

Calendar No. 681115TH CONGRESS
2^D SESSION**S. 2560****[Report No. 115–395]**

To authorize the Secretary of the Interior to establish a program to facilitate the transfer to non-Federal ownership of appropriate reclamation projects or facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2018

Mr. RISCH introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 28, 2018

Reported by Ms. MURKOWSKI, with an amendment

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

A BILL

To authorize the Secretary of the Interior to establish a program to facilitate the transfer to non-Federal ownership of appropriate reclamation projects or 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reclamation Title
3 Transfer Act of 2018”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to facilitate the transfer
6 of title to eligible facilities to qualifying entities that have
7 completed the repayment of the capital costs of the eligible
8 facilities through capital repayment contracts with Ree-
9 clamation.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) **CONVEYED PROPERTY.**—The term “con-
13 veyed property” means an eligible facility that has
14 been conveyed to a qualifying entity under section 4.

15 (2) **ELIGIBLE FACILITY.**—The term “eligible fa-
16 cility” means a facility that meets the criteria for
17 potential transfer established under section 5(a).

18 (3) **FACILITY.**—

19 (A) **IN GENERAL.**—The term “facility”
20 means—

21 (i) a Reclamation project or facility;

22 or

23 (ii) a portion of a Reclamation project
24 or facility.

25 (B) **INCLUSIONS.**—The term “facility” in-
26 cludes a dam or appurtenant works, infrastruc-

1 ture, a recreational facility, a building, a dis-
 2 tribution and drainage works, and associated
 3 land or interest in land or water.

4 (C) EXCLUSIONS.—The term “facility”
 5 does not include a Reclamation project or facil-
 6 ity, or a portion of a Reclamation project or fa-
 7 cility, that—

8 (i) generates hydropower marketed by
 9 a Federal power marketing administration;
 10 or

11 (ii) is managed for recreation under a
 12 lease, permit, license, or other management
 13 agreement that does contribute to capital
 14 repayment.

15 (4) QUALIFYING ENTITY.—The term “quali-
 16 fying entity” means an agency of a State or political
 17 subdivision of a State, a joint action or powers agen-
 18 cy, a water users association, or an Indian Tribe or
 19 Tribal utility authority that—

20 (A) as of the date of conveyance under this
 21 Act, is the current operator of the conveyed fa-
 22 cility pursuant to a contract with Reclamation;
 23 and

24 (B) as determined by the Secretary, has
 25 the capacity to continue to manage the con-

1 veyed property for the same purposes for which
2 the property has been managed under the ree-
3 lamation laws.

4 (5) RECLAMATION.—The term “Reclamation”
5 means the Bureau of Reclamation.

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

9 **SEC. 4. AUTHORIZATION OF TRANSFERS OF TITLES TO ELI-**
10 **GIBLE FACILITIES.**

11 (a) IN GENERAL.—Subject to the requirements of
12 this section, the Secretary, without further authorization
13 from Congress, may convey to a qualifying entity all right,
14 title, and interest of the United States in and to any eligi-
15 ble facility, if—

16 (1) not later than 90 days before the date on
17 which the Secretary makes the conveyance, the Sec-
18 retary submits to Congress—

19 (A) a written notice of the proposed con-
20 veyance; and

21 (B) a description of the reasons for the
22 conveyance; and

23 (2) a joint resolution disapproving the convey-
24 ance is not enacted before the date on which the
25 Secretary makes the conveyance.

1 (b) RESERVATION OF EASEMENT.—The Secretary
2 may reserve an easement over a conveyed property if—

3 (1) the Secretary determines that the easement
4 is necessary for the management of any interests re-
5 tained by the Federal Government under this Act;

6 (2) a portion of the conveyed property remains
7 under Federal ownership; and

8 (3) the Secretary enters into an agreement re-
9 garding the easement with the applicable qualifying
10 entity.

11 (c) INTERESTS IN WATER.—The Federal interest in
12 associated water rights and uses relating to a conveyed
13 property, if any, shall be conveyed under this section in
14 accordance with applicable State law pursuant to a written
15 agreement between the Secretary and the applicable quali-
16 fying entity.

17 **SEC. 5. ELIGIBILITY CRITERIA.**

18 (a) ESTABLISHMENT.—The Secretary shall establish
19 criteria for determining whether a facility is eligible for
20 conveyance under this Act.

