

Calendar No. 640

105TH CONGRESS
2^D SESSION**H. R. 2402**

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 1997

Received

NOVEMBER 13, 1997

Read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 25, 1998

Reported by Mr. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To make technical and clarifying amendments to improve the management of water-related facilities in the Western United States.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Water-Related Technical Corrections Act of 1997”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Reduction of waiting period for obligation of funds provided under Reclamation Safety of Dams Act of 1978.
- Sec. 3. Albuquerque Metropolitan Area Reclamation and Reuse Project.
- Sec. 4. Phoenix Metropolitan Water Reclamation and Reuse Project.
- Sec. 5. Refund of certain amounts received under Reclamation Reform Act of 1982.
- Sec. 6. Extension of periods for repayments for Nueces River reclamation project and Canadian River reclamation project, Texas.
- Sec. 7. Solano Project Water.
- Sec. 8. Use of distribution system of Canadian River reclamation project, Texas, to transport nonproject water.
- ~~Sec. 9. Olivenhain Water Storage Project loan guarantee.~~
- ~~Sec. 10.~~ Sec. 9. Fish passage and protective facilities, Rogue River Basin, Oregon.

1 **SEC. 2. REDUCTION OF WAITING PERIOD FOR OBLIGATION**
 2 **OF FUNDS PROVIDED UNDER RECLAMATION**
 3 **SAFETY OF DAMS ACT OF 1978.**

4 Section 5 of the Reclamation Safety of Dams Act of
 5 1978 (92 Stat. 2471; 43 U.S.C. 509) is amended by strik-
 6 ing “sixty days” and all that follows through “day cer-
 7 tain)” and inserting “30 calendar days”.

8 **SEC. 3. ALBUQUERQUE METROPOLITAN AREA RECLAMA-**
 9 **TION AND REUSE PROJECT.**

10 Section 1621 of the Reclamation Projects Authoriza-
 11 tion and Adjustment Act of 1992, as added by section
 12 2(a)(2) of the Reclamation Recycling and Water Con-
 13 servation Act of 1996 (110 Stat. 3292; 43 U.S.C. 390h–
 14 12g), is amended—

15 (1) in the heading by striking “**STUDY**” and in-
 16 serting “**PROJECT**”; and

17 (2) in subsection (a)—

1 (A) by inserting “the planning, design, and
2 construction of” after “participate in”;

3 (B) by striking “Study” and inserting
4 “Project”; and

5 (C) by inserting “and nonpotable surface
6 water” after “impaired groundwater”.

7 **SEC. 4. PHOENIX METROPOLITAN WATER RECLAMATION**
8 **AND REUSE PROJECT.**

9 Section 1608 of the Reclamation Projects Authoriza-
10 tion and Adjustment Act of 1992 (106 Stat. 4666; 43
11 U.S.C. 390h–6) is amended—

12 (1) by amending subsection (a) to read as fol-
13 lows:

14 “(a) The Secretary, in cooperation with the city of
15 Phoenix, Arizona, shall participate in the planning, design,
16 and construction of the Phoenix Metropolitan Water Rec-
17 lamation and Reuse Project to utilize fully wastewater
18 from the regional wastewater treatment plant for direct
19 municipal, industrial, agricultural, and environmental pur-
20 poses, groundwater recharge, and indirect potable reuse
21 in the Phoenix metropolitan area.”;

22 (2) in subsection (b) by striking the first sen-
23 tence; and

24 (3) by striking subsection (c).

1 **SEC. 5. REFUND OF CERTAIN AMOUNTS RECEIVED UNDER**
2 **RECLAMATION REFORM ACT OF 1982.**

3 (a) REFUND REQUIRED.—Subject to subsection (b)
4 and the availability of appropriations, the Secretary of the
5 Interior shall refund fully amounts received by the United
6 States as collections under section 224(i) of the Reclama-
7 tion Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C.
8 390ww(i)) for paid bills (including interest collected)
9 issued by the Secretary of the Interior before January 1,
10 1994, for full-cost charges that were assessed for failure
11 to file certain certification *or reporting* forms under sec-
12 tions 206 and 224(c) of such Act (96 Stat. 1266, 1272;
13 43 U.S.C. 390ff, 390ww(c)).

