

107TH CONGRESS  
2D SESSION

# H. R. 5460

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IN THE SENATE OF THE UNITED STATES

OCTOBER 2, 2002

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To reauthorize and amend the Federal Water Project  
Recreation Act, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Reclamation Recre-  
3 ation Management Act of 2002”.

4 **SEC. 2. AMENDMENTS TO THE FEDERAL WATER PROJECT**  
5 **RECREATION ACT.**

6       (a) CONGRESSIONAL POLICY.—The first section of  
7 the Federal Water Project Recreation Act (16 U.S.C.  
8 460l–12) is amended by striking “public bodies” and in-  
9 serting “entities”.

10       (b) ALLOCATION OF COSTS.—Section 2 of the Fed-  
11 eral Water Project Recreation Act (16 U.S.C. 460l–13)  
12 is amended—

13           (1) in subsection (a) by striking “, before au-  
14 thorization of a project,”;

15           (2) in subsection (a), by striking “public bod-  
16 ies” and inserting “entities” and by striking  
17 “Projects authorized during the calendar year” and  
18 all that follows to the end of the subsection;

19           (3) in subsection (b) by striking “non-Federal  
20 interests” each place it appears and inserting “non-  
21 Federal entities”;

22           (4) in subsection (b)(2)—

23               (A) by striking “: *Provided*, That the  
24 source of repayment may be limited to” and in-  
25 serting “. The source of repayment may in-  
26 clude”; and

1 (B) by inserting “and retained” after “col-  
2 lected”; and

3 (5) in subsection (b)(2) by adding at the end  
4 the following: “Fees and charges may be collected,  
5 retained and used by the non-Federal entities for op-  
6 eration, maintenance, and replacement of recreation  
7 facilities on project lands and waters being managed  
8 by the non-Federal entities. As established by the  
9 Secretary, any excess revenues will be credited to the  
10 Reclamation Fund to remain available, without fur-  
11 ther Act of appropriation, to support recreation de-  
12 velopment and management of Bureau of Reclama-  
13 tion land and water areas.”.

14 (c) RECREATION AND FISH AND WILDLIFE EN-  
15 HANCEMENT.—Section 3 of the Federal Water Project  
16 Recreation Act (16 U.S.C. 460l–14) is amended—

17 (1) by striking subsection (a), redesignating  
18 subsection (b) as subsection (a), and inserting after  
19 subsection (a) (as so redesignated) the following:

20 “(b) In the absence of a non-Federal managing part-  
21 ner, the Secretary of the Interior, acting through the Com-  
22 missioner of Reclamation, is authorized, as a part of any  
23 water resource development project under the Secretary’s  
24 control heretofore or hereafter authorized or reauthorized,  
25 to investigate, plan, construct, replace, manage, operate

1 and maintain or otherwise provide for public use and en-  
 2 joyment of project lands, facilities, and water areas in a  
 3 manner coordinated with the other project purposes; the  
 4 costs of which are nonreimbursable.”;

5 (2) in subsection (a) (as so redesignated)—

6 (A) by inserting “or enhance” after  
 7 “project construction to preserve”;

8 (B) by striking “enhancement potential”  
 9 each place it appears and inserting “resources”;

10 (C) by striking “public bodies” each place  
 11 it appears and inserting “entities”;

12 (D) by striking “public body” and insert-  
 13 ing “entity”; and

14 (E) by striking “or, in the absence thereof,  
 15 will not detract from that potential”;

16 (3) in subsection (c)(1)(B) by striking “public  
 17 body” each place it appears and inserting “entity”;  
 18 and

19 (4) by adding at the end of subsection (c) the  
 20 following:

21 “(3) In the absence of a non-Federal managing part-  
 22 ner, the Secretary of the Interior, acting through the Com-  
 23 missioner of Reclamation, may modify or expand existing  
 24 facilities, the costs of which are nonreimbursable.”.

25 (d) LEASE OF FACILITIES.—

1           (1) REPEAL.—Section 4 of the Federal Water  
2       Project Recreation Act (16 U.S.C. 460l–15) is re-  
3       pealed, and sections 5 through 12 of such Act are  
4       redesignated as sections 4 through 11, respectively.

5           (2) CONFORMING AMENDMENT.—Section 6(e)  
6       of the Federal Water Project Recreation Act (16  
7       U.S.C. 460l–17(e)) is amended by striking “4, and  
8       5” and inserting “, and 4”.

9           (e) POST AUTHORIZATION DEVELOPMENT.—Section  
10      5 of the Federal Water Project Recreation Act (16 U.S.C.  
11      460l–16) is amended by striking “public bodies” and in-  
12      serting “entities”.

