reclamation Aging Infrastructure Account.-- Section 9603 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b) is amended by adding at the end the following:

''(d) Aging Infrastructure.—

''(1) Establishment.—There is established in the general fund of the Treasury a special account, to be known as the 'Aging Infrastructure Account' (referred to in this subsection as the 'Account'), to provide funds to, and provide for the extended repayment of the funds by, a transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs for the conduct of extraordinary operation and maintenance work at a project facility, which shall consist of—

''(A) any amounts that are specifically appropriated to the Account under section 9605; and

''(B) any amounts deposited in the Account under paragraph (3)(B).

''(2) Expenditures.—Subject to paragraphs (3) and (6), the Secretary may expend amounts in the Account to fund and provide for extended repayment of the funds for eligible projects identified in a report submitted under paragraph (5)(B).

‘‘(3) Repayment Contract.—

‘‘(A) In General.—The Secretary may not expend amounts under paragraph (2) with respect to an eligible project described in that paragraph unless the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs has entered into a contract to repay the amounts under subsection (b)(2).

‘‘(B) Deposit of Repaid Funds.— Amounts repaid by a transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs receiving funds under a repayment contract entered into under this subsection shall be deposited in the Account and shall be available to the Secretary for expenditure, subject to paragraph (6), in accordance with this subsection, and without further appropriation.

‘‘(4) Application for Funding.—

‘‘(A) In General.—Beginning with fiscal year 2022, not less than once per fiscal year, the Secretary shall accept, during an application period established by the Secretary, applications from transferred works operating entities or project beneficiaries responsible for payment of reimbursable costs for funds and extended repayment for eligible projects.

‘‘(B) Eligible Project.—A project eligi1ble for funding and extended repayment under this subsection is a project that—

‘‘(i) qualifies as an extraordinary operation and maintenance work under this section;

‘‘(ii) is for the major, non-recurring 2 maintenance of a mission-critical asset; 3 and 4 ‘‘(iii) is not eligible to be carried out or funded under the repayment provisions of section 4(c) of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 508(c)).

‘‘(C) Guidelines for Applications.— Not later than 60 days after the date of enactment of this subsection, the Secretary shall issue guidelines describing the information required to be provided in an application for funds and extended repayment under this subsection that require, at a minimum—

‘‘(i) a description of the project for which the funds are requested;

‘‘(ii) the amount of funds requested;

‘‘(iii) the repayment period requested by the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs;

‘‘(iv) alternative non-Federal funding options that have been evaluated;

‘‘(vi) the financial records of the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs.

‘‘(D) Review by the Secretary.—The Secretary shall review each application submitted under subparagraph (A)—

‘‘(i) to determine whether the project is eligible for funds and an extended repayment period under this subsection;

‘‘(ii) to determine if the project has been identified by the Bureau of Reclamation as part of the major rehabilitation and replacement of a project facility; and

‘‘(iii) to conduct a financial analysis of—

‘‘(I) the project; and

‘‘(II) repayment capability of the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs.

‘‘(5) Report.—Not later than 90 days after the date on which an application period closes under paragraph (4)(A), the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Natural Resources and Appropriations of the House of Representatives a report that—

‘‘(A) describes the results of the Secretary’s review of each application under paragraph (4)(D), including a determination of whether the project is eligible;

‘‘(B) identifies each project eligible for funds and extended repayment under this subsection;

‘‘(C) with respect to each eligible project identified under subparagraph (B), includes—

‘‘(i) a description of—

‘‘(I) the eligible project;

‘‘(II) the anticipated cost and duration of the eligible project;

‘‘(III) any remaining engineering or environmental compliance that is required before the eligible project commences;

‘‘(IV) any recommendations the Secretary may have concerning the plan or design of the project; and

‘‘(V) any conditions the Secretary may require for construction of the project;

‘‘(ii) an analysis of—

‘‘(I) the repayment period proposed in the application; and

‘‘(II) if the Secretary recommends a minimum necessary repayment period that is different than the repayment period proposed in the application, the minimum necessary re15 payment period recommended by the Secretary; and

‘‘(iii) an analysis of alternative nonfederal funding options;

‘‘(D) describes the allocation of funds from deposits into the Account under paragraph (3)(B); and

‘‘(E) describes the balance of funds in the Account as of the date of the report.

‘‘(6) Alternative Allocation.—

‘‘(A) In General.—Appropriations Acts may provide for alternate allocation of amounts reported pursuant to paragraph (5)(D) that are made available under this subsection.

‘‘(B) Allocation by Secretary.—

‘‘(i) No Alternate Allocations.— If Congress has not enacted legislation establishing alternate allocations by the date on which the Act making full-year appropriations for energy and water development and related agencies for the applicable fiscal year is enacted into law, amounts made available under paragraph (1) shall be allocated by the Secretary.

‘‘(ii) Insufficient Alternate Allocations.—If Congress enacts legislation establishing alternate allocations for amounts made available under paragraph (1) that are less than the full amount appropriated under that paragraph, the difference between the amount appropriated and the alternate allocation shall be allocated by the Secretary.

‘‘(7) Effect of Subsection.—Nothing in this 25 subsection affects—

‘‘(A) any funding provided, or contracts entered into, under subsection (a) before the date of enactment of this subsection; or

‘‘(B) the use of funds otherwise made available to the Secretary to carry out subsection (a).’’.

Sec. 1102. [Navajo-Utah Water Rights Settlement.]

(a) Purposes.—The purposes of this section are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the State of Utah for—

(A) the Navajo Nation; and

(B) the United States, for the benefit of the Nation;

(2) to authorize, ratify, and confirm the agreement entered into by the Nation and the State, to the extent that the agreement is consistent with this section;

(3) to authorize and direct the Secretary—

(A) to execute the agreement; and

(B) to take any actions necessary to carry out the agreement in accordance with this section; and (4) to authorize funds necessary for the implementation of the agreement and this section.

(b) Definitions.—In this section:

(1) Agreement.—The term “agreement” means—

(A) the document entitled ‘‘Navajo Utah Water Rights Settlement Agreement’’ dated December 14, 2015, and the exhibits attached thereto; and

(B) any amendment or exhibit to the document or exhibits referenced in subparagraph 10 (A) to make the document or exhibits consistent with this section.

(2) Allotment.—The term “allotment” means a parcel of land—

(A) granted out of the public domain that is—

(i) located within the exterior boundaries of the Reservation; or

(ii) Bureau of Indian Affairs parcel number 792 634511 in San Juan County, Utah, consisting of 160 acres located in Township 41S, Range 20E, sections 11, 12, and 14, originally set aside by the United States for the benefit of an individual identified in the allotting document as a Navajo Indian; and

(B) held in trust by the United States--

(i) for the benefit of an individual, individuals, or an Indian Tribe other than the Navajo Nation; or

(ii) in part for the benefit of the Navajo Nation as of the enforceability date.

(3) Allottee.—The term “allottee” means an individual or Indian Tribe with a beneficial interest in an allotment held in trust by the United States.

(4) Enforceability Date.—The term “enforceability date” means the date on which the Secretary publishes in the Federal Register the statement of findings described in subsection (g)(1).

(5) General Stream Adjudication.—The term “general stream adjudication” means the adjudication pending, as of the date of enactment of this Act, in the Seventh Judicial District in and for Grand County, State of Utah, commonly known as the “Southeastern Colorado River General Adjudication”, Civil No. 810704477, conducted pursuant to 21 State law.

(6) Injury to Water Rights.—The term “injury to water rights” means an interference with, diminution of, or deprivation of water rights under Federal or State law, excluding injuries to water quality.

(7) Member.—The term “member” means any person who is a duly enrolled member of the Navajo Nation.
(8) Navajo Nation or Nation.—The term “Navajo Nation” or “Nation” means a body politic and federally recognized Indian nation, as published on the list established under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)), also known variously as the “Navajo Nation”, the “Navajo Nation of Arizona, New Mexico, & Utah”, and the “Navajo Nation of Indians” and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation and all divisions, agencies, officers, and agents thereof.
(9) Navajo Water Development Projects.—The term “Navajo water development projects” means projects for domestic municipal water supply, including distribution infrastructure, and agricultural water conservation, to be constructed, in whole or in part, using monies from the Navajo Water Development Projects Account.
(10) Navajo Water Rights.—The term “Navajo water rights” means the Nation’s water rights in Utah described in the agreement and this section.
(11) OM&R.—The term “OM&R” means operation, maintenance, and replacement.
(12) Parties.—The term “parties” means the Navajo Nation, the State, and the United States.
(13) Reservation.—The term “Reservation” means, for purposes of the agreement and this section, the Reservation of the Navajo Nation in Utah as in existence on the date of enactment of this Act and depicted on the map attached to the agreement as Exhibit A, including any parcel of land granted out of the public domain and held in trust by the United States entirely for the benefit of the Navajo Nation as of the enforceability date.
(14) Secretary.—The term “Secretary” means the Secretary of the Interior or a duly authorized representative thereof.
(15) State.—The term “State” means the State of Utah and all officers, agents, departments, and political subdivisions thereof.
(16) United States.—The term “United States” means the United States of America and all departments, agencies, bureaus, officers, and agents thereof.
(17) United States Acting in Its Trust Capacity.—The term “United States acting in its trust capacity” means the United States acting for the benefit of the Navajo Nation or for the benefit of allottees.

(c) Ratification of Agreement.—
(1) Approval by Congress.—Except to the extent that any provision of the agreement conflicts with this section, Congress approves, ratifies, and confirms the agreement (including any amendments to the agreement that are executed to make the agreement consistent with this section).
(2) Execution by Secretary.—The Secretary is authorized and directed to promptly execute the agreement to the extent that the agreement 18 does not conflict with this section, including—
(A) any exhibits to the agreement requiring the signature of the Secretary; and
(B) any amendments to the agreement necessary to make the agreement consistent with this section.
(3) Environmental Compliance.—
(A) In General.—In implementing the agreement and this section, the Secretary shall comply with all applicable provisions of—

(i) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
(ii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
(iii) all other applicable environmental laws and regulations.

(B) Execution of the Agreement.— Execution of the agreement by the Secretary as provided for in this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) Navajo Water Rights.—

(1) Confirmation of Navajo Water Rights.—

(A) Quantification.—The Navajo Nation shall have the right to use water from water sources located within Utah and adjacent to or encompassed within the boundaries of the Reservation resulting in depletions not to exceed 81,500 acre-feet annually as described in the agreement and as confirmed in the decree entered by the general stream adjudication court.

(B) Satisfaction of Allottee Rights.—Depletions resulting from the use of water on an allotment shall be accounted for as a depletion by the Navajo Nation for purposes of depletion accounting under the agreement, including recognition of—

(i) any water use existing on an allotment as of the date of enactment of this Act and as subsequently reflected in the hydrographic survey report referenced in subsection (f)(2);
(ii) reasonable domestic and stock water uses put into use on an allotment; and
(iii) any allotment water rights that may be decreed in the general stream adjudication or other appropriate forum.

(C) Satisfaction of On-Reservation State Law-Based Water Rights.—Depletions resulting from the use of water on the Reservation pursuant to State law-based water rights existing as of the date of enactment of this Act shall be accounted for as depletions by the Navajo Nation for purposes of depletion accounting under the agreement.

(D) In General.—The Navajo water rights are ratified, confirmed, and declared to be valid.

(E) Use.—Any use of the Navajo water rights shall be subject to the terms and conditions of the agreement and this section.

(F) Conflict.—In the event of a conflict between the agreement and this section, the provisions of this section shall control.

(2) Trust Status of Navajo Water Rights.—The Navajo water rights—

(A) shall be held in trust by the United 15 States for the use and benefit of the Nation in accordance with the agreement and this section; and
(B) shall not be subject to forfeiture or abandonment.

(3) Authority of the Nation.—

(A) In General.—The Nation shall have the authority to allocate, distribute, and lease the Navajo water rights for any use on the Reservation in accordance with the agreement, this section, and applicable Tribal and Federal law.

(B) Off-Reservation Use.—The Nation may allocate, distribute, and lease the Navajo water rights for off-Reservation use in accordance with the agreement, subject to the approval of the Secretary.

(C) Allottee Water Rights.—The Nation shall not object in the general stream adjudication or other applicable forum to the quantification of reasonable domestic and stock water uses on an allotment, and shall administer any water use on the Reservation in accordance with applicable Federal law, including recognition of—

(i) any water use existing on an allotment as of the date of enactment of this Act and as subsequently reflected in the hydrographic survey report referenced in subsection (f)(2);

(ii) reasonable domestic and stock water uses on an allotment; and

(iii) any allotment water rights decreed in the general stream adjudication or other appropriate forum.

(4) Effect.—Except as otherwise expressly provided in this subsection, nothing in this section—

(A) authorizes any action by the Nation against the United States under Federal, State, Tribal, or local law; or

(B) alters or affects the status of any action brought pursuant to section 1491(a) of title 28, United States Code.

(e) Navajo Trust Accounts.—

(1) Establishment.—The Secretary shall establish a trust fund, to be known as the ''Navajo Utah Settlement Trust Fund'' (referred to in this section as the ''Trust Fund''), to be managed, invested, and distributed by the Secretary and to remain available until expended, consisting of the amounts deposited in the Trust Fund under paragraph (3), together with any interest earned on those amounts, for the purpose of carrying out this section.

(2) Accounts.—The Secretary shall establish in the Trust Fund the following Accounts (referred to in this subsection as the ''Trust Fund Accounts''):

(A) The Navajo Water Development Projects Account.

(B) The Navajo OM&R Account.

(3) Deposits.—The Secretary shall deposit in 2 the Trust Fund Accounts—

(A) in the Navajo Water Development Projects Account, the amounts made available pursuant to subsection (f)(1)(A); and

(B) in the Navajo OM&R Account, the amount made available pursuant to subsection (f)(1)(B).

(4) Management and Interest.—

(A) Management.—Upon receipt and deposit of the funds into the Trust Fund Accounts, the Secretary shall manage, invest, and distribute all amounts in the Trust Fund in a manner that is consistent with the investment authority of the Secretary under—

(i) the first section of the Act of June 24, 1938 ((25 U.S.C. 162a);

(ii) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(iii) this subsection.

(B) Investment Earnings.—In addition to the deposits under paragraph (3), any investment earnings, including interest, credited to amounts held in the Trust Fund are authorized to be appropriated to be used in accordance with the uses described in paragraph (8).

(5) Availability of Amounts.—Amounts appropriated to, and deposited in, the Trust Fund, including any investment earnings, shall be made available to the Nation by the Secretary beginning on the enforceability date and subject to the uses and restrictions set forth in this subsection.

(6) Withdrawals.—

(A) Withdrawals Under the American Indian Trust Fund Management Reform Act of 1994.—The Nation may withdraw any portion of the funds in the Trust Fund on approval by the Secretary of a tribal management plan submitted by the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 ((25 U.S.C. 4001 et seq.).

(i) Requirements.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan under this subparagraph shall require that the Nation shall spend all amounts withdrawn from the Trust Fund and any investment earnings accrued through the investments under the Tribal management plan in accordance with this section.

