

H. Res. 630

In the House of Representatives, U.S.,

October 17, 2000.

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:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Fisheries Restoration
3 and Irrigation Mitigation Act of 2000".

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **PACIFIC OCEAN DRAINAGE AREA.**—The
4 term “Pacific Ocean drainage area” means the area
5 comprised of portions of the States of Oregon,
6 Washington, Montana, and Idaho from which water
7 drains into the Pacific Ocean.

8 (2) **PROGRAM.**—The term “Program” means
9 the Fisheries Restoration and Irrigation Mitigation
10 Program established by section 3(a).

11 (3) **SECRETARY.**—The term “Secretary” means
12 the Secretary of the Interior, acting through the Di-
13 rector of the United States Fish and Wildlife Serv-
14 ice.

15 **SEC. 3. ESTABLISHMENT OF THE PROGRAM.**

16 (a) **ESTABLISHMENT.**—There is established the Fish-
17 eries Restoration and Irrigation Mitigation Program with-
18 in the Department of the Interior.

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

20 (1) to decrease fish mortality associated with
21 the withdrawal of water for irrigation and other pur-
22 poses without impairing the continued withdrawal of
23 water for those purposes; and

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

26 (c) **IMPACTS ON FISHERIES.**—

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

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

11 (A) the development, improvement, or in-
12 stallation of—

13 (i) fish screens;

14 (ii) fish passage devices; and

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

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

22 (3) PRIORITY.—The Secretary shall give pri-
23 ority to any project that has a total cost of less than
24 \$5,000,000.

1 **SEC. 4. PARTICIPATION IN THE PROGRAM.**

2 (a) NON-FEDERAL.—

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

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

10 (b) FEDERAL.—Development and implementation of
11 projects under the Program on land or facilities owned by
12 the United States shall be nonreimbursable Federal ex-
13 penditures.

14 **SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.**

15 Evaluation and prioritization of projects for develop-
16 ment under the Program shall be conducted on the basis
17 of—

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

22 (2) the size and type of water diversion;

23 (3) the availability of other funding sources;

24 (4) cost effectiveness; and

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

1 **SEC. 6. ELIGIBILITY REQUIREMENTS.**

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

4 (1) the project meets the requirements of the
5 Secretary, as applicable, and any applicable State re-
6 quirements; and

7 (2) the project is agreed to by all Federal and
8 non-Federal entities with authority and responsi-
9 bility for the project.

10 (b) DETERMINATION OF ELIGIBILITY.—In deter-
11 mining the eligibility of a project under this Act, the Sec-
12 retary shall—

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

15 (2) make maximum use of all available data.

16 **SEC. 7. COST SHARING.**

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

21 (b) NON-FEDERAL CONTRIBUTIONS.—The non-Fed-
22 eral participants in any project under the Program on land
23 or at a facility that is not owned by the United States
24 shall provide all land, easements, rights-of-way, dredged
25 material disposal areas, and relocations necessary for the
26 project.

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

6 (d) ADDITIONAL COSTS.—

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

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

17 **SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.**

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

21 **SEC. 9. REPORT.**

22 On the expiration of the third fiscal year for which
23 amounts are made available to carry out this Act, the Sec-
24 retary shall submit to Congress a report describing—

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

3 (2) the projects that will be completed with
4 amounts made available under this Act during the
5 remaining fiscal years for which amounts are au-
6 thorized to be appropriated under section 10; and

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

10 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There is authorized to be appro-
12 priated to carry out this Act \$25,000,000 for each of fiscal
13 years 2001 through 2005.

14 (b) LIMITATIONS.—

15 (1) SINGLE STATE.—

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

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

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

Attest:

Clerk.