

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **STATE.**—The term “State” means the Texas Water Development Board and any other authorized entity of the State of Texas.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner.

(3) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of the Bureau of Reclamation.

(4) **COUNTIES.**—The term “counties” means the counties in the state of Texas in the Rio Grande Regional Water Planning Area known as Region “M” as designated by the Texas Water Development Board and the counties of Hudspeth and El Paso, Texas.

**SEC. 3. FINDINGS.**

The Congress finds the following:

(a) Drought conditions over the last decade have made citizens of the Lower Rio Grande Valley region of Texas aware of the significant impacts a dwindling water supply can have on a region.

(b) As a result of the impacts, that region has devised an integral water resource plan to meet the critical water needs of the Lower Rio Grande Valley through the end of the year 2050.

(c) Implementation of an integrated water resource plan to meet the critical water needs of the Lower Rio Grande Valley is in the national interest.

(d) The Congress should authorize and provide Federal technical and financial assistance to construct improved irrigation canal delivery systems to help meet the critical water needs of the Lower Rio Grande Valley through the end of the year 2050.

**SEC. 4. LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.**

(a) The Secretary is authorized to undertake a program to improve the supply of water for the counties as provided in this Act.

(b) In cooperation with the State, water users in the counties, and other non-Federal entities, the Secretary shall conduct feasibility studies for the purpose of conserving and transporting raw water, including the following:

- (1) Irrigation canals;
- (2) Pipelines;
- (3) Flow control structures;
- (4) Meters; and
- (5) All associated appurtenances.

(c) If the Secretary determines that the following projects satisfy the eligibility criteria in subsection (d)(1)–(3), the Secretary, in cooperation with the State, water users in the counties, and other non-Federal entities, is authorized to conduct engineering work, infrastructure construction and improvements for the purpose of conserving and transporting raw water through the following projects:

(1) in the Hidalgo County, Texas Irrigation District #1, a pipeline project identified in the Melden & Hunt, Inc. engineering study dated July 6, 2000 as the Curry Main Pipeline Project;

(2) in the Cameron County, Texas La Feria Irrigation District #3, a distribution system improvement project identified by the 1993 engineering study by Sigler, Winston, Greenwood and Associates, Inc.;

(3) in the Cameron County, Texas irrigation District #2 canal rehabilitation and pumping plant replacement as identified as Job Number 48-05540-002 in a report by Turner Collie & Braden, Inc. dated August 12, 1998, and

(4) in the Harlingen Irrigation District Cameron #1 Irrigation District a project of

meter installation and canal lining as identified in a proposal submitted to the Texas Water Development Board dated April 28, 2000.

(d) **PROJECT ELIGIBILITY.**—Within six months after the date of enactment of this Act, the Secretary, in consultation with the State, shall develop criteria for determining eligible projects under this Act. Such criteria shall include, but need not be limited to the following requirements:

(1) the project plan includes an engineer's estimate of the amount of water to be conserved;

(2) the design for the project includes a cost of project to water saved ratio; and

(3) there is a cost sharing agreement in place between all relevant parties delineating the proportionate share of costs to be paid on an annual basis.

Within one year of the date a project is submitted to the Secretary for approval, the Secretary shall determine whether the project meets the criteria established pursuant to this section.

**SEC. 5. COST SHARING.**

The non-Federal share of the costs of any activity carried out under, or with assistance provided under, this Act shall be 50 percent. Not more than 40 percent of the costs of such an activity may be paid by the State and the remainder of the non-Federal share may include in-kind contributions of goods and services, and funds previously spent on feasibility and engineering studies.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary to carry out this Act such sums as may be necessary; but not to exceed \$7,500,000 for the purposes of section 4(c).

Mr. HATCH. Mr. President, I ask unanimous consent that the amendment numbered 4352 to S. 1761 be agreed to, the bills be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

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

The amendment (No. 4352) was agreed to.

The bill (S. 1761), as amended, was read the third time and passed.

The bill (H.R. 1235) was passed.

BEND PINE NURSERY LAND  
CONVEYANCE ACT

FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000

Mr. HATCH. I ask unanimous consent that the Chair lay before the Senate messages from the House with respect to S. 1936 and H.R. 1444.

