United States for the benefit of the tribe, the tribe also owns land outside the reservation system. This land, owned in fee status, is subject to State and local laws and taxes. Recently, however, there has been confusion with regard to the authority of the Coushatta Tribe in using these fee lands.

H.R. 5398 would help by alleviating this confusion over the tribe's authority regarding fee lands. This bill would not apply to lands held in trust by the United States, but would allow the tribe to pursue future economic development activities as it determines.

This legislation is good, just policy; and I urge my colleagues to support it.

Mr. JOHN. Madam Speaker, I rise today in support of H.R. 5398, which would provide that land, which is owned in fee by the Coushatta Indian Community in Louisiana and not held in trust by the United States, may be leased or transferred without further approval by the United States.

Existing federal law provides that Indian tribes may not lease, sell or otherwise convey land which they may have title to unless the conveyances are approved by Congress. This prohibition, enacted into law in 1834 to prevent the unfair or improper disposition of Indian-owned land, has been interpreted by the courts to apply even though the land was purchased by the tribes with their own money and even though the land is not held in trust by the federal government.

In 1834, this process made perfect sense. Today, however, this process has proven to be a major detriment to economic development for the Coushatta Tribe. It puts the tribe at a distinct disadvantage, because the tribe finds that it cannot develop or use land which it has acquired to its full advantage. H.R. 5398 will allow the Coushatta Tribe to use the fee land it has purchased just like any other landowner, without having to come to Congress any time it wants to sell, lease, or even mortgage that land.

In addition to the land owned by the tribe and held in trust by the U.S. Department of Interior, the Coushatta Tribe owns the fee land which is not held in trust. This fee land, while owned by the tribe, is subject to state and local laws and the tribe does not have the authority to conduct gaming activities on this land. As the Coushatta Tribe continues to work toward establishing long-term financial security for its members, they are finding it necessary to have the ability to establish business agreements with non-Indian partners using the fee land to pursue future economic development activities, including the development of golf courses, business parks, and recreation and convention centers.

On February 29 of this year, this body granted the Lower Sioux Indian Community in Minnesota these same rights that I am seeking for the Coushatta Indian Community. Companion legislation, S. 2792, has been introduced in the U.S. Senate by Senator JOHN BREAUX of Louisiana. Locally, this legislation is supported by the Town of Elton and the Allen Parish Assessor.

The Coushatta Tribe has made significant progress in recent years to eliminate poverty and reduce reliance on government programs. By passing H.R. 5398, this Congress will further empower the Coushatta Tribe to empower themselves.

Madam Speaker, I thank the leadership for bringing this legislation to the floor today, and I encourage my colleagues to support H.R. 5398.

Mr. UDALL of New Mexico. Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 5398.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 1444, FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000

Mr. CALVERT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 630) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 1444.

The Clerk read as follows:

H. RES. 630

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill, H.R. 1444, with the Senate amendments thereto, and to have concurred in the Senate amendment with the following amendments:

(1) Amend the title so as to read: ''A bill to authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.''.

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fisheries Restoration and Irrigation Mitigation Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PACIFIC OCEAN DRAINAGE AREA.—The term ''Pacific Ocean drainage area'' means the area comprised of portions of the States of Oregon, Washington, Montana, and Idaho from which water drains into the Pacific Ocean.

(2) PROGRAM.—The term ''Program'' means the Fisheries Restoration and Irrigation Mitigation Program established by section 3(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 3. ESTABLISHMENT OF THE PROGRAM.

(a) ESTABLISHMENT.—There is established the Fisheries Restoration and Irrigation Mitigation Program within the Department of the Interior.

(b) GOALS.—The goals of the Program are—

(1) to decrease fish mortality associated with the withdrawal of water for irrigation and other purposes without impairing the continued withdrawal of water for those purposes; and

(2) to decrease the incidence of juvenile and adult fish entering water supply systems.

(c) IMPACTS ON FISHERIES.—

(1) IN GENERAL.—Under the Program, the Secretary, in consultation with the heads of other appropriate agencies, shall develop and implement projects to mitigate impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities (including soil and water conservation districts) in the Pacific Ocean drainage area.

(2) TYPES OF PROJECTS.—Projects eligible under the Program may include—

(A) the development, improvement, or installation of—

(i) fish screens;

(ii) fish passage devices; and

(iii) other related features agreed to by non-Federal interests, relevant Federal and tribal agencies, and affected States; and

(B) inventories by the States on the need and priority for projects described in clauses (i) through (iii).

