

tion or mitigation of adverse effects of drought conditions.

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

§ 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 the period of fiscal years 2006 through 2012.

(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; Pub. L. 108–7, div. D, title II, Feb. 20, 2003, 117 Stat. 144; Pub. L. 108–137, title II, Dec. 1, 2003, 117 Stat. 1847; Pub. L. 109–234, title II, §2306(b), June 15, 2006, 120 Stat. 457; Pub. L. 111–212, title I, §404(b), July 29, 2010, 124 Stat. 2314.)

AMENDMENTS

2010—Pub. L. 111–212 substituted “through 2012” for “through 2010”.

2006—Pub. L. 109–234 substituted “the period of fiscal years 2006 through 2010” for “fiscal years 1992, 1993, 1994, 1995, 1996, 1999, 2000, 2001, 2002, 2003, and 2004”.

2003—Pub. L. 108–137 substituted “2003, and 2004” for “and 2003”.

Pub. L. 108–7 substituted “2002, and 2003” for “and 2002”.

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.)

§ 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.)