(ii) Enforcement.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the Tribal management plan to ensure that amounts withdrawn by the Nation the Trust Fund under this subparagraph are used in accordance with this section.

(B) Withdrawals Under Expenditure Plan.—The Nation may submit to the Secretary a request to withdraw funds from the Trust Fund pursuant to an approved expenditure plan.

(i) Requirements.—To be eligible to withdraw funds under an expenditure plan under this subparagraph, the Nation shall submit to the Secretary for approval an expenditure plan for any portion of the Trust Fund that the Nation elects to withdraw pursuant to this subparagraph, subject to the condition that the funds shall be used 2 for the purposes described in this section. (ii) Inclusions.—An expenditure plan under this subparagraph shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Trust Fund will be used by the Nation, in accordance with paragraphs (3) and (8).

(iii) Approval.—On receipt of an expenditure plan under this subparagraph, the Secretary shall approve the plan, if the Secretary determines that the plan—

(I) is reasonable;

(II) is consistent with, and will be used for, the purposes of this section; and

(III) contains a schedule which describes that tasks will be completed within months of receipt of withdrawn amounts.

(iv) Enforcement.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this subparagraph are used in accordance with this section.

(7) Effect of Title.—Nothing in this section gives the Nation the right to judicial review of a determination of the Secretary regarding whether to approve a Tribal management

plan or an expenditure plan except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(8) Uses.—Amounts from the Trust Fund shall be used by the Nation for the following purposes:

(A) The Navajo Water Development Projects Account shall be used to plan, design, and construct the Navajo water development projects and for the conduct of related activities, including to comply with Federal environmental laws.

(B) The Navajo OM&R Account shall be used for the operation, maintenance, and replacement of the Navajo water development projects.

(9) Liability.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation under paragraph (6).

(10) No Per Capita Distributions.—No portion of the Trust Fund shall be distributed on a per capita basis to any member of the Nation.

(11) Expenditure Reports.—The Navajo Nation shall submit to the Secretary annually an expenditure report describing accomplishments and amounts spent from use of withdrawals under a Tribal management plan or an expenditure plan as described in this section.

(f) Authorization of Appropriations.—

(1) Authorization.—There are authorized to be appropriated to the Secretary—

(A) for deposit in the Navajo Water Development Projects Account of the Trust Fund established under subsection (e)(2)(A), $198,300,000, which funds shall be retained until expended, withdrawn, or reverted to the general fund of the Treasury; and

(B) for deposit in the Navajo OM&R Account of the Trust Fund established under subsection (e)(2)(B), $11,100,000, which funds shall be retained until expended, withdrawn, or reverted to the general fund of the Treasury.

(2) Implementation Costs.—There is authorized to be appropriated non-trust funds in the amount of $1,000,000 to assist the United States with costs associated with the implementation of this section, including the preparation of a hydrographic survey of historic and existing water uses on the Reservation and on allotments.

(3) State Cost Share.—The State shall contribute $8,000,000 payable to the Secretary for deposit into the Navajo Water Development Projects Account of the Trust Fund established under subsection (e)(2)(A) in installments in each of the 3 years following the execution of the agreement by the Secretary as provided for in subsection (c)(2).

(4) Fluctuation in Costs.—The amount authorized to be appropriated under paragraph (1) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after the date of enactment of this Act as indicated by the Bureau of Reclamation Construction Cost Index—Composite Trend.

(A) Repetition.—The adjustment process under this paragraph shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated.

(B) Period of Indexing.—The period of indexing adjustment for any increment of funding shall end on the date on which funds are deposited into the Trust Fund.

(g) Conditions Precedent.—

(1) In General.—The waivers and releases contained in subsection (h) shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(A) to the extent that the agreement conflicts with this section, the agreement has been revised to conform with this section;

(B) the agreement, so revised, including waivers and releases of claims set forth in subsection (h), has been executed by the parties, including the United States;

(C) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized under subsection (f)(1);

(D) the State has enacted any necessary legislation and provided the funding required under the agreement and subsection (f)(3); and

(E) the court has entered a final or interlocutory decree that—

(i) confirms the Navajo water rights consistent with the agreement and this section; and

(ii) with respect to the Navajo water rights, is final and nonappealable.

(2) Expiration Date.—If all the conditions precedent described in paragraph (1) have not been fulfilled to allow the Secretary's statement of findings to be published in the Federal Register by October 31, 2030—

(A) the agreement and this section, including waivers and releases of claims described in those documents, shall no longer be effective;

(B) any funds that have been appropriated pursuant to subsection (f) but not expended, including any investment earnings on funds that have been appropriated pursuant to such subsection, shall immediately revert to the general fund of the Treasury; and

(C) any funds contributed by the State pursuant to subsection (f)(3) but not expended shall be returned immediately to the State.

(3) Extension.—The expiration date set forth in paragraph (2) may be extended if the Navajo Nation, the State, and the United States (acting through the Secretary) agree that an extension is reasonably necessary.

(h) Waivers and Releases.—

(1) In General.—

(A) Waiver and Release of Claims by the Nation and the United States Acting in Its Capacity as Trustee for the Nation.—Subject to the retention of rights set forth in paragraph (3), in return for confirmation of the Navajo water rights and other benefits set forth in the agreement and this section, the Nation, on behalf of itself and the members of the Nation (other than members in their capacity as allottees), and the United States, acting as trustee for the Nation and members of the Nation (other than members in their capacity as allottees), are authorized and directed to execute a waiver and release of—

(i) all claims for water rights within Utah based on any and all legal theories that the Navajo Nation or the United States acting in its trust capacity for the Nation, asserted, or could have asserted, at any time in any proceeding, including to the general stream adjudication, up to and including the enforceability date, except to the extent that such rights are recognized in the agreement and this section; and

(ii) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within Utah against the State, or any person, entity, corporation, or municipality, that accrued at any time up to and including the enforceability date.

(2) Claims by the Navajo Nation Against the United States.—The Navajo Nation, on behalf of itself (including in its capacity as allottee) and its members (other than members in their capacity as allottees), shall execute a waiver and release of—

(A) all claims the Navajo Nation may have against the United States relating in any manner to claims for water rights in, or water of, Utah that the United States acting in its trust capacity for the Nation asserted, or could have asserted, in any proceeding, including the general stream adjudication;

(B) all claims the Navajo Nation may have against the United States relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to interference with, diversion, or taking of water; or claims relating to failure to protect, acquire, replace, or develop water or water rights) within Utah that first accrued at any time up to and including the enforceability date;

(C) all claims the Nation may have against the United States relating in any manner to the litigation of claims relating to the Nation's water rights in proceedings in Utah; and

(D) all claims the Nation may have against the United States relating in any manner to the negotiation, execution, or adoption of the agreement or this section.

(3) Reservation of Rights and retention of Claims by the Navajo Nation and the United States.—Notwithstanding the waivers and releases authorized in this section, the Navajo Nation, and the United States acting in its trust capacity for the Nation, retain—

(A) all claims for injuries to and the enforcement of the agreement and the final or interlocutory decree entered in the general stream adjudication, through such legal and equitable remedies as may be available in the decree court or the Federal District Court for the District of Utah;

(B) all rights to use and protect water rights acquired after the enforceability date;

(C) all claims relating to activities affecting the quality of water, including any claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and the Federal Water Pollution Control Act (33 U.S.C. 1251et seq.), the regulations implementing those Acts, and the common law;

(D) all claims for water rights, and claims for injury to water rights, in States other than the State of Utah;

(E) all claims, including environmental claims, under any laws (including regulations and common law) relating to human health, safety, or the environment; and

(F) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to the agreement and this section.

(4) Effect.—Nothing in the agreement or this section—

(A) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, 25 Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(B) affects the ability of the United States 8 to take actions in its capacity as trustee for any other Indian Tribe or allottee;

(C) confers jurisdiction on any State court to—

(i) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; and

(ii) conduct judicial review of Federal agency action; or

(D) modifies, conflicts with, preempts, or otherwise affects—

(i) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(ii) the Boulder Canyon Project Adjustment Act (43 U.S.C. 618 et seq.);

(iii) the Act of April 11, 1956 (commonly known as the ‘‘Colorado River Storage Project Act") (43 U.S.C. 620 et seq.);

(iv) the Colorado River Basin Project Act (43 U.S.C. 1501 et. seq.);

(v) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(vi) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000); and

(vii) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(5) Tolling of Claims.—

(A) In General.—Each applicable period of limitation and time-based equitable defense relating to a claim waived by the Navajo Nation described in this subsection shall be tolled for the period beginning on the date of enactment of this Act and ending on the enforceability date.

(B) Effect of Paragraph.—Nothing in this paragraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(C) Limitation.—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(i) Miscellaneous Provisions.—

(1) Precedent.—Nothing in this section establishes any standard for the quantification or litigation of Federal reserved water rights or any other Indian water claims of any other Indian Tribe in any other judicial or administrative proceeding.

(2) Other Indian Tribes.—Nothing in the agreement or this section shall be construed in any way to quantify or otherwise adversely affect the water rights, claims, or entitlements to water of any Indian Tribe, band, or community, other than the Navajo Nation.

(j) Relation to Allottees.—

(1) No Effect on Claims of Allottees.— Nothing in this section or the agreement shall affect the rights or claims of allottees, or the United States, acting in its capacity as trustee for or on behalf of allottees, for water rights or damages related to lands allotted by the United States to allottees, except as provided in subsection (d)(1)(B).

(2) Relationship of Decree to Allottees.—Allottees, or the United States, acting in its capacity as trustee for allottees, are not bound by any decree entered in the general stream adjudication confirming the Navajo water rights and shall not be precluded from making claims to water rights in the general stream adjudication. Allottees, or the United States, acting in its capacity as trustee for allottees, may make claims and such claims may be adjudicated as individual water rights in the general stream adjudication.

(k) Antideficiency.—The United States shall not be liable for any failure to carry out any obligation or activity authorized by this section (including any obligation or activity under the agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this section.

Sec. 1103.—Aamodt Litigation Settlement Completion.

(a) Definition of 611(g) Agreement.— Section 602 of the Aamodt Litigation Settlement Act (Public Law 111-291; 124 Stat. 3134) is amended—

(1) by redesignating paragraphs (1) through (23) as paragraphs (2) through (24), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) 611(g) Agreement.—The term '611(g) Agreement' means the agreement dated September 17, 2019, executed by the United States, the State, the Pueblos, the County, and the City pursuant to section 611(g).''.

(b) Final Project Design.—Section 611(b) of the Aamodt Litigation Settlement Act (Public Law 111-291; 124 Stat. 3137) is amended, in the matter preceding paragraph (1), by striking ''within 90 days of'' and inserting ''as soon as feasible after''.

(c) Construction Costs for Pueblo Water Facilities.—Section 611(f) of the Aamodt Litigation Settlement Act (Public Law 111-291; 124 Stat. 3138) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking '' $106,400,000'' and inserting '' $243,400,000''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) Exception.—Of the amount described in subparagraph (A)—

''(i) the initial $106,400,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2006, as determined using applicable engineering cost in dices; and

''(ii) any amounts made available in excess of the amount described in clause (i) shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2018, as determined using applicable engineering cost indices.''; and

(2) in paragraph (3), by inserting ''and the 611(g) Agreement'' after ''the Cost-Sharing and System Integration Agreement''.

(d) Funding for Regional Water System.—Section 617(a)(1)(B) of the Aamodt Litigation Settlement Act (Public Law 111-291; 124 Stat. 3147) is amended—

(1) by striking the period at the end and inserting ''; and'';

(2) by striking ‘‘section 616 $50,000,000’’ and inserting the following: ‘‘section 616—
“(i) $50,000,000’’; and
(3) by adding at the end the following:
“(ii) subject to the availability of appropriations and in addition to the amounts made available under clause (i), $137,000,000, as adjusted under paragraph (4), for the period of fiscal years 2021 through 2028.’’.

(e) Adjustment.—Section 617(a)(4) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3147) is amended by striking “since October 1, 2006, as determined using applicable engineering cost indices” and inserting “pursuant to section 611(f)(1)(B)”.

(f) Execution of Agreement Under Section 611(g).—Section 621 of the Aamodt Litigation Settlement Act (Public Law 111-291; 124 Stat. 3149) is amended by striking subsections (a) and (b) and inserting the following:

“(a) Approval.—To the extent the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement do not conflict with this title, the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement (including any amendments to the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement that are executed to make the Settlement Agreement, the Cost-Sharing and System Integration Agreement, or the 611(g) Agreement consistent with this title) are authorized, ratified, and confirmed.

“(b) Execution.—To the extent the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement do not conflict with this title, the Secretary shall execute the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement (including any amendments that are necessary to make the Settlement Agreement, the Cost-Sharing and System Integration Agreement, or the 611(g) Agreement consistent with this title).”.

(g) Requirements for Determination of Substantial Completion of the Regional Water System.—Section 623(e) of the Aamodt Litigation Settlement Act (Public Law 111-291; 124 Stat. 3151) is amended—

(1) by striking paragraph (1) and inserting the following:
“(1) Criteria for Substantial Completion of Regional Water System.—Subject to the provisions of section 611(d) concerning the extent, size, and capacity of the County Distribution System, the Regional Water System shall be determined to be 10 substantially completed if—
“(A) the infrastructure has been constructed capable of—
“(i) diverting, treating, transmitting, and distributing a supply of 2,500-acre feet of water to the Pueblos consistent with the Engineering Report (as amended by the 611(g) Agreement and the Operating Agreement); and
“(ii) diverting, treating, and transmitting the quantity of water specified in the Engineering Report to the County Distribution System and consistent with the Engineering Report (as amended by the 611(g) Agreement and the Operating Agreement); or
“(B) the Secretary—
“(i) issues a notice to proceed authorizing the commencement of Phase I construction of the Regional Water System by December 31, 2019, and subsequently commences construction of the Regional Water System;

"(ii) diligently proceeds to construct the Regional Water System in accordance with the Engineering Report (as amended by the 611(g) Agreement), on a schedule for completion by June 30, 2028;
"(iii) expends all of the available funding provided to construct the Regional Water System under section 611(f)(1)(A), in the Cost-Sharing and System Integration Agreement, and in the 611(g) Agreement;
"(iv) complies with the terms of the 611(g) Agreement; and
"(v) despite diligent efforts cannot complete construction of the Regional Water System as described in the final Engineering Report (as amended by the 611(g) Agreement), due solely to the lack of additional authorized funding.'';

(2) in paragraph (2)—
(A) by striking "2021'' and inserting "2025''; and
(B) by striking "2024'' and inserting "2028'';

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking "2021" and inserting "2025";

(4) in paragraph (4)(B)(ii)(II), by striking "2023" and inserting "2027"; and

(5) in paragraph (5)(A), by striking "2024" and inserting "2028".