13          (f) PROVISION OF FACILITIES.—Section 7 of the  
14      Federal Water Project Recreation Act (16 U.S.C. 460l–  
15      18) is amended—

16           (1) in subsection (e) by striking “and 5” and  
17      inserting “and between 3 and 4”;

18           (2) in subsection (g) by striking “3(b)” and in-  
19      serting “3(a)”; and

20           (3) in subsection (h) by striking “public bodies”  
21      and inserting “entities”; and by striking “3(b)” and  
22      inserting “3(a)”.

23          (g) MISCELLANEOUS REPORTS.—Section 6 of the  
24      Federal Water Project Recreation Act (16 U.S.C. 460l–  
25      17) is amended by adding at the end the following:

1       “(i) Amounts collected under section 2805 of Public  
2 Law 102–575 for admission to or recreation use of project  
3 land and waters shall be deposited in a special account  
4 in the Reclamation Fund and remain available to the  
5 Commissioner of Reclamation without further appropria-  
6 tion until expended. Such funds may be used for the devel-  
7 opment, reconstruction, replacement, management, and  
8 operation of recreation resources on project lands and wa-  
9 ters with not less than 60 percent being used at the site  
10 from which the fees were collected.”.

11       (h) MANAGEMENT FOR RECREATION, FISH AND  
12 WILDLIFE, AND OTHER RESOURCES.—Section 7 of the  
13 Federal Water Project Recreation Act (16 U.S.C. 460l–  
14 18) is amended—

15               (1) by amending subsection (a) to read as fol-  
16 lows:

17       “(a) The Secretary of the Interior, acting through the  
18 Commissioner of Reclamation, is authorized, in conjunc-  
19 tion with any water resource development project here-  
20 tofore or hereafter constructed or which is otherwise under  
21 the Secretary’s control, to—

22               “(1) investigate, plan, design, construct, re-  
23 place, manage, operate, and maintain or otherwise  
24 provide for recreation and fish and wildlife enhance-

1       ment facilities and services, the costs of which may  
2       be nonreimbursable;

3           “(2) provide for public use and enjoyment of  
4       project lands, facilities, and water areas in a manner  
5       coordinated with the other project purposes, includ-  
6       ing by entering into grants, cooperative agreements,  
7       and similar instruments with non-Federal entities,  
8       without cost sharing, for recreation projects and ac-  
9       tivities; and

10           “(3) to acquire or otherwise make available  
11       such adjacent lands or interests therein as are nec-  
12       essary for public recreation or fish and wildlife  
13       use.”;

14           (2) in subsection (b)—

15               (A) by inserting “, acting through the  
16       Commissioner of Reclamation,” after “the Sec-  
17       retary of the Interior”;

18               (B) by inserting “and management” after  
19       “administration”;

20               (C) by striking “lease”; and

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

22           “All such agreements or contracts for adminis-  
23       tration or management shall identify the terms  
24       and conditions of administration, management,  
25       and use, approvals required from Bureau of

1           Reclamation, and assure public access to  
2           project lands managed for recreation.”;

3           (3) by adding at the end the following:

4           “(d) The Secretary of the Interior, acting through the  
5   Commissioner of Reclamation, is also authorized to enter  
6   into agreements with other non-Federal entities for recre-  
7   ation and concession management at Bureau of Reclama-  
8   tion projects. All such agreements or contracts for man-  
9   agement shall identify the terms and conditions of man-  
10   agement and use, approvals required from the Bureau of  
11   Reclamation, and assure public access to project lands  
12   managed for recreation.”; and

13          “(e) The Secretary of the Interior, acting through the  
14   Commissioner of Reclamation, is authorized to approve  
15   the administration, management, and use of Bureau of  
16   Reclamation lands, waters, and the resources thereon by  
17   means of easements, leases, licenses, contracts, permits,  
18   and other forms of conveyance instruments.

19          “(f) The Secretary of the Interior, acting through the  
20   Commissioner of Reclamation, is authorized to produce,  
21   sell, or otherwise make available to the public: information  
22   about Bureau of Reclamation programs including publica-  
23   tions, photographs, computer discs, maps, brochures, post-  
24   ers, videos, and other memorabilia related to the Bureau  
25   of Reclamation, and the natural, historic, and cultural re-



1 sources of the area; and, other appropriate and suitable  
2 merchandise to enhance the public's use of the area. In-  
3 come from such sales shall be credited to the Reclamation  
4 Fund to remain available, without further Act of appro-  
5 priation, to pay costs associated with the production and  
6 sale of items, and any remaining revenue shall be avail-  
7 able, without further Act of appropriation, to support  
8 recreation development and management of Bureau of  
9 Reclamation land and water areas.”.

10 (i) DEFINITIONS.—Section 10 of the Federal Water  
11 Project Recreation Act (16 U.S.C. 460l–21) is amended  
12 by adding at the end the following:

13 “(f) The term ‘non-Federal entity’ means non-Fed-  
14 eral public bodies, nonprofit organizations, Indian tribes,  
15 or entities within the private sector.”.