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

There being no objection, the Presiding Officer (Mr. BENNETT) laid before the Senate the following messages from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1936) entitled “An Act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and

other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Bend Pine Nursery Land Conveyance Act”.*

**SEC. 2. DEFINITIONS.**

*In this Act:*

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(2) **STATE.**—The term “State” means the State of Oregon.

**SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.**

(a) *IN GENERAL.*—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System land and improvements:

(1) Tract A, Bend Pine Nursery, comprising approximately 210 acres, as depicted on site plan map entitled “Bend Pine Nursery Administrative Site, May 13, 1999”.

(2) Tract B, the Federal Government owned structures located at Shelter Cove Resort, Deschutes National Forest, buildings only, as depicted on site plan map entitled “Shelter Cove Resort, November 3, 1997”.

(3) Tract C, portions of isolated parcels of National Forest Land located in Township 20 south, Range 10 East section 25 and Township 20 South, Range 11 East sections 8, 9, 16, 17, 20, and 21 consisting of approximately 1,260 acres, as depicted on map entitled “Deschutes National Forest Isolated Parcels, January 1, 2000”.

(4) Tract D, Alesa Administrative Site, consisting of approximately 24 acres, as depicted on site plan map entitled “Alesa Administrative Site, May 14, 1999”.

(5) Tract F, Springdale Administrative Site, consisting of approximately 3.6 acres, as depicted on site plan map entitled “Site Development Plan, Columbia Gorge Ranger Station, April 22, 1964”.

(6) Tract G, Dale Administrative Site, consisting of approximately 37 acres, as depicted on site plan map entitled “Dale Compound, February 1999”.

(7) Tract H, Crescent Butte Site, consisting of approximately .8 acres, as depicted on site plan map entitled “Crescent Butte Communication Site, January 1, 2000”.

(b) *CONSIDERATION.*—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) *APPLICABLE LAW.*—Except as otherwise provided in this Act, any sale or exchange of National Forest System land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) *CASH EQUALIZATION.*—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(e) *SOLICITATIONS OF OFFERS.*—

(1) *IN GENERAL.*—Subject to paragraph (3), the Secretary may solicit offers for sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) *REJECTION OF OFFERS.*—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(3) *RIGHT OF FIRST REFUSAL.*—The Bend Metro Park and Recreation District in

Deschutes County, Oregon, shall be given the right of first refusal to purchase the Bend Pine Nursery described in subsection (a)(1).

(f) **REVOCATIONS.**—

(1) **IN GENERAL.**—Any public land order withdrawing land described in subsection (a) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(2) **EFFECTIVE DATE.**—The effective date of any revocation under paragraph (1) shall be the date of the patent or deed conveying the land.

**SEC. 4. DISPOSITION OF FUNDS.**

(a) **DEPOSIT OF PROCEEDS.**—The Secretary shall deposit the proceeds of a sale or exchange under section 3(a) in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the “Sisk Act”).

(b) **USE OF PROCEEDS.**—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative and visitor facilities and associated land in connection with the Deschutes National Forest;

(2) the construction of a bunkhouse facility in the Umatilla National Forest; and

(3) to the extent the funds are not necessary to carry out paragraphs (1) and (2), the acquisition of land and interests in land in the State.

(c) **ADMINISTRATION.**—Subject to valid existing rights, the Secretary shall manage any land acquired by purchase or exchange under this Act in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the “Weeks Act”) and other laws (including regulations) pertaining to the National Forest System.

**SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE FACILITIES.**

The Secretary may acquire, construct, or improve administrative facilities and associated land in connection with the Deschutes National Forest System by using—

(1) funds made available under section 4(b); and

(2) to the extent the funds are insufficient to carry out the acquisition, construction, or improvement, funds subsequently made available for the acquisition, construction, or improvement.

**SEC. 6. AUTHORIZATION OF APPROPRIATION.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 1444) entitled “An Act to authorize the Secretary of the Interior to plan, design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, Idaho, and California”, with the following House amendments to Senate amendments:

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 implemen-

tation 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.

Amend the title so as to read “An Act 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.”

Mr. HATCH. I ask consent that the Senate agree to the amendments of the House for each bill, en bloc.

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