Sec. 1104. – Kickapoo Tribe

(a) Definition of Upper Delaware and Tributaries Watershed Plan.—In this section, the term "Upper Delaware and Tributaries Watershed Plan'' means the plan described in the document entitled ''Watershed Plan and Environmental Impact Statement Upper Delaware and Tributaries Watershed Atchison, Brown, Jackson, and Nemaha Counties, Kansas'', dated January 23 1994, and supplemented in June 1994—

(1) developed, pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.)—
(A) by the Kickapoo Tribe, certain watershed and conservation districts in the State of Kansas, and the Department of Wildlife and Parks of the State of Kansas; and
(B) with the cooperation and technical assistance of the Natural Resources Conservation Service; and

(2) described in the report of the Committee on Environment and Public Works of the Senate (Senate Report 105–13; April 22, 1997).

(b) Study; Recommendations.—To support the purposes of achieving a fair, equitable, and final settlement of claims to water rights for the Kickapoo Tribe in the State of Kansas, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), in consultation with the Secretary of the Interior (acting through the Director of the Secretary's Indian Water Rights Office), shall—

(1) commence a study of the multipurpose dam described in the Upper Delaware and Tributaries 24 Watershed Plan; and

(2) not later than 2 years after the date of enactment of this Act, make recommendations to Congress with respect to the material alterations or changes to
the Upper Delaware and Tributaries Watershed Plan that are necessary to effectuate, in part, the Tribal water rights agreed to by the Kickapoo Tribe and the State of Kansas on September 9, 2016, in the Kickapoo Tribe Water Rights Settlement Agreement, which otherwise remains subject to approval and authorization by Congress.

Sec. 1105. – Aquifer Recharge Flexibility Act

(a) Short Title.—This section may be cited as the "Aquifer Recharge Flexibility Act''.

(b) Definitions.—In this Act:

(1) Bureau.—The term "Bureau" means the Bureau of Reclamation.

(2) Commissioner.—The term ''Commissioner'' means the Commissioner of Reclamation.

(3) Eligible Land.—The term "eligible land", with respect to a Reclamation project, means land that—

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

(B) shares an aquifer with land located in 25 the service area of the Reclamation project.

(4) Net Water Storage Benefit.—The term ''net water storage benefit'' means an increase in the volume of water that is—

(A) stored in or more aquifers; and

(B)(i) available for use within the authorized service area of a Reclamation project; or

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

(5) Reclamation Facility.—The term ''Reclamation facility'' means each of the infrastructure assets that are owned by the Bureau at a Reclamation project.

(6) Reclamation Project.—The term ''Reclamation project'' means any reclamation or irrigation project, including incidental features thereof, authorized by Federal reclamation law or the Act of August 11, 1939 (commonly known as the "Water Conservation and Utilization Act'') (53 Stat. 1418, chapter 717; 16 U.S.C. 590y et seq.), or constructed by the United States pursuant to such law, or in connection with which there is a repayment or water service contract executed by the United States pursuant to such law, or any project constructed by the Secretary through the Bureau for the reclamation of land.

(c) Flexibility to Allow Greater Aquifer Recharge in Western States.—

(1) Use of Reclamation Facilities.—

(A) In General.—The Commissioner may allow the use of excess capacity in Reclamation facilities for aquifer recharge of non-Reclamation project water, subject to applicable rates, charges, and public participation requirements, on the condition that—

(i) the use—

(I) shall not be implemented in a manner that is detrimental to—

(aa) any power service or water contract for the Reclamation project; or

(bb) any obligations for fish, wildlife, or water quality protection applicable to the Reclamation project;

(II) shall be consistent with water quality guidelines for the Reclamation project;

(III) shall comply with all applicable—

(aa) Federal laws; and

(bb) policies of the Bureau; and

(IV) shall comply with all applicable State laws and policies; and

(ii) the non-Federal party to an existing contract for water or water capacity in a Reclamation facility consents to the use of the Reclamation facility under this subsection.

(B) Effect on Existing Contracts.— Nothing in this subsection affects a contract—

(i) in effect on the date of enactment of this Act; and

(ii) under which the use of excess capacity in a Bureau conveyance facility for carriage of non-Reclamation project water for aquifer recharge is allowed.

(2) Aquifer Recharge on Eligible Land.—

(A) In General.—Subject to subparagraphs (C) and (D), the Secretary may contract with a holder of a water service or repayment contract for a Reclamation project to allow the contractor, in accordance with applicable State laws and policies—

(i) to directly use water available under the contract for aquifer recharge on eligible land; or

(ii) to enter into an agreement with an individual or entity to transfer water available under the contract for aquifer recharge on eligible land.

(B) Authorized Project Use.—The use of a Reclamation facility for aquifer recharge under subparagraph (A) shall be considered an authorized use for the Reclamation project if requested by a holder of a water service or repayment contract for the Reclamation facility.

(C) Modifications to Contracts.—The Secretary may contract with a holder of a water service or repayment contract for a Reclamation project under subparagraph (A) if the Secretary determines that a new contract or contract amendment described in that subparagraph is—

(i) necessary to allow for the use of water available under the contract for aquifer recharge under this subsection;

(ii) in the best interest of the Reclamation project and the United States; and

(iii) approved by the contractor that is responsible for repaying the cost of construction, operations, and maintenance of the facility that delivers the water under the contract.

(D) Requirements.—The use of Reclamation facilities for the use or transfer of water for aquifer recharge under this subsection shall be subject to the requirements that—

(i) the use or transfer shall not be implemented in a manner that materially impacts any power service or water contract for the Reclamation project; and

(ii) before the use or transfer, the Secretary shall determine that the use or transfer—

(I) results in a net water storage benefit for the Reclamation project; or

(II) contributes to the recharge of an aquifer on eligible land; and

(iii) the use or transfer complies with all applicable—

(I) Federal laws and policies; and

(II) interstate water compacts.

(3) Conveyance for Aquifer Recharge Purposes.—The holder of a right-of-way, easement, permit, or other authorization to transport water across public land administered by the Bureau of Land Management may transport water for aquifer recharge purposes without requiring additional authorization from the Secretary where

the use does not expand or modify the operation of the right-of way, easement, permit, or other authorization across public land.

(4) Effect.—Nothing in this Act creates, impairs, alters, or supersedes a Federal or State water right.

(5) Exemption.—This Act shall not apply to the State of California.

(6) Advisory Group.—The Secretary may participate in any State-led collaborative, multi-stakeholder advisory group created in any watershed the purpose of which is to monitor, review, and assess aquifer recharge activities.

Sec. 1106.—WaterSMART Extension and Expansion

(a) Definition of Eligible Applicant.—Section 9502 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10362) is amended—

(1) in the matter preceding paragraph (1), by striking ‘‘section’’ and inserting ‘‘subtitle’’;

(2) by striking paragraph (7) and inserting the following:

‘‘(7) Eligible Applicant.—The term ‘eligible applicant’ means—

“(A) any State, Indian tribe, irrigation district, or water district;

“(B) any State, regional, or local authority, the members of which include 1 or more organizations with water or power delivery authority;

“(C) any other organization with water or power delivery authority; and

“(D) any nonprofit conservation organization, if—

“(i) the nonprofit conservation organization is acting in partnership with and with the agreement of an entity described in subparagraph (A), (B), or (C); or

‘‘(ii) in the case of an application for a project to improve the condition of a natural feature or nature-based feature on Federal land, the entities described in subparagraph (A), (B), or (C) from the applicable service area have been notified of the project application and there is no written objection to the project.’’;

(3) in paragraph (10), by striking ‘‘450b’’ and inserting ‘‘5304’’;

(4) by redesignating paragraphs (13) through (17) as paragraphs (15) through (19), respectively; and

(5) by inserting after paragraph (12) the fol1lowing:

‘‘(13) Natural Feature.—The term ‘natural feature’ means a feature that is created through the action of physical, geological, biological, and chemical processes over time.

‘‘(14) Nature-Based Feature.—The term ‘nature-based feature’ means a feature that is created by human design, engineering, and construction to provide a means to reduce water supply and demand imbalances or drought or flood risk by acting in concert with natural processes.’’.

(b) Grants and Cooperative Agreements.—Section 9504(a) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364 (a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ‘‘or carrying out any activity’’ after ‘‘any improvement’’;

(B) by redesignating subparagraphs (F), (G), and (H) as subparagraphs (G), (H), and (J), respectively;

(C) by inserting after subparagraph (E) the following:

''(F) to assist States and water users in complying with interstate compacts or reducing basin water supply-demand imbalances;'';

(D) in subparagraph (G) (as so redesignated), by striking ''to prevent'' and inserting ''to achieve the prevention of'';

(E) in subparagraph (H) (as so redesignated)—

(i) by striking ''to accelerate'' and inserting ''to achieve the acceleration of''; and

(ii) by striking ''or'' at the end;

(F) by inserting after subparagraph (H) (as so redesignated) the following:

''(I) to improve the condition of a natural feature; or''; and

(G) in subparagraph (J) (as so redesignated)—

(i) in clause (i), by striking ''or'' at the end;

(ii) in clause (ii), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(iii) to plan for or address the impacts of drought.'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (ii), by striking ''or'';

(ii) in clause (iii), by striking ''and'' and inserting ''or''; and

(iii) by adding at the end the following:

''(iv) the Commonwealth of Puerto Rico; and''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) submit to the Secretary an application that includes—

''(i) a proposal of the improvement or activity to be planned, designed, constructed, or implemented by the eligible applicant; and

''(ii) for a project that is intended to have a quantifiable water savings and would receive a grant of $500,000 or more—

''(I) a proposal for a monitoring plan of at least 5 years that would demonstrate ways in which the proposed improvement or activity would result in improved streamflows or aquatic habitat; or

''(II) for a project that does not anticipate improved streamflows or aquatic habitat, an analysis of ways in which the proposed improvement or activity would contribute to 1 or more of the other objectives described in paragraph (1).'';

(3) in paragraph (3)(E), by striking clause (i) and inserting the following:

''(i) Federal Share.—

'(I) In General.—Except as 24 provided in subclause (II), the Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

''(II) Increased Federal Share for Certain Infrastructure Improvements and Activities.—The Federal share of the cost of an infrastructure improvement or activity shall not exceed 75 percent of the cost of the infrastructure improvement or activity, if—

''(aa) the infrastructure improvement or activity was developed as part of a collaborative process by—

''(AA) a watershed group (as defined in section 6001); or

''(BB) a water user and 1 or more stakeholders with diverse interests; and

''(bb) the majority of the benefits of the infrastructure improvement or activity, as determined by the Secretary, are for the purpose of advancing 1 or more components of an established strategy or plan to increase the reliability of water supply for consumptive and nonconsumptive ecological values.''; and

(4) by adding at the end the following:

''(4) Priority.—In providing grants to, and entering into agreements for, projects intended to have a quantifiable water savings under this subsection, the Secretary shall give priority to projects that enhance drought resilience by benefitting the water supply and ecosystem.''.

(c) Research Agreements.—Section 9504(b)(1) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''or organization with water or power delivery authority'' and inserting ''or eligible applicant'';

(2) in subparagraph (B), by striking ''or'' at the end;

(3) by redesignating subparagraph (C) as sub paragraph (D); and

(4) by inserting after subparagraph (B) the following:

''(C) to restore a natural feature or use a nature-based feature to reduce water supply and demand imbalances or the risk of drought or flood; or''.

(d) Authorization of Appropriations.—Section 9504(e) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364 (e)) is amended by striking ''$530,000,000'' and inserting '' $700,000,000, subject to the condition that $50,000,000 of that amount shall be used to carry out section 206 of the Energy and Water Development and Related Agencies Appropriations Act, 2015 (43 U.S.C. 620 note; Public Law 113–235)''.

(e) Conforming Amendment.—Section 4009(d) of 20 Public Law 114–322 (42 U.S.C. 10364note) is amended by striking ''on the condition that of that amount, $50,000,000 of it is used to carry out section 206 of the Energy and Water Development and Related Agencies Appropriations Act, 2015 (43 U.S.C. 620 note; Public Law 113–235)''.

Sec. 1107.—Cooperative Watershed Management Program

(a) Definitions.—Section 6001 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following:

''(2) Disadvantaged Community.—The term 'disadvantaged community' means a community (including a city, town, county, or reasonably isolated and divisible segment of a larger municipality) with an annual median household income that is less than 100 percent of the statewide annual median household income for the State in which the community is located, according to the most recent decennial census.'';

(3) in paragraph (6)(B)(i) (as so redesignated)—

(A) in subclause (VIII), by striking ''and'' at the end;

(B) in subclause (IX), by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(X) disadvantaged communities;''; and

(4) in paragraph (7)(C) (as so redesignated), by inserting '', including benefits to fisheries, wildlife, or habitat'' after ''river or stream''.

(b) Application.—Section 6002 of the Omnibus Public Lands Management Act (16 U.S.C. 1015a) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) Establishment of Application Process; Criteria.—Not later than September 30, 2021, the Secretary shall update—

''(1) the application process for the program; and

''(2) in consultation with the States, the prioritization and eligibility criteria for considering applications submitted in accordance with the application process.''; and

(2) in subsection (g), by striking ''2020'' and inserting ''2026''.

Sec. 1108. Modification of Jackson Gulch Rehabilitation Project, Colorado.--- Section 9105(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1303) is amended—

(1) in paragraph (1)—

(A) by striking ''requirement'' and inserting ''and cost-sharing requirements''; and

(B) by inserting '', which shall be not more than 65 percent of that total cost'' before the period at the end;

(2) in paragraph (3)—

(A) in the paragraph heading, by striking ''Requirement'' and inserting ''and Cost Sharing Requirements'';

(B) in subparagraph (A), in the matter preceding clause (i), by striking ''The Secretary shall recover from the District as reimbursable expenses'' and inserting ''Subject to subparagraph (C), the District shall be liable under this subsection for an amount equal to'';

(C) in subparagraph (B), in the matter preceding clause (i), by striking ''Secretary shall recover reimbursable expenses'' and inserting ''District shall pay the Project costs for which the District is liable''; and

(D) by striking subparagraph (C) and inserting the following:

''(C) Credit.—In determining the exact amount for which the District is liable under this paragraph, the Secretary shall—

''(i) review and approve all final costs associated with the completion of the Project; and

''(ii) credit the district for all amounts paid by the District for engineering work and improvements directly associated with the Project, whether before, on, or after the date of enactment of this Act.''; and

(3) in paragraph (7), by striking '' $8,250,000.'' and inserting the following: ''the lesser of—

''(A) not more than 65 percent of the total 13 cost of carrying out the Project; and

''(B) $5,350,000.''.

Sec. 1109. Aquatic Ecosystem Restoration

(a) Definition of Eligibility.— In this section, the term ''eligible entity'' means—

(1) any State, Indian Tribe, irrigation district, or water district;

(2) any State, regional, or local authority, the members of which include 1 or more organizations with water or power delivery authority;
(3) any other entity or organization that owns a facility that is eligible for upgrade, modification or removal under this section;
(4) any nonprofit conservation organization, acting in partnership with any entity listed in paragraphs (1) through (3), with respect to a project involving land or infrastructure owned by the entity; and
(5) an agency established under State law for the joint exercise of powers or a combination of entities described in paragraphs (1) through (4).

