

(e) the term “State” means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands; and

(f) the term “submerged lands” means the lands—

- (1) that are “lands beneath navigable waters,” as defined in section 1301 of this title;
- (2) of Puerto Rico, as described in section 749 of title 48;
- (3) of Guam, the Virgin Islands and American Samoa, as described in section 1705 of title 48; and
- (4) of the Commonwealth of the Northern Mariana Islands, as described in section 801 of Public Law 94-241.<sup>2</sup>

(Pub. L. 100-298, §3, Apr. 28, 1988, 102 Stat. 432.)

#### REFERENCES IN TEXT

The Archaeological Resource Protection Act of 1979, referred to in subsec. (c), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, as amended, which is classified generally to chapter 1B (§470aa et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of Title 16 and Tables.

Section 801 of Public Law 94-241, referred to in subsec. (f)(4), probably means section 801 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as contained in section 1 of Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 263, which is set out as a note under section 1801 of Title 48, Territories and Insular Possessions.

### § 2103. Rights of access

#### (a) Access rights

In order to—

- (1) clarify that State waters and shipwrecks offer recreational and educational opportunities to sport divers and other interested groups, as well as irreplaceable State resources for tourism, biological sanctuaries, and historical research; and
- (2) provide that reasonable access by the public to such abandoned shipwrecks be permitted by the State holding title to such shipwrecks pursuant to section 2105 of this title,

it is the declared policy of the Congress that States carry out their responsibilities under this chapter to develop appropriate and consistent policies so as to—

- (A) protect natural resources and habitat areas;
- (B) guarantee recreational exploration of shipwreck sites; and
- (C) allow for appropriate public and private sector recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and the sites.

#### (b) Parks and protected areas

In managing the resources subject to the provisions of this chapter, States are encouraged to create underwater parks or areas to provide additional protection for such resources. Funds available to States from grants from the Historic Preservation Fund shall be available, in

accordance with the provisions of title I of the National Historic Preservation Act, for the study, interpretation, protection, and preservation of historic shipwrecks and properties.

(Pub. L. 100-298, §4, Apr. 28, 1988, 102 Stat. 433.)

#### REFERENCES IN TEXT

The National Historic Preservation Act, referred to in subsec. (b), is Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, as amended. Title I of the Act is classified generally to sections 470a, 470b, and 470c to 470h-3 of Title 16, Conservation. For complete classification of this Act to the Code, see section 470(a) of Title 16 and Tables.

### § 2104. Preparation of guidelines

#### (a) Purposes of guidelines; publication in Federal Register

In order to encourage the development of underwater parks and the administrative cooperation necessary for the comprehensive management of underwater resources related to historic shipwrecks, the Secretary of the Interior, acting through the Director of the National Park Service, shall within nine months after April 28, 1988, prepare and publish guidelines in the Federal Register which shall seek to:

- (1) maximize the enhancement of cultural resources;
- (2) foster a partnership among sport divers, fishermen, archeologists, salvors, and other interests to manage shipwreck resources of the States and the United States;
- (3) facilitate access and utilization by recreational interests;
- (4) recognize the interests of individuals and groups engaged in shipwreck discovery and salvage.

#### (b) Consultation

Such guidelines shall be developed after consultation with appropriate public and private sector interests (including the Secretary of Commerce, the Advisory Council on Historic Preservation, sport divers, State Historic Preservation Officers, professional dive operators, salvors, archeologists, historic preservationists, and fishermen).

#### (c) Use of guidelines in developing legislation and regulations

Such guidelines shall be available to assist States and the appropriate Federal agencies in developing legislation and regulations to carry out their responsibilities under this chapter.

(Pub. L. 100-298, §5, Apr. 28, 1988, 102 Stat. 433.)

### § 2105. Rights of ownership

#### (a) United States title

The United States asserts title to any abandoned shipwreck that is—

- (1) embedded in submerged lands of a State;
- (2) embedded in coralline formations protected by a State on submerged lands of a State; or
- (3) on submerged lands of a State and is included in or determined eligible for inclusion in the National Register.

