

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3897

---

IN THE SENATE OF THE UNITED STATES

JULY 11, 2006

Received; read twice and referred to the Committee on Energy and Natural  
Resources

---

## AN ACT

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.

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.**

2 This Act may be cited as the “Madera Water Supply  
3 Enhancement Act”.

4 **SEC. 2. DEFINITIONS.**

5 (a) The term “District” means the Madera Irrigation  
6 District, Madera, California.

7 (b) The term “Project” means the “Madera Water  
8 Supply and Enhancement Project”.

9 (c) The term “Secretary” means the Secretary of the  
10 United States Department of the Interior.

11 **SEC. 3. STUDY AND REPORT.**

12 (a) **STUDY.**— Pursuant to the Reclamation Act of  
13 1902 (32 Stat. 388) and Acts amendatory thereof and  
14 supplemental thereto, the Secretary, acting through the  
15 Commissioner of the Bureau of Reclamation, and in con-  
16 sultation and cooperation with the District, is authorized  
17 to conduct a study to determine the feasibility of con-  
18 structing the Project.

19 (b) **REPORT.**—

20 (1) **TRANSMISSION.**—Upon completion of the  
21 study authorized by subsection (a), the Secretary  
22 shall transmit to the Committee on Resources of the  
23 House of Representatives and the Committee on En-  
24 ergy and Natural Resources of the Senate a report  
25 containing the results of the study, together with

1 recommendations regarding any recommendation to  
2 construct the project.

3 (2) USE OF AVAILABLE MATERIALS.—In devel-  
4 oping the report under this section, the Secretary  
5 shall make use of reports and any other relevant in-  
6 formation supplied by the District.

7 (3) DEADLINE.—No later than December 30,  
8 2006, the Secretary shall complete the report and  
9 transmit the report to Congress pursuant to sub-  
10 section (b)(2).

11 (c) COST SHARE.—

12 (1) FEDERAL SHARE.—The Federal share of  
13 the costs of the feasibility study authorized by this  
14 section shall not exceed 50 percent of the total cost  
15 of the study.

16 (2) IN-KIND CONTRIBUTION FOR NON-FEDERAL  
17 SHARE.—The Secretary may accept as part of the  
18 non-Federal cost share the contribution of such in-  
19 kind services by the District as the Secretary deter-  
20 mines will contribute to the conduct and completion  
21 of the study.

22 **SEC. 4. COOPERATIVE AGREEMENT.**

23 All planning, design, and construction of the Project  
24 authorized by this Act shall be undertaken in accordance  
25 with a cooperative agreement between the Secretary and

1 the District for the Project. Such cooperative agreement  
2 shall set forth in a manner acceptable to the Secretary  
3 and the District the responsibilities of the District for par-  
4 ticipating in the study and related environmental review,  
5 including, but not limited to:

6 (1) preparation of an assessment of the need  
7 for the project;

8 (2) preparation of feasibility and reconnaissance  
9 studies;

10 (3) environmental review;

11 (4) engineering and design;

12 (5) construction; and

13 (6) the administration of contracts pertaining  
14 to any of the foregoing.

15 **SEC. 5. AUTHORIZATION FOR THE MADERA WATER SUPPLY**  
16 **AND ENHANCEMENT PROJECT.**

17 (a) AUTHORIZATION OF CONSTRUCTION.—Upon sub-  
18 mission of feasibility report described in section 3 and a  
19 statement by the Secretary that the project is feasible, the  
20 Secretary, acting pursuant to the Federal reclamation  
21 laws (Act of June 17, 1902; 32 Stat. 388), and Acts  
22 amendatory thereof or supplementary thereto, as far as  
23 those laws are not inconsistent with the provisions of this  
24 Act, is authorized to enter into a cooperative agreement

1 through the Bureau with the District for the support of  
2 the design, and construction of the Project.

3 (b) COST SHARE.—The Federal share of the capital  
4 costs of the Project shall not exceed 25 percent of the total  
5 cost. Capital costs incurred by the District prior to the  
6 date of the enactment of this Act shall be considered a  
7 portion of the non-Federal cost share.

8 (c) IN-KIND SERVICES.—In-kind services performed  
9 by the District shall be considered a part of the local cost  
10 share to complete the Project authorized by subsection (a).

11 (d) CREDIT FOR NON-FEDERAL WORK.—The Dis-  
12 trict shall receive credit toward the non-Federal share of  
13 the cost of the Project for—

14 (1) reasonable costs incurred by the District as  
15 a result of participation in the planning, design, and  
16 construction of the Project; and

17 (2) for the fair market value of lands used or  
18 acquired by the District for the Project.

19 (e) LIMITATION.—The Secretary shall not provide  
20 funds for the operation or maintenance of the Project au-  
21 thorized by this section. The operation and maintenance  
22 of the Project shall be the sole responsibility of the Dis-  
23 trict.

24 (f) PLANS AND ANALYSES CONSISTENT WITH FED-  
25 ERAL LAW.—Before obligating funds for design or con-

1 instruction under this section, the Secretary shall work co-  
2 operatively with the District to use, to the extent possible,  
3 plans, designs, and engineering and environmental anal-  
4 yses that have already been prepared by the District for  
5 the Project. The Secretary shall ensure that such informa-  
6 tion as is used is consistent with applicable Federal laws  
7 and regulations.

8 (g) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in  
9 this section or the assistance provided under this section  
10 shall be construed to transfer title, responsibility or liabil-  
11 ity related to the Project to the United States.

12 (h) AUTHORIZATION OF APPROPRIATION.—There is  
13 authorized such sums as may be appropriated to carry out  
14 this section.

15 **SEC. 6. SUNSET.**

16 The authority of the Secretary to carry out any provi-  
17 sions of this Act shall terminate 10 years after the date  
18 of the enactment of this Act.

Passed the House of Representatives July 10, 2006.

Attest:

KAREN L. HAAS,

*Clerk.*