21 (b) MINIMUM REQUIREMENTS.—

22 (1) AGREEMENT OF QUALIFYING ENTITY.—The
23 criteria established under subsection (a) shall in-
24 clude a requirement that a qualifying entity shall
25 agree—

1 (A) to accept title to the eligible facility;

2 (B) to use the eligible facility for substan-
3 tially the same purposes for which the eligible
4 facility is being used at the time the Secretary
5 evaluates the potential transfer; and

6 (C) to provide, as consideration for the as-
7 sets to be conveyed, compensation to the rec-
8 lamation fund established by the first section of
9 the Act of June 17, 1902 (32 Stat. 388, chap-
10 ter 1093), in an amount that is the equivalent
11 of the net present value of any repayment obli-
12 gation to the United States or other income
13 stream that the United States derives from the
14 eligible facility to be transferred, as of the date
15 of the transfer.

16 (2) DETERMINATIONS OF SECRETARY.—The
17 criteria established under subsection (a) shall in-
18 clude a requirement that the Secretary shall—

19 (A) be able to enter into an agreement
20 with the qualifying entity with respect to the
21 legal, institutional, and financial arrangements
22 relating to the conveyance; and

23 (B) determine that the proposed trans-
24 fer—

1 (i) would not have an unmitigated sig-
 2 nificant effect on the environment;

3 (ii) is consistent with the responsibil-
 4 ities of the Secretary—

5 (I) to protect land and water re-
 6 sources held in trust for federally rec-
 7 ognized Indian Tribes; and

8 (II) to ensure compliance with
 9 any applicable international treaties
 10 and interstate compacts; and

11 (iii) is in the financial interest of the
 12 United States.

13 (3) STATUS OF RECLAMATION LAND.—The cri-
 14 teria established under subsection (a) shall require
 15 that any land to be conveyed out of Federal owner-
 16 ship under this Act is—

17 (A) land acquired by the Secretary; or

18 (B) land withdrawn by the Secretary, only

19 if—

20 (i) the Secretary determines in writing
 21 that the withdrawn land is encumbered by
 22 facilities to the extent that the withdrawn
 23 land is unsuitable for return to the public
 24 domain; and

1 (ii) the qualifying entity agrees to pay
2 fair market value based on historical or ex-
3 isting uses for the withdrawn land to be
4 conveyed.

5 **SEC. 6. LIABILITY.**

6 (a) **IN GENERAL.**—Except as provided in subsection
7 (b), effective beginning on the date of conveyance of any
8 eligible facility under this Act, the United States shall not
9 be liable under any law for damages of any kind arising
10 out of any act, omission, or occurrence based on the prior
11 ownership or operation of the conveyed property.

12 (b) **LIMITATION.**—The United States shall retain the
13 responsibilities and authorities of the United States for
14 a conveyed property based on the prior ownership or oper-
15 ation of the conveyed property by the United States under
16 Federal environmental laws, including the Comprehensive
17 Environmental Response, Compensation, and Liability Act
18 of 1980 (42 U.S.C. 9601 et seq.).

19 **SEC. 7. BENEFITS.**

20 After a conveyance of an eligible facility under this
21 Act—

22 (1) the conveyed property shall no longer be
23 considered to be part of a Reclamation project; and

24 (2) if the transfer of an entire Reclamation
25 project occurs pursuant to such a conveyance, the

1 qualifying entity to which the conveyed property is
2 conveyed shall not be eligible to receive any benefits,
3 including project power, with respect to the conveyed
4 property, except for any benefit that would be avail-
5 able to a similarly situated entity with respect to
6 property that is not a part of a Reclamation project.

7 **SEC. 8. COMPLIANCE WITH OTHER LAWS.**

8 (a) OPERATION OF CONVEYED PROPERTY.—After
9 conveyance of an eligible facility under this Act, the quali-
10 fying entity to which the conveyed property is conveyed
11 shall comply with all applicable Federal, State, and local
12 laws (including regulations) in the operation of the con-
13 veyed property.