(3) PRIORITY.—The Secretary shall give priority to any project that has a total cost of less than $5,000,000.

SEC. 4. PARTICIPATION IN THE PROGRAM.

(a) NON-FEDERAL.—

(1) IN GENERAL.—Non-Federal participation in the Program shall be voluntary.

(2) FEDERAL ACTION.—The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action under the Program, unless the entity applies to participate in the Program.

(b) FEDERAL.—Development and implementation of projects under the Program on land or facilities owned by the United States shall be nonreimbursable Federal expenditures.

SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.

Evaluation and prioritization of projects for development under the Program shall be conducted on the basis of—

(1) benefits to fish species native to the project area, particularly to species that are listed as being, or considered by Federal or State authorities to be, endangered, threatened, or sensitive;

(2) the size and type of water diversion;

(3) the availability of other funding sources;

(4) cost effectiveness; and

(5) additional opportunities for biological or water delivery system benefits.

SEC. 6. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A project carried out under the Program shall not be eligible for funding unless—

(1) the project meets the requirements of the Secretary, as applicable, and any applicable State requirements; and

(2) the project is agreed to by all Federal and non-Federal entities with authority and responsibility for the project.

(b) DETERMINATION OF ELIGIBILITY.—In determining the eligibility of a project under this Act, the Secretary shall—

(1) consult with other Federal, State, tribal, and local agencies; and

(2) make maximum use of all available data.

SEC. 7. COST SHARING.

(a) NON-FEDERAL SHARE.—The non-Federal share of the cost of development and implementation of any project under the Program on land or at a facility that is not owned by the United States shall be 35 percent.

(b) NON-FEDERAL CONTRIBUTIONS.—The non-Federal participants in any project under the Program on land or at a facility

that is not owned by the United States shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project.

(c) CREDIT FOR CONTRIBUTIONS.—The value of land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subsection (b) for a project shall be credited toward the non-Federal share of the costs of the project.

(d) ADDITIONAL COSTS.—

(1) NON-FEDERAL RESPONSIBILITIES.—The non-Federal participants in any project carried out under the Program on land or at a facility that is not owned by the United States shall be responsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing the project.

(2) FEDERAL RESPONSIBILITY.—The Federal Government shall be responsible for costs referred to in paragraph (1) for projects carried out on Federal land or at a Federal facility.

SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose.

SEC. 9. REPORT.

On the expiration of the third fiscal year for which amounts are made available to carry out this Act, the Secretary shall submit to Congress a report describing—

(1) the projects that have been completed under this Act;

(2) the projects that will be completed with amounts made available under this Act during the remaining fiscal years for which amounts are authorized to be appropriated under section 10; and

(3) recommended changes to the Program as a result of projects that have been carried out under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2001 through 2005.

(b) LIMITATIONS.—

(1) SINGLE STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 25 percent of the total amount of funds made available under this section may be used for 1 or more projects in any single State.

(B) WAIVER.—On notification to Congress, the Secretary may waive the limitation under subparagraph (A) if a State is unable to use the entire amount of funding made available to the State under this Act.

(2) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of the funds authorized under this section for any fiscal year may be used for Federal administrative expenses of carrying out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the House originally passed H.R. 1444 by a voice vote on November 9, 1999. The bill authorized the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries related to irrigation system water diversions by local government entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

On April 13, 2000, the Senate amended H.R. 1444 by substituting H.R. 1444 with the text of S. 1723 and passed the bill by unanimous consent. The substance of S. 1723 is virtually identical to H.R. 1444. However, there are some technical changes which are being made today to clarify that fishery restoration is a priority.

In the Northwest, valuable salmon populations travel through various river basins as juvenile and adult fish. It has been demonstrated that fish screens and passages are an effective way to protect migrating fish from the deadly effects of water diversion projects. H.R. 1444 will encourage the construction of these fish-saving devices.

I compliment the authors, especially our colleague, the gentleman from Oregon (Mr. WALDEN), for their leadership in this matter. This is a sound conservation bill, and I urge Members to vote aye.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Madam Speaker, I want to recognize the leadership and foresight of the gentleman from Oregon (Mr. DEFAZIO) on this bill. He played an instrumental role in this legislation.

H.R. 1444 establishes a fish screen construction program for irrigation projects in Idaho, Washington, Montana, and Oregon. The purpose of this legislation is to protect endangered fish species in the Pacific Northwest. Construction of fish screens authorized by this bill will help decrease fish mortality rates by preventing juvenile salmon from straying into water diversion projects. Participation in the program is voluntary, and a local share of 35 percent of the cost of the project is required.

