

Union Calendar No. 335

108TH CONGRESS
2^D SESSION

H. R. 2828

[Report No. 108-573, Part I]

To authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2003

Mr. CALVERT (for himself, Mr. DOOLEY of California, Mr. RADANOVICH, Mr. ORTIZ, Mr. NUNES, Mr. CARDOZA, Mr. OSBORNE, Mr. BACA, Mr. RENZI, Mr. GALLEGLY, Mr. LEWIS of California, Mr. THOMAS, Mr. DREIER, Mr. HUNTER, Mrs. BONO, Mr. COX, Mr. DOOLITTLE, Mr. GARY G. MILLER of California, Mr. McKEON, Mr. ROYCE, Mr. CUNNINGHAM, Mr. ROHRABACHER, Mr. ISSA, Mr. OSE, and Mr. POMBO) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 25, 2004

Additional sponsors: Mrs. NAPOLITANO, Mr. REYES, Mr. RODRIGUEZ, Mr. FILNER, Mr. PEARCE, Ms. LORETTA SANCHEZ of California, and Ms. GINNY BROWN-WAITE of Florida

JUNE 25, 2004

Reported from the Committee on Resources with an amendment

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

JUNE 25, 2004

Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than June 25, 2004

JUNE 25, 2004

The Committee on Transportation and Infrastructure discharged; committed

to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 23, 2003]

A BILL

To authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SEC. 1. SHORT TITLE.**

4 *This Act may be cited as the “Water Supply, Reli-*
 5 *ability, and Environmental Improvement Act”.*

6 **TITLE I—CALIFORNIA WATER SE-**
 7 **CURITY AND ENVIRON-**
 8 **MENTAL ENHANCEMENT**

9 **SEC. 101. SHORT TITLE.**

10 *This title may be cited as the “California Water Secu-*
 11 *rity and Environmental Enhancement Act”.*

12 **SEC. 102. DEFINITIONS.**

13 *In this title:*

14 (1) *CALFED BAY-DELTA PROGRAM.*—*The terms*
 15 *“Calfed Bay-Delta Program” and “Program” mean*
 16 *the programs, projects, complementary actions, and*
 17 *activities undertaken through coordinated planning,*

1 *implementation, and assessment activities of the State*
2 *and Federal Agencies in a manner consistent with the*
3 *Record of Decision.*

4 (2) *ENVIRONMENTAL WATER ACCOUNT.—The*
5 *term “Environmental Water Account” means the co-*
6 *operative management program established pursuant*
7 *to the Record of Decision to reduce incidental take*
8 *and provide a mechanism for recovery of species.*

9 (3) *FEDERAL AGENCIES.—The term “Federal*
10 *agencies” means the Federal agencies that are sig-*
11 *natories to Attachment 3 of the Record of Decision.*

12 (4) *GOVERNOR.—The term “Governor” means*
13 *the Governor of the State of California.*

14 (5) *RECLAMATION STATES.—The term “Rec-*
15 *lamation States” means the States of Arizona, Cali-*
16 *formia, Colorado, Idaho, Kansas, Montana, Nebraska,*
17 *Nevada, New Mexico, North Dakota, Oklahoma, Or-*
18 *egon, South Dakota, Utah, Washington, Wyoming,*
19 *and Texas.*

20 (6) *RECORD OF DECISION.—The term “Record of*
21 *Decision” means the Calfed Bay-Delta Program*
22 *Record of Decision, dated August 28, 2000.*

23 (7) *SECRETARY.—The term “Secretary” means*
24 *the Secretary of the Interior.*

1 (8) *STATE*.—*The term “State” means the State*
2 *of California.*

3 (9) *STATE AGENCIES*.—*The term “State agen-*
4 *cies” means the California State agencies that are*
5 *signatories to Attachment 3 of the Record of Decision.*

6 (10) *WATER YIELD*.—*The term “water yield”*
7 *means a new quantity of water in storage that is reli-*
8 *ably available in critically dry years for beneficial*
9 *uses.*

10 **SEC. 103. BAY DELTA PROGRAM.**

11 (a) *IN GENERAL*.—

12 (1) *RECORD OF DECISION AS GENERAL FRAME-*
13 *WORK*.—*The Record of Decision is approved as a gen-*
14 *eral framework for addressing the Calfed Bay-Delta*
15 *Program, including its components relating to water*
16 *storage and water yield, ecosystem restoration, water*
17 *supply reliability, conveyance, water use efficiency,*
18 *water quality, water transfers, watersheds, the Envi-*
19 *ronmental Water Account, levee stability, governance,*
20 *and science.*

21 (2) *SPECIFIC ACTIVITIES*.—*The Secretary and*
22 *the heads of the Federal agencies are authorized to*
23 *undertake, fund, participate in, and otherwise carry*
24 *out the activities described in the Record of Decision,*
25 *subject to the provisions of this title, so that the ac-*

1 *tivities of the Calfed Bay-Delta Program consisting of*
2 *protecting drinking water quality, restoring ecological*
3 *health, improving water supply reliability (including*
4 *additional water storage and water yield and convey-*
5 *ance), and protecting Delta levees will progress in a*
6 *balanced manner.*

7 *(b) AUTHORIZED ACTIVITIES.—*

8 *(1) IN GENERAL.—The Secretary and the heads*
9 *of the Federal agencies are authorized to carry out the*
10 *activities described in paragraphs (2) through (5) in*
11 *furtherance of the Calfed Bay-Delta Program as set*
12 *forth in the Record of Decision, subject to the cost-*
13 *share and other provisions of this title.*

14 *(2) MULTIPLE BENEFIT PROJECTS FAVORED.—*
15 *In selecting projects and programs for increasing*
16 *water yield and water supply, improving water qual-*
17 *ity, and enhancing environmental benefits, projects*
18 *and programs with multiple benefits shall be empha-*
19 *sized.*

20 *(3) BALANCE.—The Secretary shall ensure that*
21 *all elements of the Calfed Bay-Delta Program need to*
22 *be completed and operated cooperatively to maintain*
23 *the balanced progress in all Calfed Bay-Delta Pro-*
24 *gram areas.*

1 (4) *EXISTING AUTHORIZATIONS FOR FEDERAL*
2 *AGENCIES.*—*The Secretary of the Interior and the*
3 *heads of the Federal agencies are authorized to carry*
4 *out the activities described in subparagraphs (A)*
5 *through (J) of paragraph (5), to the extent authorized*
6 *under existing law.*

