

105TH CONGRESS
1ST 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

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,*

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

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

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 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. Fish passage and protective facilities, Rogue River Basin, Oregon.

6 **SEC. 2. REDUCTION OF WAITING PERIOD FOR OBLIGATION**
7 **OF FUNDS PROVIDED UNDER RECLAMATION**
8 **SAFETY OF DAMS ACT OF 1978.**

9 Section 5 of the Reclamation Safety of Dams Act of
10 1978 (92 Stat. 2471; 43 U.S.C. 509) is amended by strik-
11 ing “sixty days” and all that follows through “day cer-
12 tain)” and inserting “30 calendar days”.

13 **SEC. 3. ALBUQUERQUE METROPOLITAN AREA RECLAMA-**
14 **TION AND REUSE PROJECT.**

15 Section 1621 of the Reclamation Projects Authoriza-
16 tion and Adjustment Act of 1992, as added by section
17 2(a)(2) of the Reclamation Recycling and Water Con-
18 servation Act of 1996 (110 Stat. 3292; 43 U.S.C. 390h-
19 12g), is amended—

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

3 (2) in subsection (a)—

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

6 (B) by striking “Study” and inserting
7 “Project”; and

8 (C) by inserting “and nonpotable surface
9 water” after “impaired groundwater”.

10 **SEC. 4. PHOENIX METROPOLITAN WATER RECLAMATION**
11 **AND REUSE PROJECT.**

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

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

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

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

3 (3) by striking subsection (c).

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

6 (a) REFUND REQUIRED.—Subject to subsection (b)
7 and the availability of appropriations, the Secretary of the
8 Interior shall refund fully amounts received by the United
9 States as collections under section 224(i) of the Reclama-
10 tion Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C.
11 390ww(i)) for paid bills (including interest collected) is-
12 sued by the Secretary of the Interior before January 1,
13 1994, for full-cost charges that were assessed for failure
14 to file certain certification forms under sections 206 and
15 224(c) of such Act (96 Stat. 1266, 1272; 43 U.S.C. 390ff,
16 390ww(c)).

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

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

4 **SEC. 6. EXTENSION OF PERIODS FOR REPAYMENTS FOR**
5 **NUECES RIVER RECLAMATION PROJECT AND**
6 **CANADIAN RIVER RECLAMATION PROJECT,**
7 **TEXAS.**

8 Section 2 of the Emergency Drought Relief Act of
9 1996 (Public Law 104–318; 110 Stat. 3862) is amended
10 by adding at the end the following new subsection:

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

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

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

23 “(B) until August 1, 2044, for repayment
24 pursuant to the fish and wildlife and recreation
25 benefits portion of the contract; and

1 “(2) shall extend the period for repayment by
2 the Canadian River Municipal Water Authority
3 under contract No. 14–06–500–485, relating to the
4 Canadian River reclamation project, Texas, until Oc-
5 tober 1, 2021.”.

6 **SEC. 7. SOLANO PROJECT WATER.**

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

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

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

20 (b) LIMITATION.—The authorization under sub-
21 section (a) shall be limited to the use of that portion of
22 the Solano Project facilities downstream of Mile 26 of the
23 Putah South Canal (as that canal is depicted on the offi-
24 cial maps of the Bureau of Reclamation), which is below

1 the diversion points on the Putah South Canal utilized by
2 the city of Fairfield for delivery of Solano Project water.

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

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

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

1 “(b) The Canadian River Municipal Water Authority
2 shall bear the responsibility for all costs of construction,
3 operation, and maintenance of the Canadian River Con-
4 junctive Groundwater Project, and for costs incurred by
5 the Secretary in conducting the environmental review of
6 the project. The Secretary shall not assess any additional
7 charges in connection with the Canadian River Conjunc-
8 tive Use Groundwater Project.”.

9 **SEC. 9. OLIVENHAIN WATER STORAGE PROJECT LOAN**
10 **GUARANTEE.**

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

1 (b) INTEREST RATE.—Any loan guaranteed under
2 subsection (a) shall bear interest at a rate agreed upon
3 by the borrower and lender.

4 (c) OBLIGATION OF UNITED STATES.—Any loan
5 guarantee under this section shall constitute an obligation,
6 in accordance with the terms and conditions of such guar-
7 antee, of the United States Government, and the full faith
8 and credit of the United States is hereby pledged to full
9 performance of the obligation.

10 (d) SECURITY.—

11 (1) RESERVE FUND AND COMMITMENT OF DIS-
12 TRICT REVENUES.—To ensure the repayment of any
13 loan guaranteed under this section and as a condi-
14 tion of providing the guarantee, the Secretary of the
15 Interior shall require that—

16 (A) the borrower establish and maintain,
17 with a trustee designated by the Secretary, a
18 reserve fund in the amount of 115 percent of
19 the next year's principal and interest payments
20 on the loan;

21 (B) the District agree to use its revenues
22 to make all payments required under the terms
23 of the loan prior to any payment by the United
24 States under the guarantee, and to make those

1 payments through the trustee designated under
2 subparagraph (A); and

3 (C) the trustee designated under subpara-
4 graph (A) agree to use all amounts received for
5 repayment of the loan to repay the loan.

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

9 (A) all moneys in the reserve fund shall
10 constitute a trust fund for the repayment of the
11 loan guaranteed under subsection (a); and

12 (B) the reserve fund shall be administered
13 in accordance with and pursuant to provisions
14 agreed upon by the borrower and lender for the
15 loan guaranteed under subsection (a).

16 (3) PAYMENT OF LOAN AMOUNTS.—Proceeds
17 from the loan guaranteed under subsection (a)
18 shall—

19 (A) be deposited directly with the trustee
20 designated by the Secretary of the Interior
21 under paragraph (1)(A); and

22 (B) be disbursed by the trustee consistent
23 with the terms of the loan.

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

4 (A) be a trust company or a bank having
5 the powers of a trust company;

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

8 (C) be otherwise subject to supervision or
9 examination by a Federal agency.

10 **SEC. 10. FISH PASSAGE AND PROTECTIVE FACILITIES,**
11 **ROGUE RIVER BASIN, OREGON.**

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

 Passed the House of Representatives November 9,
1997.

Attest:

ROBIN H. CARLE,

Clerk.