14 (b) ADMINISTRATIVE FEE.—In the case of a refund
15 of amounts collected in connection with sections 206 and
16 224(c) of the Reclamation Reform Act of 1982 (96 Stat.
17 1266, 1272; 43 U.S.C. 390ff, 390ww(c)) with respect to
18 any water year after the 1987 water year, the amount re-
19 funded shall be reduced by an administrative fee of \$260
20 for each occurrence.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section
23 \$3,000,000.

1 **SEC. 6. EXTENSION OF PERIODS FOR REPAYMENTS FOR**
2 **NUECES RIVER RECLAMATION PROJECT AND**
3 **CANADIAN RIVER RECLAMATION PROJECT,**
4 **TEXAS.**

5 Section 2 of the Emergency Drought Relief Act of
6 1996 (Public Law 104–318; 110 Stat. 3862) is amended
7 by adding at the end the following new subsection:

8 “(c) **EXTENSION OF PERIODS FOR REPAYMENT.**—
9 Notwithstanding any provision of the Reclamation Project
10 Act of 1939 (43 U.S.C. 485 et seq.), the Secretary of the
11 Interior—

12 “(1) shall extend the period for repayment by
13 the City of Corpus Christi, Texas, and the Nueces
14 River Authority under contract No. 6–07–01–
15 X0675, relating to the Nueces River reclamation
16 project, Texas, until—

17 “(A) August 1, 2029, for repayment pur-
18 suant to the municipal and industrial water
19 supply benefits portion of the contract; and

20 “(B) until August 1, 2044, for repayment
21 pursuant to the fish and wildlife and recreation
22 benefits portion of the contract; and

23 “(2) shall extend the period for repayment by
24 the Canadian River Municipal Water Authority
25 under contract No. 14–06–500–485, relating to the

1 Canadian River reclamation project, Texas, until Oc-
2 tober 1, 2021.”.

3 **SEC. 7. SOLANO PROJECT WATER.**

4 (a) AUTHORIZATION.—The Secretary of the Interior
5 is authorized to enter into contracts with the Solano Coun-
6 ty Water Agency, or any of its member unit contractors
7 for water from the Solano Project, California, pursuant
8 to the Act of February 21, 1911 (43 U.S.C. 523), for—

9 (1) the impounding, storage, and carriage of
10 nonproject water for domestic, municipal, industrial,
11 and other beneficial purposes, using any facilities as-
12 sociated with the Solano Project, California, and

13 (2) the exchange of water among Solano
14 Project contractors, for the purposes set forth in
15 paragraph (1), using facilities associated with the
16 Solano Project, California.

17 (b) LIMITATION.—The authorization under sub-
18 section (a) shall be limited to the use of that portion of
19 the Solano Project facilities downstream of Mile 26 of the
20 Putah South Canal (as that canal is depicted on the offi-
21 cial maps of the Bureau of Reclamation), which is below
22 the diversion points on the Putah South Canal utilized by
23 the city of Fairfield for delivery of Solano Project water.

1 **SEC. 8. USE OF DISTRIBUTION SYSTEM OF CANADIAN**
2 **RIVER RECLAMATION PROJECT, TEXAS, TO**
3 **TRANSPORT NONPROJECT WATER.**

4 The Act of December 29, 1950 (chapter 1183; 43
5 U.S.C. 600b, 600c), authorizing construction, operation,
6 and maintenance of the Canadian River reclamation
7 project, Texas, is amended by adding at the end the fol-
8 lowing new section:

9 “SEC. 4. (a) The Secretary of the Interior shall allow
10 use of the project distribution system (including all pipe-
11 lines, aqueducts, pumping plants, and related facilities)
12 for transport of water from the Canadian River Conjunc-
13 tive Use Groundwater Project to municipalities that are
14 receiving water from the project. Such use shall be subject
15 only to such environmental review as is required under the
16 Memorandum of Understanding, No. 97–AG–60–09340,
17 between the Bureau of Reclamation and the Canadian
18 River Municipal Water Authority, and a review and ap-
19 proval of the engineering design of the interconnection fa-
20 cilities to assure the continued integrity of the project.
21 Such environmental review shall be completed within 90
22 days after the date of enactment of this section.

23 “(b) The Canadian River Municipal Water Authority
24 shall bear the responsibility for all costs of construction,
25 operation, and maintenance of the Canadian River Con-
26 junctive Groundwater Project, and for costs incurred by

1 the Secretary in conducting the environmental review of
 2 the project. The Secretary shall not assess any additional
 3 charges in connection with the Canadian River Conjunc-
 4 tive Use Groundwater Project.”.