7 (5) *DESCRIPTION OF ACTIVITIES UNDER EXIST-*
8 *ING AUTHORIZATIONS.*—

9 (A) *WATER STORAGE AND WATER YIELD.*—

10 *Activities under this subparagraph consist of—*

11 (i) *FEASIBILITY STUDIES AND RESOLU-*
12 *TION.*—

13 (I) *For purposes of implementing*
14 *the Calfed Bay-Delta Program, the*
15 *Secretary is authorized to undertake*
16 *all necessary planning activities and*
17 *feasibility studies required for the de-*
18 *velopment of recommendations by the*
19 *Secretary to Congress on the construc-*
20 *tion and implementation of specific*
21 *water supply and water yield, ground*
22 *water management, and ground water*
23 *storage projects and implementation of*
24 *comprehensive water management*
25 *planning.*

1 (II) *FEASIBILITY STUDIES RE-*
2 *QUIREMENTS.*—*All feasibility studies*
3 *completed for storage projects as a re-*
4 *sult of this section shall include identi-*
5 *fication of project benefits and bene-*
6 *ficiaries and a cost allocation plan*
7 *consistent with the benefits to be re-*
8 *ceived, for both governmental and non-*
9 *governmental entities.*

10 (III) *DISAPPROVAL RESOLU-*
11 *TION.*—*If the Secretary determines a*
12 *project to be feasible, and meets the re-*
13 *quirements under subparagraph (B),*
14 *the report shall be submitted to Con-*
15 *gress. If Congress does not pass a dis-*
16 *approval resolution of the feasibility*
17 *study during the first 120 days before*
18 *Congress (not including days on which*
19 *either the House of Representatives or*
20 *the Senate is not in session because of*
21 *an adjournment of more than three*
22 *calendar days to a day certain) the*
23 *project shall be authorized, subject to*
24 *appropriations.*

1 (ii) *WATER SUPPLY AND WATER YIELD*
2 *STUDY.*—*The Secretary, acting through the*
3 *Bureau of Reclamation and in consultation*
4 *with the State, shall conduct a study of*
5 *available water supplies and water yield*
6 *and existing demand and future needs for*
7 *water—*

8 (I) *within the units of the Central*
9 *Valley Project;*

10 (II) *within the area served by*
11 *Central Valley Project agricultural*
12 *water service contractors and munic-*
13 *ipal and industrial water service con-*
14 *tractors; and*

15 (III) *within the Bay-Delta solu-*
16 *tion area.*

17 (iii) *RELATIONSHIP TO PRIOR*
18 *STUDY.*—*The study under clause (ii) shall*
19 *incorporate and revise as necessary the*
20 *study required by section 3408(j) of the*
21 *Central Valley Project Improvement Act of*
22 *1992 (Public Law 102–575).*

23 (iv) *MANAGEMENT.*—*The Secretary*
24 *shall conduct activities related to developing*

1 *and implementing groundwater manage-*
2 *ment and groundwater storage projects.*

3 (v) *COMPREHENSIVE WATER PLAN-*
4 *NING.—The Secretary shall conduct activi-*
5 *ties related to comprehensive water manage-*
6 *ment planning.*

7 (vi) *REPORT.—The Secretary shall*
8 *submit a report to the congressional author-*
9 *izing committees by not later than 180 days*
10 *after the date of the enactment of this title*
11 *describing the following:*

12 (I) *Water yield and water supply*
13 *improvements, if any, for Central Val-*
14 *ley Project agricultural water service*
15 *contractors and municipal and indus-*
16 *trial water service contractors.*

17 (II) *All water management ac-*
18 *tions or projects that would improve*
19 *water yield or water supply and that,*
20 *if taken or constructed, would balance*
21 *available water supplies and existing*
22 *demand for those contractors and other*
23 *water users of the Bay-Delta watershed*
24 *with due recognition of water right*
25 *priorities and environmental needs.*

1 (III) *The financial costs of the ac-*
2 *tions and projects described under*
3 *clause (II).*

4 (IV) *The beneficiaries of those ac-*
5 *tions and projects and an assessment of*
6 *their willingness to pay the capital*
7 *costs and operation and maintenance*
8 *costs thereof.*

9 (B) *CONVEYANCE.—*

10 (i) *SOUTH DELTA ACTIONS.—In the*
11 *case of the South Delta, activities under this*
12 *clause consist of the following:*

13 (I) *The South Delta Improvement*
14 *Program through actions to accomplish*
15 *the following:*

16 (aa) *Increase the State Water*
17 *Project export limit to 8,500 cfs.*

18 (bb) *Install permanent, oper-*
19 *able barriers in the south Delta.*
20 *The Federal Agencies shall cooper-*
21 *ate with the State to accelerate in-*
22 *stallation of the permanent, oper-*
23 *able barriers in the south Delta,*
24 *with the intent to complete that*

1 *installation not later than the end*
2 *of fiscal year 2006.*

3 *(cc) Increase the State Water*
4 *Project export to the maximum*
5 *capability of 10,300 cfs.*

6 *(II) Reduction of agricultural*
7 *drainage in south Delta channels, and*
8 *other actions necessary to minimize the*
9 *impact of drainage on drinking water*
10 *quality.*

11 *(III) Design and construction of*
12 *lower San Joaquin River floodway im-*
13 *provements.*

14 *(IV) Installation and operation of*
15 *temporary barriers in the south Delta*
16 *until fully operable barriers are con-*
17 *structed.*

18 *(V) Actions to protect navigation*
19 *and local diversions not adequately*
20 *protected by temporary barriers.*

21 *(VI) Actions to increase pumping*
22 *shall be accomplished in a manner*
23 *consistent with California law pro-*
24 *tecting—*

1 (aa) deliveries to, costs of,
2 and water suppliers and water
3 users, including but not limited
4 to, agricultural users, that have
5 historically relied on water di-
6 verted for use in the Delta; and

7 (bb) the quality of water for
8 existing municipal, industrial,
9 and agricultural uses.

10 (ii) NORTH DELTA ACTIONS.—In the
11 case of the North Delta, activities under this
12 clause consist of—

13 (I) evaluation and implementa-
14 tion of improved operational proce-
15 dures for the Delta Cross Channel to
16 address fishery and water quality con-
17 cerns;

18 (II) evaluation of a screened
19 through-Delta facility on the Sac-
20 ramento River; and

21 (III) evaluation of lower
22 Mokelumne River floodway improve-
23 ments.