16 (j) AUTHORIZATION OF APPROPRIATIONS.—The Fed-  
17 eral Water Project Recreation Act (16 U.S.C. 460l–12 et  
18 seq.) is amended by redesignating section 11 (as redesign-  
19 ated by subsection (d) of this section) as section 12, and  
20 by inserting after section 10 the following:

21 **“SEC. 11. AVAILABILITY OF APPROPRIATIONS.**

22 “Funds appropriated under this section may remain  
23 available until expended.”.

24 (k) LIMITATION ON APPLICATION.—This section and  
25 the amendments made by this section shall apply only to

1 water resource development projects under the control of  
2 the Secretary of the Interior.

3 **SEC. 3. RECREATIONAL FACILITIES AT LOST CREEK RES-**  
4 **ERVOIR.**

5 (a) CONSTRUCTION OF FACILITIES.—As soon as  
6 practicable after funds are made available for this section,  
7 the Secretary of the Interior shall construct recreational  
8 facilities at Lost Creek Reservoir in Utah.

9 (b) MAINTENANCE AND OPERATION OF FACILI-  
10 TIES.—Construction of recreational facilities under sub-  
11 section (a) shall begin only after the Secretary has entered  
12 into a cooperative agreement with the State of Utah that  
13 provides for the operation and maintenance of the rec-  
14 reational facilities.

15 (c) COST SHARING.—The Federal share of the cost  
16 of construction carried out under this section shall be 50  
17 percent.

18 **SEC. 4. TECHNICAL CORRECTION.**

19 Section 1(g) of Public Law 107–69 (115 Stat. 595)  
20 is amended by striking “section 2(c)(1)” and inserting  
21 “subsection (c)(1)”.

22 **SEC. 5. AUTHORIZATION OF AUSTIN, TEXAS, WASTEWATER**  
23 **RECLAMATION AND REUSE PROJECT.**

24 (a) AUTHORIZATION OF PROJECT.—The Reclamation  
25 Wastewater and Groundwater Study and Facilities Act

1 (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.)

2 is amended by adding at the end the following:

3 **“SEC. 1635. AUSTIN, TEXAS, WATER RECLAMATION AND**  
 4 **REUSE PROJECT.**

5 “(a) AUTHORIZATION.—The Secretary, in coopera-  
 6 tion with the City of Austin Water and Wastewater Util-  
 7 ity, Texas, is authorized to participate in the planning (in-  
 8 cluding an appraisal and feasibility study), design, and  
 9 construction of, and land acquisition for, a project to re-  
 10 claim and reuse wastewater, including degraded ground-  
 11 waters, within and outside of the service area of the City  
 12 of Austin Water and Wastewater Utility, Texas.

13 “(b) COST SHARE.—The Federal share of the cost  
 14 of the project authorized by this section shall not exceed  
 15 25 percent of the total cost of the project.

16 “(c) LIMITATION.—The Secretary shall not provide  
 17 funds for the operation and maintenance of the project  
 18 authorized by this section.”.

19 (b) CLERICAL AMENDMENT.—The table of contents  
 20 in section 2 of Public Law 102–575 (106 Stat. 4600) is  
 21 amended by adding at the end of the items relating to  
 22 chapter XVI the following:

“Sec. 1635. Austin, Texas, Water Reclamation and Reuse Project.”.

23 **SEC. 6. WILLARD BAY RESERVOIR ENLARGEMENT STUDY.**

24 (a) AUTHORIZATION OF FEASIBILITY STUDY.—Pur-  
 25 suant to the reclamation laws, the Secretary of the Inte-

rior, through the Bureau of Reclamation, may conduct a feasibility study on raising the height of Arthur V. Watkins Dam and thereby enlarging the Willard Bay Reservoir for the development of additional storage to meet water supply needs within the Weber Basin Project area. The feasibility study shall include such environmental evaluation as required under the National Environmental Policy Act of 1969 and a cost allocation as required under the Reclamation Projects Act of 1939.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report on the results of the study to the Congress for review and approval.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$2,000,000.

**SEC. 7. REAUTHORIZATION OF WATER DESALINATION ACT  
OF 1996.**

(a) AUTHORIZATION OF COOPERATIVE AND INTER-AGENCY AGREEMENTS.—Section 3(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note) is amended in the first sentence by inserting “and cooperative and interagency agreements” after “contracts”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Act is amended—

1           (1) in subsection (a) by striking “1997 through  
2           2002” and inserting “2003 through 2008”; and  
3           (2) in subsection (b) by striking “\$25,000,000  
4           for fiscal years 1997 through 2002” and inserting  
5           “\$25,000,000 for fiscal years 2003 through 2008”.

Passed the House of Representatives October 1,  
2002.

Attest:

JEFF TRANDAHL,

*Clerk.*