

AMENDMENT TO H.R. 3281
OFFERED BY MR. HUFFMAN OF CALIFORNIA

Page 2, line 12, strike “and”.

Page 2, lines 15 and 16, strike “marketed by a power marketing administration” and insert “sold to, or eligible to be sold to, power customers (other than the project itself)”.

Page 2, line 16, strike the period and insert “; and”.

Page 2, after line 16, insert the following:

1 (C) does not include a reclamation project
2 or facility that is hydrologically, operationally,
3 or financially integrated with other Federal or
4 non-Federal water projects.

Page 4, line 6, insert “the Governor of any State in which the facility is located and” after “in consultation”.

Page 4, line 7, insert “and other stakeholders” before “affected by”.

Page 4, after line 13, insert the following:

5 (e) RESERVATION OF EASEMENT.—The Secretary
6 may reserve an easement over a conveyed property if the

1 Secretary determines that the easement is necessary for
2 the management of any interests retained by the Federal
3 Government under this Act.

4 (f) MINERAL INTERESTS.—

5 (1) RETENTION.—The Secretary shall retain
6 any mineral interests associated with a conveyed
7 property.

8 (2) MANAGEMENT.—The mineral interests re-
9 tained under paragraph (1) shall be managed—

10 (A) consistent with Federal law; and

11 (B) in a manner that would not interfere
12 with the purposes for which the reclamation
13 project was authorized.

Page 5, after line 11, insert the following:

14 (6) The transfer is determined by the Secretary
15 to be in the financial interest of the United States.

16 (7) The transfer is determined by the Secretary
17 to have no significant opposition.

Page 5, line 12, strike “(6)” and insert “(8)”.

Page 5, after line 18, insert the following:

18 **SEC. 5. STATUS OF RECLAMATION LAND.**

19 The criteria established under section 4 shall require
20 that any land to be conveyed out of Federal ownership
21 under this Act is—

- 1 (1) land acquired by the Secretary; or
- 2 (2) land withdrawn by the Secretary, only if—
- 3 (A) the Secretary determines in writing
- 4 that the withdrawn land is encumbered by ree-
- 5 lamation project facilities to the extent that the
- 6 withdrawn land is unsuitable for return to the
- 7 public domain; and
- 8 (B) the qualifying entity agrees to pay fair
- 9 market value for the withdrawn land to be con-
- 10 veyed.

Page 5, line 19, strike “5” and insert “6”.

Page 5, strike line 23 through page 6, line 2, and
insert the following:

- 11 (b) COMPLIANCE WITH ENVIRONMENTAL AND HIS-
- 12 TORIC PRESERVATION LAWS.—Before conveying eligible
- 13 facilities under this Act, The Secretary shall complete all
- 14 actions required under all applicable laws including—
- 15 (1) the National Environmental Policy Act of
- 16 1969 (42 U.S.C. 4321 et seq.);
- 17 (2) the Endangered Species Act of 1973 (16
- 18 U.S.C. 1531 et seq.); and
- 19 (3) the subtitle III of title 54, United States
- 20 Code.

1 (c) LIMITATION ON CONVEYANCES.—The Secretary
2 may not convey an eligible facility under this Act if the
3 Secretary determines, as part of a review conducted under
4 the National Environmental Policy Act of 1969 and with
5 public input, that making the conveyance will lessen any
6 of the protections afforded under the laws referred to in
7 subsection (b) or is inconsistent with other applicable re-
8 quirements to preserve and protect environmental, cul-
9 tural, and historic assets.

Page 6, line 3, strike “**6**” and insert “**7**”.

Page 6, line 4, insert “(a) IN GENERAL.—” before
“Effective”.

Page 6, after line 11, insert the following:

10 (b) LIMITATION.—Notwithstanding subsection (a),
11 the United States shall retain the responsibilities and au-
12 thorities of the United States for a conveyed property
13 based on the prior ownership or operation of the conveyed
14 property by the United States under Federal environ-
15 mental laws, including the Comprehensive Environmental
16 Response, Compensation, and Liability Act of 1980 (42
17 U.S.C. 9601 et seq.).

Page 6, line 12, strike “**5**” and insert “**6**”.

Page 7, line 1, strike “**7**” and insert “**8**”.

Page 7, line 6, strike “9” and insert “10”.

Page 7, line 10, strike “and”.

Page 7, line 12, strike the period and insert “; and”.

Page 7, after line 12, insert the following:

1 (3) information on how the Secretary made the
2 determinations required in section 4 for conveyances
3 carried out under this Act.

4 **SEC. 11. TERMINATION OF AUTHORITY.**

5 The authority of the Secretary to carry out convey-
6 ances under this Act shall terminate 15 years after the
7 date of the enactment of this Act.