24 (iii) INTERTIES.—Activities under this
25 clause consist of—

1 (I) *evaluation and construction of*
2 *an intertie between the State Water*
3 *Project California Aqueduct and the*
4 *Central Valley Project Delta Mendota*
5 *Canal, near the City of Tracy; and*

6 (II) *assessment of a connection of*
7 *the Central Valley Project to the Clif-*
8 *ton Court Forebay of the State Water*
9 *Project, with a corresponding increase*
10 *in the screened intake of the Forebay.*

11 (iv) *PROGRAM TO MEET STANDARDS.—*

12 *Prior to increasing export limits from the*
13 *Delta for the purposes of conveying water to*
14 *south-of-Delta Central Valley Project con-*
15 *tractors or increasing deliveries through an*
16 *intertie, the Secretary shall, within one*
17 *year of the date of enactment of this title,*
18 *in consultation with the Governor, develop*
19 *and implement a program to meet all exist-*
20 *ing water quality standards and objectives*
21 *for which the CVP has responsibility. In de-*
22 *veloping and implementing the program the*
23 *the Secretary shall include, to the maximum*
24 *extent feasible, the following:*

1 (I) *A recirculation program to*
2 *provide flow, reduce salinity concentra-*
3 *tions in the San Joaquin River, and*
4 *reduce the reliance on New Melones*
5 *Reservoir for meeting water quality*
6 *and fishery flow objectives through the*
7 *use of excess capacity in export pump-*
8 *ing and conveyance facilities.*

9 (II) *The implementation of man-*
10 *datory source control programs and*
11 *best drainage management practices to*
12 *reduce discharges into the San Joaquin*
13 *River of salt or other constituents from*
14 *wildlife refuges that receive Central*
15 *Valley Project water.*

16 (III) *The acquisition from willing*
17 *sellers of water from streams tributary*
18 *to the San Joaquin River or other*
19 *sources to provide flow, dilute dis-*
20 *charges from wildlife refuges, and to*
21 *improve water quality in the San Joa-*
22 *quin River below the confluence of the*
23 *Merced and San Joaquin rivers and to*
24 *reduce the reliance on New Melones*

1 *Reservoir for meeting water quality*
2 *and fishery flow objectives.*

3 *(v) USE OF EXISTING FUNDING MECHA-*
4 *NISMS.—In implementing the Program, the*
5 *Secretary shall use money collected pursu-*
6 *ant to section 3406(c)(1) of the Central Val-*
7 *ley Project Improvement Act of 1992 (Pub-*
8 *lic Law 102–575) to acquire from voluntary*
9 *sellers water from streams tributary to the*
10 *San Joaquin River or other sources for the*
11 *purposes set forth in subclauses (I) through*
12 *(III) of clause (iv).*

13 *(vi) PURPOSE.—The purpose of the au-*
14 *thority and direction provided to the Sec-*
15 *retary in clause (iv) is to provide greater*
16 *flexibility in meeting the existing water*
17 *quality standards and objectives for which*
18 *the Central Valley Project has responsibility*
19 *so as to reduce the demand on water from*
20 *New Melones Reservoir used for that pur-*
21 *pose and to allow the Secretary to meet*
22 *with greater frequency the Secretary’s obli-*
23 *gations to Central Valley Project contractors*
24 *from the New Melones Project.*

1 (C) *WATER USE EFFICIENCY.*—*Activities*
2 *under this subparagraph consist of—*

3 (i) *water conservation projects that*
4 *provide water supply reliability, water*
5 *quality, and ecosystem benefits to the Bay-*
6 *Delta system;*

7 (ii) *technical assistance for urban and*
8 *agricultural water conservation projects;*

9 (iii) *water recycling and desalination*
10 *projects, including groundwater remediation*
11 *projects and projects identified in the Bay*
12 *Area Water Plan and the Southern Cali-*
13 *fornia Comprehensive Water Reclamation*
14 *and Reuse Study and other projects, giving*
15 *priority to projects that include regional so-*
16 *lutions to benefit regional water supply and*
17 *reliability needs;*

18 (I) *The Secretary shall review any*
19 *feasibility level studies for seawater de-*
20 *salination and regional brine line*
21 *projects that have been completed,*
22 *whether or not those studies were pre-*
23 *pared with financial assistance from*
24 *the Secretary.*

1 (ii) *The Secretary shall report to*
2 *the Congress not later than 90 days*
3 *after the completion of a feasibility*
4 *study or the review of a feasibility*
5 *study. For the purposes of this Act, the*
6 *Secretary is authorized to provide as-*
7 *sistance for projects as set forth and*
8 *pursuant to the existing requirements*
9 *of the Reclamation Wastewater and*
10 *Groundwater Study and Facilities Act*
11 *(Public Law 102–575; title 16) as*
12 *amended, and Reclamation Recycling*
13 *and Water Conservation Act of 1996*
14 *(Public Law 104–266).*

15 (iii) *water measurement and transfer*
16 *actions;*

17 (iv) *certification of implementation of*
18 *best management practices for urban water*
19 *conservation; and*

20 (v) *projects identified in the Southern*
21 *California Comprehensive Water Reclama-*
22 *tion and Reuse Study, dated April 2001*
23 *and authorized by section 1606 of the Rec-*
24 *lamation Wastewater and Groundwater*
25 *Study and Facilities Act (43 U.S.C. 390h–*

1 4); and the San Francisco Bay Area Re-
2 gional Water Recycling Program described
3 in the San Francisco Bay Area Regional
4 Water Recycling Program Recycled Water
5 Master Plan, dated December 1999 and au-
6 thorized by section 1611 of the Reclamation
7 Wastewater and Groundwater Study and
8 Facilities Act (43 U.S.C. 390h–9) are deter-
9 mined to be feasible.

10 (D) *WATER TRANSFERS.*—Activities under
11 this subparagraph consist of—

12 (i) increasing the availability of exist-
13 ing facilities for water transfers;

14 (ii) lowering transaction costs through
15 regulatory coordination as provided in sec-
16 tions 301 through 302; and

17 (iii) maintaining a water transfer in-
18 formation clearinghouse.

