

Calendar No. 303

106TH CONGRESS
1ST SESSION**S. 986****[Report No. 106-173]**

To direct the Secretary of the Interior to convey the Griffith Project to
the Southern Nevada Water Authority.

IN THE SENATE OF THE UNITED STATES

MAY 6, 1999

Mr. REID (for himself and Mr. BRYAN) introduced the following bill; which
was read twice and referred to the Committee on Energy and Natural
Resources

OCTOBER 6, 1999

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To direct the Secretary of the Interior to convey the Griffith
Project to the Southern Nevada Water Authority.

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 “Griffith Project Pre-
5 payment and Conveyance Act.”

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **AUTHORITY.**—The term “Authority” means
4 the Southern Nevada Water Authority, organized
5 under the laws of the State of Nevada.

6 (2) **GRIFFITH PROJECT.**—The term “Griffith
7 Project” means the Robert B. Griffith Water
8 Project, authorized by Public Law 89–292 (com-
9 monly known as the “Southern Nevada Water
10 Project Act”) (79 Stat. 1068), including all pipe-
11 lines, conduits, pumping plants, intake facilities,
12 aqueducts, laterals, water storage and regulatory fa-
13 cilities, electric substations, and related works con-
14 structed and all interests in land acquired under
15 Public Law 89–292.

16 (3) **SECRETARY.**—The term “Secretary” means
17 the Secretary of the Interior.

18 **SEC. 3. CONVEYANCE OF GRIFFITH PROJECT.**

19 (a) **IN GENERAL.**—In consideration of the assump-
20 tion by the Authority from the United States of all liability
21 for administration, operation, and maintenance of the
22 Griffith Project and subject to the payment by the Author-
23 ity of the net present value of the remaining repayment
24 obligation (as determined in accordance with Office of
25 Management and Budget Circular A–129, as in effect on
26 the date of payment and conveyance), the Secretary shall

1 convey and assign to the Authority all right, title, and in-
 2 terest of the United States in and to the Griffith Project.

3 (b) RIGHT TO USE AND OCCUPY PUBLIC LAND.—

4 On and after the date of the conveyance under subsection
 5 (a), the Authority shall have the right to use and occupy
 6 without charge all public land, including withdrawn public
 7 land—

8 (1) on which the Griffith Project is situated; or

9 (2) that is used for the purposes of the Griffith
 10 Project as of that date.

11 (c) REPORT.—If the conveyance under subsection (a)
 12 has not occurred by July 1, 2000, the Secretary shall sub-
 13 mit to Congress a report on the status of the conveyance.

14 (d) ADMINISTRATIVE COSTS.—

15 (1) IN GENERAL.—If the Secretary completes
 16 the conveyance under subsection (a) before the dead-
 17 line under subsection (c), 50 percent of the cost of
 18 administrative action and environmental compliance
 19 for the conveyance shall be paid by the Secretary,
 20 and 50 percent shall be paid by the Authority.

21 (2) FAILURE TO MEET DEADLINE.—If the Sec-
 22 retary fails to complete the conveyance under this
 23 Act before the deadline under subsection (c), 100
 24 percent of the cost described in paragraph (1) shall
 25 be paid by the Secretary.

1 **SEC. 4. RELATIONSHIP TO EXISTING OPERATIONS.**

2 (a) ~~IN GENERAL.~~—Nothing in this Act expands or
3 changes the use or operation of the Griffith Project from
4 its use and operation as of the day before the date of en-
5 actment of this Act.

6 (b) ~~FUTURE ALTERATIONS.~~—If the Authority
7 changes the use or operation of the Griffith Project, the
8 Authority shall comply with all applicable laws (including
9 regulations) governing the changes at that time.

10 **SEC. 5. RELATIONSHIP TO EXISTING CONTRACTS.**

11 The Secretary and the Authority may modify Con-
12 tract No. ~~7-07-30-W004~~ as necessary to conform the
13 contract to this Act.

14 **SEC. 6. RELATIONSHIP TO OTHER LAWS.**

15 On conveyance of the Griffith Project under section
16 ~~3~~, the Act of June 17, 1902 (43 U.S.C. 391 et seq.), and
17 all Acts amendatory of that Act or supplemental to that
18 Act shall not apply to the Griffith Project.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Griffith Project Prepay-*
21 *ment and Conveyance Act”.*

22 **SEC. 2. DEFINITIONS.**

23 *In this Act:*

24 (1) *The term “Authority” means the Southern*
25 *Nevada Water Authority, organized under the laws of*
26 *the State of Nevada.*

1 (2) *The term “Griffith Project” means the Robert*
2 *B. Griffith Water Project, authorized by and con-*
3 *structed pursuant to the Southern Nevada Water*
4 *Project Act, Public Law 89–292, as amended, (com-*
5 *monly known as the “Southern Nevada Water Project*
6 *Act”)* (79 Stat. 1068), *including pipelines, conduits,*
7 *pumping plants, intake facilities, aqueducts, laterals,*
8 *water storage and regulatory facilities, electric sub-*
9 *stations, and related works and improvements listed*
10 *pursuant to “Robert B. Griffith Water Project (For-*
11 *merly Southern Nevada Water Project), Nevada:*
12 *Southern Clark County, Lower Colorado Region Bu-*
13 *reau of Reclamation”, on file at the Bureau of Rec-*
14 *lamation and all interests in land acquired under*
15 *Public Law 89–292, as amended.*