#### (b) Notice of shipwreck location; eligibility determination for inclusion in National Register of Historic Places

The public shall be given adequate notice of the location of any shipwreck to which title is

<sup>2</sup> See References in Text note below.

asserted under this section. The Secretary of the Interior, after consultation with the appropriate State Historic Preservation Officer, shall make a written determination that an abandoned shipwreck meets the criteria for eligibility for inclusion in the National Register of Historic Places under clause (a)(3) of this section.

**(c) Transfer of title to States**

The title of the United States to any abandoned shipwreck asserted under subsection (a) of this section is transferred to the State in or on whose submerged lands the shipwreck is located.

**(d) Exception**

Any abandoned shipwreck in or on the public lands of the United States is the property of the United States Government. Any abandoned shipwreck in or on any Indian lands is the property of the Indian tribe owning such lands.

**(e) Reservation of rights**

This section does not affect any right reserved by the United States or by any State (including any right reserved with respect to Indian lands) under—

- (1) section 1311, 1313, or 1314 of this title; or
- (2) section 414 or 415 of title 33.

(Pub. L. 100-298, § 6, Apr. 28, 1988, 102 Stat. 433.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2103, 2106 of this title.

**§ 2106. Relationship to other laws**

**(a) Law of salvage and law of finds**

The law of salvage and the law of finds shall not apply to abandoned shipwrecks to which section 2105 of this title applies.

**(b) Laws of United States**

This chapter shall not change the laws of the United States relating to shipwrecks, other than those to which this chapter applies.

**(c) Effective date**

This chapter shall not affect any legal proceeding brought prior to April 28, 1988.

(Pub. L. 100-298, § 7, Apr. 28, 1988, 102 Stat. 434.)

**CHAPTER 40—RECLAMATION STATES  
EMERGENCY DROUGHT RELIEF**

- |                              |  |
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**§ 2201. Definitions**

As used in this chapter:

(1) The term “Secretary” means the Secretary of the Interior.

(2) The term “Federal Reclamation laws” means the Act of June 17, 1902 (32 Stat. 388) and Acts supplementary thereto and amendatory thereof.

(3) The term “Federal Reclamation project” means any project constructed or funded under Federal Reclamation law. Such term includes projects having approved loans under the Small Reclamation Projects Act of 1956 (70 Stat. 1044) [43 U.S.C. 422a et seq.].

(Pub. L. 102-250, § 2, Mar. 5, 1992, 106 Stat. 53.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388) and Acts supplementary thereto and amendatory thereof, referred to in par. (2), is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

The Small Reclamation Projects Act of 1956, referred to in par. (3), is act Aug. 6, 1956, ch. 972, 70 Stat. 1044, as amended, which is classified generally to subchapter IV (§422a et seq.) of chapter 12 of this title. For complete classification of this Act to the Code, see section 422k of this title and Tables.

SHORT TITLE

Section 1 of Pub. L. 102-250 provided that: “This Act [enacting this chapter] may be cited as the ‘Reclamation States Emergency Drought Relief Act of 1991.’”

## SUBCHAPTER I—DROUGHT PROGRAM

**§ 2211. Assistance during drought; water purchases****(a) Construction, management, and conservation**

Consistent with existing contractual arrangements and applicable State and applicable Federal law, and without further authorization, the Secretary is authorized to undertake construction, management, and conservation activities that will minimize, or can be expected to have an effect in minimizing, losses and damages resulting from drought conditions. Any construction activities undertaken pursuant to the authority of this subsection shall be limited to temporary facilities designed to minimize losses and damages from drought conditions, except that wells drilled to minimize losses and damages from drought conditions may be permanent facilities.

**(b) Assistance to willing buyers and sellers**

In order to minimize losses and damages resulting from drought conditions, the Secretary may provide nonfinancial assistance to willing buyers in their purchase of available water supplies from willing sellers.

**(c) Water purchases by Bureau**

In order to minimize losses and damages resulting from drought conditions, the Secretary may purchase water from willing sellers, including, but not limited to, water made available by Federal Reclamation project contractors through conservation or other means with respect to which the seller has reduced the consumption of water. Except with respect to water stored, conveyed or delivered to Federal and State wildlife habitat, the Secretary shall deliver such water pursuant to temporary contracts under section 2212 of this title: *Provided*, That any such contract shall require recovery of any costs, including interest if applicable, incurred by the Secretary in acquiring such water.