19 (E) *INTEGRATED REGIONAL WATER MAN-*
20 *AGEMENT PLANS.*—Activities under this subpara-
21 graph consist of assisting local and regional
22 communities in the State in developing and im-
23 plementing integrated regional water manage-
24 ment plans to carry out projects and programs
25 that improve water supply reliability, water

1 *quality, ecosystem restoration, and flood protec-*
2 *tion, or meet other local and regional needs, in*
3 *a manner that is consistent with, and makes a*
4 *significant contribution to, the Calfed Bay-Delta*
5 *Program.*

6 *(F) ECOSYSTEM RESTORATION.—*

7 *(i) Activities under this subparagraph*
8 *consist of—*

9 *(I) implementation of large-scale*
10 *restoration projects in San Francisco*
11 *Bay and the Delta and its tributaries;*

12 *(II) restoration of habitat in the*
13 *Delta, San Pablo Bay, and Suisun*
14 *Bay and Marsh, including tidal wet-*
15 *land and riparian habitat;*

16 *(III) fish screen and fish passage*
17 *improvement projects; including the*
18 *Sacramento River Small Diversion*
19 *Fish Screen Program;*

20 *(IV) implementation of an*
21 *invasive species program, including*
22 *prevention, control, and eradication;*

23 *(V) development and integration*
24 *of Federal and State agricultural pro-*

1 *grams that benefit wildlife into the*
2 *Ecosystem Restoration Program;*

3 *(VI) financial and technical sup-*
4 *port for locally-based collaborative pro-*
5 *grams to restore habitat while address-*
6 *ing the concerns of local communities;*

7 *(VII) water quality improvement*
8 *projects to manage and reduce con-*
9 *centrations of salinity, selenium, mer-*
10 *cury, pesticides, trace metals, dissolved*
11 *oxygen, turbidity, sediment, and other*
12 *pollutants;*

13 *(VIII) land and water acquisi-*
14 *tions to improve habitat and fish*
15 *spawning and survival in the Delta*
16 *and its tributaries;*

17 *(IX) integrated flood manage-*
18 *ment, ecosystem restoration, and levee*
19 *protection projects;*

20 *(X) scientific evaluations and tar-*
21 *geted research on Program activities;*

22 *(XI) strategic planning and track-*
23 *ing of Program performance; and*

24 *(XII) preparation of management*
25 *plans for all properties acquired, and*

1 *update current management plans,*
2 *prior to the purchase or any contribu-*
3 *tion to the purchase of any interest in*
4 *land for ecosystem.*

5 *(ii) A RESTORATION MANAGEMENT*
6 *PLAN REPORT.—The Secretary shall submit*
7 *a restoration management plan report to*
8 *Congress, 30 days (not including days on*
9 *which either the House of Representatives or*
10 *the Senate is not in session because of an*
11 *adjournment of more than three calendar*
12 *days to a day certain) prior to imple-*
13 *menting ecosystem restoration actions as de-*
14 *scribed under this paragraph. Such plan re-*
15 *ports shall be required for all ecosystem*
16 *projects, (including comprehensive projects*
17 *that are composed of several components*
18 *and are to be completed by staged imple-*
19 *mentation) exceeding \$20,000 in Federal*
20 *funds. The Restoration Management Plan*
21 *required to be submitted under this para-*
22 *graph, shall, at a minimum—*

23 *(I) be consistent with the goal of*
24 *fish, wildlife, and habitat improve-*
25 *ment;*

1 (II) be consistent with all appli-
2 cable Federal and State laws;

3 (III) describe the specific goals,
4 objectives, and opportunities and im-
5 plementation timeline of the proposed
6 project. Describe to what extent the
7 proposed project is a part of a larger,
8 more comprehensive project in the
9 Bay-Delta watershed;

10 (IV) describe the administration
11 responsibilities of land and water
12 areas and associated environmental re-
13 sources, in the affected project area in-
14 cluding an accounting of all habitat
15 types. Cost-share arrangements with
16 cooperating agencies should be included
17 in the report;

18 (V) describe the resource data and
19 ecological monitoring data to be col-
20 lected for the restoration projects and
21 how the data are to be integrated,
22 streamlined, and designed to measure
23 the effectiveness and overall trend of
24 ecosystem health in the Bay-Delta wa-
25 tershed;

1 (VI) *identify various combina-*
2 *tions of land and water uses and re-*
3 *source management practices that are*
4 *scientifically-based and meet the pur-*
5 *poses of the project. Include a descrip-*
6 *tion of expected benefits of the restora-*
7 *tion project relative to the cost of the*
8 *project;*

9 (VII) *analyze and describe cumu-*
10 *lative impacts of project implementa-*
11 *tion, including land acquisition, and*
12 *the mitigation requirements, subject to*
13 *conditions described in clause (iii)(I).*
14 *Complete appropriate actions to satisfy*
15 *requirements of NEPA, CEQA, and*
16 *other environmental permitting clear-*
17 *ance; and*

18 (VIII) *describe an integrated*
19 *monitoring plan and measurable cri-*
20 *teria, or bio-indicators, to be used for*
21 *evaluating cost-effective performance of*
22 *the project.*

23 (iii) *CONDITIONS.—Conditions, if ap-*
24 *plicable, for projects and activities under*
25 *this paragraph, and which are to be de-*

1 *scribed in the restoration management plan*
2 *report, are as follows:*

3 *(I) a requirement that before obli-*
4 *gating or expending Federal funds to*
5 *acquire land, the Secretary shall first*
6 *determine that existing Federal land,*
7 *State land, or other land acquired for*
8 *ecosystem restoration with amounts*
9 *provided by the United States or the*
10 *State, to the extent such lands are*
11 *available within the Calfed solution*
12 *area, is not available for that purpose.*
13 *If no public land is available the Sec-*
14 *retary, prior to any federal expendi-*
15 *ture for private land acquisitions,*
16 *shall—*

17 *(aa) not convert prime farm*
18 *land and unique farm land, to the*
19 *maximum extent as practicable,*
20 *as identified by local, State, or*
21 *Federal land use inventories, in-*
22 *cluding the Natural Resources*
23 *Conservation Service;*

24 *(bb) not conflict with existing*
25 *zoning for agriculture use; and*

1 (cc) not involve other changes
2 in existing environment due to lo-
3 cation and nature of converting
4 farmland to non-farmland use.

5 (II) a requirement that in deter-
6 mining whether to acquire private
7 land for ecosystem restoration, the Sec-
8 retary shall—

9 (aa) conduct appropriate
10 analysis, including cost valuation
11 to assure that private land acqui-
12 sitions prioritize easements and
13 leases over acquisitions by fee title
14 unless easements and leases are
15 unavailable or unsuitable for the
16 stated purposes;

17 (bb) consider and partner
18 with landowners and local agen-
19 cies to develop cooperating land-
20 owner commitments that are like-
21 ly to meet coequal objectives of
22 achieving local economic and so-
23 cial goals and implementing the
24 ecosystem restoration goals; and

1 (cc) consider the potential
2 cumulative impacts of fee title,
3 easement, or lease acquisition on
4 the local and regional economies
5 and adjacent land and land-
6 owners, of transferring the prop-
7 erty into government ownership,
8 and—

9 (AA) describe the ac-
10 tions that will be taken, to
11 the maximum extent prac-
12 ticable, to mitigate any in-
13 duced damages; and

14 (BB) determine and de-
15 scribe the degree to which
16 land acquired will add value
17 to fish, wildlife, and habitat
18 purposes.

