

compromising public involvement and environmental compliance.

Mr. Speaker, for the past decade, Colorado River water and conservation have been the most cost-effective options to meet demands in southern Nevada. However, as we plan for the future, the continued development of additional water resources has become necessary.

Development of in-State water resources will provide southern Nevada with a long-term, reliable water supply to meet the increased demands of a growing population and ensure supply during times of drought. Accessing these resources requires significant investment, and H.R. 4593 is an important step forward in achieving these goals.

I would like to urge my colleagues in the House to support this important bipartisan legislation and join me in voting for H.R. 4593.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers on this, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I also have no additional requests for time, would urge adoption of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 4593, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1445

AUTHORIZING SECRETARY OF THE INTERIOR TO PARTICIPATE IN BROWNSVILLE PUBLIC UTILITY BOARD WATER RECYCLING AND DESALINIZATION PROJECT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2960) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalination project.

The Clerk read as follows:

H.R. 2960

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

SECTION 1. BROWNSVILLE PUBLIC UTILITY BOARD WATER RECYCLING AND DESALINIZATION PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following new section:

“SEC. 163 . . . BROWNSVILLE PUBLIC UTILITY BOARD WATER RECYCLING AND DESALINIZATION PROJECT.

“(a) IN GENERAL.—The Secretary, in cooperation with the Brownsville Public Utility Board, may participate in the design,

planning, and construction of facilities to reclaim, reuse, and treat impaired waters in the Brownsville, Texas, area.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).”

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

“Sec. 163 . . . Brownsville Public Utility Board water recycling and desalination project.”

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2960, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

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

H.R. 2960, authored by the gentleman from Texas (Mr. ORTIZ), amends the Bureau of Reclamation's Title XVI Program to authorize the Secretary of the Interior, in cooperation with the Brownsville Public Utility Board, to participate in the design, planning, and construction of facilities to reclaim, reuse, and treat impaired waters in the Brownsville, Texas, area. The Federal cost-share for the project will not exceed 25 percent of the total projected cost.

This bill will help ensure delivery of high-quality drinking water for the residents of the Brownsville area. By developing nontraditional water supplies, the community is reducing stress on the over-utilized Rio Grande while providing safe and dependable water supplies for future generations, and I therefore urge adoption of this bill.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I want to begin by commending my friend and colleague on the Committee on Resources, the gentleman from Texas (Mr. ORTIZ), for introducing this bill and for working hard to secure its passage.

The community leaders in the Brownsville, Texas, area also deserve recognition for the decision to use

water desalination and water recycling as tools to stabilize their water supplies and reduce the impact of drought. We strongly support this legislation.

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 2960, a bill I introduced that will amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalination project.

I would like to thank Chairman POMBO, Ranking Member RAHALL, as well as Water and Power Subcommittee Chairman CALVERT and Ranking Member NAPOLITANO, for their valuable support on this legislation.

This bill was considered in the House Resources Committee and was passed with no dissent. It will essentially allow the Brownsville PUB to participate in water recycling and desalination project funding authorized by the Secretary of the Interior.

This bill, H.R. 2960, makes the Brownsville Public Utilities Board (PUB) eligible for a Federal share of Title 16 funding for design, planning, and construction of facilities to reclaim, reuse, and treat impaired waters in the Brownsville area.

PUB's water supply plan has several components including: reclaiming brackish groundwater (not obligated under the Mexican water treaty) through desalination, and building a pipeline to transport treated sewage for irrigation. This is an important bill for Brownsville and the PUB because it will make them eligible for grants to do the essential work of reclaiming waters that are currently unusable in the South Texas area.

Given our current water situation, and the ongoing water debt with Mexico, Brownsville and the Rio Grande Valley must use all our creativity to find new sources of water for the next century to attend to all the needs of future water users. South Texas has seen an amazing amount of growth, a dynamic we expect to continue for decades to come. The more varied, and more creative, we are in finding new water sources, the more successful we will be in attracting new industry to sustain the growth of our Valley economy.

I ask my colleagues to support this bill.

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

Mr. GIBBONS. Mr. Speaker, 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 gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 2960.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVO RIVER PROJECT TRANSFER ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3391) to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project, as amended.

The Clerk read as follows:

H.R. 3391

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 “Provo River Project Transfer Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **AGREEMENT.**—The term “Agreement” means the contract numbered 04-WC-40-8950 and entitled “Agreement Among the United States, the Provo River Water Users Association, and the Metropolitan Water District of Salt Lake & Sandy to Transfer Title to Certain Lands and Facilities of the Provo River Project” and shall include maps of the land and features to be conveyed under the Agreement.

