

In the House of Representatives, U. S.,

October 17, 2000.

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:

1 ***SECTION 1. SHORT TITLE.***

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

4 ***SEC. 2. DEFINITIONS.***

5 *In this Act:*

6 (1) *PACIFIC OCEAN DRAINAGE AREA.—The term*
7 *“Pacific Ocean drainage area” means the area com-*
8 *prised of portions of the States of Oregon, Wash-*
9 *ington, Montana, and Idaho from which water drains*
10 *into the Pacific Ocean.*

1 (2) *PROGRAM.*—*The term “Program” means the*
2 *Fisheries Restoration and Irrigation Mitigation Pro-*
3 *gram established by section 3(a).*

4 (3) *SECRETARY.*—*The term “Secretary” means*
5 *the Secretary of the Interior, acting through the Di-*
6 *rector of the United States Fish and Wildlife Service.*

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

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

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

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

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

18 (c) *IMPACTS ON FISHERIES.*—

19 (1) *IN GENERAL.*—*Under the Program, the Sec-*
20 *retary, in consultation with the heads of other appro-*
21 *priate agencies, shall develop and implement projects*
22 *to mitigate impacts to fisheries resulting from the*
23 *construction and operation of water diversions by*
24 *local governmental entities (including soil and water*

1 *conservation districts) in the Pacific Ocean drainage*
2 *area.*

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

5 (A) *the development, improvement, or in-*
6 *stallation of—*

7 (i) *fish screens;*

8 (ii) *fish passage devices; and*

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

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

15 (3) *PRIORITY.*—*The Secretary shall give priority*
16 *to any project that has a total cost of less than*
17 *\$5,000,000.*

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

19 (a) *NON-FEDERAL.*—

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

22 (2) *FEDERAL ACTION.*—*The Secretary shall take*
23 *no action that would result in any non-Federal entity*
24 *being held financially responsible for any action*

1 *under the Program, unless the entity applies to par-*
2 *ticipate in the Program.*

3 *(b) FEDERAL.—Development and implementation of*
4 *projects under the Program on land or facilities owned by*
5 *the United States shall be nonreimbursable Federal expendi-*
6 *tures.*

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

8 *Evaluation and prioritization of projects for develop-*
9 *ment under the Program shall be conducted on the basis*
10 *of—*

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

15 *(2) the size and type of water diversion;*

16 *(3) the availability of other funding sources;*

17 *(4) cost effectiveness; and*

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

20 **SEC. 6. ELIGIBILITY REQUIREMENTS.**

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

23 *(1) the project meets the requirements of the Sec-*
24 *retary, as applicable, and any applicable State re-*
25 *quirements; and*

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

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

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

9 (2) *make maximum use of all available data.*

10 **SEC. 7. COST SHARING.**

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

15 **(b) NON-FEDERAL CONTRIBUTIONS.**—*The non-Federal*
16 *participants in any project under the Program on land or*
17 *at a facility that is not owned by the United States shall*
18 *provide all land, easements, rights-of-way, dredged material*
19 *disposal areas, and relocations necessary for the project.*

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

25 **(d) ADDITIONAL COSTS.**—

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

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

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

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

15 **SEC. 9. REPORT.**

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

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

21 (2) *the projects that will be completed with*
22 *amounts made available under this Act during the re-*
23 *maining fiscal years for which amounts are author-*
24 *ized to be appropriated under section 10; and*

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

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

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

8 (b) *LIMITATIONS.*—

9 (1) *SINGLE STATE.*—

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

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

20 (2) *ADMINISTRATIVE EXPENSES.*—*Not more than*
21 *6 percent of the funds authorized under this section*
22 *for any fiscal year may be used for Federal adminis-*
23 *trative 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.”.

Attest:

Clerk.

106TH CONGRESS
2D SESSION

H.R. 1444

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SENATE AMENDMENTS**