

“(3) STATE.—The term ‘State’ means the State of California.

“(b) NORTH BAY WATER REUSE PROGRAM.—“(1) IN GENERAL.—Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

“(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

“(A) non-Federal entities; and
“(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

“(3) PHASED PROJECT.—A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

“(A) FIRST PHASE.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

“(B) SECOND PHASE.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

“(4) COST SHARING.—

“(A) FEDERAL SHARE.—The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

“(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

“(i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

“(ii) the acquisition costs of land acquired for the project that is—

“(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and

“(II) owned by an eligible entity and directly related to the project.

“(C) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(5) EFFECT.—Nothing in this section—

“(A) affects or preempts—

“(i) State water law; or
“(ii) an interstate compact relating to the allocation of water; or

“(B) confers on any non-Federal entity the ability to exercise any Federal right to—

“(i) the water of a stream; or
“(ii) any groundwater resource.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section \$25,000,000, to remain available until expended.”

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the last item relating to title XVI the following:

“Sec. 16 ____ North Bay water reuse program.”

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

□ 1445

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

This legislation, introduced by our colleague from California, Representative MIKE THOMPSON, authorizes the Secretary of the Interior to provide limited financial assistance for planning, design, and construction of the North Bay Water Reuse Program in Northern California. This is an innovative regional water recycling project that will allow North Bay Water Reuse Authority and many of the other regional partners to improve water supplies and water quality and to implement environmental restoration work.

Similar legislation was introduced by Congressman THOMPSON in the 109th Congress, and I certainly want to thank Representative THOMPSON for his hard work on this important legislation, and my co-chair, Mrs. McMORRIS RODGERS.

Mr. Speaker, this measure receives strong bipartisan support, and we strongly support this noncontroversial bill. I urge my colleagues to support H.R. 236, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairwoman GRACE NAPOLITANO has done a great job of describing this bill. We have no objection and applaud the effort of those that have been involved in passing it.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I have no requests for time, so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 236, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WESTMORELAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BUREAU OF RECLAMATION SITE SECURITY COSTS ACT OF 2007

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1662) to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bureau of Reclamation Site Security Costs Act of 2007”.

SEC. 2. TREATMENT OF CAPITAL COSTS.

Costs incurred by the Secretary of the Interior for the physical fortification of Bureau of Reclamation facilities to satisfy increased post-September 11, 2001, security needs, including the construction, modification, upgrade, or replacement of such facility fortifications, shall be non-reimbursable.

SEC. 3. TREATMENT OF SECURITY-RELATED OPERATION AND MAINTENANCE COSTS.

(a) REIMBURSABLE COSTS.—*The Secretary of the Interior shall include no more than \$18,900,000 per fiscal year, indexed each fiscal year after fiscal year 2008 according to the preceding year's Consumer Price Index, of those costs incurred for increased levels of guards and patrols, training, patrols by local and tribal law enforcement entities, operation, maintenance, and replacement of guard and response force equipment, and operation and maintenance of facility fortifications at Bureau of Reclamation facilities after the events of September 11, 2001, as reimbursable operation and maintenance costs under Reclamation law.*

(b) COSTS COLLECTED THROUGH WATER RATES.—*In the case of the Central Valley Project of California, site security costs allocated to irrigation and municipal and industrial water service in accordance with this Act shall be collected by the Secretary exclusively through inclusion of these costs in the operation and maintenance water rates.*

SEC. 4. TRANSPARENCY AND REPORT TO CONGRESS.

(a) POLICIES AND PROCEDURES.—*The Secretary is authorized to develop policies and procedures with project beneficiaries, consistent with the requirements of subsections (b) and (c), to provide for the payment of the reimbursable costs described in section 3.*

(b) NOTICE.—*On identifying a Bureau of Reclamation facility for a site security measure, the Secretary shall provide to the project beneficiaries written notice—*

(1) *describing the need for the site security measure and the process for identifying and implementing the site security measure; and*

(2) *summarizing the administrative and legal requirements relating to the site security measure.*

(c) CONSULTATION.—*The Secretary shall—*

(1) *provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the site security measure; and*

(2) *in consultation with project beneficiaries, develop and provide timeframes for the consultation described in paragraph (1).*

(d) RESPONSE; NOTICE.—*Before incurring costs pursuant to activities described in section 3, the Secretary shall consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on such activities. The Secretary shall provide to the project beneficiary—*

(1) a timely written response describing proposed actions, if any, to address the recommendation; and

(2) notice regarding the costs and status of such activities on a periodic basis.

(e) *REPORT*.—The Secretary shall report annually to the Natural Resources Committee of the House of Representatives and the Energy and Natural Resources Committee of the Senate on site security actions and activities undertaken pursuant to this Act for each fiscal year. The report shall include a summary of Federal and non-Federal expenditures for the fiscal year and information relating to a 5-year planning horizon for the program, detailed to show pre-September 11, 2001, and post-September 11, 2001, costs for the site security activities.