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Under this amended version of H.R. 1444, the U.S. Fish and Wildlife Service will have responsibility for administering the new fish screen program, in consultation with other Federal agencies.

The Fish and Wildlife Service was chosen as the lead agency in recognition that the Fish and Wildlife Service has the experience, the expertise and on-the-ground capability to most effectively administer the fish screen program. However, other Federal agencies have an interest in this program; and, in fact, the water project construction agency, such as the Corps of Engineering and the Bureau of Reclamation are usually responsible for funding the mitigation of adverse environmental impacts caused by project construction and operation.

The bill requires consultation with such agencies. In addition to a consultive role, we expect these other agencies to actively participate in fish screen projects and also to contribute funds, when appropriate, for projects developed under the authority of this legislation.

Madam Speaker, I urge my colleagues to support H.R. 1444.

Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN) for whatever comments he may have.

Mr. WALDEN of Oregon. Madam Speaker, I want to thank the gentleman from California for yielding me the time.

Madam Speaker, this is, indeed, another example of getting things done, getting things done for fish, getting things done for farmers in the Northwest. As my colleagues know, our salmon runs face tremendous challenges there, the wild salmon runs do, and our farmers are under incredible pressure.

This is one of those bills that is a win-win for both sides, because we are going to be installing fish screens that will help divert the salmon around these irrigation projects and help them on their way out to sea. We are going to help our farmers improve their water flows and protect their way of life as well.

H.R. 1444 is to encourage irrigators to protect the Northwest endangered fish species. The bill aims to decrease fish mortality rates by constructing fish screens to prevent the juvenile salmon from swimming into water diversion projects. There is a local share that has to be involved here. Participation in the program is voluntary, and a local share of 35 percent of the costs of the project is required.

This is one of those pieces of legislation that is actually a helping hand from the Federal Government in a true partnership with the local irrigation districts. The Department of Interior, Fish and Wildlife Service in consultation with the Army Corps and the Bureau of Reclamation will be responsible for administering the program. And the legislation is supported by many conservation recreation and water user groups, including the Oregon Water Resources Congress; Save Our Wild Salmon, a coalition of sport and fishing groups, fishing businesses and conservation organizations; along with the Oregon Department of Fish and Wildlife.

Madam Speaker, I would like to thank my colleagues Senator SMITH and Senator WYDEN and certainly the gentleman from Oregon (Mr. DEFAZIO) for his leadership in getting this legislation to this point, and the committee and the staff and the leadership for scheduling for a vote today.

Madam Speaker, this will do good things for fish. This will do good things

for farmers. I am delighted that, in the bipartisan spirit of this body, we are going to get in passed into law.

Mr. DEFAZIO. Madam Speaker, I rise in strong support of H.R. 1444, the ''Fisheries Restoration and Irrigation Mitigation Act,'' legislation to establish a fish screen construction program for irrigation projects in Idaho, Washington, Montana and Oregon.

H.R. 1444 is needed to assist in the effort to protect the Northwest's endangered fish species. The bill aims to decrease fish mortality rates by aiding in the construction of fish screens to prevent juvenile salmon from straying into water diversion projects.

Many farms in the Northwest are irrigated by water diverted from streams and rivers. Water is transported to farms via irrigation canals connecting to streams and rivers. The irrigation canals pose a major risk to juvenile salmon, called smolts, migrating downstream to the ocean. Smolts die when they are diverted from the rivers and streams into irrigation ditches. Fish screens placed at entrances to irrigation diversions will prevent smolts from swimming into irrigation ditches and decrease mortality rates for fish stocks in the Northwest. H.R. 1444 sets up a federal program to assist in the construction of fish screens. Under the legislation, participation in the program will be voluntary and a local share of 35 percent of the cost of each project is required.

During negotiations over the legislation, there was some debate over which agency will have responsibility for administering the fish screen program. The original House bill put the Army Corps of Engineers in charge of the program while the Senate bill gave the responsibility to the Department of Interior. It was the Senate sponsor's hope that the Bureau of Reclamation, would be responsible for administering the program within the Department of Interior.

