

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1540

To authorize the Secretary of the Army and the Secretary of the Interior to establish a program to improve water management and contribute to the recovery of endangered species in the Middle Rio Grande, New Mexico, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 28, 2005

Mr. DOMENICI (for himself and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To authorize the Secretary of the Army and the Secretary of the Interior to establish a program to improve water management and contribute to the recovery of endangered species in the Middle Rio Grande, New Mexico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Middle Rio Grande  
5 Endangered Species Collaborative Program Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) COLLABORATIVE PROGRAM.—The term  
2 “Collaborative Program” means the Middle Rio  
3 Grande Endangered Species Collaborative Program  
4 established under section 3(a).

5           (2) EXECUTIVE COMMITTEE.—The term “Exec-  
6 utive Committee” means the Executive Committee  
7 established under section 4(c).

8           (3) INTERESTS IN LAND AND WATER.—The  
9 term “interests in land and water” includes pur-  
10 chases, leases, easements, and agreements to provide  
11 water storage, land, or water that are obtained from  
12 willing sellers, lessors, or contributors in compliance  
13 with applicable Federal, State, or tribal laws.

14           (4) MIDDLE RIO GRANDE.—

15           (A) IN GENERAL.—The term “Middle Rio  
16 Grande” means the headwaters of the Rio  
17 Chama and the Rio Grande, including all tribu-  
18 taries, from the State line between Colorado  
19 and New Mexico downstream to the elevation  
20 corresponding with the spillway crest of Ele-  
21 phant Butte Dam at 4,457.3 feet mean sea  
22 level.

23           (B) EXCLUSION.—The term “Middle Rio  
24 Grande” excludes the land area reserved for the  
25 full pool of the Elephant Butte Reservoir.

1           (5) MIDDLE RIO GRANDE CONSERVANCY DIS-  
2           TRICT.—The term “Middle Rio Grande Conservancy  
3           District” means the political subdivision of the State  
4           of that name, created in 1925.

5           (6) PROJECT.—

6           (A) IN GENERAL.—The term “project”  
7           means a scientific or management study, a  
8           planning, design, permitting, construction, oper-  
9           ations, maintenance, or replacement activity, or  
10          the acquisition of interests in land or water.

11          (B) INCLUSIONS.—The term “project” in-  
12          cludes—

13               (i) a project begun but not completed  
14               by the Endangered Species Collaborative  
15               Program before the date of enactment of  
16               this Act; and

17               (ii) a project recommended by the Ex-  
18               ecutive Committee after the date of enact-  
19               ment of this Act that carries out the pur-  
20               poses described in section 3(b).

21          (7) RIO GRANDE COMPACT.—The term “Rio  
22          Grande Compact” means the Rio Grande Com-  
23          pact—

1 (A) for which Congress provided consent  
2 under the Act of May 31, 1939 (53 Stat. 785,  
3 chapter 155); and

4 (B) that was ratified by the States of Colo-  
5 rado, New Mexico, and Texas.

6 (8) SECRETARY.—The term “Secretary” means  
7 the Secretary of the Army, acting through the Chief  
8 of Engineers.

9 (9) SIGNATORY MEMBER.—The term “signatory  
10 member” means any Federal, State, or municipal  
11 agency, tribe, or public or private organization that  
12 has signed the memorandum of agreement described  
13 in section 4(c)(1)(C).

14 (10) SILVERY MINNOW.—The term “silvery  
15 minnow” means the species *Hybognathus amarus*,  
16 commonly known as the Rio Grande silvery minnow,  
17 a fish listed as an endangered species, as described  
18 in the notice entitled “Final Rule to List the Rio  
19 Grande Silvery Minnow as an Endangered Species”  
20 (59 Fed. Reg. 36988 (July 20, 1994)).

21 (11) STATE.—The term “State” means the  
22 State of New Mexico.

23 (12) TRIBE.—The term “tribe” means an In-  
24 dian pueblo or tribe that—

1 (A) occupies land in the Middle Rio  
2 Grande; and

3 (B) is included on the list of federally rec-  
4 ognized tribes published by the Secretary of the  
5 Interior in accordance with section 104 of the  
6 Federally Recognized Indian Tribe List Act of  
7 1994 (25 U.S.C. 479a-1).

