

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3522

To amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2006 through 2012, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 15, 2006

Mr. WYDEN (for himself, Mr. SMITH, Mr. CRAIG, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2006 through 2012, 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 “Fisheries Restoration  
5       and Irrigation Mitigation Act of 2006”.

1 **SEC. 2. PRIORITY PROJECTS; PARTICIPATION IN PROGRAM.**

2 The Fisheries Restoration and Irrigation Mitigation  
3 Act of 2000 (16 U.S.C. 777 note; Public Law 106–502)  
4 is amended—

5 (1) in section 3—

6 (A) in subsection (a), by inserting “as a  
7 pass-through program” before “within the De-  
8 partment”; and

9 (B) in subsection (c)(3), by striking  
10 “\$5,000,000” and inserting “\$2,500,000”; and

11 (2) in section 4, by striking subsection (b) and  
12 inserting the following:

13 “(b) NONREIMBURSABLE FEDERAL AND TRIBAL EX-  
14 PENDITURES.—Development and implementation of  
15 projects under the Program on land or facilities owned by  
16 the United States or an Indian tribe shall be nonreimburs-  
17 able expenditures.”.

18 **SEC. 3. COST SHARING.**

19 Section 7(c) of Fisheries Restoration and Irrigation  
20 Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law  
21 106–502) is amended—

22 (1) by striking “The value” and inserting the  
23 following:

24 “(1) IN GENERAL.—The value”; and

25 (2) by adding at the end the following:

1           “(2) BONNEVILLE POWER ADMINISTRATION.—  
2           Any amounts provided by the Bonneville Power Ad-  
3           ministration directly or through a grant to another  
4           entity for a project carried under the Program shall  
5           be credited toward the non-Federal share of the  
6           costs of the project.”.

7 **SEC. 4. REPORT.**

8           Section 9 of the Fisheries Restoration and Irrigation  
9           Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law  
10          106–502) is amended—

11           (1) by inserting “any” before “amounts are  
12          made”; and

13           (2) by inserting after “Secretary shall” the fol-  
14          lowing: “, after partnering with local governmental  
15          entities and the States in the Pacific Ocean drainage  
16          area,”.

17 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

18          Section 10 of the Fisheries Restoration and Irriga-  
19          tion Mitigation Act of 2000 (16 U.S.C. 777 note; Public  
20          Law 106–502) is amended—

21           (1) in subsection (a), by striking “2001 through  
22          2005” and inserting “2006 through 2012”; and

23           (2) in subsection (b), by striking paragraph (2)  
24          and inserting the following:

25           “(2) ADMINISTRATIVE EXPENSES.—

1           “(A) DEFINITION OF ADMINISTRATIVE EX-  
2 PENSE.—In this paragraph, the term ‘adminis-  
3 trative expense’ means any expenditure relating  
4 to—

5           “(i) staffing and overhead, such as  
6 the rental of office space and the acquisi-  
7 tion of office equipment; and

8           “(ii) the review, processing, and provi-  
9 sion of applications for funding under the  
10 Program.

11          “(B) LIMITATION.—

12           “(i) IN GENERAL.—Except as pro-  
13 vided in subparagraph (C), a percentage of  
14 amounts up to 6 percent made available  
15 for each fiscal year, as determined under  
16 clause (ii), may be used for Federal (in-  
17 cluding tribal) and State administrative ex-  
18 penses of carrying out this Act.

19           “(ii) FORMULA.—For purposes of de-  
20 termining the percentage of administrative  
21 expenses to be made available under clause  
22 (i) for a fiscal year—

23           “(I) 1 percent shall be provided  
24 if less than \$1,000,000 is made avail-

1 able to carry out the Program for the  
2 fiscal year;

3 “(II) 2 percent shall be provided  
4 if \$1,000,000 or more, but less than  
5 \$6,000,000, is made available to carry  
6 out the Program for the fiscal year;

7 “(III) 3 percent shall be provided  
8 if \$6,000,000 or more, but less than  
9 \$11,000,000, is made available to  
10 carry out the Program for the fiscal  
11 year;

12 “(IV) 4 percent shall be provided  
13 if \$11,000,000 or more, but less than  
14 \$15,000,000, is made available to  
15 carry out the Program for the fiscal  
16 year;

17 “(V) 5 percent shall be provided  
18 if \$15,000,000 or more, but less than  
19 \$21,000,000, is made available to  
20 carry out the Program for the fiscal  
21 year; and

22 “(VI) 6 percent shall be provided  
23 if \$21,000,000 or more is made avail-  
24 able to carry out the Program for the  
25 fiscal year.

1           “(iii) FEDERAL AND STATE  
2 SHARES.—To the maximum extent prac-  
3 ticable, of the amounts made available for  
4 administrative expenses under clause (i)—

5           “(I) 50 percent shall be provided  
6 to the Federal agencies (including In-  
7 dian tribes) carrying out the Program;  
8 and

9           “(II) 50 percent shall be provided  
10 to the State agencies provided assist-  
11 ance under the Program.

12           “(iv) STATE EXPENSES.—Amounts  
13 made available to States for administrative  
14 expenses under clause (i)—

15           “(I) shall be divided evenly  
16 among all States provided assistance  
17 under the Program; and

18           “(II) on request of a project  
19 sponsor, may be used to provide tech-  
20 nical support to the project sponsor.

21           “(C) TECHNICAL ASSISTANCE.—

22           “(i) IN GENERAL.—Amounts ex-  
23 pended by the Secretary for the provision  
24 of technical assistance relating to the Pro-  
25 gram shall not be subject to the 6 percent

1 limitation on administrative expenses  
2 under subparagraph (B)(i).

3 “(ii) INCLUSIONS.—For purposes of  
4 clause (i), expenditures for the provision of  
5 technical assistance include any staffing  
6 expenditures (including staff travel ex-  
7 penses) associated with—

8 “(I) arranging meetings to pro-  
9 mote the Program to potential appli-  
10 cants;

11 “(II) assisting applicants with  
12 the preparation of applications for  
13 funding under the Program; and

14 “(III) visiting construction sites  
15 to provide technical assistance, if re-  
16 quested by the applicant.”.

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