Under this final version of H.R. 1444, the U.S. Fish and Wildlife Service will have responsibility for administering the program. The Fish and Wildlife was chosen as the lead agency because it has the expertise to most effectively administer the fish screen program. However, I would like to make it clear there are other federal agencies with expertise, capability and an interest in reducing fish mortality at irrigation diversions. Recognizing this, the bill directs the Fish and Wildlife Service to consult with other agencies when implementing the program. I also believe that, in addition to a consultative role, other agencies may contribute funds for programs developed under the authority of the act. I see the contribution of funds from federal agencies other than the Fish and Wildlife Services as especially appropriate from agencies involved in water management in the region and in the operations of the Federal Columbia River Power System, including the Bureau of Reclamation, the Army Corps of Engineers, and the Bonneville Power Administration to contribute the funds for the fish screen construction program.

In fact, it is my understanding that the draft Biological Opinion for the Federal Columbia River Power System issued in July calls for offsite mitigation by these agencies. Such mitigation under the draft Biological Opinion can include construction and installation of fish screens at irrigation diversions. I am hopeful that contributions of funds to develop programs under the authority of this act could be credited as offsite mitigation under the finalized Biological Opinion.

As a member of the House Transportation and Infrastructure Committee as well as the House Resources Committee, I want to acknowledge the interest that Transportation Committee maintains in the bill and the projects developed under the bill's authority. The Transportation Committee should receive any reports prepared for Congress on the program. The Committee should particularly be included if projects relate to compliance with the Clean Water Act. In addition, the Corps of Engineers and EPA should be consulted on projects developed for compliance with the Clean Water Act.

The legislation is supported by numerous conservation, recreation and water user groups including the Oregon Water Resources Congress and Save Our Wild Salmon, a coalition of sport and commercial fishing groups, fishing businesses and conservation organizations. The bill is also supported by the Oregon Department of Fish and Wildlife.

The bill has bipartisan support in the House and Senate. Representative PETER DEFAZIO (D–Ore.) and Representative GREG WALDEN (R–Ore.), members of the House Resources Committee, are original cosponsors of H.R. 1444. The bill was approved by the House of Representatives on November 9th of last year. A similar measure was introduced in the Senate by Senator RON WYDEN (D–Ore.) and Senator GORDON SMITH (R–Ore.) and was approved by the full Senate on April 13, 2000. I urge my colleagues to vote in favor of this important legislation.

I also want to thank my colleagues who helped with this bill, including Mr. WALDEN of Oregon. Resources Committee Chairman DON YOUNG and Ranking Member GEORGE MILLER, and Senators RON WYDEN and GORDON SMITH. I'd also like to acknowledge the many congressional staff members who worked on this bill including: Kathie Eastman of my personal staff, Lindsay Slater and Troy Tidwell of Mr. WALDEN's staff; Steve Lanich, Bob Faber and Doug Yoder of the House of Resources Committee; Ben Grumbles and Art Chan of the House Transportation and Infrastructure Committee; Joshua Sheinkman, and Eileen McLellan of Senator WYDEN's staff; Valerie West of Senator SMITH's staff; and former staffers Cynthia Suchman and Martin Kodis.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the resolution, House Resolution 630.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CALVERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4187; S. Con. Res. 145; S. 406; H.R. 4404, as amended; H.R. 1695; H.R. 2570; S. 1705; S. 2917; H.R. 5041; H.R. 4521, as amended; H.R. 5308, as amended; H.R. 4646, as amended; H.R. 3926; H.R. 4312; S. 2102; S. 1936, as amended; S. 1296; H.R. 5398; and H. Res. 630.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FEDERAL FIREFIGHTER RETIREMENT AGE CORRECTION ACT

Mr. OSE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 460) to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

The Clerk read as follows:

H.R. 460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANDATORY SEPARATION AGE FOR FIREFIGHTERS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—The second sentence of section 8335(b) of title 5, United States Code, is amended—

(A) by inserting ''firefighter,'' after ''law enforcement officer''; and

(B) by inserting ''firefighter,'' after ''that officer''.

(2) CONFORMING AMENDMENT.—Section 8335(b) of title 5, United States Code, is amended by striking the first sentence.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—The second sentence of section 8425(b) of title 5, United States Code, is amended—

(A) by inserting ''firefighter,'' after ''law enforcement officer''; and

(B) by inserting ''firefighter,'' after ''that officer''.

(2) CONFORMING AMENDMENT.—Section 8425(b) of title 5, United States Code, is amended by striking the first sentence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 460.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to have the House consider H.R. 460, important legislation introduced by the gentleman from California (Mr. GALLEGLY). This bipartisan legislation amends Federal civil service law relating to the Civil Service Retirement System and the Federal Employees' Retirement System to provide the same mandatory separation age for