(b) General Authority.—

(1) In General.—Subject to the requirements of this section and paragraph (2), on request of any eligible entity the Secretary may negotiate and enter into an agreement on behalf of the United States to fund the design, study, and construction of an aquatic ecosystem restoration and protection project in a Reclamation State if the Secretary determines that the project is likely to improve the health of fisheries, wildlife or aquatic habitat, including through habitat restoration and improved fish passage via the removal or bypass of barriers to fish passage.
(2) Exception.—With respect to an aquatic ecosystem restoration and protection project under this section that removes a dam or modifies a dam in a manner that reduces storage or diversion capacity, the Secretary may only negotiate and enter into an agreement to fund—
(A) the design or study of such project if the Secretary has received consent from the owner of the applicable dam; or
(B) the construction of such project if the Secretary—
(i) identifies any eligible entity that receives water or power from the facility that is under consideration for removal or modification at the time of the request;
(ii) notifies each eligible entity identified in clause (i) that the dam removal or modification project has been requested; and
(iii) does not receive, by the date that is 120 days after the date on which all eligible entities have been notified under clause (ii), written objection from 1 or more eligible entities that collectively receive 1⁄3 or more of the water or power delivered from the facility that is under consideration for removal or modification at the time of the request.

(c) Requirements.—

(1) In General.—The Secretary shall accept and consider public comment prior to initiating design, study or development of a project under this section.
(2) Preconditions.—Construction of a project under this section shall be a voluntary project initiated only after—
(A) an eligible entity has entered into an agreement with the Secretary to pay no less than 35 percent of the costs of project construction;
(B) an eligible entity has entered an agreement to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project;
(C) the Secretary determines the proposed project—

(i) will not result in an unmitigated adverse impact on fulfillment of existing water delivery obligations consistent with historical operations and applicable contracts;
(ii) will not result in an unmitigated adverse effect on the environment;
(iii) is consistent with the responsibilities of the Secretary—
(I) in the role as trustee for federally recognized Indian Tribes; and
(II) to ensure compliance with any applicable international and Tribal treaties and agreements and interstate compacts and agreements;
(iv) is in the financial interest of the United States based on a determination that the project advances Federal objectives including environmental enhancement objectives in a Reclamation State; and
(v) complies with all applicable Federal and State law, including environmental laws; and
(D) the Secretary has complied with all applicable environmental laws, including—
(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and
(iii) subtitle III of title 54, United 24 States Code.

(d) Funding.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

(e) Effects.—
(1) In General.—Nothing in this section supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.
(2) Effect on State Water Law.—Nothing 10 in this section preempts or affects any—
(A) State water law; or
(B) interstate compact governing water.

(f) Compliance Required.—The Secretary shall comply with applicable State water laws in carrying out this section.

(g) Priority for Projects Providing Regional Benefits and Assistance for Aging Assets.—When funding projects under this section, the Secretary shall prioritize projects that—
(1) are jointly developed and supported by a diverse array of stakeholders including representatives of irrigated agricultural production, hydroelectric production, potable water purveyors and industrial water users, Indian Tribes, commercial fishing interests, and nonprofit conservation organizations;
(2) affect water resources management in 2 or more river basins while providing regional benefits not limited to fisheries restoration;
(3) are a component of a broader strategy or plan to replace aging facilities with 1 or more alternate facilities providing similar benefits; and
(4) contribute to the restoration of anadromous fish species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Sec. 1110. Clean Water for Rural Communities

(a) Short Title.—This section may be cited as the ‘‘Clean Water for Rural Communities Act’’.

(b) Purpose.—The purpose of this Act is to ensure a safe and adequate municipal, rural, and industrial water supply for the citizens of—
(1) Dawson, Garfield, McCone, Prairie, Richland, Judith Basin, Wheatland, Golden Valley, Fergus, Yellowstone, and Musselshell Counties in the State of Montana; and

(2) McKenzie County, North Dakota.

(c) Definitions.—In this Act:

(1) Authority.—The term ‘‘Authority’’ means—

(A) the Central Montana Regional Water Authority, a publicly owned nonprofit water authority formed in accordance with Mont. Code Ann. Sec. 75–6–302 (2007); and

(B) any nonprofit successor entity to the Authority described in subparagraph (A).

(2) Musselshell-Judith Rural Water System.—The term ‘‘Musselshell-Judith Rural Water System’’ means the Musselshell-Judith Rural Water System authorized under subsection (d)(1), with a project service area that includes—

(A) Judith Basin, Wheatland, Golden Valley, and Musselshell Counties in the State;

(B) the portion of Yellowstone County in the State within 2 miles of State Highway 3 and within 4 miles of the county line between Golden Valley and Yellowstone Counties in the State, inclusive of the Town of Broadview, Montana; and

(C) the portion of Fergus County in the State within 2 miles of U.S. Highway 87 and within 4 miles of the county line between Fergus and Judith Basin Counties in the State, inclusive of the Town of Moore, Montana.

(3) State.—The term ‘‘State’’ means the State of Montana.

(d) Musselshell-Judith Rural Water System.—

(1) Authorization.—The Secretary may carry out the planning, design, and construction of the Musselshell-Judith Rural Water System in a manner that is substantially in accordance with the feasibility report entitled ‘‘Musselshell-Judith Rural Water System Feasibility Report’’ (including any and all revisions of the report).

(2) Cooperative Agreement.—The Secretary shall enter into a cooperative agreement with the Authority to provide Federal assistance for the planning, design, and construction of the Musselshell-Judith Rural Water System.

(3) Cost-Sharing Requirement.—

(A) Federal Share.—

(i) In General.—The Federal share of the costs relating to the planning, design, and construction of the Musselshell Judith Rural Water System shall not exceed 65 percent of the total cost of the Musselshell-Judith Rural Water System.

(ii) Limitation.—Amounts made available under clause (i) shall not be returnable or reimbursable under the reclamation laws.

(B) Use of Federal Funds.—

(i) General Uses.—Subject to clause (ii), the Musselshell-Judith Rural Water System may use Federal funds made available to carry out this subsection for—

(I) facilities relating to—

(aa) water pumping;

(bb) water treatment;

(cc) water storage;

(dd) water supply wells;

(ee) distribution pipelines; and

(ff) control systems;

(II) transmission pipelines;

(III) pumping stations;

(IV) appurtenant buildings, maintenance equipment, and access roads;

(V) any interconnection facility that connects a pipeline of the Musselshell-Judith Rural Water System to a pipeline of a public water system;
(VI) electrical power transmission and distribution facilities required for the operation and maintenance of the Musselshell-Judith Rural Water System;
(VII) any other facility or service required for the development of a rural water distribution system, as determined by the Secretary; and
(VIII) any property or property right required for the construction or operation of a facility described in this subsection.

(ii) Limitation.—Federal funds made available to carry out this subsection shall not be used for the operation, maintenance, or replacement of the Musselshell Judith Rural Water System.

(iii) Title.—Title to the Musselshell Judith Rural Water System shall be held by the Authority.

(e) Dry-Redwater Feasibility Study.—

(1) Definitions.—In this subsection:

(A) Dry-Redwater Regional Water Authority.—The term ‘‘Dry-Redwater Regional Water Authority’’ means—

(i) the Dry-Redwater Regional Water Authority, a publicly owned nonprofit water authority formed in accordance with Mont. Code Ann. § 75–6–302 (2007); and

(ii) any nonprofit successor entity to the Authority described in clause (i).

(B) Dry-Redwater Regional Water Authority System.—The term ‘‘Dry-Redwater Regional Water Authority System’’ means the project entitled the ‘‘Dry-Redwater Regional Water Authority System’’, with a project service area that includes—

(i) Garfield and McCone Counties in the State;

(ii) the area west of the Yellowstone River in Dawson and Richland Counties in the State;

(iii) T. 15 N. (including the area north of the Township) in Prairie County in the State; and

(iv) the portion of McKenzie County, North Dakota, that includes all land that is located west of the Yellowstone River in the State of North Dakota.

(C) Reclamation Feasibility Standards.—The term ‘‘reclamation feasibility standards’’ means the eligibility criteria and feasibility study requirements described in section 106 of the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2405) (as in effect on September 29, 2016).

(D) Submitted Feasibility Study.— The term ‘‘submitted feasibility study’’ means the feasibility study entitled ‘‘Dry-Redwater Regional Water System Feasibility Study’’ (including revisions of the study), which received funding from the Bureau of Reclamation on September 1, 2010.

(2) Study.—

(A) In General.—The Secretary, in consultation with the Dry-Redwater Regional Water Authority, may undertake a study, including a review of the submitted feasibility study, to determine the feasibility of constructing the Dry-Redwater Regional Water System.

(B) Requirement.—The study under subparagraph (A) shall comply with the reclamation feasibility standards.

(3) Cooperative Agreement.—If the Secretary determines that the study under paragraph (2) does not comply with the reclamation feasibility standards, the Secretary may enter into a cooperative agreement with the Dry-Redwater Regional Water Authority to complete additional work to ensure that the study complies with the reclamation feasibility standards.

(4) Authorization of Appropriations.— There is authorized to be appropriated to the Secretary $5,000,000 to carry out this subsection.

(5) Termination.—The authority provided by this subsection shall expire on the date that is 5 years after the date of enactment of this Act.

(f) Water Rights.—Nothing in this Act—

(1) preempts or affects any State water law; or

(2) affects any authority of a State, as in effect on the date of enactment of this Act, to manage water resources within that State.

(g) Authorization of Appropriations.—

(1) Authorization.—There is authorized to be appropriated to carry out the planning, design, and construction of the Musselshell-Judith Rural Water System, substantially in accordance with the cost estimate set forth in the feasibility report described in subsection (d)(1), $56,650,000.

(2) Cost Indexing.—The amount authorized to be appropriated under paragraph (1) may be increased or decreased in accordance with ordinary fluctuations in development costs incurred after November 1, 2014, as indicated by any available engineering cost indices applicable to construction activities that are similar to the construction of the Musselshell-Judith Rural Water System.

Sec. 1111. Snow Water Supply Forecasting

(a) Short Title.—This section may be cited as the ‘‘Snow Water Supply Forecasting Program Authorization Act’’.

(b) Definition of Program.—In this Act, the term ‘‘program’’ means the Snow Water Supply Forecasting Program established by subsection (c).

(c) Snow Water Supply Forecasting Program.—

(1) Program Establishment.—The Snow Water Supply Forecasting Program is hereby established within the Department of the Interior.

(2) Program Implementation.—To implement the program, the Secretary shall—

(A) develop the program framework in coordination with other Federal agencies pursuant to subsection (d), culminating in the report required under subsection (d)(3); and

(B) after submitting the report required by subsection (d)(3), implement activities to improve snowpack measurement in particular watersheds pursuant to subsection (e).

(d) Development of Program Framework in Coordination with Other Federal Agencies.—

(1) Snowpack Measurement Data.—When determining water supply forecasts or allocations to Federal water contractors, the Secretary, acting through the Commissioner of the Bureau of Reclamation, shall incorporate, to the greatest extent practicable, information from emerging technologies for snowpack measurement, such as—

(A) synthetic aperture radar;

(B) laser altimetry; and

(C) other emerging technologies that the Secretary determines are likely to provide more accurate or timely snowpack measurement data.

(2) Coordination.—In carrying out paragraph (1), the Secretary shall coordinate data use and collection efforts with other Federal agencies that use or may benefit from the use of emerging technologies for snowpack measurement.

(3) Emerging Technologies Report.—Not later than October 1, 2021, the Secretary shall submit to Congress a report that—

(A) summarizes the use of emerging technologies pursuant to this Act;

(B) describes benefits derived from the use of technologies summarized under subparagraph (A) related to the environment and increased water supply reliability; and

(C) describes how Federal agencies will coordinate to implement emerging technologies.

(e) Program Implementation.—

(1) Activities Implementing Framework.— After submitting the report required under subsection (d)(3), the Secretary shall participate with program partners in implementing activities to improve snowpack measurement in particular watersheds.

(2) Focus.—The program shall focus on activities that will maintain, establish, expand, or advance snowpack measurement consistent with the report required by subsection (d)(3), with an emphasis on—

(A) enhancing activities in river basins to achieve improved snow and water supply forecasting results;

(B) activities in river basins where snow water supply forecasting related activities described in this Act are not occurring on the date of the enactment of this Act; and

(C) demonstrating or testing new, or improving existing, snow and water supply forecasting technology.

(3) Information Sharing.—The Secretary may provide information collected and analyzed under this Act to program partners through appropriate mechanisms, including interagency agreements with Federal agencies, States, State agencies, or a combination thereof, leases, contracts, cooperative agreements, grants, loans, and memoranda of understanding.

(4) Program Partners.—Program partners with whom the Secretary enters into cooperative agreements pursuant to paragraph (5) may include water districts, irrigation districts, water associations, universities, State agencies, other Federal agencies, private sector entities, non-governmental organizations, and other entities, as determined by the Secretary.

(5) Cooperative Agreements.—The Secretary may—

(A) enter into cooperative agreements with program partners to allow the program to be administered efficiently and cost effectively through cost-sharing or by providing additional in-kind resources necessary for program implementation; and

(B) provide nonreimbursable matching funding for programmatic and operational activities under this Act in consultation with program partners.

(6) Environmental Laws.—Nothing in this Act shall modify any obligation of the Secretary to comply with applicable Federal and State environmental laws in carrying out this Act.

(f) Program Implementation Report.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, that includes—

(1) a list of basins and sub-basins for which snowpack measurement technologies are being used under the program, including a description of each technology used; and

(2) a list of Federal agencies and program partners participating in each basin or sub-basin listed in paragraph (1).

(g) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this Act $15,000,000, in the aggregate, for fiscal years 2022 through 2026.

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DIVISION DD – MONTANA WATER RIGHTS PROTECTION ACT

Sec. 1. [Short Title.]—This division may be cited as the "Montana Water Rights Protection Act."

Sec. 2. [Purposes.]—The purposes of this Act are—

(1)to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana, and in recognition of article I, and section 3 of article IX, of the Montana State Constitution for—

(A)the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation; and

(B)the United States, for the benefit of the Tribes and allottees;

(2) to authorize, ratify, and confirm the water rights compact entered into by the Tribes and the State, to the extent that the Compact is consistent with this Act;

(3)to authorize and direct the Secretary of the Interior—

(A)to execute the Compact; and

(B)to take any other action necessary to carry out the Compact in accordance with this Act; and

(1) to authorize funds necessary for the implementation of—

(A) the Compact; and

(B) this Act.

Sec. 3. [Definitions.]-- In General.—In this Act:

(1) Allottee.—The term "allottee" means an individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the Reservation; and

(B) held in trust by the United States.

(2) Bison.-- The term "bison" means North American plains bison.

(3) Compact.—The term "Compact" means—

(A) The water rights compact entered into and ratified, as applicable, by the Confederated Salish and Kootenai Tribes, the State, and the United States, as contained in section 85-20-1901 of the Montana Code Annotated (2019), including—

(i) any appendix or exhibit to that compact; and

(ii) any modifications authorized by that compact; and

(B) any amendment to the compact referred to in subparagraph (A) (including an amendment to an appendix or exhibit) that is—

(i) executed to ensure that the Compact is consistent with this Act; or

(ii) otherwise authorized by the Compact and this Act.