(2) **ASSOCIATION.**—The term “Association” means the Provo River Water Users Association, a nonprofit corporation organized under the laws of the State.

(3) **DISTRICT.**—The term “District” means the Metropolitan Water District of Salt Lake & Sandy, a political subdivision of the State.

(4) **PLEASANT GROVE PROPERTY.**—

(A) **IN GENERAL.**—The term “Pleasant Grove Property” means the 3.79-acre parcel of land acquired by the United States for the Provo River Project, Deer Creek Division, located at approximately 285 West 1100 North, Pleasant Grove, Utah, as in existence on the date of enactment of this Act.

(B) **INCLUSIONS.**—The term “Pleasant Grove Property” includes the office building and shop complex constructed by the Association on the parcel of land described in subparagraph (A).

(5) **PROVO RESERVOIR CANAL.**—The term “Provo Reservoir Canal” means the canal, and any associated land, rights-of-way, and facilities acquired, constructed, or improved by the United States as part of the Provo River Project, Deer Creek Division, extending from, and including, the Murdock Diversion Dam at the mouth of Provo Canyon, Utah, to and including the Provo Reservoir Canal Siphon and Penstock, as in existence on the date of enactment of this Act.

(6) **SALT LAKE AQUEDUCT.**—The term “Salt Lake Aqueduct” means the aqueduct and associated land, rights-of-way, and facilities acquired, constructed or improved by the United States as part of the Provo River Project, Aqueduct Division, extending from, and including, the Salt Lake Aqueduct Intake at the base of Deer Creek Dam to and including the Terminal Reservoirs located at 3300 South St. and Interstate Route 215 in Salt Lake City, Utah, as in existence on the date of enactment of this Act.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior or a designee of the Secretary.

(8) **STATE.**—The term “State” means the State of Utah.

SEC. 3. CONVEYANCE OF LAND AND FACILITIES.

(a) **CONVEYANCES TO ASSOCIATION.**—

(1) **PROVO RESERVOIR CANAL.**—

(A) **IN GENERAL.**—In accordance with the terms and conditions of the Agreement and subject to subparagraph (B), the Secretary shall convey to the Association, all right, title, and interest of the United States in and to the Provo Reservoir Canal.

(B) **CONDITION.**—The conveyance under subparagraph (A) shall not be completed until the Secretary executes the Agreement and accepts future arrangements entered into by the Association, the District, the Central Utah Water Conservancy District, and the Jordan Valley Water Conservancy District providing for the operation, ownership, financing, and improvement of the Provo Reservoir Canal.

(2) **PLEASANT GROVE PROPERTY.**—In accordance with the terms and conditions of the Agreement, the Secretary shall convey to the Association, all right, title, and interest of the United States in and to the Pleasant Grove Property.

(b) **CONVEYANCE TO DISTRICT.**—

(1) **IN GENERAL.**—In accordance with the terms and conditions of the Agreement, and subject to the execution of the Agreement by the Secretary the Secretary shall convey to the District, all right, title, and interest of the United States in and to Salt Lake Aqueduct.

(2) **EASEMENTS.**—

(A) **IN GENERAL.**—As part of the conveyance under paragraph (1), the Secretary shall grant to the District permanent easements to—

(i) the National Forest System land on which the Salt Lake Aqueduct is located; and

(ii) land of the Aqueduct Division of the Provo River Project that intersects the parcel of non-Federal land authorized to be conveyed to the United States under section 104(a) of Public Law 107-329 (116 Stat. 2816).

(B) **PURPOSE.**—The easements conveyed under subparagraph (A) shall be for the use, operation, maintenance, repair, improvement, or replacement of the Salt Lake Aqueduct by the District.

(C) **LIMITATION.**—The United States shall not carry out any activity on the land subject to the easements conveyed under subparagraph (A) that would materially interfere with the use, operation, maintenance, repair, improvement, or replacement of the Salt Lake Aqueduct by the District.

(D) **BOUNDARIES.**—The boundaries of the easements conveyed under subparagraph (A) shall be determined by the Secretary, in consultation with the District and the Secretary of Agriculture.

(E) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—

(i) **IN GENERAL.**—On conveyance of the easement to the land described in subparagraph (A)(ii), the Secretary, subject to the easement, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land.