**(d) Water banks**

In order to respond to a drought, the Secretary is authorized to participate in water banks established by a State.

(Pub. L. 102-250, title I, §101, Mar. 5, 1992, 106 Stat. 53.)

## REFERENCES IN TEXT

The Bureau, referred to in heading for subsec. (c), probably means the Bureau of Reclamation.

## TERMINATION OF AUTHORITIES

For provisions directing that authorities established under this subchapter shall terminate ten years after Mar. 5, 1992, see section 2214(c) of this title.

## DESERT TERMINAL LAKES

Pub. L. 107-206, title I, §103, Aug. 2, 2002, 116 Stat. 823, provided that: "Not later than 14 days after the date of enactment of this Act [Aug. 2, 2002], the Secretary of Agriculture shall carry out the transfer of funds under section 2507(a) of the Food Security and Rural Investment Act of 2002 (Public Law 107-171) [set out below]."

Pub. L. 107-171, title II, §2507, May 13, 2002, 116 Stat. 275, provided that:

"(a) IN GENERAL.—Subject to subsection (b), as soon as practicable after the date of enactment of this Act [May 13, 2002], the Secretary of Agriculture shall trans-

fer \$200,000,000 of the funds of the Commodity Credit Corporation to the Bureau of Reclamation Water and Related Resources Account, which funds shall—

"(1) be used by the Secretary of the Interior, acting through the Commissioner of Reclamation, to provide water to at-risk natural desert terminal lakes; and

"(2) remain available until expended.

"(b) LIMITATION.—The funds described in subsection (a) shall not be used to purchase or lease water rights."

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2212 of this title.

**§ 2212. Availability of water on temporary basis****(a) General authority**

In order to mitigate losses and damages resulting from drought conditions, the Secretary may make available, by temporary contract, project and nonproject water, and may permit the use of facilities at Federal Reclamation projects for the storage or conveyance of project or nonproject water, for use both within and outside an authorized project service area.

**(b) Special provisions applicable to temporary water supplies provided under this section****(1) Temporary supplies**

Each temporary contract for the supply of water entered into pursuant to this section shall terminate no later than two years from the date of execution or upon a determination by the Secretary that water supply conditions no longer warrant that such contracts remain in effect, whichever occurs first. The costs associated with any such contract shall be repaid within the term of the contract.

**(2) Ownership and acreage limitations**

Lands not subject to Reclamation law that receive temporary irrigation water supplies under temporary contracts under this section shall not become subject to the ownership and acreage limitations or pricing provisions of Federal Reclamation law because of the delivery of such temporary water supplies. Lands that are subject to the ownership and acreage limitations of Federal Reclamation law shall not be exempted from those limitations because of the delivery of such temporary water supplies.

**(3) Treatment under Reclamation Reform Act of 1982**

No temporary contract entered into by the Secretary under this section shall be treated as a "contract" as that term is used in sections 203(a) and 220 of the Reclamation Reform Act of 1982 (Public Law 97-293) [43 U.S.C. 390cc(a), 390tt].

**(4) Amendments of existing contracts**

Any amendment to an existing contract to allow a contractor to carry out the provisions of this subchapter shall not be considered a new and supplemental benefit for purposes of the Reclamation Reform Act of 1982 (Public Law 97-293) [43 U.S.C. 390aa et seq.].

**(c) Contract price**

The price for project water, other than water purchased pursuant to section 2211(c) of this title, delivered under a temporary contract entered into by the Secretary under this section

shall be at least sufficient to recover all Federal operation and maintenance costs and administrative costs, and an appropriate share of capital costs, including interest on such capital costs allocated to municipal and industrial water, except that, for project water delivered to nonproject landholdings, the price shall include full cost (as defined in section 202(3) of the Reclamation Reform Act of 1982 (Public Law 97-293; 96 Stat. 1263; 43 U.S.C. 390bb) [43 U.S.C. 390bb(3)]). For all contracts entered into by the Secretary under the authority of this subchapter—

(1) the interest rate used for computing interest during construction and interest on the unpaid balance of the capital costs expended pursuant to this chapter shall be at a rate to be determined by the Secretary of the Treasury based on average market yields on outstanding marketable obligations of the United States with remaining periods to maturity of one year occurring during the last month of the fiscal year preceding the date of execution of the temporary contract; or

(2) in the case of existing facilities the rate as authorized for that Federal Reclamation project; or

(3) in the absence of such authorized rate, the interest rate as determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction was initiated on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which were neither due nor callable for redemption for fifteen years from date of issue: *Provided*, That for all deliveries of water for municipal and industrial purposes from existing facilities to nonproject contractors, the rate shall be as set forth in paragraph (1) of this subsection.