(4) Enforceability Date.—The term "enforceability date" means the date described in section 10(b).

(5) **Flathead Indian Irrigation Project**.—

(A) In General.—The term "Flathead Indian irrigation project" means the Federal irrigation project developed by the United States to irrigate land within the Reservation pursuant to—

(i) The Act of April 23, 1904 (33 Stat. 302, chapter 1495).

(ii) The Act of May 29, 1908 (35 Stat. 444, chapter 216).

(B) Inclusions.—The term "Flathead Indian irrigation project" includes—

(i) all land and any reservoir, easement, right-of-way, canal, ditch, lateral, or any other facility of the project referred to in subparagraph (A) (regardless of location on or off the Reservation); and

(ii) any headgate, pipeline, pump, building, heavy equipment, vehicle, supplies, record, copy of a record, or any other physical, tangible object of real or personal property used in the management and operation of the project referred to in subparagraph (A).

(6) **Hungry Horse Dam**.—The term "Hungry Horse Dam" means the dam that is a part of the Hungry Horse Project.

(7) **Hungry Horse Project**.—The term "Hungry Horse Project" means the project authorized to be carried out by the Secretary under the Act of June 5, 1944 (43 U.S.C. 593a et seq.).

(8) **Hungry Horse Reservoir.—**The term "Hungry Horse Reservoir" means the reservoir that is part of the Hungry Horse Project.

(9) Indian Tribe.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(10) Law of Administration.—The term "Law of Administration" means the Unitary Administration and Management Ordinance, as set forth in Appendix 4 of the Compact.

(11) Secretary.—The term "Secretary" means the Secretary of the Interior.

(12) State.—

(A) In General.—The term "State" means the State of Montana.

(B) Inclusions.—The term "State" includes all officers, agencies, departments, and political subdivisions of the State.

(13) Tribal Water Right.—The term "Tribal Water Right" means the water right of the Tribes, as established in—

(A) the Compact; and

(B) this Act.

(14) Tribes.—

(A) In General.—The term "Tribes" means the Confederated Salish and Kootenai Tribes of the Flathead Reservation of Montana.

(B) Inclusions.—The term "Tribes" includes all officers, agencies, and departments of the Tribes.

(15) Trust Fund.—The term "Trust Fund" means the Selis-Qlispe Ksanka Settlement Trust Fund established under section 8(a).

(a) Definitions of Certain Terms.—Any term used but not defined in this Act, including the terms "Existing Use", "Historic Farm Deliveries", "Instream Flow", "Minimum Reservoir Pool Elevations", and "Reservation", shall have the meaning given the term in article II of the Compact.

Sec. 4 [Ratification of Compact.]

(a) Ratification.—

(1) In General.—As modified by this Act, the Compact is authorized, ratified, and confirmed.

(2) Amendments.—Any amendment to the Compact is authorized, ratified, and confirmed, to the extent that such an amendment—

(A) is executed to ensure that the Compact is consistent with this Act; or

(B) (i) is approved by the Secretary;

(ii) Concerns nonmonetary matters; and

(iii) Does not affect the water rights of the Tribes determined in the Compact, or any other property held in trust by the United States on behalf of the Tribes or allottees.

(3) Modifications.—Nothing in this Act—

(A) precludes the Secretary from approving a modification to the Compact, including an appendix or exhibit to the Compact, that is consistent with this Act; or

(B) authorizes amendments or modifications that otherwise require congressional approval under –

(i) Section 2116 of the Revised Statutes (25 U.S.C. 177); or

(ii) any other applicable Federal law.

(b) Execution.—To the extent that the Compact does not conflict with this Act, the Secretary shall execute the Compact, including all exhibits to, appendices to, and parts of the Compact requiring the signature of the Secretary.

(c) Environmental Compliance.—

(1) In General.—In implementing the Compact and this Act, the Secretary and the Tribes shall ensure compliance with—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

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

(C) all other applicable environmental laws (including regulations).

(2) Performance of Compliance Activities—The Secretary and the Tribes shall perform appropriate Federal environmental compliance activities relating to any activity undertaken by the Secretary or Tribes pursuant to this Act prior to commencement of that activity.

(3) Effect of Execution.—

(A) In General.—The execution of the Compact by the Secretary under this section shall not constitute a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

(B) Compliance.—The Secretary shall ensure compliance with all Federal laws and regulations necessary to implement the Compact and this Act.

(d) Public Availability.—As provided in articles IV.I.b (relating to hearings), IV.I.c (relating to the employment of a water engineer), and IV.I.7.e (relating to Board records) of the Compact, and in recognition of section 9 of article II of the Montana State Constitution, all records of the Flathead Reservation Water Management Board and the Water Engineer employed by the Board shall be open to public inspection.

Sec. 5. [Tribal Water Right.]

(a) Intent of Congress.—It is the intent of Congress to provide to each allottee benefits that are equivalent to, or that exceed, the benefits possessed by allottees on the day before the date of enactment of this Act, taking into consideration—

(1) The potential risks, cost, and time delay associated with litigation that would be resolved by the Compact and this Act;

(2) The availability of funding under this Act and from our sources;

(3) The availability of water from the Tribal Water Right; and

(4) The applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), and this Act to protect the interests of allottees.

(b) Confirmation of Tribal Water Right.—

(1) In General.—The Tribal Water Right is ratified, confirmed, and declared to be valid.

(2) Use.—Any use of the Tribal Water Right shall be subject to the terms and conditions of—
(A) the Compact; and
(B) this Act.
(3) Conflict.—In the event of a conflict between the Compact and this Act, the provisions of this Act shall control.

(c) Trust Status of Tribal Water Right.—The Tribal Water Right—
(1) shall be held in trust by the United States for the use and benefit of the Tribes and allottees in accordance with this Act; and
(2) shall not be subject to forfeiture or abandonment.

(d) Allottes.—
(1) Applicability of Act of February 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes shall apply to the Tribal Water Right.
(2) Entitlements to Water.—
(A) In General.—Any entitlement to water of an allottee under Federal law shall be satisfied from the Tribal Water Right.
(B) Water for Irrigation.—Each allottee shall be entitled to a just and equitable allocation of water for irrigation purposes, to be enforceable under paragraph (3)(B).
(3) Claims.—
(A) Exhaustion of Remedies.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an allottee shall exhaust remedies available under—
(i) The Law of Administration; or
(ii) Other applicable Tribal law.
(B) Water for Irrigation.—After the exhaustion of all remedies available under the Law of Administration or other applicable Tribal law, an allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law, to seek a just and equitable allocation law, to seek a just and equitable allocation of water for irrigation purposes under paragraph (2)(B).
(4) Authority of Secretary.—The Secretary shall have the authority to protect the rights of allottees in accordance with this section.

(e) Authority of Tribes.—
(1) In General.—The Tribes shall have the authority to allocate, distribute, and lease the Tribal Water Right for any use on the Reservation in accordance with—
(A) the Compact;
(B) the Law of Administration;
(C) this Act; and
(D) applicable Federal law.
(2) Off-Reservation Use.—The Tribes may allocate, distribute, and lease the Tribal Water Right for off-Reservation use in the State in accordance with the Compact, subject to the approval of the Secretary.
(3) Land Leases by Allottees.—Notwithstanding paragraph (1), an allottee may lease any interest in land held by the allottee, together with any water right determined to be appurtenant to the interest in land, in accordance with the Law of Administration.

(f) Law of Administration.—
(1) In General.—During the period beginning on the date of enactment of this Act and ending on the date on which the Law of Administration becomes effective on the Reservation, the Secretary shall administer, with respect to the rights of allottees, the Tribal Water Right in accordance with this Act.
(2) Approval.—
(A) In General.—The Law of Administration is approved.
(B) Registrations.—As provided in sections 3 and 4 of article IX of the Montana State Constitution and section 1-1-109 of the Law of Administration, all water rights and changes of use authorized under the Law of Administration, including all registrations required by sections 2-1-101 through 2-1-107, shall be provided to the department of natural resources and conservation of the State, to be entered into the water rights database of the department.
(3) Amendments.—
(A) In General.—An otherwise valid amendment to the Law of Administration that affects a right of an allottee shall not be effective unless the amendment is approved by the Secretary in accordance with this subsection.
(B) Approval Period.—
(i) In General.—Subject to clause (ii), the Secretary shall approve or disapprove an amendment to the Law of Administration not later than 180 days after the date of ratification of the amendment by the Tribes and the State.
(ii) Extension.—The deadline described in clause (i) may be extended by the Secretary after consultation with the Tribes.
(4) Conflict.—In the event of a conflict between the Law of Administration and this Act, the provisions of this Act shall control.
(g) Administration.—
(1) Alienation.-- The Tribes shall not permanently alienate any portion of the Tribal Water Right.
(2) Purchases or Grants of Land from Indians.—An authorization provided by this Act for an allocation, distribution, lease, or any other arrangement shall be considered to satisfy any requirement for authorization of the action by treaty or convention under section 2116 of the Revised Statutes (25 U.S.C. 177).
(3) Prohibition on Forfeiture.—The non-use of all, or any portion of, the Tribal Water Right by a lessee or contractor shall not result in forfeiture, abandonment, relinquishment, or other loss of any portion of, the Tribal Water Right.
(h) Effect.—Except as otherwise expressly provided in this section, nothing in this Act.—
(1) authorizes any action by an allottee against any individual or entity, or against the Tribes, under Federal, State, Tribal, or local law; or
(2) alters or affects the status of any action brought pursuant to section 1491(a) of title 28, United States Code.

Sec. 6. [Storage Allocation from Hungry Horse Reservoir.]

(a) Storage Allocation to Tribes.—
(1) In General.—Subject to paragraph (2) the Secretary shall allocate to the Tribes 90,000 acre-feet per year, as measured at the Hungry Horse Dam, of storage water in Hungry Horse Reservoir for use by the Tribes for any beneficial purpose on or off the

Reservation under a water right held by the United States and managed by the Bureau of Reclamation.

(2) Limitations.—The allocation under paragraph (1) shall be subject to—
   (A) appendix 7 of the Compact, entitled "Flathead Basin Tribal Depletions Study", prepared by the Bureau of Reclamation, and dated September 2012; and
   (B) appendix 8 to the Compact, entitled "Hungry Horse Reservoir, Montana: Biological Impact Evaluation and Operational Constraints for a proposed 90,000-acre-foot withdrawal", prepared by the State, as revised on September 14, 2011.

(b) Treatment.—
   (1) In General.—The allocation under subsection (a) shall be considered to be part of the Tribal Water Right.
   (2) Administration.—The Tribes shall administer the water allocated under subsection (a) in accordance with, and subject to the limitations of, the Compact and this Act.

(c) Allocation Agreement.—
   (1) In General.—As a condition of receiving the allocation under subsection (a), the Tribes shall enter into an agreement with the Secretary to establish the terms and conditions of the allocation, in accordance with the Compact and this Act.
   (2) Inclusions.—The agreement under paragraph (1) shall include provisions establishing that—
      (A) The agreement shall be without a limit as to a term;
      (B) The Tribes, and not the United States, shall be entitled to all consideration due to the Tribes under any lease, contract, or agreement entered into by the Tribes pursuant to subsection (d);
      (C) The United States shall have no obligation to monitor, administer, or account for—
         (i) any funds received by the Tribes as consideration under any lease, contract, or agreement entered into by the Tribes pursuant to subsection (d); or
         (ii) the expenditure of those funds;
      (D) If the capacity or function of any facility of Hungry Horse Reservoir or Hungry Horse Dam is significantly reduced, or is anticipated to be significantly reduced, for an extended period of time, the Tribes shall have the same storage rights as other storage contractors with respect to the allocation under subsection (a);
      (E) The costs associated with the construction and operation of the storage facilities at Hungry Horse Reservoir and Hungry Horse Dam allocable to the Tribes shall be nonreimbursable;
      (F) No water service capital charge shall be due or payable for the agreement or any water allocated under subsection (a), regardless of whether that water is delivered for use by the Tribes or under a lease, contract, or by any agreement entered into by the Tribes pursuant to subsection (d);
      (G) The Tribes shall not be required to make payments to the United States for the agreement or any water allocated under subsection (a), except for each acre-foot of stored water leased or transferred for industrial purposes;
      (H) For each acre-foot of stored water leased by the Tribes for industrial purposes—
         (i) The tribes shall pay annually to the United States an amount sufficient to cover the proportionate share of the annual operation, maintenance, and replacement costs for the Hungry Horse Project allocable to that quantity of water; and

(ii) The annual payments of the Tribes shall be reviewed and adjusted, as appropriate, to reflect the actual operation, maintenance, and replacement costs for the Hungry Horse Project; and

(G) The costs described in (G) and (H) shall not apply to any lease or transfer for industrial purposes to—

(i) any entity of the Tribes; or

(ii) any entity wholly owned by the Tribes.

(d) Agreements by Tribes.—The Tribes may use, lease, contract, exchange, or enter into other agreements for use of the water allocated under subsection (a) if—

(1) The water that is the subject of the agreement is used within the Flathead Basin or the Clark Fork Basin within the State; and

(2) The agreement does not permanently alienate any portion of water allocated under subsection (a).

(e) Mitigation Water.—Nothwithstanding section 5(e)(2), the Tribes shall make available for lease not more than 11,000 acre-feet per year of the water allocated under subsection (a), in accordance with the Compact.

(f) No Carryover Storage.—The allocation under subsection (a) shall not be increased by any year-to-year carryover storage.

(g) Development and Delivery Costs.—The United States shall not be required to pay the cost of developing or delivering any water allocated under subsection (a).

(h) New Uses.—Except as provided in article III.C.I.c. of the Compact, the Tribes shall not develop any new use for the allocation under subsection (a) until the date on which the agreement entered into under subsection (c) takes effect.

(i) Effective Date.—The allocation under subsection (a) takes effect on the enforceability date.

Sec. 9. [Irrigation Project-Related Compact Implementation.]

(a) Purposes.—The purposes of this section are—

(1) To implement key provisions of the Compact regarding the Tribal Water Right by authorizing and carrying out the activities descry bed in subsection (b) relative to components of the Flathead Indian irrigation project, in order—

(A) to conserve water resources, enhance fish and wildlife habitat, especially habitat of threatened and endangered species, and improve the movement of fish through and around Flathead Indian irrigation project facilities;

(B) to ensure that the necessary water supplies are provided to protect Instream Flow, Existing Uses, and Historic Farm Deliveries;

(C) to provide for the safe and efficient storage, delivery, and routing of water; and

(D) to dedicate the water thereby saved through modernization and rehabilitation activities to the water rights of the Tribes for Instream Flow and Minimum Reservoir Pool Elevations;

(2) To require that, in carrying out the activities under subsection (b), the Secretary and the Tribes—

(A) are guided by existing studies commissioned by the Secretary and the Tribes that identify current facility conditions and describe future modernization recommendations;

(B) recognize the need to maintain flexibility and modify the guidance provided by the studies described in subparagraph (A), as appropriate and consistent with the processes established and entities designated in the Compact; and

(C) carry out all such activities that can be accomplished in a cost-effective manner and that are consistent with the Compact; and

(3) To ensure the prudent and knowledgeable conservation, management, and protection of the water resources of the Reservation through the activities described in subsection (b), which will ensure the protection of the Reservation as the permanent homeland of the Tribes in accordance with the treaty between the United States and the Tribes concluded at Hell Gate on July 16, 1855 (12 Stat. 975).