(ii) **ADMINISTRATIVE SITE.**—The land transferred under clause (i) shall be administered by the Secretary of Agriculture as an administrative site.

(F) **ADMINISTRATION.**—The easements conveyed under subparagraph (A) shall be administered by the Secretary of Agriculture in accordance with section 501(b)(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761(b)(3)).

(c) **CONSIDERATION.**—

(1) **ASSOCIATION.**—

(A) **IN GENERAL.**—In exchange for the conveyance under subsection (a)(1), the Association shall pay the Secretary an amount that is equal to the sum of—

(i) the net present value of any remaining debt obligation of the United States with respect to the Provo Reservoir Canal; and

(ii) the net present value of any revenues from the Provo Reservoir Canal that, based on past history—

(I) would be available to the United States but for the conveyance of the Provo Reservoir Canal under subsection (a)(1); and

(II) would be deposited in the reclamation fund established under the first section of the Act of June 17, 1902 (43 U.S.C. 391), and credited under the terms of Reclamation Manual/Directives and Standards PEC 03-01.

(B) **DEDUCTION.**—In determining the net present values under clauses (i) and (ii) of subparagraph (A), the Association may deduct from the net present value such sums as are required for the reimbursement described in the Agreement.

(2) **DISTRICT.**—

(A) **IN GENERAL.**—In exchange for the conveyance under subsection (b)(1), the District shall pay the Secretary an amount that is equal to the sum of—

(i) the net present value of any remaining debt obligation of the United States with respect to the Salt Lake Aqueduct; and

(ii) the net present value of any revenues from the Salt Lake Aqueduct that, based on past history—

(I) would have been available to the United States but for the conveyance of the Salt Lake Aqueduct under subsection (b)(1); and

(II) would be deposited in the reclamation fund established under the first section of the Act of June 17, 1902 (43 U.S.C. 391), and credited under the terms of Reclamation Manual/Directives and Standards PEC 03-01.

(B) **DEDUCTION.**—In determining the net present values under clauses (i) and (ii) of subparagraph (A), the District may deduct from the net present value such sums as are required for the reimbursement described in the Agreement.

(d) **PAYMENT OF COSTS.**—In addition to amounts paid to the Secretary under subsection (c), the Association and the District shall, in accordance with the Agreement, pay the Secretary—

(1) any necessary and reasonable administrative and real estate transfer costs incurred by the Secretary in carrying out the conveyance; and

(2) ½ of any necessary and reasonable costs associated with complying with—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C)(i) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(ii) any other Federal cultural resource laws.

(e) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—

(1) **IN GENERAL.**—Before conveying land and facilities under subsections (a) and (b), the Secretary shall comply with all applicable requirements under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) any other law applicable to the land and facilities.

(2) **EFFECT.**—Nothing in this Act modifies or alters any obligations under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 4. EXISTING CONTRACTS.

(a) **DEER CREEK DIVISION CONSTRUCTION CONTRACT.**—Notwithstanding the conveyances under subsections (a) and (b)(1) of section 3, and subject to the terms of the Agreement any portion of the Deer Creek Division, Provo River Project, Utah, that is not conveyed under that section shall continue to be operated and maintained by the Association, in accordance with the contract numbered Ir-874, dated June 27, 1936, and entitled the “Contract Between the United States and Provo River Water Users Association Providing for the Construction of the Deer Creek Division of the Provo River Project, Utah”.

(b) **PROVO RIVER PROJECT AND JORDAN AQUEDUCT SYSTEM CONTRACTS.**—Subject to the terms of the Agreement, any written contract of the United States in existence on the date of enactment of this Act relating to the operation and maintenance of any division or facility of the Provo River Project or the Jordan Aqueduct System is confirmed and declared to be a valid contract of the

United States that is enforceable in accordance with the express terms of the contract.

(c) USE OF CENTRAL UTAH PROJECT WATER.—

(1) IN GENERAL.—Subject to paragraph (2), any entity with contractual Provo Reservoir Canal or Salt Lake Aqueduct capacity rights in existence on the date of enactment of this Act may, in addition to the uses described in the existing contracts, use the capacity rights, without additional charge or further approval from the Secretary, to transport Central Utah Project water on behalf of the entity or others.