14 (b) FEDERAL ENVIRONMENTAL LAWS APPLICABLE
15 TO TITLE TRANSFER.—For purposes of achieving compli-
16 ance with Federal environmental laws (including regula-
17 tions) applicable to a transfer of title under this Act, the
18 Federal agency action shall be limited to the change in
19 ownership status of an applicable eligible facility if the
20 ability of the applicable qualifying entity to alter the exist-
21 ing uses or operations of the conveyed property after the
22 conveyance is limited due to the fact that—

23 (1) any modification to the purpose or location
24 of applicable water use would require a modification

1 of a State-issued water right that requires action by
 2 the State in which the eligible facility is located; or

3 ~~(2) any modification to the purpose or oper-~~
 4 ~~ation of the eligible facility requires an action by a~~
 5 ~~qualifying entity that is constrained by applicable re-~~
 6 ~~quirements that were established—~~

7 ~~(A) by an applicable State legislature,~~
 8 ~~State regulatory agency, publicly elected board,~~
 9 ~~appointed board, or other related entity; and~~

10 ~~(B) through a public process or other,~~
 11 ~~similar procedure that constrains, or imposes~~
 12 ~~public scrutiny or additional accountability on,~~
 13 ~~the ability of the qualifying entity to carry out~~
 14 ~~such a modification.~~

15 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) **IN GENERAL.**—There are authorized to be appro-
 17 priated to carry out this Act such sums as are necessary.

18 (b) **USE OF AMOUNTS.**—Amounts made available
 19 under subsection (a) may be used—

20 (1) to carry out any investigations appropriate
 21 to carry out this Act; and

22 (2) to pay any other costs associated with con-
 23 veyances under this Act, including an appropriate
 24 Federal share, as determined by the Secretary, of
 25 the costs of compliance with the National Environ-

1 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
 2 and any other applicable law.

3 ~~(c) NOT TREATED AS PROJECT COSTS.—Expendi-~~
 4 ~~tures made by the Secretary under this Act—~~

5 ~~(1) shall not be a project cost assignable to a~~
 6 ~~Reclamation project; and~~

7 ~~(2) shall be nonreimbursable.~~

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Reclamation Title*
 10 *Transfer Act of 2018”.*

11 **SEC. 2. PURPOSE.**

12 *The purpose of this Act is to facilitate the transfer of*
 13 *title to Reclamation project facilities to qualifying entities*
 14 *on the completion of repayment of capital costs.*

15 **SEC. 3. DEFINITIONS.**

16 *In this Act:*

17 *(1) CONVEYED PROPERTY.—The term “conveyed*
 18 *property” means an eligible facility that has been*
 19 *conveyed to a qualifying entity under section 4.*

20 *(2) ELIGIBLE FACILITY.—The term “eligible fa-*
 21 *cility” means a facility that meets the criteria for po-*
 22 *tential transfer established under section 5(a).*

23 *(3) FACILITY.—*

24 *(A) IN GENERAL.—The term “facility” in-*
 25 *cludes a dam or appurtenant works, canal, lat-*

1 *eral, ditch, gate, control structure, pumping sta-*
2 *tion, other infrastructure, recreational facility,*
3 *building, distribution and drainage works, and*
4 *associated land or interest in land or water.*

5 *(B) EXCLUSIONS.—The term “facility” does*
6 *not include a Reclamation project facility, or a*
7 *portion of a Reclamation project facility—*

8 *(i) that is a reserved works as of the*
9 *date of enactment of this Act;*

10 *(ii) that generates hydropower mar-*
11 *ketted by a Federal power marketing admin-*
12 *istration; or*

13 *(iii) that is managed for recreation*
14 *under a lease, permit, license, or other man-*
15 *agement agreement that does contribute to*
16 *capital repayment.*

17 *(4) PROJECT USE POWER.—The term “project*
18 *use power” means the electrical capacity, energy, and*
19 *associated ancillary service components required to*
20 *provide the minimum electrical service needed to op-*
21 *erate or maintain Reclamation project facilities in*
22 *accordance with the authorization for the Reclama-*
23 *tion project.*

24 *(5) QUALIFYING ENTITY.—The term “qualifying*
25 *entity” means an agency of a State or political sub-*

1 *division of a State, a joint action or powers agency,*
 2 *a water users association, or an Indian Tribe or*
 3 *Tribal utility authority that—*