(b) Activities.—Subject to the availability of appropriations, the Secretary, or on the request of the Tribes, the Tribes on behalf of the Secretary under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.), shall in accordance with subsection (c) carry out the following activities relating to the Flathead Indian irrigation project;

(1) Rehabilitation and Modernization.—

(A) rehabilitation and modernization of structures, canals, and pumping facilities, including dam safety improvements, irrigation facility upgrades that improve water management and operational control at irrigation diversion works, and irrigation facility upgrades to reduce losses in conveyance of water from irrigation sources of supply to irrigation points of use, in accordance with the compact.

(B) planning, design, and construction of additional pumping facilities.

(C) operational improvements to infrastructure within the distribution network of the Flathead Indian irrigation project.

(D) reconstruction, replacement, and automation at irrigation diversion works.

(E) fencing and physical project access enhancements.

(2) Mitigation, Reclamation, and Restoration.—

(A) mitigation, reclamation and restoration of streams, wetlands, banks, slopes, and wasteways within, appurtenant to, or affected by the Flathead Indian irrigation project.

(B) the installation of screens, barriers, passages, or ladders to prevent fish entrainment in irrigation ditches and canals within, or appurtenant to, the Flathead Indian irrigation project.

(3) Acquisition of Interests.—Acquisition of easements or other interests in real property necessary to carry out any activity under this section.

(c) Environmental Compliance.—

(1) In General.—Prior to the commencement of any activity under subsection (b), the Secretary, or the Tribes if the Tribes elect to perform the activities on behalf of the Secretary under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.), shall perform appropriate environmental, cultural, and historical compliance activities relating to the activity, including to ensure compliance with—

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

(B) Division A of subtitle III of title 54, United States Code (formerly known as the "National Historic Preservation Act" (16 U.S.C. 470 et seq.))

(2) Costs.—All costs associated with the performance of compliance activities under paragraph (1) shall be paid with funds deposited in the Trust Fund, on the condition that any costs associated with the performance of Federal approval or other review of such compliance work or costs associated with inherently Federal functions shall remain the responsibility of the Secretary.

(d) Funding.—

(1) Indian Self-Determination and Education Assistance Act Compacting.—

(A) Funding Authority and Agreements.—Nothwithstanding any other provision of law, if the Tribes elect to perform all activities described in subsection (b) on behalf of the Secretary, the Secretary shall entered into a self-governance agreement with the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.) covering all such activities.

(B) Funding Agreements.—The Secretary shall use funds only from the Salish and Kootenai Compact Account established under section 8(b)(1) for any funding agreement, including any related contract support costs, under which the Tribes carry out activities described in subsection (b).

(C) Timing for Election.—Not later than 120 days after the date on which funds are first appropriated for deposit in the Trust Fund, or not later than such alternative later date as is agreed to by the Tribes and the Secretary, the Tribes may elect to perform all activities described in subsection (b) on behalf of the Secretary.

(D) Applicability of ISDEAA.—Any funds transferred for use in a funding agreement under this paragraph shall be subject to—

(i) Title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.); and

(ii) the self-governance agreement and funding agreement entered into between the Tribes and the Secretary.

(E) Relation to Compact.—The Tribes and the Federal Government—

(i) shall carry out the activities described in subsection (b) in a manner that is consistent with, and fulfills, the respective obligations of the Tribes and the Federal Government under the Compact; and

(ii) may not carry out any action pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) that is inconsistent with the rights and responsibilities under the Compact.

(F) Applicability of Certain ISDEAA Provisions.—For purposes of this Act—

(i) the "annual trust evaluation" required under section 404(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C.5363(d)) shall monitor the performance, and progress toward completion, of activities under subsection (b) that the Tribes are carrying out;

(ii) the activities described in subsection (b) shall be considered to be "construction programs or projects" under section 403(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5363(e)); and

(iii) reporting requirements regarding planning, design, and the use and expenditure of funds shall be negotiated and included within a funding agreement.

(2) Secretarial Performance of Activities.—If the Tribes do not elect to carry out the activities described in subsection (b) by the deadline established under paragraph 1(C), the Secretary shall carry out the activities using amounts made available under section 8(c)(3).

(3) Administration.—

(A) In General.—Subject to subparagraph (B), the Secretary and the Tribes shall negotiate the cost of any oversight activity carried out by the Secretary under any agreement entered into under paragraph (1)(A).

(B) Requirement.—All costs associated with an oversight activity—
(i) shall be paid with funds deposited in the Salish and Kootenai Compact Account established under section 8(b)(1); and
(ii) notwithstanding subsection (c), may include costs associated with review or approval of environmental compliance work and related Federal functions.
(C) Limitation on Cost.—The total cost described in subparagraph (A) shall not exceed 3 percent of the total project costs for each project.

(e) Treatment.—Any activities carried out pursuant to subsection (b) that result in improvements, additions, or modifications to the Flathead Indian irrigation project, including the acquisition of any real property interest, shall—
(1) become a part of the Flathead Indian irrigation project; and
(2) be recorded in the inventory of the Secretary relating to the Flathead Indian irrigation project.

(f) Easements and Rights-of-Way.—
(1) Tribal Easements and Rights-of-Way.—
(A) In General.—On request of the Secretary, the Tribes shall grant, at no cost to the United States, such easements and rights-of-way over Tribal land as are necessary for construction relating to an activity under this section.
(B) Jurisdiction.—An easement or right-of-way granted by the Tribes pursuant to subparagraph (A) shall not affect in any respect the civil or criminal jurisdiction of the Tribes over the easement or right-of-way.
(2) Landowner Easements and Rights-of-Way.—In partial consideration for the construction activities associated with the rehabilitation and modernization of the Flathead Indian irrigation project authorized by this section, and as a condition of receiving service from the Flathead Indian irrigation project, a willing landowner shall confirm or grant, at no cost to the United States or the Tribes, such easements and rights-of-way over the land of the landowner as may be necessary for—
(A) an activity authorized by this section; or
(B) access to and operation and maintenance of—
(i) the Flathead Indian irrigation project; or
(ii) the Mission Valley Power Project.
(3) Condemnation Not Authorized.—Nothing in this section authorizes the Secretary to condemn interests in land for the Flathead Indian irrigation project.

(g) Land Acquired by United States or Tribes.—Any land acquired within the boundaries of the Reservation by the United States on behalf of the Tribes, or by the Tribes on behalf of the Tribes and conveyed to the United States, in connection with the purpose of this section shall be held in trust by the United States for the benefit of the Tribes.

(h) Effect.—Nothing in this section—
(1) alters any applicable law under which the Bureau of Indian Affairs collects assessments or carries out the operation and maintenance of the Flathead Indian irrigation project; or
(2) impacts the availability of amounts under section 9.

(i) Water Source for Flathead Indian Irrigation Project.—
(1) In General.—The water source for the Flathead Indian irrigation project—
(A) shall be determined in accordance with article II(32) of the Compact; and
(B) shall consist of—
(i) the water right set forth in article III.C.1.a of the Compact; and

(ii) any use of water for irrigation and incidental purposes pursuant to an applicable water service contract.

(2) Entitlement to Delivery of Water.—Entitlement to delivery of available irrigation water for assessed parcels shall be determined in accordance with article IV.D.2 of the Compact.

Sec. 8 Selis-Qlispe Ksanka Settlement Trust Fund.

(a) Establishment.—The Secretary shall establish in the Treasury of the United States a trust fund, to be known as the Selis-Qlispe Ksanka Settlement Trust Fund, to be allocated, maintained, managed, invested, and distributed by the Secretary, and to remain available until expended, consisting of the amounts deposited in the Trust Fund under section 9(a), together with any interest earned on those amounts, for the purpose of carrying out this Act.

(b) Accounts.—The Secretary shall establish in the Trust Fund the following accounts:

(1) The Salish and Kootenai Compact Account, for the uses described in paragraphs (1) and (2) of subsection (h).

(2) The Salish and Kootenai Settlement Implementation Account, for any use described in subsection (h).

(c) Deposits.—

(1) In General.—The Secretary shall deposit in the Trust Fund the amounts made available pursuant to section 9(a)(1).

(2) Allocation into Accounts.—

(A) In General.—Subject to subparagraph (B), each year, the Secretary shall allocate from the Trust Fund amounts into each of the accounts described in paragraphs (1) and (2) of subsection (b) in such proportions as the Secretary and the Tribes may agree.

(B) Requirement.—In any year, if the Tribes and the Secretary are unable to agree on the amounts to be allocated under subparagraph (A) for that year, the Secretary shall deposit equal sums in each account.

(3) Transfer.—If the Tribes do not elect to carry out the activities described in subsection (b) of section 7 by the deadline described in subsection (d)(1)(C) of that section, the Secretary, on an annual basis, shall transfer funds from the account established under subsection (b)(1) to an appropriate programmatic account solely for the purpose of carrying out those activities and the activities described in section 7(c).

(d) Management and Interest.—

(1) Management.—On receipt and deposit of the funds into the Trust Fund, the Secretary shall manage, invest, and distribute the amounts in accordance with the investment authority of the Secretary under—

(A) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this section.

(2) Investment Earnings.—In addition to the deposits under section 9(a), and investment earnings, including interest, credited to the amounts in the Trust Fund shall be available for use in accordance with subsection (h).

(e) Availability of Amounts.—

(1) In General.—Amounts deposited in the Trust Fund (including any investment earnings) shall be made available to the Tribes by the Secretary beginning on the enforceability date, subject to the requirements of this Act.

(2) Use.—Notwithstanding paragraph (1), any amounts—
(A) deposited in the account described in subsection (b)(1) or transferred to another account under subsection (c)(3), shall be available to the Tribes or the Secretary, as applicable, on the date on which the amounts are deposited or transferred, for the uses described in subsection (h)(1), in accordance with Appendix 3.6 to the Compact; and
(B) deposited in the account described in subsection (b)(1) shall be available to the Tribes on the date on which the amounts are deposited for the uses described in subsection (h)(2).

(f) Withdrawals Under AITFMRA.—
(1) In General.—The Tribes may withdraw any portion of the amounts in the account described in subsection (b)(2) on approval by the Secretary of a Tribal management plan submitted by the Tribes in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).
(2) Inapplicability of AITFMRA.—A withdrawal from the account described in subsection (b)(1)—
(A) shall be made only in accordance with subsection (e) and section 7; and
(B) notwithstanding any other provision of law, shall not be subject to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).
(3) Requirements.—
(A) In General.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Tribal management plan under paragraph (1) shall require that the Tribes shall spend all amounts withdrawn from the Trust Fund and any investments under the Tribal management plan in accordance with this Act.
(B) Enforcement.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the Tribal management plan to ensure that amounts withdrawn by the Tribes from the Trust Fund pursuant to this subsection are used in accordance with this Act.

(g) Effect.—Nothing in this Act provides to the Tribes the right to judicial review of a determination by the Secretary regarding whether to approve a Tribal management plan, except under subchapter II of chapter 5, and chapter 7 of title 5, United States Code (commonly known as the "Administrative Procedures Act").

(h) Uses.—The Tribes may use amounts in the Trust Fund to implement the Compact, the Law of Administration, and this Act for the following purposes:
(1) To carry out activities described in subsections (b) and (c) of section 7.
(2) The administration, implementation, and management of the Tribal Water Right and the regulation and administration of water rights within the Reservation under this Act, the Compact, and the Law of Administration, and such infrastructure as is necessary to meet related programmatic needs.
(3) To implement the Tribal Water Right through rehabilitation and improvement of agriculture Indian land within the Reservation.
(4) To construct and rehabilitate livestock fencing on Indian land within the Reservation.
(5) To mitigate and control noxious weeds on land within the Reservation.
(6) To plan, design, and construct improvements to irrigation systems on land served by the Flathead Indian irrigation project.

(7) To install screens, barriers, passages, or ladders to prevent fish entrainment in irrigation ditches and canals within the Reservation.
(8) To plan, design, and construct irrigation facilities on Indian land within the Reservation that is not served by the Flathead Indian irrigation project.
(9) To plan, design, construct, operate, maintain, and replace community water distribution and wastewater treatment facilities on the Reservation.
(10) To develop geothermal water resources on Indian land within the Reservation.
(11) To develop a cultural resources program relating to permitting necessary to conduct the activities authorized under this subsection (including cultural, historical, and archeological reviews, including training and certifications) and related infrastructure necessary to meet programmatic needs.
(12) To comply with Federal environmental laws for any use authorized by this subsection.
(13) To repair, rehabilitate, or replace culverts, bridges, and roads of the Flathead Indian irrigation project and any public or Tribal culverts, bridges, and roads that intersect with, or are otherwise located within, the supply and distribution network of the Flathead Indian irrigation project.

(i) Liability.—Except with respect to amounts transferred in accordance with section 7(d), the Secretary shall not be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Tribes under this section.

(j) Expenditure Reports.—
(1) In general.—Not less frequently than annually, the Tribes shall submit to the Secretary an expenditure report describing—
(A) the amount withdrawn from the Trust Fund under this section; and
(B) any authorized activities resulting from the use of a withdrawal under a Tribal management plan, in accordance with this Act.
(2) Application.—Any amounts transferred to the Tribes pursuant to a self-governance agreement and funding agreement entered into between the Tribes and the Secretary under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.) shall not be subject to paragraph (1).

(k) OM&R Costs.—Except as otherwise provided in this Act, nothing in this Act affects any obligation of the United States with respect to the operation, maintenance, and repair of the Flathead Indian irrigation project.

Sec. 9. [Funding.]

(a) Funding.—
(1) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary for deposit in the Trust Fund $1,000,000,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury.
(2) Mandatory Funding.—
(A) In General.—On October 1, 2020, and on each October 1 thereafter through October 1, 2029, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit in the Trust Fund $90,000,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury.
(B) Availability.—Amounts deposited in the Trust Fund under subparagraph (A) shall be available without further appropriation.

(b) Fluctuation in Costs.—

(1) In General.—Of the amounts authorized to be appropriated and appropriated to the Trust Fund under paragraphs (1) and (2), respectively, of subsection (a)—

(A) $347,299,999 shall be increased or decreased, as appropriate, by such amounts as may be justified by reasons of ordinary fluctuations in costs occurring after the date of enactment of this Act, as indicated by the Consumer Price Index for all Urban Consumers West Urban 50,000 to 1,500,000 index;

(B) $111,400,000 shall be increased or decreased, as appropriate, by such amounts as may be justified by reasons of ordinary fluctuations in costs occurring after the date of enactment of this Act, as indicated by the Producer Price Index for the Bureau of Labor Statistics; and

(C) $1,411,400,000 shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after the date of enactment of this Act, as indicated by the Bureau of Reclamation Construction Costs Index-Composite Trend.

