

Union Calendar No.

118TH CONGRESS
2^D SESSION

H. R. 7938

[Report No. 118-]

To amend the Klamath Basin Water Supply Enhancement Act of 2000 to provide the Secretary of the Interior with certain authorities with respect to projects affecting the Klamath Basin watershed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2024

Mr. BENTZ introduced the following bill; which was referred to the Committee on Natural Resources

DECEMBER --, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on April 11, 2024]

A BILL

To amend the Klamath Basin Water Supply Enhancement Act of 2000 to provide the Secretary of the Interior with certain authorities with respect to projects affecting the Klamath Basin watershed, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Klamath Basin Water*
5 *Agreement Support Act of 2024”.*

6 **SEC. 2. KLAMATH PROJECT WATER AND POWER.**

7 *(a) ADDRESSING WATER, POWER, AND FACILITIES*
8 *MANAGEMENT FOR IRRIGATION.—Section 4 of the Klamath*
9 *Basin Water Supply Enhancement Act of 2000 (Public*
10 *Law 106–498) is amended by adding at the end the fol-*
11 *lowing:*

12 *“(d) RESTORATION ACTIVITIES.—The Secretary*
13 *may—*

14 *“(1) plan, design, construct, operate, and main-*
15 *tain projects in the Klamath Basin watershed, includ-*
16 *ing—*

17 *“(A) facilities to reduce fish entrainment;*

18 *“(B) projects that reduce or avoid impacts*
19 *on aquatic resources of facilities involved in the*
20 *storage or diversion of water for irrigation in the*
21 *Klamath Project service area; and*

22 *“(C) projects that restore habitats in the*
23 *Klamath Basin watershed, including Tribal fish-*
24 *ery resources held in trust;*

1 “(2) undertake studies, including feasibility
2 studies, and improvements that the Secretary deter-
3 mines to be necessary to implement this subsection;

4 “(3) in implementing this subsection, enter into
5 contracts, memoranda of understanding, financial as-
6 sistance agreements, cost-sharing agreements, or other
7 appropriate agreements with—

8 “(A) State, Tribal, and local governmental
9 agencies; and

10 “(B) private parties; and

11 “(4) accept and expend non-Federal funds in
12 order to facilitate implementation of this subsection.

13 “(e) GOALS.—The goals of activities under subsections
14 (b) and (d) shall include, as applicable—

15 “(1) the short-term and long-term reduction and
16 resolution of conflicts relating to water in the Klam-
17 ath Basin watershed; and

18 “(2) compatibility and utility for protecting nat-
19 ural resources throughout the Klamath Basin water-
20 shed, including the protection, preservation, and res-
21 toration of Klamath River Tribal fishery resources,
22 particularly through collaboratively developed agree-
23 ments.

24 “(f) PUMPING PLANT D.—The Secretary may enter
25 into 1 or more agreements with the Tulelake Irrigation Dis-

1 *strict to reimburse the Tulelake Irrigation District for not*
2 *more than 69 percent of the cost incurred by the Tulelake*
3 *Irrigation District for the operation and maintenance of*
4 *Pumping Plant D, subject to the condition that the cost re-*
5 *sults in benefits to the United States.*

6 “(g) *INFRASTRUCTURE.*—

7 “(1) *KENO AND LINK RIVER DAMS.*—*The Sec-*
8 *retary of the Interior shall comply with the terms of*
9 *the agreement entitled ‘2016 Klamath Power and Fa-*
10 *cilities Agreement’(‘Agreement’), including Attach-*
11 *ment A to the Agreement.*

12 “(2) *REPLACEMENT OF C CANAL FLUME.*—

13 “(A) *IN GENERAL.*—*The replacement of the*
14 *C Canal flume within the Klamath Project shall*
15 *be considered to be, and shall receive the treat-*
16 *ment authorized for, qualified emergency ex-*
17 *traordinary operation and maintenance work in*
18 *accordance with Federal reclamation law (the*
19 *Act of June 17, 1902 (32 Stat. 388, chapter*
20 *1093), and Acts supplemental to and amend-*
21 *atory of that Act (43 U.S.C. 371 et seq.)).*

22 “(B) *CONTRACT.*—

23 “(i) *IN GENERAL.*—*Not later than 180*
24 *days after the date of receipt of a request*
25 *from the Klamath Irrigation District to*

1 *enter into a contract with that district to*
2 *amend the contract numbered 16–WC–20–*
3 *4838, the Secretary shall enter into a con-*
4 *tract with the Klamath Irrigation District*
5 *providing that under the contract entered*
6 *into under this subparagraph—*

7 “(I) 35 percent of the total repay-
8 *ment obligation is nonreimbursable to*
9 *the United States; and*

10 “(II) 65 percent of the total re-
11 *payment obligation shall be repaid to*
12 *the United States over a period of 50*
13 *years.*

14 “(ii) *INCLUSION.—Although the Sec-*
15 *retary shall not condition the agreement to*
16 *the contract entered into under subpara-*
17 *graph (A) on any other term, the contract*
18 *may include other terms that are not less*
19 *favorable to the contractor than contract*
20 *numbered 16–WC–20–4838.”.*

21 (b) *ADMINISTRATION; EFFECT.—*

22 (1) *COMPLIANCE.—In implementing the amend-*
23 *ments made by this section, the Secretary of the Inte-*
24 *rior shall comply with—*

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

3 (B) *the Endangered Species Act of 1973 (16*
4 *U.S.C. 1531 et seq.); and*

5 (C) *all other applicable laws.*

6 (2) *EFFECT.—None of the amendments made by*
7 *this section—*

8 (A) *modify any authority or obligation of*
9 *the United States with respect to any Tribal*
10 *trust or treaty obligation of the United States;*

11 (B) *create or determine any water right; or*

12 (C) *affect any water right or water right*
13 *claim in existence on the date of the enactment*
14 *of this Act.*