

113TH CONGRESS
1ST SESSION

S. 513

To clarify the role of the Cherokee Nation of Oklahoma regarding the maintenance of the W.D. Mayo Lock and Dam in the State of Oklahoma.

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2013

Mr. INHOFE introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To clarify the role of the Cherokee Nation of Oklahoma regarding the maintenance of the W.D. Mayo Lock and Dam in the State of Oklahoma.

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. RIGHTS AND RESPONSIBILITIES OF CHEROKEE**
4 **NATION OF OKLAHOMA REGARDING W.D.**
5 **MAYO LOCK AND DAM, OKLAHOMA.**

6 Section 1117 of the Water Resources Development
7 Act of 1986 (Public Law 99–662; 100 Stat. 4236) is
8 amended to read as follows:

1 **“SEC. 1117. W.D. MAYO LOCK AND DAM, OKLAHOMA.**

2 “(a) IN GENERAL.—Notwithstanding any other pro-
3 vision of law, the Cherokee Nation of Oklahoma may—

4 “(1) design and construct 1 or more hydro-
5 electric generating facilities at the W.D. Mayo Lock
6 and Dam on the Arkansas River in the State of
7 Oklahoma, subject to the requirements of subsection
8 (b) and in accordance with the conditions specified
9 in this section; and

10 “(2) market the electricity generated from any
11 such hydroelectric generating facility.

12 **“(b) PRECONSTRUCTION REQUIREMENTS.—**

13 “(1) IN GENERAL.—The Cherokee Nation shall
14 obtain any permit required by Federal or State law
15 before the date on which construction begins on any
16 hydroelectric generating facility under subsection
17 (a), except that the Cherokee Nation shall be exempt
18 from any licensing requirements under the Federal
19 Power Act (16 U.S.C. 791a et seq.) that may other-
20 wise be required for the construction, operation, or
21 maintenance of a hydroelectric generating facility.

22 “(2) REVIEW BY SECRETARY.—The Cherokee
23 Nation may initiate the design or construction of a
24 hydroelectric generating facility under subsection (a)
25 only after the Secretary reviews and approves the

1 plans and specifications for the design and construc-
 2 tion.

3 “(c) PAYMENT OF DESIGN AND CONSTRUCTION
 4 COSTS.—

5 “(1) IN GENERAL.—The Cherokee Nation
 6 shall—

7 “(A) bear all costs associated with the de-
 8 sign and construction of any hydroelectric gen-
 9 erating facility under subsection (a); and

10 “(B) provide any funds necessary for the
 11 design and construction to the Secretary prior
 12 to the Secretary initiating any activities relating
 13 to the design and construction of the hydro-
 14 electric generating facility.

15 “(2) USE BY SECRETARY.—The Secretary
 16 may—

17 “(A) accept funds offered by the Cherokee
 18 Nation under paragraph (1); and

19 “(B) use the funds to carry out the design
 20 and construction of any hydroelectric gener-
 21 ating facility under subsection (a).

22 “(d) ASSUMPTION OF LIABILITY.—The Cherokee Na-
 23 tion—

24 “(1) shall hold all title to any hydroelectric gen-
 25 erating facility constructed under this section;

1 “(2) may, subject to the approval of the Sec-
2 retary, assign that title to a third party;

3 “(3) shall be solely responsible for—

4 “(A) the operation, maintenance, repair,
5 replacement, and rehabilitation of any such fa-
6 cility; and

7 “(B) the marketing of the electricity gen-
8 erated by any such facility; and

9 “(4) shall release and indemnify the United
10 States from any claims, causes of action, or liabil-
11 ities that may arise out of any activity undertaken
12 to carry out this section.

13 “(e) ASSISTANCE AVAILABLE.—Notwithstanding any
14 other provision of law, the Secretary may provide any
15 technical and construction management assistance re-
16 quested by the Cherokee Nation relating to the design and
17 construction of any hydroelectric generating facility under
18 subsection (a).

19 “(f) THIRD-PARTY AGREEMENTS.—The Cherokee
20 Nation may enter into agreements with the Secretary or
21 a third party that the Cherokee Nation or the Secretary
22 determines to be necessary to carry out this section.”.

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