4 *(A) as of the date of conveyance under this*
 5 *Act, is the current operator of the eligible facility*
 6 *pursuant to a contract with Reclamation; and*

7 *(B) as determined by the Secretary, has the*
 8 *capacity to continue to manage the eligible facil-*
 9 *ity for the same purposes for which the property*
 10 *has been managed under the reclamation laws.*

11 *(6) RECLAMATION.—The term “Reclamation”*
 12 *means the Bureau of Reclamation.*

13 *(7) RECLAMATION PROJECT.—The term “Rec-*
 14 *lamation project” means—*

15 *(A) any reclamation or irrigation project,*
 16 *including incidental features of the project—*

17 *(i) that is authorized by the reclama-*
 18 *tion laws;*

19 *(ii) that is constructed by the United*
 20 *States pursuant to the reclamation laws; or*

21 *(iii) in connection with which there is*
 22 *a repayment or water service contract exe-*
 23 *cuted by the United States pursuant to the*
 24 *reclamation laws; or*

1 (B) any project constructed by the Secretary
2 for the reclamation of land.

3 (8) *RESERVED WORKS.*—The term “reserved
4 works” means any building, structure, facility, or
5 equipment—

6 (A) that is owned by the Bureau; and

7 (B) for which operations and maintenance
8 are performed, regardless of the source of fund-
9 ing—

10 (i) by an employee of the Bureau; or

11 (ii) through a contract entered into by
12 the Commissioner.

13 (9) *SECRETARY.*—The term “Secretary” means
14 the Secretary of the Interior, acting through the Com-
15 missioner of Reclamation.

16 **SEC. 4. AUTHORIZATION OF TRANSFERS OF TITLE TO ELI-**
17 **GIBLE FACILITIES.**

18 (a) *AUTHORIZATION.*—

19 (1) *IN GENERAL.*—Subject to the requirements of
20 this Act, the Secretary, without further authorization
21 from Congress, may, on application of a qualifying
22 entity, convey to a qualifying entity all right, title,
23 and interest of the United States in and to any eligi-
24 ble facility, if—

1 (A) not later than 90 days before the date
2 on which the Secretary makes the conveyance,
3 the Secretary submits to Congress—

4 (i) a written notice of the proposed
5 conveyance; and

6 (ii) a description of the reasons for the
7 conveyance; and

8 (B) a joint resolution disapproving the con-
9 veyance is not enacted before the date on which
10 the Secretary makes the conveyance.

11 (2) *CONSULTATION.*—A conveyance under para-
12 graph (1) shall be made by written agreement between
13 the Secretary and the qualifying entity, developed in
14 consultation with any existing water and power cus-
15 tomers affected by the conveyance of the eligible facil-
16 ity.

17 (b) *RESERVATION OF EASEMENT.*—The Secretary may
18 reserve an easement over a conveyed property if—

19 (1) the Secretary determines that the easement is
20 necessary for the management of any interests re-
21 tained by the Federal Government under this Act;

22 (2) the Reclamation project or a portion of the
23 Reclamation project remains under Federal owner-
24 ship; and

1 (3) *the Secretary enters into an agreement re-*
 2 *garding the easement with the applicable qualifying*
 3 *entity.*

4 (c) *INTERESTS IN WATER.*—*If a Federal interest in*
 5 *water rights and uses relating to a conveyed property is*
 6 *to be conveyed under this section with the conveyed prop-*
 7 *erty, the Federal interest in water rights and uses shall be*
 8 *quantified and conveyed by an independent written agree-*
 9 *ment, subject to applicable public participation require-*
 10 *ments.*

11 **SEC. 5. ELIGIBILITY CRITERIA.**

12 (a) *ESTABLISHMENT.*—*The Secretary shall establish*
 13 *criteria for determining whether a facility is eligible for*
 14 *conveyance under this Act.*

15 (b) *MINIMUM REQUIREMENTS.*—

16 (1) *AGREEMENT OF QUALIFYING ENTITY.*—*The*
 17 *criteria established under subsection (a) shall include*
 18 *a requirement that a qualifying entity shall agree—*

19 (A) *to accept title to the eligible facility;*

20 (B) *to use the eligible facility for substan-*
 21 *tially the same purposes for which the eligible fa-*
 22 *ility is being used at the time the Secretary*
 23 *evaluates the potential transfer; and*