(2) LIMITATIONS.—An entity shall not use the capacity rights to transport Central Utah Project water under paragraph (1) unless—

(A) the transport of the water is expressly authorized by the Central Utah Water Conservancy District;

(B) the use of the water facility to transport the Central Utah Project water is expressly authorized by the entity responsible for operation and maintenance of the facility; and

(C) carrying Central Utah Project water through Provo River Project facilities would not—

(i) materially impair the ability of the Central Utah Water Conservancy District or the Secretary to meet existing express environmental commitments for the Bonneville Unit; or

(ii) require the release of additional Central Utah Project water to meet those environmental commitments.

(d) AUTHORIZED MODIFICATIONS.—The Agreement may provide for—

(1) the modification of the 1936 Repayment Contract for the Deer Creek Division of the Provo River Project to reflect the partial repayment, the adjustment of the annual repayment amount, and the transfer of the Provo Reservoir Canal and the Pleasant Grove Property; and

(2) the modification or termination of the 1938 Repayment Contract for the Aqueduct Division of the Provo River Project to reflect the complete payout and transfer of all facilities of the Aqueduct Division.

(e) EFFECT OF ACT.—Nothing in this Act impairs any contract (including subscription contracts) in effect on the date of enactment of this Act that allows for or creates a right to convey water through the Provo Reservoir Canal.

SEC. 5. EFFECT OF CONVEYANCE.

On conveyance of any land or facility under subsection (a) or (b)(1) of section 3—

(1) the land and facilities shall no longer be part of a Federal reclamation project;

(2) the Association and the District shall not be entitled to receive any future reclamation benefits with respect to the land and facilities, except for benefits that would be available to other nonreclamation facilities; and

(3) the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the land and facilities, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

SEC. 6. REPORT.

If a conveyance required under subsection (a) or (b)(1) of section 3 is not completed by the date that is 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) describes the status of the conveyance;

(2) describes any obstacles to completing the conveyance; and

(3) specifies an anticipated date for completion of the conveyance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3391, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

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

Mr. Speaker, H.R. 3391, authored the gentleman from Utah (Mr. CANNON), authorizes the Secretary of the Interior to convey title to certain lands and facilities of the Provo River Project in the State of Utah. These facilities are operated and maintained by the Provo River Water Users Association and the Metropolitan Water District of Salt Lake and Sandy under contracts with the Bureau of Reclamation.

The bill, as amended, is the result of diverse stakeholders working cooperatively to pursue solutions to multiple concerns. Reclamation, the association, Metro, the Central Utah Water Conservancy District, Jordan Valley Water Conservancy District, and the Canal Company have created this legislation to address human safety and seismic concerns, and to have the ability to obtain low-interest financing for the rehabilitation cost.

Today, Congress has the opportunity to make this collaborative effort come true for the water users of central Utah; and so, Mr. Speaker, I urge adoption of this bill.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the majority has explained the pending measure. We, on this side of the aisle, have no objection to its consideration.

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

Mr. GIBBONS. Mr. Speaker, 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 gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3391, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR FOR CONSTRUCTION OF LOWER SANTA MARGARITA CONJUNCTIVE USE PROJECT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4389) to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4389

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

SECTION 1. DEFINITIONS.

For the purposes of this section, the following definitions apply:

(1) DISTRICT.—The term “District” means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term “Project” means the impoundment, recharge, treatment, and other facilities the construction, operation, and maintenance of which is authorized under subsection (b).

SEC. 2. AUTHORIZATION FOR CONSTRUCTION OF LOWER SANTA MARGARITA CONJUNCTIVE USE PROJECT.

(a) AUTHORIZATION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, as far as those laws are not inconsistent with the provisions of this Act, is authorized to construct, operate, and maintain to make the yield of the Lower Santa Margarita Conjunctive Use Project to be located below the confluence of De Luz Creek with the Santa Margarita River on Camp Joseph H. Pendleton, the Fallbrook Annex of the Naval Weapons Station, and surrounding lands within the service area of the District available for irrigation, municipal, domestic, military, and other uses for the District and such other users as herein provided.

(b) CONDITIONS.—The Secretary of the Interior may construct the Project only after the Secretary of the Interior determines that the following conditions have occurred:

(1) The District has entered into a contract under section 9(d) of the Reclamation Project Act of 1939 to repay to the United States appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project, together with interest as herein-after provided.

(2) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted such permits to the Bureau of Reclamation for the benefit of the Department of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this Act, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(3) The District has agreed that it will not assert against the United States any prior appropriate right the District may have to water in excess of the quantity deliverable to it under this Act, and will share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in section 4(b). This