

River through the Assiniboine and Sioux Rural Water System.

(g) **LIMITATION ON USE OF FEDERAL FUNDS.**—(1) **IN GENERAL.**—The operation, maintenance, and replacement expenses associated with water deliveries from the Assiniboine and Sioux Rural Water System to the Dry Prairie Rural Water System shall not be a Federal responsibility and shall be borne by the Dry Prairie Rural Water System.

(2) **FEDERAL FUNDS.**—The Secretary may not obligate or expend any Federal funds for the operation, maintenance, or replacement of the Dry Prairie Rural Water System.

(h) **TITLE TO DRY PRAIRIE RURAL WATER SYSTEM.**—Title to the Dry Prairie Rural Water System shall be held by Dry Prairie Rural Water Association, Incorporated.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) **IN GENERAL.**—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available, at the firm power rate, the capacity and energy required to meet the pumping and incidental operational requirements of the Fort Peck Reservation Rural Water System.

(b) **QUALIFICATION TO USE PICK-SLOAN POWER.**—For as long as the Fort Peck Reservation rural water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this Act shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

(c) **RECOVERY OF EXPENSES.**—

(1) **ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.**—In the case of the Assiniboine and Sioux Rural Water System, the Western Area Power Administration shall recover expenses associated with power purchases under subsection (a) through a separate power charge sufficient to cover such expenses. Such charge shall be paid fully through the annual appropriations to the Bureau of Indian Affairs.

(2) **DRY PRAIRIE RURAL WATER SYSTEM.**—In the case of the Dry Prairie Rural Water System, the Western Area Power Administration shall recover expenses associated with power purchases under subsection (a) through a separate power charge sufficient to cover expenses. Such charge shall be paid fully by the Dry Prairie Rural Water System.

(d) **ADDITIONAL POWER.**—If power in addition to that made available under subsection (a) is required to meet the pumping requirements of the Fort Peck Reservation Rural Water System, the Administrator of the Western Area Power Administration may purchase the necessary additional power at the best available rate. The costs of such purchases shall be reimbursed to the Administrator according to the terms identified in subsection (c).

SEC. 7. WATER CONSERVATION PLAN.

(a) **IN GENERAL.**—The Fort Peck Tribes and Dry Prairie Rural Water Association Incorporated shall develop a water conservation plan containing—

(1) a description of water conservation objectives;

(2) a description of appropriate water conservation measures; and

(3) a time schedule for implementing the measures and this Act to meet the water conservation objectives.

(b) **PURPOSE.**—The water conservation plan under subsection (a) shall be designed to ensure that users of water from the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System will use the best practicable technology and management techniques to conserve water.

(c) **PUBLIC PARTICIPATION.**—Section 210(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390jj(c)) shall apply to an activity authorized under this Act.

SEC. 8. WATER RIGHTS.

(a) **IN GENERAL.**—This Act does not—

(1) impair the validity of or preempt any provision of State water law or any interstate compact governing water;

(2) alter the right of any State to any appropriated share of the water of any body of surface or ground water, whether determined by any past or future interstate compact or by any past or future legislative or final judicial allocation;

(3) preempt or modify any Federal or State law or interstate compact concerning water quality or disposal;

(4) confer on any non-Federal entity the authority to exercise any Federal right to the water of any stream or to any ground water resource;

(5) affect any right of the Fort Peck Tribes to water, located within or outside the external boundaries of the Fort Peck Indian Reservation, based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in *Winters v. United States*, 207 U.S. 564 (1908) (commonly known as the “Winters Doctrine”), or other law; or

(6) validate or invalidate any assertion of the existence, nonexistence, or extinguishment of any water right held or Indian water compact entered into by the Fort Peck Tribes or by any other Indian tribe or individual Indian under Federal or State law.

(b) **OFFSET AGAINST CLAIMS.**—Any funds received by the Fort Peck Tribes pursuant to this Act shall be used to offset any claims for money damages against the United States by the Fort Peck Tribes, existing on the date of the enactment of this Act, for water rights based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in *Winters v. United States*, 207 U.S. 564 (1908), or other law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) **ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.**—There are authorized to be appropriated—

(1) to the Bureau of Reclamation over a period of 10 fiscal years, \$124,000,000 for the planning, design, and construction of the Assiniboine and Sioux Rural Water System; and

(2) to the Bureau of Indian Affairs such sums as are necessary for the operation and maintenance of the Assiniboine and Sioux Rural Water System.

(b) **DRY PRAIRIE RURAL WATER SYSTEM.**—There is authorized to be appropriated, over a period of 10 fiscal years, \$51,000,000 for the planning, design, and construction of the Dry Prairie Rural Water System.

(c) **COST INDEXING.**—The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1998, as indicated by engineering cost indices applicable for the type of construction involved.

Mr. LOTT. I ask unanimous consent the Senate agree to the amendment of the house.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVEYING WATER FACILITIES TO THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT

Mr. LOTT. I ask unanimous consent the Senate proceed to H.R. 4389, which was received from the House.

The PRESIDING OFFICER. The clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4389) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4389) was read the third time and passed.

MISSOURI RIVER BASIN PROJECT

PROSSER DIVERSION DAM

Mr. LOTT. I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 2984 and H.R. 3986. I further ask consent the Senate proceed en bloc to their consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 2984) to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska;

A bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

There being no objection, the Senate proceeded to consider the bills.