(2) Requirements for Adjustment Process.—The adjustment process under this subsection shall—

(A) take into account any agreement reached by the Secretary and the Tribes under paragraph (4); and

(B) be repeated for each subsequent amount appropriated for deposit in the Trust Fund until the amount authorized to be appropriated, as so adjusted, has been appropriated.

(3) Period of Indexing.—The period of indexing adjustment under this subsection for any increment of funding shall end on the date on which funds are deposited in the Trust Fund.

(4) Agreement.—Based on the activities likely to be conducted using amounts deposited in the Trust Fund, the Secretary and the Tribes may agree on which provisions of paragraph (1) shall govern the fluctuation in costs to be used in calculating the amount authorized to be appropriated under subsection (a)(1).

(c) Limitation on Use of Reclamation Water Settlements Fund.—Notwithstanding any other provision of law—

(1) no amounts in the Reclamation Water Settlements Fund established by section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)) may be used by the Tribes or the Secretary to carry out any provision of this Act until the date that is 10 years after the date of enactment of this Act; and

(2) effective beginning on the date that is 10 years after that date of enactment, the total amount used by the Tribes and the Secretary to carry out this Act from the Reclamation Water Settlements Fund shall not exceed an amount equal to 50 percent of the total amount in the Fund on that date.

Sec. 10. Waivers and Releases of Claims.

(a) Waivers and Releases.—

(1) Claims by Tribes and United States as Trustee for Tribes.—Subject to the reservation of rights and retention of claims under subsection (c), as consideration for recognition of the Tribal Water Right and other benefits described in the Compact and this Act, the Tribes, acting on behalf of the Tribes and members of the Tribes (but not any member of the Tribes as an allottee), and the United States, acting as trustee for the Tribes and the members of the Tribes (but not any member of the tribes as an allottee), shall execute a waiver and release with prejudice of all claims for water rights within the State that the Tribes, or the United States acting as trustee for the Tribes, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the

enforceability date, except to the extent that such a right is recognized in the Compact and this Act.

(2) Claims by United States as Trustee for Allottees.—Subject to the reservation of rights and the retention of claims under subsection (c), as consideration for recognition of the Tribal Water Right and other benefits described in the Comact and this Act, the United States, acting as trustee for allottees, shall execute a waiver and release with prejudice of all claims for water rights within the Reservation that the United States, acting as trustee for allottees, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such a right is recognized in the Compact and this Act.

(3) Claims by Tribes Against United States.—Subject to the reservation of rights and retention of claims under subsection (c), the Tribes, acting on behalf of the Tribes and members of the Tribes (but not any member of the Tribes as an allottee), shall execute a waiver and release with prejudice of all claims against the United States (including any agency or employee of the United States) first arising before the enforceability date—

(A) Relating to—

(i) water rights within the State that the United States, acting as trustee for the Tribes, asserted or could have asserted in any proceeding, including the general stream adjudication in the State, except to the extent that such rights are recognized as part of the Tribal Water Right under this Act;

(ii) foregone benefits from nontribal use of water, on and off the Reservation (including water from all sources and for all uses;

(iii) damage, loss, or injury to water, water right, land, or natural resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to a failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State;

(iv) a failure to establish or provide a municipal, rural, or industrial water delivery system on the Reservation;

(v) damage, loss, or injury to water, water rights, land, or natural resources due to construction, operation, and management of the Flathead Indian irrigation project and other Federal land and facilities (including damages, losses, or injuries to Tribal fisheries, fish habitat, wildlife, and wildlife habitat);

(vi) damage, loss or injury from failure to protect natural resources and land against noxious weeds impacts;

(vii) inadequate compensation for minerals extracted;

(viii) inadequate compensation for land and interests in land used for Bureau of Indian Affairs roads and wildlife refuges;

(ix) a failure to provide--

(I) for operation, maintenance, or deferred maintenance for the Flathead Indian irrigation project or any other irrigation system or irrigation project; or

(II) a dam safety improvement to a dam within the Reservation;

(x) the litigation of claims relating to any water right of the Tribes in the State; and

(xi) the negotiation, execution, or adoption of the Compact or the Act.

(B) reserved under subsections (b) through (d) of section 6 of the settlement agreement for the case entitled "Nez Perce Tribe v. Salazar", No. 06cv2239TFH (D.C.C. 2012); and

(C) arising from the taking or acquisition of land or resources of the Tribes for the construction or operation of the Flathead Indian irrigation project.

(4) Certain Off-Reservation Water Rights.—

(A) In General.—Notwithstanding the confirmation of the water rights of the Tribes described in Appendices 28 and 29 to the Compact, as consideration for recognition of the Tribal Water Right and other benefits described in the Compact and this Act, the Tribes shall relinquish any right, title, or claim to the water rights located within the Flathead basin and described in those appendices.

(B) Requirement.—The water rights described in subparagraph (A) shall be held solely by the State.

(b) Enforceability Date.—The waivers and releases of claims under subsection (a) shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1) (A) the Montana Water Court has approved the Compact in a manner from which no further appeal may be taken; or

(B) If the Montana Water Court is found to lack jurisdiction, the applicable United States district court has approved the Compact as a consent decree from which no further appeal may be taken;

(2) all amounts authorized to be appropriated under section 9 have been appropriated;

(3) the State has appropriated and paid into an interest-bearing escrow account any payments due to the Tribes as of the date of enactment of this Act under the Compact and this Act;

(4) the tribes have ratified the Compact;

(5) the Secretary has fulfilled the requirements of section 6; and

(6) the waivers and releases described in subsection (a) have been executed by the Tribes and the Secretary.

(c) Reservation of Rights and Retention of Claims.—Notwithstanding the waivers and releases under subsection (a), the Tribes, acting on behalf of the Tribes and members of the Tribes, and the United State, acting as trustee for the Tribes and allottees, shall retain-

(1) All claims relating to—

(A) the enforcement of, or claims accruing after the enforceability date relating to water rights recognized under--

(i) the Compact;

(ii) any final decree; or

(i) this Act; and

(B) activities affecting the quality of water, including any claims under—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601et seq.), including damages to natural resources

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et Seq);

(iii) the Federal water Pollution Control Act (33 U.S.C. 1251 et seq.)(commonly referred to as the "Clean Water Act"); and

(ii) any regulations implementing the Acts described in clauses (i) through (iii);

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims for damages, losses, or injuries to land or natural resources that are--
(A) not due to loss of water or water rights (including hunting, fishing, gathering, or cultural rights); and
(B) no covered by subsection (a)(3); and
(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this Act or the Compact.

(d) Effect of Compact and Act.—Nothing in the Compact or this Act—
(1) except as other expressly provided in the Compact or this Act, reduces or extends the sovereignty (including civil and criminal jurisdiction) of any government entity;
(2) affects the ability of the United States acting as sovereign to carry out any activity authorized by applicable law, including—
(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601et seq.);
(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);
(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the "Clean Water Act"); and
(D) any regulations implementing the Acts described in subparagraphs (A) through (C);
(3) affects the ability of the United States to act as trustee for any other Indian tribe or allottee of any other Indian tribe;
(4) confers jurisdiction on any State court—
(A) to interpret Federal law regarding health, safety, or the environment;
(B) to determine the duties of the United States or any other party under Federal law regarding health, safety, or the environment; or
(C) to conduct judicial review of any Federal agency action;
(5) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes;
(6) revives any claim waived by the Tribes in the case entitled "Nez Perce Tribe v. Salazar", No. 06cv2239TFH (D.D.C. 2012); or
(7) revives any claim released by an allottee or member of the Tribes in the settlement for the case entitled "Cobell v. Salazar", No. 1:96CV01285-JR (D.D.C.).

(e) Tolling of Claims.—
(1) In General.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled during the period beginning on the date on which the amounts made available to carry out this Act are transferred to the Secretary.
(2) Effect of Subsection.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this act.

(f) Expiration.—
(1) In General.—This Act shall expire in any case in which—
(A) the amounts authorize to be appropriated by this Act have not been made available to the Secretary by not later than—
(i) January 21, 2031; or
(ii) such alternative later date as is agreed to by the Tribes and the Secretary; or
(B) the Secretary fails to publish a statement of findings under subsection (b) by not later than—

(i) January 21, 2032; or
(ii) Such alternative later date as is agreed to by the Tribes and the Secretary, after providing reasonable notice to the State.

(2) Consequences.—If this Act expires under paragraph (1)—
(A) the waivers and releases under subsection (a) shall— expire; and have no further force or effect;
(B) the authorization, ratification, confirmation, and execution of the Compact under section 4 shall no longer be effective
(C) any action carried out by the Secretary, and any contract or agreement entered into, pursuant to this Act shall be void;
(D) any unexpended Federal funds appropriated or made available to carrying out the activities authorized by this Act, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this Act shall be returned to the Federal Government unless otherwise agreed to by the Tribes and the United States and approved by Congress;
(E) except for Federal funds used to acquire or construct property that is returned to the Federal Government under subparagraph (D), the United States shall be entitled to offset any Federal funds made available to carry out this Act that were expended or withdrawn, or any funds made available to carry out this Act from other Federal authorized sources, together with any interest accrued on those funds, against any claims against the United State--
(i) relating to—
(I) water rights in the State asserted by—
(aa) the Tribes; or
(bb) any user of the Tribal Water Right; or
(II) any other matter covered by subsection (a)(3); or
(ii) in any future settlement of water rights of the Tribes or an allottee.

Sec. 11. [Satisfaction of Claims.]

(a) Tribal Claims.—The benefits realized by the Tribes under this Act shall be in complete replacement of, complete substitution for, and full satisfaction of all claims of the Tribes against the United States waived and released pursuant to paragraphs (1) and (3) of section 10(a) .

(b) Allottee Claims.—The benefits realized by the allottees under this Act shall be in complete replacement of, complete substitution for, and full satisfaction of—
(1) all claims waived and released pursuant to section 10(a)(2); and
(2) any claims of an allottee against the United States than an allottee asserted or could have asserted that are similar in nature to a claim described in section 10(a)(2).

Sec. 12. National Bison Range Restoration.

(a) Findings; Purposes.—
(1) Findings.—Congress finds that—
(A) The Reservation was set aside for the Tribes in 1855 under the treaty between the United States and the Tribes concluded at Hell Gate on July 16, 1855 (12 Stat. 975);
(B) The National Bison Range was established as a conservation measure in 1908, a time when the bison were at grave risk of extinction;

(C) The National Bison Range is located in the middle of the Reservation on land that was acquired by the United States in what was later held, in the civil action entitled "Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, Montana v. United States" (437 F.2d 458)(Ct.Cl.1971)), to be a taking under the Fifth Amendment to the Constitution of the United States;

(D) The Tribes never consented to the removal of the land described in subparagraph (C) from Tribal ownership;

(E) since time immemorial until the establishment of the National Bison Range, the Tribes had used the land described in subparagraph (C) for—

(i) Hunting, fishing, and gathering; and

(ii) Cultural and many other purposes;

(F) (i) in the 1870s, when slaughter resulted in the risk of bison extinction, a Pend d'Oreille man named Little Falcon Robe received approval from leaders of the Tribes to bring orphaned bison calves across the Continental Divide to the Reservation for purposes of starting a herd for subsistence and conservation purposes;

(ii) starting with just a few bison calves, the animals grew into a large herd under the stewardship of members of the Tribes, who later included Michel Pablo and Charles Allard; and

(iii) The Reservation was the home of that free-ranging herd of bison for decades before the establishment of the National Bison Range;

(G) when the Reservation was opened for homesteading, a free-ranging bison herd was not long feasible, resulting in Michel Pablo selling the herd to off-Reservation interests;

(H) many of the bison, or their descendants, from the Tribal member-managed herd were repurchased and brought back to the Reservation to form the original herd for the National Bison Range;

(I) The bison herd at the National Bison Range descends largely from a herd started and managed as described in subparagraph (F);

(J) The Tribes—

(i) Have played a substantive role as conservation leaders, often in partnership with the National Bison Range;

(ii) Have demonstrated a long-term commitment to responsible management of the land and resources surrounding the National Bison Range; and

(iii) Desire to carry out the purposes for which the National Bison Range was established.

(K) the Tribes have extensive experience in wildlife and natural resources management, including—

(i) the establishment and management of the 91,000-acre Mission Mountains Tribal Wilderness, the first tribally designated wilderness area in the United States

(ii) special management districts for large animals, such as the Little Money Bighorn Sheep Management Area and the Ferry Basin Elk Management Area; and

(iii) the restoration and management of bighorn sheep populations, peregrine falcons, and trumpeter swans on the Reservation;

(L) the Tribes have an extensive history of successful partnerships with Federal agencies with respect to issues such as—

(i) threatened and endangered species management;

(ii) migratory waterfowl management; and

(iii) wetland habitat management;

(M) (i) the Tribes have entered into prior management-related agreements relating to the National Bison Range under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.); and

(ii) The tribes and the United States desire to build on past and current partnerships, as well as honor and advance the Federal and Tribal objectives of increasing Tribal autonomy and Tribal governmental capacity;

(N) since the establishment of the National Bison Range, additional herds of bison have been established on other national wildlife refuges and national parks;

(O) the facts and history regarding the Federal Government, the Tribes, the bison, and land on the Reservation acquired for the National Bison Range are exceptional circumstances that warrant action by Congress; and

(P) the United States should hold title in and to the land comprising the National Bison Range, with beneficial title of the land being restored to the Tribes for—

(i) continued bison conservation;

(ii) their wildlife and natural resource management purposes; and

(iii) other nonconflicting purposes of the Tribes.

(2) Purposes.—The purposes of this section are—

(A) to acknowledge the history, culture, and ecological stewardship of the Tribes with respect to the land on the Reservation acquired for the National Bison Range, bison, and other natural resources;

(B) to ensure that the land, bison, and other resources referred to in subparagraph (A) continue to be protected and enhanced;

(C) to continue public access and educational opportunities; and

(D) to ensure a smooth transition for land, bison, and other natural resources as the land is restored to Federal trust ownership for the benefit of the Tribes.

(b) Definition of National Bison Range.—In this section, the term "National Bison Range" means all land within the Reservation that was reserved for the national bison range under the matter under the heading "National Bison Range" under the heading "Miscellaneous" under the heading "Department of Agriculture" in the Act of May 23, 1908 (16 U.S.C. 671) (as in effect on the day before the date of enactment of this Act).

(c) Restoration of Land.—

(1) In General.—Notwithstanding any other provision of law, for the purposes of conserving bison, wildlife, and natural resources, and of safe-guarding the interests of the Tribes in those resources and the traditional, cultural, and other interests of the Tribes, all land comprising the National Bison Range (including all natural resources, interests, and appurtenances of that land) shall be held in trust by the United States for the benefit of the Tribes.