19 (iv) ANNUAL ECOSYSTEM RESTORATION
20 PROJECT SUMMARY REPORT.—The Sec-
21 retary shall, by no later than December 31
22 of each year, submit to Congress an annual
23 report on the use of financial assistance re-
24 ceived under this title. The report shall
25 highlight progress of project implementa-

1 *tion, effectiveness, monitoring, and accom-*
2 *plishment. The report will identify and out-*
3 *line the need for amendments or revisions to*
4 *the plan to improve the cost-effectiveness of*
5 *project implementation.*

6 *(G) WATERSHEDS.—Activities under this*
7 *subparagraph consist of—*

8 *(i) building local capacity to assess*
9 *and manage watersheds affecting the Califed*
10 *Bay-Delta system;*

11 *(ii) technical assistance for watershed*
12 *assessments and management plans; and*

13 *(iii) developing and implementing lo-*
14 *cally-based watershed conservation, mainte-*
15 *nance, and restoration actions.*

16 *(H) WATER QUALITY.—Activities under this*
17 *subparagraph consist of—*

18 *(i) addressing drainage problems in*
19 *the San Joaquin Valley to improve down-*
20 *stream water quality (including habitat res-*
21 *toration projects that reduce drainage and*
22 *improve water quality) if—*

23 *(I) a plan is in place for moni-*
24 *toring downstream water quality im-*
25 *provements;*

1 (II) State and local agencies are
2 consulted on the activities to be funded;
3 and

4 (III) except that no right, benefit,
5 or privilege is created as a result of
6 this clause;

7 (ii) implementation of source control
8 programs in the Delta and its tributaries;

9 (iii) developing recommendations
10 through scientific panels and advisory coun-
11 cil processes to meet the Calfed Bay-Delta
12 Program goal of continuous improvement in
13 Delta water quality for all uses;

14 (iv) investing in treatment technology
15 demonstration projects;

16 (v) controlling runoff into the Cali-
17 fornia aqueduct, the Delta-Mendota Canal,
18 and other similar conveyances;

19 (vi) addressing water quality problems
20 at the North Bay Aqueduct;

21 (vii) supporting and participating in
22 the development of projects to enable San
23 Francisco Area water districts and water
24 entities in San Joaquin and Sacramento
25 counties to work cooperatively to address

1 *their water quality and supply reliability*
2 *issues, including—*

3 *(I) connections between aqueducts,*
4 *water transfers, water conservation*
5 *measures, institutional arrangements,*
6 *and infrastructure improvements that*
7 *encourage regional approaches; and*

8 *(II) investigations and studies of*
9 *available capacity in a project to de-*
10 *liver water to the East Bay Municipal*
11 *Utility District under its contract with*
12 *the Bureau of Reclamation, dated July*
13 *20, 2001, in order to determine if such*
14 *capacity can be used to meet the objec-*
15 *tives of this clause;*

16 *(viii) development of water quality ex-*
17 *changes and other programs to make high*
18 *quality water available for urban and other*
19 *users;*

20 *(ix) development and implementation*
21 *of a plan to meet all water quality stand-*
22 *ards for which the Federal and State water*
23 *projects have responsibility;*

24 *(x) development of recommendations*
25 *through technical panels and advisory coun-*

1 *cil processes to meet the Calfed Bay-Delta*
2 *Program goal of continuous improvement in*
3 *water quality for all uses; and*

4 *(xi) projects that may meet the frame-*
5 *work of the water quality component of the*
6 *Calfed Bay-Delta Program.*

7 *(I) SCIENCE.—Activities under this sub-*
8 *paragraph consist of—*

9 *(i) establishing and maintaining an*
10 *independent science board, technical panels,*
11 *and standing boards to provide oversight*
12 *and peer review of the Program;*

13 *(ii) conducting expert evaluations and*
14 *scientific assessments of all Program ele-*
15 *ments;*

16 *(iii) coordinating existing monitoring*
17 *and scientific research programs;*

18 *(iv) developing and implementing*
19 *adaptive management experiments to test,*
20 *refine, and improve scientific under-*
21 *standings;*

22 *(v) establishing performance measures,*
23 *and monitoring and evaluating the per-*
24 *formance of all Program elements; and*

1 (vi) preparing an annual science re-
2 port.

3 (J) *DIVERSIFICATION OF WATER SUP-*
4 *PLIES.—Activities under this subparagraph con-*
5 *sist of actions to diversify sources of level 2 ref-*
6 *uge supplies and modes of delivery to refuges.*

7 (6) *NEW AND EXPANDED AUTHORIZATIONS FOR*
8 *FEDERAL AGENCIES.—The Secretary and the heads of*
9 *the Federal agencies described in the Record of Deci-*
10 *sion are authorized to carry out the activities de-*
11 *scribed in paragraph (7) during each of fiscal years*
12 *2005 through 2008, in coordination with the Bay-*
13 *Delta Authority.*

14 (7) *DESCRIPTION OF ACTIVITIES UNDER NEW*
15 *AND EXPANDED AUTHORIZATIONS.—*

16 (A) *CONVEYANCE.—Of the amounts author-*
17 *ized to be appropriated under section 110, not*
18 *more than \$184,000,000 may be expended for the*
19 *following:*

20 (i) *Feasibility studies, evaluation, and*
21 *implementation of the San Luis Reservoir*
22 *lowpoint improvement project.*

23 (ii) *Feasibility studies and actions at*
24 *Franks Tract to improve water quality in*
25 *the Delta.*

1 (iii) *Feasibility studies and design of*
2 *fish screen and intake facilities at Clifton*
3 *Court Forebay and the Tracy Pumping*
4 *Plant facilities.*

5 (iv) *Design and construction of the re-*
6 *location of drinking water intake facilities*
7 *to Delta water users. The Secretary shall co-*
8 *ordinate actions for relocating intake facili-*
9 *ties on a time schedule consistent with sub-*
10 *paragraph (5)(B)(i)(I)(bb) or other actions*
11 *necessary to offset the degradation of drink-*
12 *ing water quality in the Delta due to the*
13 *South Delta Improvement Program.*