16 (3) *The term “Secretary” means the Secretary of*
17 *the Interior.*

18 (4) *The term “Acquired Land(s)” means all in-*
19 *terests in land, including fee title, right(s)-of-way,*
20 *and easement(s), acquired by the United States from*
21 *non-Federal sources by purchase, donation, exchange,*
22 *or condemnation pursuant to Public Law 89–292, as*
23 *amended for the Griffith Project.*

1 (5) *The term “Public Land” means lands which*
 2 *have never left Federal ownership and are under the*
 3 *jurisdiction of the Bureau of Land Management.*

4 (6) *The term “Withdrawn Land” means Federal*
 5 *lands which are withdrawn from settlement, sale, lo-*
 6 *cation of minerals, or entry under some or all of the*
 7 *general land laws and are reserved for a particular*
 8 *public purpose pursuant to Public Law 89–292, as*
 9 *amended, under the jurisdiction of the Bureau of Rec-*
 10 *lamation, or are reserved pursuant to Public Law*
 11 *88–639 under the jurisdiction of the National Park*
 12 *Service.*

13 **SEC. 3. CONVEYANCE OF GRIFFITH PROJECT.**

14 (a) *IN GENERAL.*—*In consideration of the Authority*
 15 *assuming from the United States all liability for adminis-*
 16 *tration, operation, maintenance, and replacement of the*
 17 *Griffith Project and subject to the prepayment by the Au-*
 18 *thority of the Federal repayment amount of \$121,204,348*
 19 *(which amount shall be increased to reflect any accrued un-*
 20 *paid interest and shall be decreased by the amount of any*
 21 *additional principal payments made by the Authority after*
 22 *September 15, 1999, prior to the date on which prepayment*
 23 *occurs), the Secretary shall, pursuant to the provisions of*
 24 *this Act—*

1 (1) convey and assign to the Authority all of the
2 right, title, and interest of the United States in and
3 to improvements and facilities of the Griffith Project
4 in existence as of the date of this Act;

5 (2) convey and assign to the Authority all of the
6 right, title, and interest of the United States to Ac-
7 quired Lands that were acquired for the Griffith
8 Project; and

9 (3) convey and assign to the Authority all inter-
10 ests reserved and developed as of the date of this Act
11 for the Griffith Project in lands patented by the
12 United States.

13 (b) Pursuant to the authority of this section, from the
14 effective date of conveyance of the Griffith Project, the Au-
15 thority shall have a right of way at no cost across all Public
16 Land and Withdrawn Land—

17 (1) on which the Griffith Project is situated; and

18 (2) across any Federal lands as reasonably nec-
19 essary for the operation, maintenance, replacement,
20 and repair of the Griffith Project, including existing
21 access routes.

22 Rights of way established by this section shall be valid for
23 as long as they are needed for municipal water supply pur-
24 poses and shall not require payment of rental or other fee.

1 (c) *Within twelve months after the effective date of this*
 2 *Act—*

3 (1) *the Secretary and the Authority shall agree*
 4 *upon a description of the land subject to the rights of*
 5 *way established by subsection (b) of this section; and*

6 (2) *the Secretary shall deliver to the Authority a*
 7 *document memorializing such rights of way.*

8 (d) *REPORT.—If the conveyance under subsection (a)*
 9 *has not occurred within twelve months after the effective*
 10 *date of this Act, the Secretary shall submit to Congress a*
 11 *report on the status of the conveyance.*

12 **SEC. 4. RELATIONSHIP TO EXISTING CONTRACTS.**

13 *The Secretary and the Authority may modify Contract*
 14 *No. 7–07–30–W0004 and other contracts and land permits*
 15 *as necessary to conform to the provisions of this Act.*

16 **SEC. 5. RELATIONSHIP TO OTHER LAWS AND FUTURE BEN-**
 17 **EFITS.**

18 (a) *If the Authority changes the use or operation of*
 19 *the Griffith Project, the Authority shall comply with all ap-*
 20 *plicable laws and regulations governing the changes at that*
 21 *time.*

22 (b) *On conveyance of the Griffith Project under section*
 23 *3 of this Act, the Act of June 17, 1902 (43 U.S.C. 391 et*
 24 *seq.), and all Acts amendatory thereof or supplemental*
 25 *thereto shall not apply to the Griffith Project. Effective*

1 upon transfer, the lands and facilities transferred pursuant
2 to this Act shall not be entitled to receive any further Rec-
3 lamation benefits pursuant to the Act of June 17, 1902,
4 and all Acts amendatory thereof or supplemental thereto at-
5 tributable to their status as a Federal Reclamation Project,
6 and the Griffith Project shall no longer be a Federal Rec-
7 lamation Project.

8 (c) Nothing in this Act shall transfer or affect Federal
9 ownership, rights, or interests in Lake Mead National
10 Recreation Area associated lands, nor affect the authorities
11 of the National Park Service to manage Lake Mead Na-
12 tional Recreation Area including lands on which the Grif-
13 fith Project is located consistent with the Act of August 25,
14 1916 (39 Stat. 535), Public Law 88-639, October 8, 1964
15 (78 Stat. 1039), or any other applicable legislation, regula-
16 tion, or policy.

17 (d) Nothing in this Act shall affect the application of
18 Federal reclamation law to water delivered to the Authority
19 pursuant to any contract with the Secretary under section
20 5 of the Boulder Canyon Project Act.

21 (e) Effective upon conveyance of the Griffith Project
22 and acquired interests in land under section 3 of this Act,
23 the United States shall not be liable for damages of any
24 kind arising out of any act, omission, or occurrence based
25 on its prior ownership of the conveyed property.

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