

“SEC. 5A. (a) On identifying a Bureau of Reclamation facility for modification, the Secretary shall provide to the project beneficiaries written notice—

“(1) describing the need for the modification and the process for identifying and implementing the modification; and

“(2) summarizing the administrative and legal requirements relating to the modification.

“(b) The Secretary shall—

“(1) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the proposed modification; and

“(2) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in paragraph (1).

“(c)(1) Prior to submitting the reports required under section 5, the Secretary shall consider any alternative submitted in writing, in accordance with the timeframes established under subsection (b), by a project beneficiary that has elected to consult with the Bureau of Reclamation on a modification.

“(2) The Secretary shall provide to the project beneficiary a timely written response describing proposed actions, if any, to address the recommendation.

“(3) The response of the Secretary shall be included in the reports required by section 5.

“(d) The Secretary may waive 1 or more of the requirements of subsections (a), (b), and (c), if the Secretary determines that implementation of the requirement could have an adverse impact on dam safety or security.”

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1727), as amended, was read the third time and passed.

#### UNITED STATES-MEXICO TRANSBOUNDARY AQUIFER ASSESSMENT ACT

The Senate proceeded to consider the bill (S. 1957) to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1957

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

“This Act may be cited as the “United States-Mexico Transboundary Aquifer Assessment Act”.

#### SEC. 2. FINDINGS AND PURPOSE.

“(a) FINDINGS.—Congress finds that—

“(1) rapid population growth in the United States-Mexico border region over the last decade has placed major strains on limited water supplies in the region;

“(2) water quantity and quality issues are likely to be the determining and limiting factors affecting future economic development, population growth, and human health in the border region;

“(3) increasing use of groundwater resources in the border region by municipal and other water users has raised serious questions concerning the long-term availability of the water supply;

“(4) cooperation between the United States and Mexico in assessing and understanding transboundary aquifers is necessary for the successful management of shared groundwater resources by State and local authorities in the United States and appropriate authorities in Mexico, including management that avoids conflict between the United States and Mexico;

“(5) while there have been some studies of binational groundwater resources along the United States-Mexico border, additional data and analyses are needed to develop an accurate understanding of the long-term availability of useable water supplies from transboundary aquifers; and

“(6) the Border States—

“(A) are primarily responsible for the management and allocation of groundwater resources within the respective boundaries of the Border States; and

“(B) should have a cooperative role in the analysis and characterization of transboundary aquifers.

“(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to—

“(1) systematically assess priority transboundary aquifers; and

“(2) provide the scientific foundation necessary for State and local officials to address pressing water resource challenges in the United States-Mexico border region.

#### SEC. 3. DEFINITIONS.

“In this Act:

“(1) AQUIFER.—The term “aquifer” means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

“(2) BORDER STATE.—The term “Border State” means each of the States of Arizona, California, New Mexico, and Texas.

“(3) INDIAN TRIBE.—The term “Indian tribe” means an Indian tribe, band, nation, or other organized group or community—

“(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

“(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

“(4) PRIORITY TRANSBOUNDARY AQUIFER.—The term “priority transboundary aquifer” means a transboundary aquifer that has been designated for study and analysis under the program.

“(5) PROGRAM.—The term “program” means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

“(6) RESERVATION.—The term “reservation” means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

“(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

“(8) TRANSBOUNDARY AQUIFER.—The term “transboundary aquifer” means an aquifer that underlies the boundary between the United States and Mexico.

“(9) TRI-REGIONAL PLANNING GROUP.—The term “Tri-Regional Planning Group” means the binational planning group comprised of—

“(A) the Junta Municipal de Agua y Saneamiento de Ciudad Juarez;

“(B) the El Paso Water Utilities Public Service Board; and

“(C) the Lower Rio Grande Water Users Organization.

“(10) WATER RESOURCES RESEARCH INSTITUTES.—The term “water resources research institutes” means the institutes within the Border States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

#### SEC. 4. ESTABLISHMENT OF PROGRAM.

“(a) IN GENERAL.—The Secretary, in consultation and cooperation with the Border States, the Water Resources Research Institutes, Sandia National Laboratories, and other appropriate entities in the United States and Mexico, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model transboundary groundwater resources along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

“(b) OBJECTIVES.—The objectives of the program are to—

“(1) develop and implement an integrated scientific approach to assess transboundary groundwater resources, including—

“(A)(i) identifying fresh and saline transboundary aquifers; and

“(ii) prioritizing the transboundary aquifers for further analysis by assessing—

“(I) the proximity of the transboundary aquifer to areas of high population density;

“(II) the extent to which the transboundary aquifer is used; and

“(III) the susceptibility of the transboundary aquifer to contamination;

“(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

“(C) creating a geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

“(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop any additional data that are needed to define aquifer characteristics to the extent necessary to enable the development of groundwater flow models to assess sustainable water yields for each priority transboundary aquifer;

“(2) expand existing agreements, as appropriate, between the United States Geological Survey, the Border States, the Water Resources Research Institutes, and appropriate authorities in the United States and Mexico, to—

“(A) conduct joint scientific investigations;

“(B) archive and share relevant data; and

“(C) carry out any other activities consistent with the program; and

“(3) produce scientific products for each priority transboundary aquifer to provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

“(c) DESIGNATION OF CERTAIN AQUIFERS.—For purposes of the program, the Secretary shall designate the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico as priority transboundary aquifers.