14 (v) *In addition to the other authoriza-*
15 *tions granted to the Secretary by this title,*
16 *the Secretary shall acquire water from will-*
17 *ing sellers and undertake other actions de-*
18 *signed to decrease releases from New*
19 *Melones Reservoir for meeting water quality*
20 *standards and flow objectives for which the*
21 *Central Valley Project has responsibility in*
22 *order to meet allocations to Central Valley*
23 *Project contractors from the New Melones*
24 *Project. Of the amounts authorized to be ap-*
25 *propriated under paragraph (7)(A), not*

1 *more than \$5,260,000 may be expended for*
2 *this purpose.*

3 *(B) ENVIRONMENTAL WATER ACCOUNT.—Of*
4 *the amounts authorized to be appropriated under*
5 *section 110, not more than \$90,000,000 may be*
6 *expended for implementation of the Environ-*
7 *mental Water Account provided that such ex-*
8 *penditures shall be considered a nonreimbursable*
9 *Federal expenditure. In order to reduce the use*
10 *of New Melones reservoir as a source of water to*
11 *meet water quality standards, the Secretary may*
12 *use the Environmental Water Account to pur-*
13 *chase water to provide flow for fisheries, to im-*
14 *prove water quality in the San Joaquin river*
15 *and Delta.*

16 *(C) LEVEE STABILITY.—Of the amounts au-*
17 *thorized to be appropriated under section 110,*
18 *not more than \$90,000,000 may be expended*
19 *for—*

20 *(i) reconstructing Delta levees to a base*
21 *level of protection;*

22 *(ii) enhancing the stability of levees*
23 *that have particular importance in the sys-*
24 *tem through the Delta Levee Special Im-*
25 *provement Projects program;*

1 (iii) developing best management prac-
2 tices to control and reverse land subsidence
3 on Delta islands;

4 (iv) refining the Delta Emergency
5 Plan;

6 (v) developing a Delta Risk Manage-
7 ment Strategy after assessing the con-
8 sequences of Delta levee failure from floods,
9 seepage, subsidence, and earthquakes;

10 (vi) developing a strategy for reuse of
11 dredged materials on Delta islands;

12 (vii) evaluating, and where appro-
13 priate, rehabilitating the Suisun Marsh lev-
14 ees; and

15 (viii) not more than \$2,000,000 may
16 be expended for integrated flood manage-
17 ment, ecosystem restoration, and levee pro-
18 tection projects, including design and con-
19 struction of lower San Joaquin River and
20 lower Mokelumne River floodway improve-
21 ments and other projects under the Sac-
22 ramento-San Joaquin Comprehensive
23 Study.

24 (D) PROGRAM MANAGEMENT, OVERSIGHT,
25 AND COORDINATION.—Of the amounts authorized

1 to be appropriated under section 110, not more
2 than \$25,000,000 may be expended by the Sec-
3 retary or the other heads of Federal agencies, ei-
4 ther directly or through grants, contracts, or co-
5 operative agreements with agencies of the State,
6 for—

7 (i) program support;

8 (ii) program-wide tracking of sched-
9 ules, finances, and performance;

10 (iii) multiagency oversight and coordi-
11 nation of Program activities to ensure Pro-
12 gram balance and integration;

13 (iv) development of interagency cross-
14 cut budgets and a comprehensive finance
15 plan to allocate costs in accordance with the
16 beneficiary pays provisions of the Record of
17 Decision;

18 (v) coordination of public outreach and
19 involvement, including tribal, environ-
20 mental justice, and public advisory activi-
21 ties in accordance with the Federal Advi-
22 sory Committee Act (5 U.S.C. App.); and

23 (vi) development of Annual Reports.

1 **SEC. 104. MANAGEMENT.**

2 (a) *COORDINATION.*—*In carrying out the Calfed Bay-*
3 *Delta Program, the Federal agencies shall coordinate their*
4 *activities with the State agencies.*

5 (b) *PUBLIC PARTICIPATION.*—*In carrying out the*
6 *Calfed Bay-Delta Program, the Federal agencies shall co-*
7 *operate with local and tribal governments and the public*
8 *through an advisory committee established in accordance*
9 *with the Federal Advisory Committee Act (5 U.S.C. App.)*
10 *and other appropriate means, to seek input on Program*
11 *elements such as planning, design, technical assistance, and*
12 *development of peer review science programs.*

13 (c) *SCIENCE.*—*In carrying out the Calfed Bay-Delta*
14 *Program, the Federal agencies shall seek to ensure, to the*
15 *maximum extent practicable, that—*

16 (1) *all major aspects of implementing the Pro-*
17 *gram are subjected to credible and objective scientific*
18 *review; and*

19 (2) *major decisions are based upon the best*
20 *available scientific information.*

21 (d) *ENVIRONMENTAL JUSTICE.*—*The Federal agencies*
22 *and State agencies, consistent with Executive Order 12898*
23 *(59 FR Fed. Reg. 7629), should continue to collaborate to—*

24 (1) *develop a comprehensive environmental jus-*
25 *tice workplan for the Calfed Bay-Delta Program; and*

1 (2) *fulfill the commitment to addressing environ-*
2 *mental justice challenges referred to in the Calfed*
3 *Bay-Delta Program Environmental Justice*
4 *Workplan, dated December 13, 2000.*

5 (e) *LAND ACQUISITION.—Federal funds appropriated*
6 *by Congress specifically for implementation of the Calfed*
7 *Bay-Delta Program may be used to acquire fee title to land*
8 *only where consistent with the Record of Decision and sec-*
9 *tion 103(b)(5)(F)(iii).*

10 (f) *AGENCIES' DISCRETION.—This title shall not affect*
11 *the discretion of any of the Federal agencies or the State*
12 *agencies or the authority granted to any of the Federal*
13 *agencies or State agencies by any other Federal or State*
14 *law.*

15 (g) *STATUS REPORTS.—The Secretary shall report,*
16 *quarterly to Congress, on the progress in achieving the*
17 *water supply targets as described in Section 2.2.4 of the*
18 *Record of Decision, the environmental water account re-*
19 *quirements as described in Section 2.2.7, and the water*
20 *quality targets as described in Section 2.2.9, and any pend-*
21 *ing actions that may affect the ability of the Calfed Bay-*
22 *Delta Program to achieve those targets and requirements.*

23 **SEC. 105. REPORTING REQUIREMENTS.**

24 (a) *REPORT.—*

1 (1) *IN GENERAL.*—Not later than February 15 of
2 each year, the Secretary, in cooperation with the Gov-
3 ernor, shall submit to the appropriate authorizing
4 and appropriating Committees of the Senate and the
5 House of Representatives a report that—

6 (A) describes the status of implementation
7 of all components of the Calfed Bay-Delta Pro-
8 gram;

9 (B) sets forth any written determination re-
10 sulting from the review required under sub-
11 section (b); and

12 (C) includes any revised schedule prepared
13 under subsection (b).