24 (C) *to provide, as consideration for the as-*
 25 *sets to be conveyed, compensation to the reclama-*

1 *tion fund established by the first section of the*
 2 *Act of June 17, 1902 (32 Stat. 388, chapter*
 3 *1093), in an amount that is the equivalent of the*
 4 *net present value of any repayment obligation to*
 5 *the United States or other income stream that*
 6 *the United States derives from the eligible facil-*
 7 *ity to be transferred, as of the date of the trans-*
 8 *fer.*

9 (2) *DETERMINATIONS OF SECRETARY.*—*The cri-*
 10 *teria established under subsection (a) shall include a*
 11 *requirement that the Secretary shall—*

12 (A) *be able to enter into an agreement with*
 13 *the qualifying entity with respect to the legal, in-*
 14 *stitutional, and financial arrangements relating*
 15 *to the conveyance;*

16 (B) *determine that the proposed transfer—*

17 (i) *would not have an unmitigated sig-*
 18 *nificant effect on the environment;*

19 (ii) *is consistent with the responsibil-*
 20 *ities of the Secretary—*

21 (I) *in the role as trustee for feder-*
 22 *ally recognized Indian Tribes; and*

23 (II) *to ensure compliance with*
 24 *any applicable international and Trib-*

1 *al treaties and agreements and inter-*
2 *state compacts and agreements;*

3 *(iii) is in the financial interest of the*
4 *United States;*

5 *(iv) protects the public aspects of the*
6 *eligible facility, including water rights*
7 *managed for public purposes, such as flood*
8 *control or fish and wildlife;*

9 *(v) complies with all applicable Fed-*
10 *eral and State law; and*

11 *(vi) will not result in an adverse im-*
12 *port on fulfillment of existing water deliv-*
13 *ery obligations consistent with historical op-*
14 *erations and applicable contracts; and*

15 *(C) if the eligible facility proposed to be*
16 *transferred is a dam or diversion works divert-*
17 *ing water from a water body containing a spe-*
18 *cies listed as a threatened species or an endan-*
19 *gered species or critical habitat under the En-*
20 *dangered Species Act of 1973 (16 U.S.C. 1531 et*
21 *seq.), determine that—*

22 *(i)(I) the eligible facility would remain*
23 *subject to consultation requirements under*
24 *section 7(a)(2) of that Act (16 U.S.C.*
25 *1536(a)(2));*

1 (ii) on completion of a biological as-
2 sessment under section 402.12 of title 50,
3 Code of Federal Regulations (or successor
4 regulations), or an informal consultation
5 under section 402.13 of title 50, Code of
6 Federal Regulations (or successor regula-
7 tions), the Commissioner of Reclamation
8 and the Director of the United States Fish
9 and Wildlife Service or the Director of the
10 National Marine Fisheries Service, as ap-
11 plicable, have concurred in writing, con-
12 sistent with section 402.14(b)(1) of title 50,
13 Code of Federal Regulations (or successor
14 regulations), that no action associated with
15 the eligible facility is likely to adversely af-
16 fect any species listed as a threatened spe-
17 cies or an endangered species or critical
18 habitat under that Act (16 U.S.C. 1531 et
19 seq.); or

20 (iii) the qualifying entity completed a
21 habitat conservation plan pursuant to sec-
22 tion 10 of that Act (16 U.S.C. 1539) prior
23 to the transfer; and

24 (ii) the eligible facility is not located
25 in the State of California.

1 (3) *STATUS OF RECLAMATION LAND.*—*The cri-*
2 *teria established under subsection (a) shall require*
3 *that any land to be conveyed out of Federal owner-*
4 *ship under this Act is—*

5 (A) *land acquired by the Secretary; or*

6 (B) *land withdrawn by the Secretary, only*

7 *if—*

8 (i) *the Secretary determines in writing*
9 *that the withdrawn land is encumbered by*
10 *facilities to the extent that the withdrawn*
11 *land is unsuitable for return to the public*
12 *domain; and*

13 (ii) *the qualifying entity agrees to pay*
14 *fair market value based on historical or ex-*
15 *isting uses for the withdrawn land to be*
16 *conveyed.*