“(d) COOPERATION WITH MEXICO.—To ensure a comprehensive assessment of transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

“(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements and

other agreements with the Water Resource Research Institutes and other Border State entities to carry out the program.

#### ISEC. 5. STATE AND TRIBAL ROLE.

[(a) COORDINATION.—The Secretary shall coordinate the activities carried out under the program with—

[(1) the appropriate water resource agencies in the Border States; and

[(2) any affected Indian tribes.

[(b) NEW ACTIVITY.—After the date of enactment of this Act, the Secretary shall not initiate any field studies to develop data or develop any groundwater flow models for a priority transboundary aquifer under the program before consulting with, and coordinating the activity with, the Border State water resource agency that has jurisdiction over the aquifer.

#### ISEC. 6. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act \$50,000,000 for the period of fiscal years 2005 through 2014.

[(b) DISTRIBUTION OF FUNDS.—Of the amounts made available under subsection (a), 50 percent shall be made available to the Water Resource Research Institutes to provide funding to appropriate entities in the Border States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and Mexico to conduct activities under the program, including the binational collection and exchange of scientific data.

#### ISEC. 7. REPORTS.

[Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2014, the Secretary shall submit to the appropriate water resource agency in the Border States, an interim and final report, respectively, that describes—

[(1) any activities carried out under the program;

[(2) any conclusions of the Secretary relating to the status of transboundary aquifers; and

[(3) the level of participation in the program of entities in Mexico.]

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “United States-Mexico Transboundary Aquifer Assessment Act”.

#### SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to—

(1) systematically assess priority transboundary aquifers; and

(2) provide the scientific foundation necessary for State and local officials to address pressing water resource challenges in the United States-Mexico border region.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **AQUIFER.**—The term “aquifer” means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

(2) **BORDER STATE.**—The term “Border State” means each of the States of Arizona, California, New Mexico, and Texas.

(3) **INDIAN TRIBE.**—The term “Indian tribe” means an Indian tribe, band, nation, or other organized group or community—

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) **PRIORITY TRANSBOUNDARY AQUIFER.**—The term “priority transboundary aquifer” means a

transboundary aquifer that has been designated for study and analysis under the program.

(5) **PROGRAM.**—The term “program” means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

(6) **RESERVATION.**—The term “reservation” means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(8) **TRANSBOUNDARY AQUIFER.**—The term “transboundary aquifer” means an aquifer that underlies the boundary between the United States and Mexico.

(9) **TRI-REGIONAL PLANNING GROUP.**—The term “Tri-Regional Planning Group” means the binational planning group comprised of—

(A) the Junta Municipal de Agua y Saneamiento de Ciudad Juarez;

(B) the El Paso Water Utilities Public Service Board; and

(C) the Lower Rio Grande Water Users Organization.

(10) **WATER RESOURCES RESEARCH INSTITUTES.**—The term “water resources research institutes” means the institutes within the Border States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

#### SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) **IN GENERAL.**—The Secretary, in consultation and cooperation with the Border States, the water resources research institutes, Sandia National Laboratories, and other appropriate entities in the United States and Mexico, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model transboundary groundwater resources along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

(b) **OBJECTIVES.**—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to assess transboundary groundwater resources, including—

(A)(i) identifying fresh and saline transboundary aquifers; and

(ii) prioritizing the transboundary aquifers for further analysis by assessing—

(I) the proximity of the transboundary aquifer to areas of high population density;

(II) the extent to which the transboundary aquifer is used;

(III) the susceptibility of the transboundary aquifer to contamination; and

(IV) any other relevant criteria;

(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

(C) creating a new, or enhancing an existing, geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) expand existing agreements, as appropriate, between the United States Geological Survey, the Border States, the water resources research institutes, and appropriate authorities in the United States and Mexico, to—

(A) conduct joint scientific investigations;

(B) archive and share relevant data; and

(C) carry out any other activities consistent with the program; and

(3) produce scientific products for each priority transboundary aquifer that—

(A) are capable of being broadly distributed; and

(B) provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

(c) **DESIGNATION OF PRIORITY TRANSBOUNDARY AQUIFERS.**—

(1) **IN GENERAL.**—For purposes of the program, the Secretary shall designate as priority transboundary aquifers—

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico; and

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico.

