

106TH CONGRESS
2D SESSION

S. 1761

AMENDMENT

In the House of Representatives, U. S.,

December 4, 2000.

Resolved, That the bill from the Senate (S. 1761) entitled “An Act to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

2 *This Act may be cited as the “Lower Rio Grande Val-*
3 *ley Water Resources Conservation and Improvement Act of*
4 *2000”.*

5 ***SEC. 2. DEFINITIONS.***

6 *In this Act:*

7 (1) *COMMISSIONER.*—*The term “Commissioner”*
8 *means the Commissioner of the Bureau of Reclama-*
9 *tion.*

10 (2) *SECRETARY.*—*The term “Secretary” means*
11 *the Secretary of the Interior, acting through the Com-*
12 *missioner.*

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

4 (4) *PROGRAM AREA*.—The term “program area”
 5 means—

6 (A) the counties in the State of Texas in the
 7 Rio Grande Regional Water Planning Area
 8 known as Region “M” as designated by the
 9 Texas Water Development Board; and

10 (B) the counties of Hudspeth and El Paso,
 11 Texas.

12 **SEC. 3. LOWER RIO GRANDE WATER CONSERVATION AND**
 13 **IMPROVEMENT PROGRAM.**

14 (a) *IN GENERAL*.—The Secretary, acting pursuant to
 15 the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat.
 16 388) and Acts amendatory thereof and supplementary
 17 thereto, shall undertake a program in cooperation with the
 18 State, water users in the program area, and other non-Fed-
 19 eral entities, to investigate and identify opportunities to
 20 improve the supply of water for the program area as pro-
 21 vided in this Act. The program shall include the review of
 22 studies or planning reports (or both) prepared by any com-
 23 petent engineering entity for projects designed to conserve
 24 and transport raw water in the program area. As part of
 25 the program, the Secretary shall evaluate alternatives in the

1 *program area that could be used to improve water supplies,*
 2 *including the following:*

3 *(1) Lining irrigation canals.*

4 *(2) Increasing the use of pipelines, flow control*
 5 *structures, meters, and associated appurtenances of*
 6 *water supply facilities.*

7 *(b) PROGRAM DEVELOPMENT.—Within 6 months after*
 8 *the date of the enactment of this Act, the Secretary, in con-*
 9 *sultation with the State, shall develop and publish criteria*
 10 *to determine which projects would qualify and have the*
 11 *highest priority for financing under this Act. Such criteria*
 12 *shall address, at a minimum—*

13 *(1) how the project relates to the near- and long-*
 14 *term water demands and supplies in the study area,*
 15 *including how the project would affect the need for de-*
 16 *velopment of new or expanded water supplies;*

17 *(2) the relative amount of water (acre feet) to be*
 18 *conserved pursuant to the project;*

19 *(3) whether the project would provide oper-*
 20 *ational efficiency improvements or achieve water, en-*
 21 *ergy, or economic savings (or any combination of the*
 22 *foregoing) at a rate of acre feet of water or kilowatt*
 23 *energy saved per dollar expended on the construction*
 24 *of the project; and*

1 (4) if the project proponents have met the re-
2 quirements specified in subsection (c).

3 (c) *PROJECT REQUIREMENTS.*—A project sponsor seek-
4 ing Federal funding under this program shall—

5 (1) provide a report, prepared by the Bureau of
6 Reclamation or prepared by any competent engineer-
7 ing entity and reviewed by the Bureau of Reclama-
8 tion, that includes, among other matters—

9 (A) the total estimated project cost;

10 (B) an analysis showing how the project
11 would reduce, postpone, or eliminate develop-
12 ment of new or expanded water supplies;

13 (C) a description of conservation measures
14 to be taken pursuant to the project plans;

15 (D) the near- and long-term water demands
16 and supplies in the study area; and