17 (c) *HOLD HARMLESS.*—*No conveyance under this Act*
18 *shall adversely impact applicable Federal power rates, re-*
19 *payment obligations, or other project power uses.*

20 **SEC. 6. LIABILITY.**

21 (a) *IN GENERAL.*—*Effective on the date of conveyance*
22 *of any eligible facility under this Act, the United States*
23 *shall not be held liable by any court for damages of any*
24 *kind arising out of any act, omission, or occurrence relating*
25 *to the eligible facility, other than damages caused by acts*

1 *of negligence committed by the United States or by agents*
2 *or employees of the United States prior to the date of the*
3 *conveyance.*

4 *(b) EFFECT.—Nothing in this section increases the li-*
5 *ability of the United States beyond that currently provided*
6 *in chapter 171 of title 28, United States Code (commonly*
7 *known as the “Federal Tort Claims Act”).*

8 **SEC. 7. BENEFITS.**

9 *After a conveyance of an eligible facility under this*
10 *Act—*

11 *(1) the conveyed property shall no longer be con-*
12 *sidered to be part of a Reclamation project;*

13 *(2) except as provided in paragraph (3), the*
14 *qualifying entity to which the conveyed property is*
15 *conveyed shall not be eligible to receive any benefits,*
16 *including project use power, with respect to the con-*
17 *veyed property, except for any benefit that would be*
18 *available to a similarly situated entity with respect*
19 *to property that is not a part of a Reclamation*
20 *project; and*

21 *(3) the qualifying entity to which the conveyed*
22 *property is conveyed may be eligible to receive project*
23 *use power if—*

24 *(A) the Secretary determines that the quali-*
25 *fying entity has historically been responsible for*

1 *a proportionate share of the operation and*
2 *maintenance expenses for Federal facilities that*
3 *generate and transmit, if applicable, power used*
4 *for the delivery of Reclamation project water;*
5 *and*

6 *(B) the Secretary and the qualifying entity*
7 *enter into an agreement under which the quali-*
8 *fying entity agrees to continue to be responsible*
9 *for a proportionate share of operation and main-*
10 *tenance and capital costs for the Federal facili-*
11 *ties that generate and deliver, if applicable,*
12 *power used for delivery of Reclamation project*
13 *water after the date of conveyance, in accordance*
14 *with Reclamation project use power rates.*

15 **SEC. 8. COMPLIANCE WITH OTHER LAWS.**

16 *(a) IN GENERAL.—Before conveying an eligible facil-*
17 *ity under this Act, the Secretary shall comply with all ap-*
18 *plicable Federal environmental laws, including—*

19 *(1) the National Environmental Policy Act of*
20 *1969 (42 U.S.C. 4321 et seq.);*

21 *(2) the Endangered Species Act of 1973 (16*
22 *U.S.C. 1531 et seq.); and*

23 *(3) subtitle III of title 54, United States Code.*

24 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
25 *that any Federal permitting and review processes required*

1 *with respect to a conveyance of an eligible facility under*
2 *this Act should be completed with the maximum efficiency*
3 *and effectiveness.*

4 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) *IN GENERAL.*—*There are authorized to be appro-*
6 *priated to carry out this Act such sums as are necessary.*

7 (b) *USE OF AMOUNTS.*—*Amounts made available*
8 *under subsection (a) may be used—*

9 (1) *to carry out any investigations appropriate*
10 *to carry out this Act; and*

11 (2) *to pay any other costs associated with con-*
12 *veyances under this Act, including an appropriate*
13 *Federal share, as determined by the Secretary, of the*
14 *costs of compliance with the National Environmental*
15 *Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any*
16 *other applicable law.*

17 (c) *NOT TREATED AS PROJECT COSTS.*—*Expenditures*
18 *made by the Secretary under this Act—*

19 (1) *shall not be a project cost assignable to a*
20 *Reclamation project; and*

21 (2) *shall be nonreimbursable.*

22 (d) *EFFECT.*—*Nothing in this section affects the au-*
23 *thority of the Secretary to recover non-Federal costs associ-*
24 *ated with conveyances under this Act.*

Calendar No. 681

115TH CONGRESS
2^D SESSION

S. 2560

[Report No. 115-395]

A BILL

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NOVEMBER 28, 2018

Reported with an amendment