5 **SEC. 9. OLIVENHAIN WATER STORAGE PROJECT LOAN**
 6 **GUARANTEE.**

7 (a) **LOAN GUARANTEE.**—The Secretary of the Inte-
 8 rior may guarantee a loan made to either the Olivenhain
 9 Municipal Water District (in this section referred to as
 10 the “District”) or to a nongovernmental developer selected
 11 by the District, for building and financing the Olivenhain
 12 Water Storage Project in northern San Diego County,
 13 California. The amount of a loan guaranteed under this
 14 subsection may not exceed \$70,000,000. Before making
 15 any such loan guarantee, the Secretary shall evaluate the
 16 design and justification for the proposed project. The Sec-
 17 retary may make such a loan guarantee only after the Sec-
 18 retary determines that the proposed project is economi-
 19 cally feasible and the design for the proposed project is
 20 technically and environmentally adequate.

21 (b) **INTEREST RATE.**—Any loan guaranteed under
 22 subsection (a) shall bear interest at a rate agreed upon
 23 by the borrower and lender.

24 (c) **OBLIGATION OF UNITED STATES.**—Any loan
 25 guarantee under this section shall constitute an obligation;

1 in accordance with the terms and conditions of such guar-
2 antee, of the United States Government, and the full faith
3 and credit of the United States is hereby pledged to full
4 performance of the obligation.

5 (d) SECURITY.—

6 (1) RESERVE FUND AND COMMITMENT OF DIS-
7 TRICT REVENUES.—To ensure the repayment of any
8 loan guaranteed under this section and as a condi-
9 tion of providing the guarantee, the Secretary of the
10 Interior shall require that—

11 (A) the borrower establish and maintain,
12 with a trustee designated by the Secretary, a
13 reserve fund in the amount of 115 percent of
14 the next year's principal and interest payments
15 on the loan;

16 (B) the District agree to use its revenues
17 to make all payments required under the terms
18 of the loan prior to any payment by the United
19 States under the guarantee, and to make those
20 payments through the trustee designated under
21 subparagraph (A); and

22 (C) the trustee designated under subpara-
23 graph (A) agree to use all amounts received for
24 repayment of the loan to repay the loan.

1 (2) RESERVE FUND REQUIREMENTS.—The re-
2 serve fund under this subsection shall be established
3 under terms that provide that—

4 (A) all moneys in the reserve fund shall
5 constitute a trust fund for the repayment of the
6 loan guaranteed under subsection (a); and

7 (B) the reserve fund shall be administered
8 in accordance with and pursuant to provisions
9 agreed upon by the borrower and lender for the
10 loan guaranteed under subsection (a).

11 (3) PAYMENT OF LOAN AMOUNTS.—Proceeds
12 from the loan guaranteed under subsection (a)
13 shall—

14 (A) be deposited directly with the trustee
15 designated by the Secretary of the Interior
16 under paragraph (1)(A); and

17 (B) be disbursed by the trustee consistent
18 with the terms of the loan.

19 (4) QUALIFICATIONS OF TRUSTEE.—Any trust-
20 ee designated by the Secretary of the Interior under
21 paragraph (1) must, at a minimum—

22 (A) be a trust company or a bank having
23 the powers of a trust company;

24 (B) have a combined capital and surplus of
25 at least \$100,000,000; and

1 ~~(C) be otherwise subject to supervision or~~
2 ~~examination by a Federal agency.~~

3 **SEC. 10. 9. FISH PASSAGE AND PROTECTIVE FACILITIES,**
4 **ROGUE RIVER BASIN, OREGON.**

5 The Secretary of the Interior is authorized to use oth-
6 erwise available amounts to provide up to \$2,000,000 in
7 financial assistance to the Medford Irrigation District and
8 the Rogue River Valley Irrigation District for the design
9 and construction of fish passage and protective facilities
10 at North Fork Little Butte Creek Diversion Dam and
11 South Fork Little Butte Creek Diversion Dam in the
12 Rogue River basin, Oregon, if the Secretary determines
13 in writing that these facilities will enhance the fish recov-
14 ery efforts currently underway at the Rogue River Basin
15 Project, Oregon.

 Passed the House of Representatives November 9,
1997.

Attest:

ROBIN H. CARLE,
Clerk.

Calendar No. 640

105TH CONGRESS
2^D Session

H. R. 2402

AN ACT

To make technical and clarifying amendments to improve the management of water-related facilities in the Western United States.

SEPTEMBER 25, 1998

Reported with amendments