

109TH CONGRESS
2^D SESSION

H. R. 5019

To authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2006

Mr. WALDEN of Oregon introduced the following bill; which was referred to the Committee on Resources

A BILL

To authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes.

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 “Wallowa Lake Dam
5 Rehabilitation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ASSOCIATED DITCH COMPANIES, INCOR-
9 PORATED.—The term “Associated Ditch Companies,
10 Incorporated” means the nonprofit corporation es-

1 established under the laws of the State of Oregon that
2 operates Wallowa Lake Dam.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior, acting through the
5 Commissioner of Reclamation.

6 (3) WALLOWA LAKE DAM REHABILITATION
7 PROGRAM.—The term “Wallowa Lake Dam Reha-
8 bilitation Program” means the program for the re-
9 habilitation of the Wallowa Lake Dam in Oregon, as
10 contained in the engineering document entitled,
11 “Phase I Dam Assessment and Preliminary Engi-
12 neering Design”, dated December 2002, and on file
13 with the Bureau of Reclamation.

14 **SEC. 3. AUTHORIZATION TO PARTICIPATE IN PROGRAM.**

15 (a) GRANTS AND COOPERATIVE AGREEMENTS.—The
16 Secretary may provide grants to, or enter into cooperative
17 or other agreements with, tribal, State, and local govern-
18 mental entities and the Associated Ditch Companies, In-
19 corporated, to plan, design, and construct facilities needed
20 to implement the Wallowa Lake Dam Rehabilitation Pro-
21 gram.

22 (b) CONDITIONS.—As a condition of providing funds
23 under subsection (a), the Secretary shall ensure that—

24 (1) the Wallowa Lake Dam Rehabilitation Pro-
25 gram and activities under this Act meet the stand-

1 ards of the dam safety program of the State of Or-
2 egon;

3 (2) the Associated Ditch Companies, Incor-
4 porated, agrees to assume liability for any work per-
5 formed, or supervised, with Federal funds provided
6 to it under this Act; and

7 (3) the United States shall not be liable for
8 damages of any kind arising out of any act, omis-
9 sion, or occurrence relating to a facility rehabilitated
10 or constructed with Federal funds provided under
11 this Act, both while and after activities are con-
12 ducted using Federal funds provided under this Act.

13 (c) COST SHARING.—

14 (1) IN GENERAL.—The Federal share of the
15 costs of activities authorized under this Act shall not
16 exceed 50 percent.

17 (2) EXCLUSIONS FROM FEDERAL SHARE.—

18 There shall not be credited against the Federal
19 share of such costs—

20 (A) any expenditure by the Bonneville
21 Power Administration in the Wallowa River wa-
22 tershed; and

23 (B) expenditures made by individual agri-
24 cultural producers in any Federal commodity or
25 conservation program.

1 (d) COMPLIANCE WITH STATE LAW.—The Secretary,
2 in carrying out this Act, shall comply with applicable Or-
3 egon State water law.

4 (e) PROHIBITION ON HOLDING TITLE.—The Federal
5 Government shall not hold title to any facility rehabilitated
6 or constructed under this Act.

7 (f) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal
8 Government shall not be respon-
9 sible for the operation and maintenance of any facility con-
10 structed or rehabilitated under this Act.

11 **SEC. 4. RELATIONSHIP TO OTHER LAW.**

12 Activities funded under this Act shall not be consid-
13 ered a supplemental or additional benefit under Federal
14 reclamation law (the Act of June 17, 1902 (32 Stat. 388,
15 chapter 1093), and Acts supplemental to and amendatory
16 of that Act (43 U.S.C. 371 et seq.)).

17 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to the Sec-
19 retary to pay the Federal share of the costs of activities
20 authorized under this Act, \$6,000,000.

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