(2) Administration.—The land restored by paragraph (1) shall be—

(A) a part of the Reservation;

(B) administered under the laws (including regulations) applicable to Indian trust land; and

(C) managed by the Tribes, in accordance with paragraph (3), solely for the care and maintenance of bison, wildlife, and other natural resources, including designation or naming of the restored land.

(3) Tribal Management.—In managing the land restored by paragraph (1), the Tribes shall—

(A) provide public access and educational opportunities; and

(B) at all times, have a publicly available management plan for the land, bison, and natural resources, which shall include actions to address management and control of invasive weeds.

(d) Conveyance of Building and Other Structures.—

(1) In General.—The United States shall convey to the Tribes, to own in fee, all ownership interests of the United States in all buildings, structures, improvements, and appurtenances located on the land restored by subsection (c)(1).

(2) Personal Property.—The United States may convey to the Tribes any personal property owned by the United States and found on, or otherwise associated with, the land restored by subsection (c)(1).

(e) Relinquishment of Rights to Bison.—The United States relinquishes to the Tribes all interests of United States in the bison on the land restored by subsection (c)(1).

(f) Transition.—

(1) In General.—Notwithstanding any other provision of law, during the 2-year period beginning on the date of enactment of this Act, the Secretary shall cooperate with the Tribes in transition activities regarding the management of land, bison, and other resources conveyed by this Act, including by providing to the Tribes, as determined to be appropriate by the Secretary, funds, personal property, equipment, or other resources for the performance of, or assistance with, the types of activities carried out by the Secretary at the National Bison Range as of the date of enactment of this Act.

(2) Effect.—Consistent with subsections (c), (d) and (e), nothing in this section authorizes the Director of the United States Fish and Wildlife Service to retain ownership or control of any real or personal property conveyed by this section, except as the Tribes may agree to in writing.

(g) Repeal.—The matter under the heading "National Bison Range" under the heading "Miscellaneous" under the heading "Department of Agriculture" in the Act of May 23, 1908 (16 U.S.C. 671), is repealed.

(h) Liability.—The Tribes shall not be liable for any land, soil, surface water, groundwater, or other contamination, injury, or damage resulting from the storage, disposal, release, or presence of any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) on any portion of the land restored by this section on or before the date of the conveyance, unless the Tribes would otherwise have been responsible for the storage, disposal, release, or presence.

(i) Claims Against United States.—No claim may be brought pursuant to chapter 7 of title, 5 United States Code, or section 1491 or 1505 of title 28, United States Code, against the United States, or any agency, officer, or employee of the United States, concerning the pre-conveyance or post-conveyance management of the land and other property conveyed by this section.

(j) Effect.—Nothing in this section relieves the United States of any obligation under section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(h)(3)).

(k) No Precedent.—The provisions of this section—
(1) are uniquely suited to address the distinct circumstances, facts, history, and relationships involved with the bison, land, and Tribes; and
(2) are not intended, and shall not be interpreted, to establish a precedent for any other situation regarding Federal land, property, or facilities.

(l) Indian Gaming Regulatory Act.—The land restored by this section shall not be eligible or used for any gaming activity carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

Sec. 13. Miscellaneous Provisions.

(a) Amendments.—
(1) Act of April 23, 1904.—Section 9 of the Act of April 23, 1904 (33 Stat 304, chapter 1495; 35 Stat. 450, chapter 216), is amended by striking the seventh undesignated paragraph.
(2) Act of May 25, 1948.—Section 2 of the Act of May 25, 1948 (62 Stat. 269, chapter 340), is amended—
(A) In subsection (h), by striking paragraph (c) and inserting the following:
"(6) To enhance fisheries habitat or to improve water conservation management of the project."; and
(B) By adding at the end of the following:
"(k) Mission Valley Division—
"(1) In General.—The Secretary of the interior (referred to in this section as the 'Secretary'), or the Confederated Salish and Kootenai Tribes of the Flathead Reservation of Montana acting on behalf of the Secretary, as the entity with the legal authority and responsibility to operate the Mission Valley division of the project (referred to in this subsection as the 'project operator'), may allocate revenues derived from the Mission Valley division in accordance with paragraph (2) for the purposes described in subsection (h)(6).
"(2) Allocation.—
"(A) In General.—Subject to subparagraphs (B) and (C), the revenues described in paragraph (1) shall be allocated by providing—
"(i) $100,000 to the Tribes; and
"(ii) $100,000 to the project operator.
"(B) Negotiation.—Effective beginning on October 1 of the tenth calendar year beginning after the date of enactment of the Montana Water Rights Protection Act, the Confederated Salish and Kootenai Tribes of the Flathead Reservation of Montana, the State of Montana, and the Secretary may negotiate for an appropriate allocation that differs from the allocation described in subparagraph (A).
"(C) Carryover.—If the project operator does not use the full allocation of the project operator under this paragraph for a fiscal year, an amount equal to the difference between the full allocation and the amount used by the project operator shall be set aside and accumulated for expenditure during subsequent fiscal years for the purposes described in subsection (h)(6).".
(3) Indian Self-Determination and Education Assistance Act.—Section 403(b)(4) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5363(b)(4) is amended—

(A) In subparagraph (A), by adding "and" at the end;
(B) In subparagraph (B), by striking "and" at the end; and
(C) By striking subparagraph (C).

(b) Liens.—Any lien established by the Act of April 23, 1904 (33 Stat. 302, chapter 1495; 35 Stat. 449, chapter 216), is extinguished and released.

(c) Waiver of Sovereign Immunity.—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this Act waive the sovereign immunity of the United States.

(d) Other Tribes Not Adversely Affected.—Nothing in this Act quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of any Indian tribe other than the Tribes.

(e) Limitation on Claims for Reimbursement.—With respect to Indian land located within the Reservation—
(1) the United States shall not submit against any Indian-owned land within the Reservation any claim for reimbursement of the cost to the United States of carrying out this Act or the Compact; and
(2) no assessment of any Indian-owned land located within the Reservation shall be made regarding the cost.

(f) Limitation on Liability of Unites States.—
(1) In General.—The United States has no obligation—
(A) to monitor, administer, or account for, in any manner, any funds provided to the Tribes by the State; or
(B) to review or approve any expenditure of the funds described in subparagraph (A).
(2) Indemnity.—The Tribes shall indemnify the United States, and hold the United States harmless, with respect to all claims (including claims for takings or breach of trust) arising from the receipt or expenditure of amounts to carry out this Act (other than claims arising out of activities carried out by the Tribes with funds transferred in accordance with section 7(d)).

(g) Antideficiency.—The United States shall not be liable for any failure to carry out any obligation or activity authorized by this Act (including any obligation or activity under the Compact) if—
(1) adequate appropriations are not provided expressly by Congress to carry out this Act; or
(2) subject to section 9(c), insufficient funds are available to carry out this Act in the Reclamation Water Settlements Fund established by section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)).

(h) Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity or function carried out by the Secretary under this Act.

(i) Cooperative Operation and Maintenance of Flathead Indian Irrigation Project.—
(1) Agreement with Secretary.— On receipt of a joint request from the Tribes and 1 or more irrigation districts within the Flathead Indian irrigation project, the Secretary shall enter into an agreement with the Tribes and the irrigation districts for the cooperative operation and maintenance of the Flathead Indian irrigation project, or any portion of the Flathead Indian irrigation project, under such form of organization and under such conditions as may be acceptable to the Secretary.
(2) Establishment of Organization.—

(A) In General.—In lieu of entering into an agreement under paragraph (1), the Tribes and 1 or more irrigation districts within the Flathead Indian irrigation project may jointly establish an organization for the purpose of entering into an agreement for the operation and maintenance of the Flathead Indian irrigation project under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.).

(B) Contract Support Costs.—Any contract support costs pursuant to section 106(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)) for an organization established pursuant to subparagraph (A) shall be limited to funds available from annual assessment under part 171 of title 25, Code of Federal Regulations (or successor regulations).

(C) Treatment.—An organization establish pursuant to subparagraph (A) shall be considered to be a tribal organization (as defined I section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) for purposes of that Act.

(D) Annual O&M Assessments.—Nothing in this subsection limits the ability of an organization established pursuant to subparagraph (A) to include the costs of administering the Flathead Indian irrigation project when establishing annual assessment rates in accordance with 171 of title 25, Code of Federal Regulations (or successor regulations).

(j) Exchanges of Land.—

(1) Definitions.—In this subsection:

(A) Public Land.—The term "public land" means—

(i) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)); and

(ii) land managed by the Secretary of Agriculture under the jurisdiction of the Forest Service.

(B) Secretary Concerned.—The term "Secretary concerned" means, as applicable—

(i) the Secretary, with respect to the public land described in subparagraph (A)(i); or

(ii) the Secretary of Agriculture, with respect to the public land described in subparagraph (A)(ii).

(2) State Trust Land.—

(A) In General.—The Secretary concerned shall offer to negotiate with the State for the purpose of exchanging public land within the State for State trust land located within the Reservation with a total value substantially equal to the value of the surface estate of the approximately 36,808 acres of State trust land obtained by the State pursuant to—

(i) the Act of February 22, 1889 (commonly known as the "Montana Enabling Act") (25 Stat. 676, chapter 180), and the Act of April 23, 1904 (33 State. 302, chapter 1495; 35 Stat. 449, chapter 216); or

(ii) the Act of February 25, 1920 (41 Stat. 452).

(B) Procedures.—An exchange described in subparagraph (A) shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) Valuation.—In determining the fair market value of land for purposes of subparagraph (A), the parties to the exchange shall give due consideration to the value of any improvements on the land.
(D) Financial Impact.—The Secretary concerned shall ensure that land exchanged pursuant to this paragraph is selected in manner that minimizes the financial impact on local governments, if any.
(E) Assistance.—The Secretary concerned shall provide such financial or other assistance to the State and the Tribes as may be necessary to obtain the appraisals, and to satisfy administrative requirements, necessary to accomplish the exchanges under subparagraph (A).
(F) Title.—On approving an exchange under this paragraph, the Secretary concerned shall—
(i) receive title in and to the State trust land involved in the exchange, on behalf of the United States; and
(ii) transfer title in and to the public land disposed of in the exchanges with the State by such means of conveyance as the Secretary concerned considers to be appropriate.
(G) Trust.—Title to the State trust land acquired pursuant to an exchange under this paragraph shall be—
(i) vested in the United States in trust for the sole use and benefit of the Tribes; and
(ii) recognized as part of the Reservation.

(3) Requirements.—
(A) In General.—In carrying out paragraph (2), the Secretary concerned shall, during the 5-year period beginning on the date of enactment of this Act, give priority to an exchange of public land within the State for State trust land owned by the State.
(B) Total Value.—The total value of the land exchanged and acquired for the Tribes pursuant to this subsection shall not exceed the value of the surface estate of the 36, 808 acres described in paragraph (2)(A).
(C) Private Exchanges.—
(i) In General.—Subject to subparagraph (B), if, for any reason, after the expiration of the period described in subparagraph (A), the exchanges under paragraph (2) have not provided to the Tribes a total of 36,808 acres of surface land within the boundaries of the Reservation, the Secretary concerned shall, at the request of, and in cooperation with, the Tribes, develop and implement a program to provide to the Tribes additional land within the Reservation through land exchanges with private landowners.
(ii) Requirement.—In carrying out this subparagraph, the Secretary concerned may exchange public land within the State for private land of substantially equal value within the boundaries of the Reservation, in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).
(D) Valuation.—In determining the fair market value of land under subparagraph (C), the parties to an exchange made pursuant to that subparagraph shall give due consideration to the value of improvements on the land.
(E) Title.—If the Secretary concerned obtains private land pursuant to subparagraph (C), the Secretary concerned shall transfer title to the land to the Tribes.
(F) Trust.—Title to any private land or public land transferred to the Tribes pursuant to this paragraph shall—

(i) Be vested in the United States in trust for the sole use and benefit of the Tribes; and

(ii) Be recognized as part of the Reservation, if the land is located within the boundaries of the Reservation.

(G) Tribal Assistance.—The Tribes shall assist in obtaining prospective willing parties to exchange private land within the Reservation for public land within the State under this paragraph.

(4) Protection of Grazing Rights.—State trust land that is not adjacent to Tribal land shall not be eligible to be exchanged under this subsection.

(k) Review of Decisions.—A court of competent jurisdiction shall review the decisions of the Flathead Reservation Water Management Board and the Montana Department of Fish, Wildlife, and Parks in accordance with—

(1) the Compact;

(2) the Law of Administration; and

(3) this Act.

(l) Payments to Certain Counties.—

(1) Payments.—

(A) By Secretary.—Subject to paragraph (2), to reduce the financial impact on the counties in which the land restored by section 12 is located, the Secretary shall make payments to Lake County and Sanders County in the State, out of amounts in the fund established under section 401(a) of the Act of June 15, 1935 (16 U.S.C. 715s(a)).

(B) By Tribes.—To ensure that culverts, bridges, and roads that intersect with, or are otherwise located within, the supply and distribution network of the Flathead Indian irrigation project comply with Federal environmental requirements, to ensure public safety, and to enhance Tribal fisheries on the Reservation, the Tribes shall allocate from the Trust Fund amounts withdrawn for the purposes described in section 8(h)(13), under an agreement approved by the Secretary—

(i) $5,000,000 to Lake County in the State; and

(ii) $5,000,000 to Sanders County in the State.

(2) Amount of Payments.—The amount of the payments under paragraph (1)(A) shall be equal to the amount each county would have received if this Act had not been enacted.

(3) Treatment of Land for Purposes of Calculating Payments.—For the limited purposes of calculating payments to Lake County and Sanders County under this subsection and section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the land restored by section 13 shall be treated as a fee area (as defined in section 401(g) of the Act of June 15, 1935 (16 U.S.C. 715s(g))).

(m) Effect on Current Law.—Nothing in this Act authorizes pre-enforcement judicial review of any Federal environmental enforcement action.

(n) No Precedent.—The provisions of this Act—

(1) are uniquely suited to address the distinct circumstances, facts, history, and relationships involved; and

(2) are not intended, and shall not be interpreted, to establish precedent for any other situation.

Approved December 27, 2020

Explanatory Remarks

LEGISLATIVE HISTORY—H.R. 133
CONGRESSIONAL RECORD: Vol. 166 (2020),
Dec. 21, House agreement with Senate amendment with amendment, Pgs. H7323-7878.
Dec. 21, Senate agreement with House amendment, Pgs. S7929-S7930.
BUREAU OF RECLAMATION TESTIMONY
Aamodt Litigation Settlement Act: (H.R. 6768) Sept. 5, 2008; (H.R.3381) Sept. 11, 2008; (H.R. 3342) Sept. 9, 2009; (H.R. 3292) June 26, 2019.
Aquifer Recharge Flexibility Act: (S. 1570) July 18, 2019; (H.R. 2871), June 25, 2020.
Fiscal Year 2021 Budget: March 10, 2020.
Jackson Gulch Rehabilitation Project Modification Act: (S. 860), June 26, 2019
Dry-Redwater Regional Water Authority System and the Musselshell-Judith Rural Water System: July 23, 2009; May 19, 2011; Jun 14, 2017.