

Union Calendar No. 197

109TH CONGRESS
2^D SESSION

H. R. 3897

[Report No. 109–368]

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 and Groundwater Enhancement Project.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2005

Mr. RADANOVICH introduced the following bill; which was referred to the Committee on Resources

JANUARY 31, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on September 27, 2005]

A BILL

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 and Groundwater Enhancement Project.

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 “Madera Water Supply*
5 *and Groundwater Enhancement Project Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *(a) The term “District” means the Madera Water Dis-*
8 *trict, Madera, California.*

9 *(b) The term “Project” means the “Madera Water Sup-*
10 *ply and Enhancement Project”.*

11 *(c) The term “Secretary” means the Secretary of the*
12 *United States Department of the Interior.*

13 **SEC. 3. STUDY AND REPORT.**

14 *(a) STUDY.— Pursuant to the Reclamation Act of*
15 *1902 (32 Stat. 388) and Acts amendatory thereof and sup-*
16 *plemental thereto, the Secretary, acting through the Com-*
17 *missioner of the Bureau of Reclamation, and in consulta-*
18 *tion and cooperation with the District, is authorized to con-*
19 *duct a study to determine the feasibility of constructing the*
20 *Project.*

21 *(b) REPORT.—*

22 *(1) TRANSMISSION.—Upon completion of the*
23 *study authorized by subsection (a), the Secretary shall*
24 *transmit to the Committee on Resources of the House*
25 *of Representatives and the Committee on Energy and*

1 *Natural Resources of the Senate a report containing*
2 *the results of the study, together with recommenda-*
3 *tions regarding any recommendation to construct the*
4 *project.*

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

9 (3) *DEADLINE.*—*No later than June 30, 2006,*
10 *the Secretary shall complete the report and transmit*
11 *the report to Congress pursuant to subsection (b)(2).*

12 (c) *COST SHARE.*—

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

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

23 **SEC. 4. COOPERATIVE AGREEMENT.**

24 *All planning, design, and construction of the Project*
25 *authorized by this Act shall be undertaken in accordance*

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

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

9 (2) *preparation of feasibility and reconnaissance*
 10 *studies;*

11 (3) *environmental review;*

12 (4) *engineering and design;*

13 (5) *construction; and*

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

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

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

1 reau with the District for the support of the design, and
2 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 date
6 of the enactment of this Act shall be considered a portion
7 of the non-Federal cost share.

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

11 (d) *CREDIT FOR NON-FEDERAL WORK.*—The District
12 shall receive credit toward the non-Federal share of the cost
13 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 ac-
18 quired 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 of
22 the Project shall be the sole responsibility of the District.

23 (f) *PLANS AND ANALYSES CONSISTENT WITH FED-*
24 *ERAL LAW.*—Before obligating funds for design or construc-
25 tion under this section, the Secretary shall work coopera-

1 tively with the District to use, to the extent possible, plans,
2 designs, and engineering and environmental analyses that
3 have already been prepared by the District for the Project.
4 The Secretary shall ensure that such information as is used
5 is consistent with applicable Federal laws and regulations.

6 (g) *TITLE; RESPONSIBILITY; LIABILITY.*—Nothing in
7 this section or the assistance provided under this section
8 shall be construed to transfer title, responsibility or liability
9 related to the Project to the United States.

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

13 **SEC. 6. Sunset.**

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

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