

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. RES. 630

Providing for the concurrence by the House with an amendment in the  
Senate amendment to H.R. 1444.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2000

Mr. YOUNG of Alaska submitted the following resolution; which was considered  
and agreed to

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## RESOLUTION

Providing for the concurrence by the House with an  
amendment in the Senate amendment to H.R. 1444.

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

6           (1) Amend the title so as to read: "A bill to au-  
7       thorize the Secretary of the Interior to establish a  
8       program to plan, design, and construct fish screens,  
9       fish passage devices, and related features to mitigate  
10       impacts on fisheries associated with irrigation sys-

1       tem water diversions by local governmental entities  
2       in the Pacific Ocean drainage of the States of Or-  
3       egon, Washington, Montana, and Idaho.”.

4               (2) In lieu of the matter proposed to be in-  
5       serted by the amendment of the Senate, insert the  
6       following:

7       **SECTION 1. SHORT TITLE.**

8               This Act may be cited as the “Fisheries Restoration  
9       and Irrigation Mitigation Act of 2000”.

10       **SEC. 2. DEFINITIONS.**

11              In this Act:

12                   (1) **PACIFIC OCEAN DRAINAGE AREA.**—The  
13       term “Pacific Ocean drainage area” means the area  
14       comprised of portions of the States of Oregon,  
15       Washington, Montana, and Idaho from which water  
16       drains into the Pacific Ocean.

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

20                   (3) **SECRETARY.**—The term “Secretary” means  
21       the Secretary of the Interior, acting through the Di-  
22       rector of the United States Fish and Wildlife Serv-  
23       ice.

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

2 (a) ESTABLISHMENT.—There is established the Fish-  
3 eries Restoration and Irrigation Mitigation Program with-  
4 in the Department of the Interior.

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

6 (1) to decrease fish mortality associated with  
7 the withdrawal of water for irrigation and other pur-  
8 poses without impairing the continued withdrawal of  
9 water for those purposes; and

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

12 (c) IMPACTS ON FISHERIES.—

13 (1) IN GENERAL.—Under the Program, the  
14 Secretary, in consultation with the heads of other  
15 appropriate agencies, shall develop and implement  
16 projects to mitigate impacts to fisheries resulting  
17 from the construction and operation of water diver-  
18 sions by local governmental entities (including soil  
19 and water conservation districts) in the Pacific  
20 Ocean drainage area.

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

23 (A) the development, improvement, or in-  
24 stallation of—

25 (i) fish screens;

26 (ii) fish passage devices; and

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

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

8 (3) PRIORITY.—The Secretary shall give pri-  
9 ority to any project that has a total cost of less than  
10 \$5,000,000.

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

12 (a) NON-FEDERAL.—

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

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

20 (b) FEDERAL.—Development and implementation of  
21 projects under the Program on land or facilities owned by  
22 the United States shall be nonreimbursable Federal ex-  
23 penditures.

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

2 Evaluation and prioritization of projects for develop-  
3 ment under the Program shall be conducted on the basis  
4 of—

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

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

10 (3) the availability of other funding sources;

11 (4) cost effectiveness; and

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

14 **SEC. 6. ELIGIBILITY REQUIREMENTS.**

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

17 (1) the project meets the requirements of the  
18 Secretary, as applicable, and any applicable State re-  
19 quirements; and

20 (2) the project is agreed to by all Federal and  
21 non-Federal entities with authority and responsi-  
22 bility for the project.

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

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

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

4 **SEC. 7. COST SHARING.**

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

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

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

20           (d) ADDITIONAL COSTS.—

21           (1) NON-FEDERAL RESPONSIBILITIES.—The  
22 non-Federal participants in any project carried out  
23 under the Program on land or at a facility that is  
24 not owned by the United States shall be responsible

1 for all costs associated with operating, maintaining,  
2 repairing, rehabilitating, and replacing the project.

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

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

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

11 **SEC. 9. REPORT.**

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

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

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

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

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

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

5 (b) LIMITATIONS.—

6 (1) SINGLE STATE.—

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

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

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

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