Mr. GORTON. Mr. President, today, the Senate will pass H.R. 3986, a bill introduced by Representative DOC HASTINGS, R-Washington, that will authorize the Bureau of Reclamation to study the feasibility of moving the intake system for the Kennewick Irrigation District from the Yakima River to the Columbia River. I introduced a similar bill earlier this year, S. 2163, which was passed by the Senate Energy and Natural Resources Committee earlier this month. The Senate's action today sends this bill, critical to Central Washington's efforts to recover threatened and endangered salmon, to the President's desk—an achievement long sought by the Yakama Indian Nation and the irrigators of the Yakima River Basin.

Disputes over how to allocate and use water have always been contentious in the Pacific Northwest, and the disputes have only become more difficult as the region has been forced to deal with the recovery of threatened and endangered

salmon and steelhead species. Over the past year, however, I have been pleased to support a new era of cooperation among tribes and various irrigation districts in Eastern Washington. An area of consensus has developed around the concept of "pump exchanges," which move the intake systems of irrigation districts from over appropriated streams and rivers to rivers downstream with more water. In July, I introduced legislation that authorizes the study of a pump exchange for the Okanogan Irrigation District and the Confederated Tribes of the Colville Reservation. I hope this legislation will receive quick approval during the 107th Congress.

H.R. 3986 will amend the Yakima River Basin Water Enhancement Program, YRBWEP, first approved by Congress in 1994 (P.L. 103-434). That legislation established a comprehensive framework for increasing critical flows in the Yakima River in order to reverse a longstanding trend of declining salmon and steelhead runs. One portion of that legislation, Section 1208, authorized a specific project to electrify hydraulic turbines at the Chandler Pumping Plant near Prosser, Washington. By converting these pumps from hydraulic to electrical power, an additional 400 second feet of water would be added to a 12-mile stretch of the Yakima River below Prosser Dam called Chandler Reach. This project would increase survival rates and provide important new habitat for both the anadromous and resident fisheries in this critical section of the Yakima River. This electrification project is still a good approach to augmenting Yakima River flows, but early in its implementation an even better idea was developed that can nearly double the benefits projected from electrification.

The pump exchange approach proposed in H.R. 3986 could result in completely eliminating the need to divert water at Prosser Dam and Wanawish Dam for use by the Kennewick Irrigation District, K.I.D., and the Columbia River Irrigation District, C.I.D. This plan will require building a new pumping plant on the Columbia River and a pipeline to connect this new facility to K.I.D. This approach could add back to the Yakima River during critical flow periods the entire 749 second feet of water now diverted at Prosser Dam. This project might well be the key to the success of the rest of the YRBWEP program. For the extensive efforts being made farther upstream to be entirely successful, the lower sections of the Yakima River must provide the conditions necessary for salmon and steelhead to survive their journey to and from the upper river and its tributaries. The Chandler Reach and the lower Yakima must have sufficient water at the right time for anadromous fish to be able to transit this area. Without it, the programs upstream will be less effective.

The legislation passed today authorizes the Bureau of Reclamation to spend some of the funds previously authorized for the electrification project to develop this new approach. There are several studies and undertakings necessary to determine with certainty the efficacy and cost of this pump exchange project. These include carrying out a feasibility study, including an estimate of project benefits, an environmental impact analysis, and preparing a feasibility level design and cost estimates as well as securing critical right-of-way areas.

This change in approach to enhancing flows in the lower Yakima is enthusiastically supported by the resource agencies of the State of Washington, including the Washington State Department of Ecology, as well as by the Northwest Power Planning Council, the Bonneville Power Administration, National Marine Fisheries Service, and the United States Fish and Wildlife Service.

It is important to note that a change in the diversion for K.I.D. from the Yakima River to the Columbia River will completely change the current operational philosophy of the district. It will evolve from a relatively simple system relying on gravity to supply its customers to one of significant additional complexity involving a major pump station and pressure pipeline to the main feeder canals. This remodeling of K.I.D. will have significant impact on the existing system and its users during construction, startup, and transition. That is why it is essential for K.I.D. to be in a position to develop these facilities in a way that best fits their current and future operational goals and causes the least impact to the district water users. This legislation requires the Bureau of Reclamation to give K.I.D. substantial control over the planning and design work in this study with the Bureau, of course, having final approval. It is an approach that will continue local improvement and support, which is vital to the success of this project and other projects.

I thank Representative DOC HASTINGS for his leadership on this bill in the House of Representatives and appreciate the support of my colleagues in passing this bill that will provide a crucial component to the salmon recovery efforts in the Yakima Basin.

Mr. LOTT. I ask unanimous consent the bills be read the third time and passed, the motions to reconsider be laid upon the table, any statements be printed in the RECORD with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2984) was read the third time and passed.

The bill (H.R. 3986) was read the third time and passed.

CORRECTING THE ENROLLMENT OF H.R. 2348

Mr. LOTT. I ask unanimous consent the Senate proceed to the consideration of S. Con. Res. 151, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 151) to make corrections in enrollment of the bill H.R. 2348 to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 151) was agreed to, as follows:

S. CON. RES. 151

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 2348) to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins, the Clerk of the House shall make the following correction: Strike section 4 and insert:

SEC. 4. EFFECT OF RECLAMATION LAW

Specifically with regard to the acreage limitation provisions of Federal reclamation law, any action taken pursuant to or in furtherance of this title will not:

(1) be considered in determining whether a district as defined in section 202(2) of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb) has discharged its obligation to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(2) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of its construction obligation; or

(3) serve as the basis for increasing the construction repayment obligation of the district and thereby extending the period during which the acreage limitation provisions will apply.

AUTHORIZING USE OF THE CAPITOL GROUNDS FOR THE MILLION FAMILY MARCH

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 423, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 423) authorizing the use of the Capitol Grounds for the Million Family March.

There being no objection, the Senate proceeded to consider the concurrent resolution.