**(d) Fish and wildlife**

The Secretary may make water from Federal Reclamation projects and nonproject water available on a nonreimbursable basis for the purposes of protecting or restoring fish and wildlife resources, including mitigation losses, that occur as a result of drought conditions or the operation of a Federal Reclamation project during drought conditions. The Secretary may store and convey project and nonproject water for fish and wildlife purposes, and may provide conveyance of any such water for both State and Federal wildlife habitat and for habitat held in private ownership. The Secretary may make available water for these purposes outside the authorized project service area. Use of the Federal storage and conveyance facilities for these purposes shall be on a nonreimbursable basis. Water made available by the Secretary in 1991 from the Central Valley Project, California, to the Grasslands Water District for the purpose of fish and wildlife shall be nonreimbursable.

**(e) Nonproject water**

The Secretary is authorized to store and convey nonproject water utilizing Federal Reclamation project facilities for use outside and inside the authorized project service area for municipal and industrial uses, fish and wildlife, and agricultural uses. Except in the case of water

supplied for fish and wildlife, which shall be nonreimbursable, the Secretary shall charge the recipients of such water for such use of Federal Reclamation project facilities at a rate established pursuant to subsection (c) of this section.

**(f) Reclamation Fund**

The payment of capital costs attributable to the sale of project or nonproject water or the use of Federal Reclamation project facilities shall be covered into the Reclamation Fund and be placed to the credit of the project from which such water or use of such facilities is supplied.

(Pub. L. 102-250, title I, §102, Mar. 5, 1992, 106 Stat. 54.)

REFERENCES IN TEXT

The Reclamation Reform Act of 1982, referred to in subsec. (b)(4), is title II of Pub. L. 97-293, Oct. 12, 1982, 96 Stat. 1263, which enacted subchapter I-A (§390aa et seq.) of chapter 12 of this title, amended sections 373a, 422e, 425b, and 485h of this title, and repealed section 383 of Title 25, Indians. For complete classification of this Act to the Code, see Tables.

TERMINATION OF AUTHORITIES

For provisions directing that authorities established under this subchapter shall terminate ten years after Mar. 5, 1992, see section 2214(c) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2211 of this title.

**§ 2213. Loans**

The Secretary of the Interior is authorized to make loans to water users for the purposes of undertaking construction, management, conservation activities, or the acquisition and transportation of water consistent with State law, that can be expected to have an effect in mitigating losses and damages, including those suffered by fish and wildlife, resulting from drought conditions. Such loans shall be made available under such terms and conditions as the Secretary deems appropriate: *Provided*, That the Secretary shall not approve any loan unless the applicant can demonstrate an ability to repay such loan within the term of the loan: *Provided further*, That for all loans approved by the Secretary under the authority of this section, the interest rate shall be the rate determined by the Secretary of the Treasury based on average market yields on outstanding marketable obligations of the United States with periods to maturity comparable to the repayment period of the loan. The repayment period for loans issued under this section shall not exceed fifteen years. The repayment period for such loans shall begin when the loan is executed. Sections 390cc(a) and 390tt of this title and sections 105 and 106 of Public Law 99-546 shall not apply to any contract to repay such loan. The Secretary shall notify the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives in writing of any loan which the Secretary intends to approve not less than thirty days prior to granting final approval.

(Pub. L. 102-250, title I, §103, Mar. 5, 1992, 106 Stat. 55; Pub. L. 103-437, §16(a)(6), Nov. 2, 1994, 108 Stat. 4594.)

## REFERENCES IN TEXT

Sections 105 and 106 of Public Law 99-546, referred to in text, are sections 105 and 106 of Pub. L. 99-546, title I, Oct. 27, 1986, 100 Stat. 3051, 3052, relating to the automatic adjustment of rates for contracts for delivery of water from the Central Valley project in California, and provisions of such contracts requiring repayment by project water contractors of any deficits in payments of operation and maintenance costs, respectively, and are not classified to the Code.