(2) **ADDITIONAL AQUIFERS.**—The Secretary shall, using the criteria under subsection (b)(1)(A)(ii), evaluate and designate additional priority transboundary aquifers.

(d) **COOPERATION WITH MEXICO.**—To ensure a comprehensive assessment of transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

(e) **GRANTS AND COOPERATIVE AGREEMENTS.**—The Secretary may provide grants or enter into cooperative agreements and other agreements with the water resources research institutes and other Border State entities to carry out the program.

#### SEC. 5. IMPLEMENTATION OF PROGRAM.

(a) **COORDINATION WITH STATES, TRIBES, AND OTHER ENTITIES.**—The Secretary shall coordinate the activities carried out under the program with—

(1) the appropriate water resource agencies in the Border States;

(2) any affected Indian tribes; and

(3) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer.

(b) **NEW ACTIVITY.**—After the date of enactment of this Act, the Secretary shall not initiate any new field studies or analyses under the program before consulting with, and coordinating the activity with, any Border State water resource agencies that have jurisdiction over the aquifer.

(c) **STUDY PLANS; COST ESTIMATES.**—

(1) **IN GENERAL.**—The Secretary shall work closely with appropriate Border State water resource agencies, water resources research institutes, and other relevant entities to develop a study plan, timeline, and cost estimate for each priority transboundary aquifer to be studied under the program.

(2) **REQUIREMENTS.**—A study plan developed under paragraph (1) shall, to the maximum extent practicable—

(A) integrate existing data collection and analyses conducted with respect to the priority transboundary aquifer;

(B) if applicable, improve and strengthen existing groundwater flow models developed for the priority transboundary aquifer; and

(C) be consistent with appropriate State guidelines and goals.

#### SEC. 6. EFFECT.

Nothing in this Act affects—

(1) the jurisdiction or responsibility of a Border State with respect to managing surface or groundwater resources in the Border State; or

(2) the water rights of any person or entity using water from a transboundary aquifer.

#### SEC. 7. REPORTS.

Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2014, the Secretary shall submit to the appropriate water resource agency in

the Border States, an interim and final report, respectively, that describes—

(1) any activities carried out under the program;

(2) any conclusions of the Secretary relating to the status of transboundary aquifers; and

(3) the level of participation in the program of entities in Mexico.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act \$50,000,000 for the period of fiscal years 2005 through 2014.

(b) DISTRIBUTION OF FUNDS.—Of the amounts made available under subsection (a), 50 percent shall be made available to the water resources research institutes to provide funding to appropriate entities in the Border States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and Mexico to conduct activities under the program, including the binational collection and exchange of scientific data.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1957), as amended, was read the third time and passed.

#### LAND EXCHANGE IN EVERGLADES NATIONAL PARK

The Senate proceeded to consider the bill (S. 2046) to authorize the exchange of certain land in Everglades National Park, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in *italic*.)

S. 2046

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EVERGLADES NATIONAL PARK LAND EXCHANGE.

Section 102 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-6) is amended by adding at the end the following:

“(h) LAND EXCHANGE.—

“(1) DEFINITIONS.—In this subsection:

“(A) DISTRICT.—The term ‘District’ means the South Florida Water Management District.

“(B) FEDERAL LAND.—The term ‘Federal land’ means the approximately 1,054 acres of land located in the Rocky Glades area of the park and identified on the map as ‘NPS Exchange Lands’.

“(C) MAP.—The term ‘map’ means the map entitled ‘Boundary Modification for C-111 Project, Everglades National Park’, numbered 160/80,007, and dated April 30, 2002.

“(D) NON-FEDERAL LAND.—The term ‘non-Federal land’ means the approximately 1,054 acres of District land located in the Southern Glades Wildlife and Environmental Area and identified on the map as ‘South Florida Water Management District Exchange Lands’.

“(2) EXCHANGE.—The Secretary shall convey to the District the fee title to the Federal land in exchange for the fee title to the non-Federal land.

“(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(4) USE OF FEDERAL LAND.—The Federal land conveyed to the District shall be used by the District compatible with the purposes of the C-111 project, including restoration of the Everglades natural system.

“(5) BOUNDARY ADJUSTMENT.—On completion of the land exchange under paragraph (2), the Secretary shall modify the boundary of the park to reflect the exchange of the Federal land and non-Federal land.”]

#### SECTION 1. EVERGLADES NATIONAL PARK.

Section 102 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-6) is amended—

(1) in subsection (a)—

(A) by striking “The park boundary” and inserting the following:

“(1) IN GENERAL.—The park boundary”;

(B) by striking “The map” and inserting the following:

“(2) AVAILABILITY OF MAP.—The map”;

(C) by adding at the end the following:

“(3) ACQUISITION OF ADDITIONAL LAND.—

“(A) IN GENERAL.—The Secretary may acquire from 1 or more willing sellers not more than 10 acres of land located outside the boundary of the park and adjacent to or near the East Everglades area of the park for the development of administrative, housing, maintenance, or other park purposes.