SEC. 5. PRE-SEPTEMBER 11, 2001 SECURITY COST LEVELS.

Reclamation project security costs at the levels of activity that existed prior to September 11, 2001, shall remain reimbursable.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

I introduced H.R. 1662 to address the question of how we, the Federal Government, should pay for increased security mandated and required by the Bureau of Reclamation facilities after the attacks of September 11, 2001. As amended by the Committee on Natural Resources, H.R. 1662 sets a firm cap, \$18.9 million annually, indexed to inflation, on costs that can be passed on to water and power customers to pay for guards, patrol expenses and other things like that.

The bill, as amended, also includes reporting requirements that are reasonable and appropriate to keep the Congress and project beneficiaries advised of Bureau of Reclamation site security activities.

I commend our ranking member, CATHY McMORRIS RODGERS, for her bipartisan support of this bill.

Mr. Speaker, I strongly support enactment of this noncontroversial bill. I ask my colleagues to support H.R. 1662, as amended.

I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bipartisan bill protects much of our critical water and power infrastructure in the West and gives consumers cost certainty in how these facilities are protected. Many of the dams in the West are multipurpose

in nature. For example, the Grand Coulee Dam in eastern Washington provides irrigation water and renewable hydropower benefits but also plays a major role in preventing floods, allowing millions to enjoy our public lands and waterways and helping the environment.

Water and power beneficiaries of Grand Coulee will pay for the major portion of the post-9/11 security costs under this legislation. But this bill also reflects the reality that these dams are national treasures that provide national benefits by capping the costs to local water and power customers.

This bill also requires our government to be more transparent in how it does business by requiring common-sense reports in how it spends its site security dollars. This bill has truly been a bipartisan effort that has spanned the past three Congresses. Through every step of the process, Republicans and Democrats have worked together to draft this legislation and bring about a much-needed way for the Bureau of Reclamation to carry out this program. I applaud the chairwoman of the Water and Power Subcommittee, GRACE NAPOLITANO, for taking the lead to get the legislation passed through this Congress and urge my colleagues to support this important bipartisan measure.

Mr. Speaker, I have no additional speakers and yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I certainly want to thank Ranking Member CATHY McMORRIS RODGERS for her role in this. She described the bill very aptly. We are asking our colleagues to support H.R. 1662, as amended.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 1662, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to seek limited reimbursement for site security activities, and for other purposes."

A motion to reconsider was laid on the table.

McGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES CONVEYANCE ACT

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2085) to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "McGee Creek Project Pipeline and Associated Facilities Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **AGREEMENT**.—The term "Agreement" means the agreement numbered 06-AG-60-2115 and entitled "Agreement Between the United States of America and McGee Creek Authority for the Purpose of Defining Responsibilities Related to and Implementing the Title Transfer of Certain Facilities at the McGee Creek Project, Oklahoma".

(2) **AUTHORITY**.—The term "Authority" means the McGee Creek Authority located in Oklahoma City, Oklahoma.

(3) **SECRETARY**.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.

(a) **AUTHORITY TO CONVEY**.—

(1) **IN GENERAL**.—In accordance with all applicable laws and consistent with any terms and conditions provided in the Agreement, the Secretary may convey to the Authority all right, title, and interest of the United States in and to the pipeline and any associated facilities described in the Agreement, including—

- (A) the pumping plant;
- (B) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Atoka;
- (C) the surge tank;
- (D) the regulating tank;
- (E) the McGee Creek operation and maintenance complex, maintenance shop, and pole barn; and
- (F) any other appurtenances, easements, and fee title land associated with the facilities described in subparagraphs (A) through (E), in accordance with the Agreement.

(2) **EXCLUSION OF MINERAL ESTATE FROM CONVEYANCE**.—

(A) **IN GENERAL**.—The mineral estate shall be excluded from the conveyance of any land or facilities under paragraph (1).

(B) **MANAGEMENT**.—Any mineral interests retained by the United States under this Act shall be managed—

- (i) consistent with Federal law; and
- (ii) in a manner that would not interfere with the purposes for which the McGee Creek Project was authorized.

(3) **COMPLIANCE WITH AGREEMENT; APPLICABLE LAW**.—

(A) **AGREEMENT**.—All parties to the conveyance under paragraph (1) shall comply with the terms and conditions of the Agreement, to the extent consistent with this Act.

(B) **APPLICABLE LAW**.—Before any conveyance under paragraph (1), the Secretary shall complete any actions required 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.);
- (iii) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and
- (iv) any other applicable laws.

(b) **OPERATION OF TRANSFERRED FACILITIES**.—

(1) **IN GENERAL**.—On the conveyance of the land and facilities under subsection (a)(1), the Authority shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of any transferred facilities.

(2) **OPERATION AND MAINTENANCE COSTS**.—

(A) **IN GENERAL**.—After the conveyance of the land and facilities under subsection (a)(1)