## AMENDMENTS

1994—Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

## CHANGE OF NAME

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

## TERMINATION OF AUTHORITIES

For provisions directing that authorities established under this subchapter shall terminate ten years after Mar. 5, 1992, see section 2214(c) of this title.

**§ 2214. Applicable period of drought program****(a) In general**

The programs and authorities established under this subchapter shall become operative in any Reclamation State and in the State of Hawaii only after the Governor or Governors of the affected State or States, or on a reservation, when the governing body of the affected tribe has made a request for temporary drought assistance and the Secretary has determined that such temporary assistance is merited, or upon the approval of a drought contingency plan as provided in subchapter II of this chapter.

**(b) Coordination with BPA**

If a Governor referred to in subsection (a) of this section is the Governor of the State of Washington, Oregon, Idaho, or Montana, the Governor shall coordinate with the Administrator of the Bonneville Power Administration before making a request under subsection (a) of this section.

**(c) Termination of authority**

The authorities established under this subchapter shall terminate on September 30, 2005.

(Pub. L. 102-250, title I, §104, Mar. 5, 1992, 106 Stat. 56; Pub. L. 106-566, title II, §201(a), Dec. 23, 2000, 114 Stat. 2820.)

## AMENDMENTS

2000—Subsec. (a). Pub. L. 106-566, §201(a)(1), inserted “and in the State of Hawaii” after “Reclamation State”.

Subsec. (c). Pub. L. 106-566, §201(a)(2), substituted “on September 30, 2005” for “ten years after March 5, 1992”.

**§ 2215. Assistance for drought-related planning in reclamation States****(a) In general**

The Secretary may provide financial assistance in the form of cooperative agreements in States that are eligible to receive drought assistance under this subchapter to promote the

development of drought contingency plans under subchapter II of this chapter.

**(b) Report**

Not later than one year after December 23, 2000, the Secretary shall submit to the Congress a report and recommendations on the advisability of providing financial assistance for the development of drought contingency plans in all entities that are eligible to receive assistance under subchapter II of this chapter.

(Pub. L. 102-250, title I, §105, as added Pub. L. 106-566, title II, §201(b), Dec. 23, 2000, 114 Stat. 2820.)

**SUBCHAPTER II—DROUGHT CONTINGENCY PLANNING**

## SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2214, 2215 of this title.

**§ 2221. Identification of opportunities for water supply conservation, augmentation and use**

The Secretary is authorized to conduct studies to identify opportunities to conserve, augment, and make more efficient use of water supplies available to Federal Reclamation projects and Indian water resource developments in order to be prepared for and better respond to drought conditions. The Secretary is authorized to provide technical assistance to States and to local and tribal government entities to assist in the development, construction, and operation of water desalinization projects, including technical assistance for purposes of assessing the technical and economic feasibility of such projects.

(Pub. L. 102-250, title II, §201, Mar. 5, 1992, 106 Stat. 56.)

**§ 2222. Drought contingency plans**

The Secretary, acting pursuant to the Federal Reclamation laws, utilizing the resources of the Department of the Interior, and in consultation with other appropriate Federal and State officials, Indian tribes, public, private, and local entities, is authorized to prepare or participate in the preparation of cooperative drought contingency plans (hereinafter in this subchapter referred to as “contingency plans”) for the prevention or mitigation of adverse effects of drought conditions.

(Pub. L. 102-250, title II, §202, Mar. 5, 1992, 106 Stat. 56.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2223, 2224, 2225 of this title.

**§ 2223. Plan elements****(a) Plan provisions**

Elements of the contingency plans prepared pursuant to section 2222 of this title may include, but are not limited to, any or all of the following:

- (1) Water banks.
- (2) Appropriate water conservation actions.
- (3) Water transfers to serve users inside or outside authorized Federal Reclamation

project service areas in order to mitigate the effects of drought.

(4) Use of Federal Reclamation project facilities to store and convey nonproject water for agricultural, municipal and industrial, fish and wildlife, or other uses both inside and outside an authorized Federal Reclamation project service area.

(5) Use of water from dead or inactive reservoir storage or increased use of ground water resources for temporary water supplies.

(6) Water supplies for fish and wildlife resources.