17 (E) engineering plans and designs that
18 demonstrate that the project would provide oper-
19 ational efficiency improvements or achieve
20 water, energy, or economic savings (or any com-
21 bination of the foregoing) at a rate of acre feet
22 of water or kilowatt energy saved per dollar ex-
23 pended on the construction of the project;

24 (2) provide a project plan, including a general
25 map showing the location of the proposed physical

1 *features, conceptual engineering drawings of struc-*
2 *tures, and general standards for design; and*

3 *(3) sign a cost-sharing agreement with the Sec-*
4 *retary that commits the non-Federal project sponsor*
5 *to funding its proportionate share of the project's con-*
6 *struction costs on an annual basis.*

7 *(d) FINANCIAL CAPABILITY.—Before providing fund-*
8 *ing for a project to the non-Federal project sponsor, the Sec-*
9 *retary shall determine that the non-Federal project sponsor*
10 *is financially capable of funding the project's non-Federal*
11 *share of the project's costs.*

12 *(e) REVIEW PERIOD.—Within 1 year after the date a*
13 *project is submitted to the Secretary for approval, the Sec-*
14 *retary, subject to the availability of appropriations, shall*
15 *determine whether the project meets the criteria established*
16 *pursuant to this section.*

17 *(f) REPORT PREPARATION; REIMBURSEMENT.—*
18 *Project sponsors may choose to contract with the Secretary*
19 *to prepare the reports required under this section. All costs*
20 *associated with the preparation of the reports by the Sec-*
21 *retary shall be 50 percent reimbursable by the non-Federal*
22 *sponsor.*

23 *(g) AUTHORIZATION OF APPROPRIATIONS.—There is*
24 *authorized to be appropriated to the Secretary to carry out*
25 *this section \$2,000,000.*

1 **SEC. 4. LOWER RIO GRANDE CONSTRUCTION AUTHORIZA-**
 2 **TION.**

3 (a) *PROJECT IMPLEMENTATION.*—If the Secretary de-
 4 termines that any of the following projects meet the review
 5 criteria and project requirements, as set forth in section 3,
 6 the Secretary may conduct or participate in funding engi-
 7 neering work, infrastructure construction, and improve-
 8 ments for the purpose of conserving and transporting raw
 9 water through that project:

10 (1) *In the Hidalgo County, Texas Irrigation*
 11 *District #1, a pipeline project identified in the*
 12 *Melden & Hunt, Inc. engineering study dated July 6,*
 13 *2000 as the Curry Main Pipeline Project.*

14 (2) *In the Cameron County, Texas La Feria Ir-*
 15 *rigation District #3, a distribution system improve-*
 16 *ment project identified by the 1993 engineering study*
 17 *by Sigler, Winston, Greenwood and Associates, Inc.*

18 (3) *In the Cameron County, Texas Irrigation*
 19 *District #2 canal rehabilitation and pumping plant*
 20 *replacement as identified as Job Number 48-05540-*
 21 *002 in a report by Turner Collie & Braden, Inc.*
 22 *dated August 12, 1998.*

23 (4) *In the Harlingen Irrigation District Cam-*
 24 *eron #1 Irrigation District a project of meter instal-*
 25 *lation and canal lining as identified in a proposal*

1 *submitted to the Texas Water Development Board*
2 *dated April 28, 2000.*

3 **(b) CONSTRUCTION COST SHARE.**—*The non-Federal*
4 *share of the costs of any construction carried out under,*
5 *or with assistance provided under, this section shall be 50*
6 *percent. Not more than 40 percent of the costs of such an*
7 *activity may be paid by the State. The remainder of the*
8 *non-Federal share may include in-kind contributions of*
9 *goods and services, and funds previously spent on feasibility*
10 *and engineering studies.*

11 **(c) AUTHORIZATION OF APPROPRIATIONS.**—*There is*
12 *authorized to be appropriated to the Secretary to carry out*
13 *this section \$10,000,000.*

Attest:

Clerk.