

Calendar No. 1114

110TH CONGRESS
2D SESSION**H. R. 3437**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22 (legislative day, SEPTEMBER 17), 2008

Received

OCTOBER 2 (legislative day, SEPTEMBER 17), 2008

Read twice and placed on the calendar

AN ACT

To authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jackson Gulch Reha-
5 bilitation Act of 2008”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ASSESSMENT.**—The term “assessment”
9 means the engineering document that is—

1 (A) entitled “Jackson Gulch Inlet Canal
2 Project, Jackson Gulch Outlet Canal Project,
3 Jackson Gulch Operations Facilities Project:
4 Condition Assessment and Recommendations
5 for Rehabilitation”;

6 (B) dated February 2004; and

7 (C) on file with the Bureau of Reclama-
8 tion.

9 (2) DISTRICT.—The term “District” means the
10 Mancos Water Conservancy District established
11 under the Water Conservancy Act (Colo. Rev. Stat.
12 37–45–101 et seq.).

13 (3) PROJECT.—The term “Project” means the
14 Jackson Gulch rehabilitation project, a program for
15 the rehabilitation of the Jackson Gulch Canal sys-
16 tem and other infrastructure in the State, as de-
17 scribed in the assessment.

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior, acting through the
20 Commissioner of Reclamation.

21 (5) STATE.—The term “State” means the State
22 of Colorado.

1 **SEC. 3. AUTHORIZATION OF JACKSON GULCH REHABILITA-**
2 **TION PROJECT.**

3 (a) **IN GENERAL.**—Subject to the reimbursement re-
4 quirement described in subsection (c), the Secretary shall
5 pay the Federal share of the total cost of carrying out
6 the Project.

7 (b) **USE OF EXISTING INFORMATION.**—In preparing
8 any studies relating to the Project, the Secretary shall,
9 to the maximum extent practicable, use existing studies,
10 including engineering and resource information provided
11 by, or at the direction of—

12 (1) Federal, State, or local agencies; and

13 (2) the District.

14 (c) **REIMBURSEMENT REQUIREMENT.**—

15 (1) **AMOUNT.**—The Secretary shall recover from
16 the District as reimbursable expenses the lesser of—

17 (A) the amount equal to 35 percent of the
18 cost of the Project; or

19 (B) \$2,900,000.

20 (2) **MANNER.**—The Secretary shall recover re-
21 imburseable expenses under paragraph (1)—

22 (A) in a manner agreed to by the Sec-
23 retary and the District;

24 (B) over a period of 15 years; and

25 (C) with no interest.

1 (3) CREDIT.—In determining the exact amount
2 of reimburseable expenses to be recovered from the
3 District, the Secretary shall credit the District for
4 any amounts it paid before the date of the enact-
5 ment of this Act for engineering work and improve-
6 ments directly associated with the Project.

7 (d) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for the
8 operation and maintenance of any facility constructed or
9 rehabilitated under this Act.
10 rehabilitated under this Act.

11 (e) LIABILITY.—The United States shall not be liable
12 for damages of any kind arising out of any act, omission,
13 or occurrence relating to a facility rehabilitated or con-
14 structed under this Act.

15 (f) EFFECT.—An activity provided Federal funding
16 under this Act shall not be considered a supplemental or
17 additional benefit under—

18 (1) the reclamation laws; or

19 (2) the Act of August 11, 1939 (16 U.S.C.
20 590y et seq.).

21 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to the Secretary to pay the

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