(7) Minor structural actions.

**(b) Federal Reclamation projects**

Each contingency plan shall identify the following two types of plan elements related to Federal Reclamation projects:

(1) Those plan elements which pertain exclusively to the responsibilities and obligations of the Secretary pursuant to Federal Reclamation law and the responsibilities and obligations of the Secretary for a specific Federal Reclamation project.

(2) Those plan elements that pertain to projects, purposes, or activities not constructed, financed, or otherwise governed by the Federal Reclamation law.

**(c) Drought levels**

The Secretary is authorized to work with other Federal and State agencies to improve hydrologic data collection systems and water supply forecasting techniques to provide more accurate and timely warning of potential drought conditions and drought levels that would trigger the implementation of contingency plans.

**(d) Compliance with law**

The contingency plans and plan elements shall comply with all requirements of applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321), section 2265(a) of title 33, and the Fish and Wildlife Coordination Act [16 U.S.C. 661 et seq.], and shall be in accordance with applicable State law.

**(e) Review**

The contingency plans shall include provisions for periodic review to assure the adequacy of the contingency plan to respond to current conditions, and such plans may be modified accordingly.

(Pub. L. 102-250, title II, §203, Mar. 5, 1992, 106 Stat. 57.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (d), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Fish and Wildlife Coordination Act, referred to in subsec. (d), is act Mar. 10, 1934, ch. 55, 48 Stat. 401, as amended, which is classified generally to sections 661 to 666c of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 661 of Title 16 and Tables.

**§ 2224. Recommendations**

**(a) Approval**

The Secretary shall submit each plan prepared pursuant to section 2222 of this title to the Congress, together with the Secretary's recommendations, including recommendations for authorizing legislation, if needed.

**(b) Pacific Northwest region**

A contingency plan under subsection (a) of this section for the State of Washington, Oregon, Idaho, or Montana, may be approved by the Secretary only at the request of the Governor of the affected State in coordination with the other States in the region and the Administrator of the Bonneville Power Administration.

(Pub. L. 102-250, title II, §204, Mar. 5, 1992, 106 Stat. 57.)

**§ 2225. Reclamation Drought Response Fund**

The Secretary shall undertake a study of the need, if any, to establish a Reclamation Drought Response Fund to be available for defraying those expenses which the Secretary determines necessary to implement plans prepared under section 2222 of this title and to make loans for nonstructural and minor structural activities for the prevention or mitigation of the adverse effects of drought.

(Pub. L. 102-250, title II, §205, Mar. 5, 1992, 106 Stat. 58.)

**§ 2226. Technical assistance and transfer of precipitation management technology**

**(a) Technical assistance**

The Secretary is authorized to provide technical assistance for drought contingency planning in any of the States not identified in section 391 of this title, and the District of Columbia, Puerto Rico, the Republic of the Marshall Islands, the Federated States of Micronesia, the Trust Territory of the Pacific Islands, and upon termination of the Trusteeship, the Republic of Palau, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

**(b) Technology Transfer Program**

The Secretary is authorized to conduct a Precipitation Management Technology Transfer Program to help alleviate problems caused by precipitation variability and droughts in the West, as part of a balanced long-term water resources development and management program. In consultation with State, tribal, and local water, hydropower, water quality and instream flow interests, areas shall be selected for conducting field studies cost-shared on a 50-50 basis to validate and quantify the potential for appropriate precipitation management technology to augment stream flows. Validated technologies shall be transferred to non-Federal interests for operational implementation.

(Pub. L. 102-250, title II, §206, Mar. 5, 1992, 106 Stat. 58.)

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SUBCHAPTER III—GENERAL AND  
MISCELLANEOUS PROVISIONS

**§ 2241. Authorization of appropriations**

Except as otherwise provided in section 2243 of this title (relating to temperature control devices at Shasta Dam, California), there is authorized to be appropriated not more than \$90,000,000 in total for fiscal years 1992, 1993, 1994, 1995, 1996, 1999, 2000, 2001, and 2002.