14 (2) *CONTENTS.*—The report required under
15 paragraph (1) shall describe—

16 (A) the progress of the Calfed Bay-Delta
17 Program in meeting the implementation schedule
18 for the Program in a manner consistent with the
19 Record of Decision;

20 (B) the status of implementation of all com-
21 ponents of the Program;

22 (C) expenditures in the past fiscal year for
23 implementing the Program;

1 (D) accomplishments during the past fiscal
2 year in achieving the objectives of additional and
3 improved—

4 (i) water storage, including water
5 yield;

6 (ii) water quality;

7 (iii) water use efficiency;

8 (iv) ecosystem restoration;

9 (v) watershed management;

10 (vi) levee system integrity;

11 (vii) water transfers;

12 (viii) water conveyance; and

13 (ix) water supply reliability;

14 (E) program goals, current schedules, and
15 relevant financing agreements;

16 (F) progress on—

17 (i) storage projects;

18 (ii) conveyance improvements;

19 (iii) levee improvements;

20 (iv) water quality projects; and

21 (v) water use efficiency programs;

22 (G) completion of key projects and mile-
23 stones identified in the Ecosystem Restoration
24 Program;

1 (H) development and implementation of
2 local programs for watershed conservation and
3 restoration;

4 (I) progress in improving water supply reli-
5 ability and implementing the Environmental
6 Water Account;

7 (J) achievement of commitments under the
8 Endangered Species Act of 1973 (16 U.S.C. 1531
9 et seq.) and endangered species law of the State;

10 (K) implementation of a comprehensive
11 science program;

12 (L) progress toward acquisition of the Fed-
13 eral and State permits (including permits under
14 section 404(a) of the Federal Water Pollution
15 Control Act (33 U.S.C. 1344(a))) for implemen-
16 tation of projects in all identified Program
17 areas;

18 (M) progress in achieving benefits in all ge-
19 ographic regions covered by the Program;

20 (N) legislative action on—

21 (i) water transfer;

22 (ii) groundwater management;

23 (iii) water use efficiency; and

24 (iv) governance issues;

25 (O) the status of complementary actions;

1 (P) the status of mitigation measures; and
2 (Q) revisions to funding commitments and
3 Program responsibilities.

4 (b) ANNUAL REVIEW OF PROGRESS AND BALANCE.—

5 (1) IN GENERAL.—Not later than November 15 of
6 each year, the Secretary, in cooperation with the Gov-
7 ernor, shall review progress in implementing the
8 Calfed Bay-Delta Program based on—

9 (A) consistency with the Record of Decision;
10 and

11 (B) balance in achieving the goals and ob-
12 jectives of the Calfed Bay-Delta Program.

13 (2) REVISED SCHEDULE.—If, at the conclusion
14 of each such annual review or if a timely annual re-
15 view is not undertaken, the Secretary, or the Gov-
16 ernor, determine in writing that either the Program
17 implementation schedule has not been substantially
18 adhered to, or that balanced progress in achieving the
19 goals and objectives of the Program is not occurring,
20 the Secretary, in coordination with the Governor and
21 the Bay-Delta Public Advisory Committee, shall pre-
22 pare a revised schedule to achieve balanced progress
23 in all Calfed Bay-Delta Program elements consistent
24 with the the Record of Decision.

1 (c) *FEASIBILITY STUDIES.*—Any feasibility studies
2 completed as a result of this title shall include identification
3 of project benefits and a cost allocation plan consistent with
4 the beneficiaries pay provisions of the Record of Decision.

5 **SEC. 106. CROSSCUT BUDGET.**

6 (a) *IN GENERAL.*—The budget of the President shall
7 include requests for the appropriate level of funding for each
8 of the Federal agencies to carry out the responsibilities of
9 the Federal agency under the Calfed Bay-Delta Program.

10 (b) *REQUESTS BY FEDERAL AGENCIES.*—The funds
11 shall be requested for the Federal agency with authority and
12 programmatic responsibility for the obligation of the funds,
13 in accordance with paragraphs (2) through (5) of section
14 103(b).

15 (c) *REPORT.*—At the time of submission of the budget
16 of the President to Congress, the Director of the Office of
17 Management and Budget, in coordination with the Gov-
18 ernor, shall submit to the appropriate authorizing and ap-
19 propriating committees of the Senate and the House of Rep-
20 resentatives a financial report certified by the Secretary
21 containing—

22 (1) an interagency budget crosscut report that—
23 (A) displays the budget proposed, including
24 any interagency or intra-agency transfer, for
25 each of the Federal agencies to carry out the

1 *Calfed Bay-Delta Program for the upcoming fis-*
2 *cal year, separately showing funding requested*
3 *under both pre-existing authorities and under*
4 *the new authorities granted by this title; and*

5 *(B) identifies all expenditures since 2000 by*
6 *the Federal and State governments to achieve the*
7 *objectives of the Calfed Bay-Delta Program;*

8 *(2) a detailed accounting of all funds received*
9 *and obligated by all Federal agencies and State agen-*
10 *cies responsible for implementing the Calfed Bay-*
11 *Delta Program during the previous fiscal year;*

12 *(3) a budget for the proposed projects (including*
13 *a description of the project, authorization level, and*
14 *project status) to be carried out in the upcoming fis-*
15 *cal year with the Federal portion of funds for activi-*
16 *ties under section 103(b); and*

17 *(4) a listing of all projects to be undertaken in*
18 *the upcoming fiscal year with the Federal portion of*
19 *funds for activities under section 103(b).*

20 **SEC. 107. FEDERAL SHARE OF COSTS.**

21 *(a) IN GENERAL.—The Federal share of the cost of im-*
22 *plementing the Calfed Bay-Delta Program for fiscal years*
23 *2005 through 2008 in the aggregate, as set forth in the*
24 *Record of Decision, shall not exceed 33.3 percent.*

25 *(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—*

1 (1) *IN GENERAL.*—*The Secretary shall ensure*
2 *that all beneficiaries, including the environment, shall*
3 *pay for benefits received from all projects or activities*
4 *carried out under the Calfed Bay-Delta Program.*
5 *This requirement shall not be limited to storage and*
6 *conveyance projects and shall be implemented so as to*
7 *encourage integrated resource planning.*

8 **SEC. 108. USE OF EXISTING AUTHORITIES AND FUNDS.**

9 (a) *GENERALLY.*—*The heads of the Federal agencies*
10 *shall use the authority under existing authorities identified*
11 *by the Secretary to carry out the purposes of this title.*

12 (b) *REPORT.*—*Not later than 60 days after the date*
13 *of the enactment of this Act and annual thereafter, the Sec-*
14 *retary, in consultation with the heads of the Federal agen-*
15 *cies, shall transmit to Congress a report that describes the*
16 *following:*

17 (1) *A list of all existing authorities, including*
18 *the authorities listed in subsection (a), under which*
19 *the Secretary or the heads of the Federal agencies*
20 *may carry out the purposes of this title.*

21 (2) *A list of funds authorized in the previous fis-*
22 *cal year for the authorities listed under paragraph*
23 (1).

