

109TH CONGRESS
2D SESSION

S. 3832

To direct the Secretary of the Interior to establish criteria to transfer title to reclamation facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2006

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

A BILL

To direct the Secretary of the Interior to establish criteria to transfer title to reclamation facilities, 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 “Reclamation Facility
5 Title Transfer Act of 2006”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) INDIAN TRIBE.—The term “Indian tribe”
9 means an Indian tribe, band, Nation, or other orga-

1 nized group or community that is recognized as eli-
2 gible for the special programs and services provided
3 by the United States to Indians because of their sta-
4 tus as Indians.

5 (2) PROJECT BENEFICIARY.—The term
6 “project beneficiary” means 1 or more contractors
7 or other persons or entities that receive a direct ben-
8 efit under 1 or more of the authorized purposes for
9 a reclamation facility.

10 (3) RECLAMATION FACILITY.—

11 (A) IN GENERAL.—The term “reclamation
12 facility” means any single-purpose or multipur-
13 pose structure, reservoir, impoundment, ditch,
14 canal, pumping station, or other facility for the
15 storage, diversion, distribution, or conveyance of
16 water—

17 (i) that is—

18 (I) authorized by Federal rec-
19 lamation law; and

20 (II) constructed by the United
21 States under that law;

22 (ii) for which the United States holds
23 title; and

1 (iii) for which any non-Federal con-
2 struction repayment obligations, as appli-
3 cable, have been fulfilled.

4 (B) INCLUSIONS.—The term “reclamation
5 facility” includes any land that is appurtenant
6 to, and any administrative buildings associated
7 with, a reclamation facility.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior, acting through the
10 Commissioner of Reclamation.

11 (5) STAKEHOLDER.—The term “stakeholder”
12 means—

13 (A) a project beneficiary; and

14 (B) any person that—

15 (i) receives an indirect benefit from a
16 reclamation facility; or

17 (ii) may be particularly affected by
18 any transfer of title to a reclamation facil-
19 ity.

20 **SEC. 3. TITLE TRANSFER.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, the Secretary shall establish
23 criteria for the transfer of title to reclamation facilities
24 from the United States to project beneficiaries or an entity
25 approved by project beneficiaries.

1 (b) INCLUSIONS.—The criteria established under sub-
2 section (a) shall include—

3 (1) criteria requiring that—

4 (A) project beneficiaries (or an entity ap-
5 proved by the project beneficiaries) be willing to
6 have title to a reclamation facility transferred
7 to the project beneficiaries;

8 (B) if the project beneficiaries have not yet
9 assumed operations, maintenance, and rehabili-
10 tation of the applicable reclamation facility, the
11 project beneficiaries be capable of assuming op-
12 erations, maintenance, and rehabilitation of the
13 reclamation facility;

14 (C) if there are multiple project bene-
15 ficiaries, there is an agreement among multiple
16 project beneficiaries relating to the transfer of
17 title to a reclamation facility; and

18 (D) project beneficiaries be willing to as-
19 sume any liability associated with the reclama-
20 tion facility for which title is proposed to be
21 transferred;

22 (2) criteria requiring an assessment by the Sec-
23 retary of—

24 (A) any effects that the transfer of title
25 would have on the ability of the Federal Gov-

1 ernment to carry out the trust responsibility of
2 the Federal Government with respect to any In-
3 dian tribe;

4 (B) the cost savings to the United States
5 if title to a reclamation facility is transferred;

6 (C) the interest of the project beneficiaries
7 in owning the reclamation facility;

8 (D) any environmental considerations asso-
9 ciated with the transfer of title to a reclamation
10 facility;

11 (E) whether stakeholders will be adversely
12 impacted by the transfer;

13 (F) the ability of project beneficiaries to
14 meet financial obligations associated with a rec-
15 lamation facility, including—

16 (i) transactional costs; and

17 (ii) costs associated with meeting the
18 compliance requirements of the National
19 Environmental Policy Act of 1969 (42
20 U.S.C. 4321 et seq.);

21 (G) any legal considerations associated
22 with the transfer of title to a reclamation facil-
23 ity, including any Federal, State, tribal, and
24 local laws, international treaties, and interstate
25 compacts that apply to the transfer of title of

1 a reclamation facility to project beneficiaries;
2 and

3 (H) the willingness and ability of project
4 beneficiaries to fulfill any legal obligations asso-
5 ciated with receiving title to a reclamation facil-
6 ity, including compliance with any Federal,
7 State, tribal, and local laws, international trea-
8 ties, and interstate compacts that apply to the
9 transfer of title of a reclamation facility to
10 project beneficiaries;

11 (3) procedures for—

12 (A) soliciting stakeholder involvement in
13 the transfer of title to a reclamation facility;
14 and

15 (B) involving appropriate Federal, State,
16 and local entities in evaluating and carrying out
17 the transfer of title to a reclamation facility;

18 (4) the requirement that the Secretary prepare
19 a comprehensive list of any items that need to be ac-
20 complished before the transfer of title to a reclama-
21 tion facility;

22 (5) procedures to allow the Secretary to address
23 real property and cultural and historic preservation
24 issues in a more efficient manner; and

1 (6) any other criteria that the Secretary deter-
2 mines to be appropriate.

3 (c) USE OF EXISTING CRITERIA.—For purposes of
4 establishing the criteria under subsection (a), the Sec-
5 retary shall, to the maximum extent practicable and con-
6 sistent with this Act, incorporate any applicable criteria
7 that are in existence on the date of enactment of this Act,
8 including the criteria for the transfer of title to uncompli-
9 cated projects described in the Bureau of Reclamation
10 document entitled “Framework for the Transfer of Title:
11 Bureau of Reclamation Projects” and dated August 7,
12 1995.

13 **SEC. 4. REPORT.**

14 Not later than 2 years after the date of enactment
15 of this Act, the Secretary shall submit to the Committee
16 on Energy and Natural Resources of the Senate and the
17 Committee on Resources of the House of Representatives
18 a report that includes any recommendations of the Sec-
19 retary with respect to which reclamation facilities may be
20 appropriate for transfer in accordance with the criteria es-
21 tablished under section 3(a).

22 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated to carry out
24 this Act \$2,000,000 for the period of fiscal years 2007
25 through 2010.

1 **SEC. 6. TERMINATION OF AUTHORITY.**

2 The authority of the Secretary to carry out this Act
3 terminates on the date that is 5 years after the date of
4 enactment of this Act.

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