(Pub. L. 102-250, title III, §301, Mar. 5, 1992, 106 Stat. 58; Pub. L. 104-206, title II, Sept. 30, 1996, 110 Stat. 2992; Pub. L. 106-60, title II, Sept. 29, 1999, 113 Stat. 488; Pub. L. 106-377, §1(a)(2) [title II], Oct. 27, 2000, 114 Stat. 1441, 1441A-67; Pub. L. 107-66, title II, Nov. 12, 2001, 115 Stat. 498.)

AMENDMENTS

2001—Pub. L. 107-66 substituted “2001, and 2002” for “and 2001”.

2000—Pub. L. 106-377 substituted “2000, and 2001” for “and 2000”.

1999—Pub. L. 106-60 substituted “1999, and 2000” for “and 1997”.

1996—Pub. L. 104-206 substituted “1996, and 1997” for “and 1996”.

**§ 2242. Authority of Secretary**

The Secretary is authorized to perform any and all acts and to promulgate such regulations as may be necessary and appropriate for the purpose of implementing this chapter. In carrying out the authorities under this chapter, the Secretary shall give specific consideration to the needs of fish and wildlife, together with other project purposes, and shall consider temporary operational changes which will mitigate, or can be expected to have an effect in mitigating, fish and wildlife losses and damages resulting from drought conditions, consistent with the Secretary’s other obligations.

(Pub. L. 102-250, title III, §302, Mar. 5, 1992, 106 Stat. 58.)

**§ 2243. Temperature control at Shasta Dam, Central Valley Project**

The Secretary is authorized to complete the design and specifications for construction of a device to control the temperature of water releases from Shasta Dam, Central Valley Project, California, and to construct facilities needed to attach such device to the dam. There is authorized to be appropriated to carry out the authority of this section not more than \$12,000,000.

(Pub. L. 102-250, title III, §303, Mar. 5, 1992, 106 Stat. 58.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2241 of this title.

**§ 2244. Effect of chapter on other laws**

**(a) Conformity with State and Federal law**

All actions taken pursuant to this chapter pertaining to the diversion, storage, use, or transfer of water shall be in conformity with applicable State and applicable Federal law.

**(b) Effect on jurisdiction, authority, and water rights**

Nothing in this chapter shall be construed as expanding or diminishing State, Federal, or

tribal jurisdiction or authority over water resources development, control, or water rights.

(Pub. L. 102-250, title III, §304, Mar. 5, 1992, 106 Stat. 59.)

**§ 2245. Excess storage and carrying capacity**

The Secretary is authorized to enter into contracts with municipalities, public water districts and agencies, other Federal agencies, State agencies, and private entities, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for the impounding, storage, and carriage of non-project water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using any facilities associated with the Central Valley Project, Cachuma Project, and the Ventura River Project, California, the Truckee Storage Project, and the Washoe Project, California and Nevada. The Secretary is further authorized to enter into contracts for the exchange of water for the aforementioned purposes using facilities associated with the Cachuma Project, California.

(Pub. L. 102-250, title III, §305, Mar. 5, 1992, 106 Stat. 59.)

REFERENCES IN TEXT

Act of February 21, 1911, referred to in text, is act Feb. 21, 1911, ch. 141, 36 Stat. 925, popularly known as the Warren Act, which enacted sections 523 to 525 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 523 of this title and Tables.

**§ 2246. Report**

There shall be included as part of the President’s annual budget submittal to the Congress a detailed report on past and proposed expenditures and accomplishments under this chapter.

(Pub. L. 102-250, title III, §306, Mar. 5, 1992, 106 Stat. 59.)

**§ 2247. Federal Reclamation laws**

This chapter shall constitute a supplement to the Federal Reclamation laws.

(Pub. L. 102-250, title III, §307, Mar. 5, 1992, 106 Stat. 59.)

**CHAPTER 41—FEDERAL LAND TRANSACTION  
FACILITATION**

Sec. 2301.	Findings.
2302.	Definitions.
2303.	Identification of inholdings. (a) In general. (b) Public notice. (c) Identification. (d) No obligation to convey or acquire.
2304.	Disposal of public land. (a) In general. (b) Sale of public land. (c) Report in Public Land Statistics. (d) Termination of authority.
2305.	Federal Land Disposal Account. (a) Deposit of proceeds. (b) Availability. (c) Use of the Federal Land Disposal Account. (d) Contaminated sites and sites difficult and uneconomic to manage. (e) Land and Water Conservation Fund Act.