“(B) ADMINISTRATION; APPLICABLE LAW.—On acquisition of the land under subparagraph (A), the land shall be administered as part of the park in accordance with the laws (including regulations) applicable to the park.”; and

(2) by adding at the end the following:

“(h) LAND EXCHANGES.—

“(1) DEFINITIONS.—In this subsection:

“(A) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.

“(B) COUNTY.—The term ‘County’ means Miami-Dade County, Florida.

“(C) COUNTY LAND.—The term ‘County land’ means the 2 parcels of land owned by the County totaling approximately 152.93 acres that are designated as ‘Tract 605-01’ and ‘Tract 605-03’.

“(D) DISTRICT.—The term ‘District’ means the South Florida Water Management District.

“(E) DISTRICT LAND.—The term ‘District land’ means the approximately 1,054 acres of District land located in the Southern Glades Wildlife and Environmental Area and identified on the map as ‘South Florida Water Management District Exchange Lands’.

“(F) GENERAL SERVICES ADMINISTRATION LAND.—The term ‘General Services Administration land’ means the approximately 595.28 acres of land designated as ‘Site Alpha’ that is declared by the Department of the Navy to be excess land.

“(G) MAP.—The term ‘map’ means the map entitled ‘Boundary Modification for C-111 Project, Everglades National Park’, numbered 160/80,007A, and dated May 18, 2004.

“(H) NATIONAL PARK SERVICE LAND.—The term ‘National Park Service land’ means the approximately 1,054 acres of land located in the Rocky Glades area of the park and identified on the map as ‘NPS Exchange Lands’.

“(2) EXCHANGE OF GENERAL SERVICES ADMINISTRATION LAND AND COUNTY LAND.—The Administrator shall convey to the County fee title to the General Services Administration land in exchange for the conveyance by the County to the Secretary of fee title to the County land.

“(3) EXCHANGE OF NATIONAL PARK SERVICE LAND AND DISTRICT LAND.—

“(A) IN GENERAL.—As soon as practicable after the completion of the exchange under paragraph (2), the Secretary shall convey to the District fee title to the National Park Service land in exchange for fee title to the District land.

“(B) USE OF NATIONAL PARK SERVICE LAND.—The National Park Service land conveyed to the District shall be used by the District for the purposes of the C-111 project, including restoration of the Everglades natural system.

“(C) BOUNDARY ADJUSTMENT.—On completion of the land exchange under subparagraph (A), the Secretary shall modify the boundary of the

park to reflect the exchange of the National Park Service land and the District land.

“(4) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.”.

#### SEC. 2. BIG CYPRESS NATIONAL PRESERVE.

Subsection (d)(3) of the first section of Public Law 93-440 (16 U.S.C. 698f) is amended by striking “The amount described in paragraph (1)” and inserting “The amount described in paragraph (2)”.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2046), as amended, was read the third time and passed.

#### TAPOCO PROJECT LICENSING ACT OF 2004

The Senate proceeded to consider the bill (S. 2319) to authorize and facilitate hydroelectric power licensing of the Tapoco Project, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in *italic*.)

S. 2319

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

[This Act may be cited as the “Tapoco Project Licensing Act of 2004”.]

#### SEC. 2. PURPOSE.

[The purpose of this Act is to resolve jurisdictional issues regarding hydroelectric power licensing of FERC Project No. 2169 (the Tapoco Project or Project) by authorizing—

(1) the Secretary of the Interior to complete, as soon as practicable after the date of enactment of this Act, an exchange of certain land; and

(2) after the exchange of land is completed, the Federal Energy Regulatory Commission to license the Project.

#### SEC. 3. DEFINITIONS.

[In this Act:

(1) APGI.—The term “APGI” means Alcoa Power Generating Inc. (including its successors and assigns).

(2) ATTORNEY GENERAL.—The term “Attorney General” means the Attorney General of the United States.

(3) COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.

(4) PARK.—The term “Park” means the Great Smoky Mountains National Park.

(5) PROJECT.—The term “Project” means FERC Project No. 2169 (the Tapoco Project or Project), including the Chilhowee Dam and reservoir in the State.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) SETTLEMENT AGREEMENT.—The term “Settlement Agreement” means the agreement filed with the Commission among the settling parties reached in the licensing of the Project that describes the operational and protection, mitigation, and enhancement measures for operation of the Project.

(8) STATE.—The term “State” means the State of Tennessee.

#### SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—The Secretary shall offer to acquire from APGI—

(1) subject to any encumbrances existing before February 21, 2003, approximately 186