1 (3) *A list of the projects carried out with the*
2 *funds listed in paragraph (2) and the amount of*
3 *funds obligated and expended for each project.*

4 **SEC. 109. COMPLIANCE WITH STATE AND FEDERAL LAW.**

5 *Nothing in this title—*

6 (1) *invalidates or preempts State water law or*
7 *an interstate compact governing water;*

8 (2) *alters the rights of any State to any appro-*
9 *priated share of the waters of any body of surface or*
10 *ground water, whether determined by past or future*
11 *interstate compacts or final judicial allocations;*

12 (3) *preempts or modifies any State or Federal*
13 *law or interstate compact governing water quality or*
14 *disposal; or*

15 (4) *confers on any non-federal entity the ability*
16 *to exercise any Federal right to the waters of any*
17 *stream or to any ground water resource.*

18 **SEC. 110. AUTHORIZATION OF APPROPRIATION.**

19 *There are authorized to be appropriated to the Sec-*
20 *retary and the heads of the Federal agencies to pay the Fed-*
21 *eral share of the cost of carrying out the new and expanded*
22 *authorities described in paragraphs (6) and (7) of section*
23 *103(b), \$389,000,000 for the period of fiscal years 2005*
24 *through 2008, to remain available until expended.*

1 **TITLE II—ESTABLISHMENT OF**
2 **CENTRALIZED REGULATORY**
3 **COORDINATION OFFICES**

4 **SEC. 201. ESTABLISHMENT OF OFFICES.**

5 *For projects authorized by this Act and located within*
6 *the State of California, the Secretary shall establish a cen-*
7 *tralized office in Sacramento, California, for the use of all*
8 *Federal agencies and State agencies that are or will be in-*
9 *volved in issuing permits and preparing environmental*
10 *documentation for such projects. The Secretary may, at the*
11 *request of the Governor of any Reclamation State, establish*
12 *additional centralized offices for the use of all Federal agen-*
13 *cies and State agencies that are or will be involved in*
14 *issuing permits and preparing environmental documenta-*
15 *tion for projects authorized by this Act, or under any other*
16 *authorized Act, and located within such States.*

17 **SEC. 202. ACCEPTANCE AND EXPENDITURE OF CONTRIBU-**
18 **TIONS.**

19 *(a) IN GENERAL.—The Secretary may accept and ex-*
20 *pend funds contributed by non-Federal public entities to co-*
21 *ordinate the preparation and review of permit applications*
22 *and the preparation of environmental documentation for all*
23 *projects authorized by this Act, or any other authorized Act,*
24 *and to offset the Federal costs of processing such permit ap-*
25 *plications and environmental documentation. The Sec-*

1 *retary shall allocate funds received under this section*
2 *among Federal agencies with responsibility for the project*
3 *under consideration and shall reimburse those agencies in*
4 *accordance with the costs such agencies incur in processing*
5 *permit applications and preparing environmental docu-*
6 *mentation.*

7 **(b) PROTECTION OF IMPARTIAL DECISIONMAKING.**—*In*
8 *carrying out this section, the Secretary and the heads of*
9 *Federal agencies receiving funds under this section shall en-*
10 *sure that the use of the funds accepted under this section*
11 *will not impact impartial decisionmaking with respect to*
12 *the issuance of permits or preparation of environmental*
13 *documentation, either substantively or procedurally, or di-*
14 *minish, modify, or otherwise affect the statutory or regu-*
15 *latory authorities of such agencies.*

16 **TITLE III—RURAL WATER**
17 **SUPPLY PROGRAM**

18 **SEC. 301. RURAL WATER SUPPLY PROGRAM.**

19 **(a) IN GENERAL.**—*The Secretary shall conduct a*
20 *study to determine the feasibility of constructing rural*
21 *water systems in coordination with other Federal agencies*
22 *with rural water programs, and in cooperation with non-*
23 *Federal project entities.*

24 **(b) REQUIREMENTS.**—*The study referred to in sub-*
25 *section (a) shall consider each of the following:*

- 1 (1) *Appraisal investigations.*
- 2 (2) *Feasibility studies.*
- 3 (3) *Environmental reports.*
- 4 (4) *Cost sharing responsibilities.*
- 5 (5) *Responsibility for operation and maintenance.*

6 *nance.*

7 (c) *CRITERIA.*—*As part of the study referred to in sub-*
8 *section (a), the Secretary shall develop criteria for deter-*
9 *mining which projects are eligible for participation in the*
10 *study referred to under this section.*

11 (d) *REPORTS TO CONGRESS.*—*The Secretary shall sub-*
12 *mit to Congress the study developed under this section.*

13 (e) *RECLAMATION STATES.*—*The program established*
14 *by this section shall be limited to Reclamation States.*

15 **TITLE IV—SALTON SEA STUDY** 16 **PROGRAM**

17 **SEC. 401. SALTON SEA STUDY PROGRAM.**

18 (a) *IN GENERAL.*—*The Secretary shall conduct a*
19 *study to determine the feasibility of reclaiming the Salton*
20 *Sea.*

21 (b) *REQUIREMENTS.*—*The study referred to in sub-*
22 *section (a) shall consider each of the following:*

- 23 (1) *Appraisal investigations.*
- 24 (2) *Feasibility studies.*
- 25 (3) *Environmental Reports.*

1 (4) *Cost sharing responsibilities.*

2 (5) *Responsibility for operation and mainte-*
3 *nance.*

4 (c) *REPORT TO CONGRESS.—The Secretary shall sub-*
5 *mit to Congress the study developed under this section no*
6 *later than 1 year after the date of enactment.*

Union Calendar No. 335

108TH CONGRESS
2^D SESSION

H. R. 2828

[Report No. 108-573, Part I]

A BILL

To authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

JUNE 25, 2004

Reported from the Committee on Resources with an amendment

JUNE 25, 2004

Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than June 25, 2004

JUNE 25, 2004

The Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union, and ordered to be printed