8 (13) WILLOW FLYCATCHER.—The term “willow  
9 flycatcher” means the species *Empidonax traillii*  
10 *extimus*, commonly known as the southwestern wil-  
11 low flycatcher, a migratory bird listed as an endan-  
12 gered species, as described in the notice entitled  
13 “Final Rule Determining Endangered Status for the  
14 Southwestern Willow Flycatcher” (60 Fed. Reg.  
15 10694 (February 27, 1995)).

16 **SEC. 3. COLLABORATIVE PROGRAM.**

17 (a) ESTABLISHMENT.—The Secretary, in collabora-  
18 tion with the Secretary of the Interior, shall establish the  
19 Middle Rio Grande Endangered Species Collaborative Pro-  
20 gram in accordance with section 4.

21 (b) PURPOSES.—The purposes of the Collaborative  
22 Program shall be—

23 (1) to carry out a long-term plan, including  
24 projects to protect, and promote recovery of, the sil-

1 very minnow and willow flycatcher in the Middle Rio  
2 Grande;

3 (2) to ensure compliance with the Endangered  
4 Species Act of 1973 (16 U.S.C. 1531 et seq.) while  
5 maintaining water use in the Middle Rio Grande in  
6 compliance with applicable law;

7 (3) to support improved water management;

8 (4) to allow continued water development;

9 (5) to benefit overall ecological integrity;

10 (6) to promote cooperation and collaboration in  
11 implementation of protection and recovery activities  
12 between Federal and non-Federal entities;

13 (7) to coordinate Federal actions that promote  
14 protection and recovery of the silvery minnow and  
15 willow flycatcher; and

16 (8) to establish a scientific basis for implemen-  
17 tation of activities through recovery plans to ensure  
18 protection and recovery of the silvery minnow and  
19 willow flycatcher.

20 **SEC. 4. COLLABORATIVE PROGRAM STRUCTURE.**

21 (a) REPEAL.—Section 209 of the Energy and Water  
22 Development Appropriations Act, 2004 (Public Law 108–  
23 137; 117 Stat. 1850) is repealed.

1           (b) ESTABLISHMENT.—The Collaborative Program  
2 shall consist of an Executive Committee, a Program Im-  
3 plementation Team, and working groups.

4           (c) EXECUTIVE COMMITTEE.—

5               (1) IN GENERAL.—The Secretary, in collabora-  
6 tion with the Secretary of the Interior shall—

7                   (A) not later than 180 days after the date  
8 of enactment of this Act, establish an Executive  
9 Committee consisting of Federal and non-Fed-  
10 eral entities described in paragraph (2) to—

11                       (i) provide guidance to the Program  
12 Implementation Team to develop and ap-  
13 prove a long-term plan to carry out the  
14 purposes of the Collaborative Program;

15                       (ii) coordinate Collaborative Program  
16 projects for the recovery of the silvery min-  
17 now and the willow flycatcher with other  
18 Federal and non-Federal activities in the  
19 Middle Rio Grande to achieve the greatest  
20 effect and limit unnecessary duplication of  
21 efforts to the maximum extent practicable;

22                       (iii) create, assign, and oversee tasks  
23 of the Program Implementation Team and  
24 working groups as necessary to implement

1 a long-term plan and otherwise accomplish  
2 the purposes of the Collaborative Program;

3 (iv) develop multiyear budget prior-  
4 ities and present funding requests to the  
5 Corps of Engineers, the Bureau of Rec-  
6 lamation, the United States Fish and  
7 Wildlife Service, other Federal agencies,  
8 and non-Federal entities; and

9 (v) review work products undertaken  
10 by the Collaborative Program, including  
11 development of plans, budgets, reports,  
12 and requests for proposals;

13 (B) consider decisions made by  $\frac{3}{4}$  of a  
14 quorum as the recommendation to be carried  
15 out under the Collaborative Program;

16 (C) develop, consistent with this Act, a  
17 memorandum of agreement describing—

18 (i) the goals of the Collaborative Pro-  
19 gram;

20 (ii) the responsibilities of the partici-  
21 pants to contribute to the success of the  
22 Collaborative Program; and

23 (iii) the administrative rules, bylaws,  
24 and agreements governing Collaborative  
25 Program participation; and

1 (D) in cooperation with the members of  
2 the Executive Committee, develop bylaws gov-  
3 erning the operations of the Executive Com-  
4 mittee.

5 (2) MEMBERSHIP.—

6 (A) IN GENERAL.—Subject to subpara-  
7 graph (B), the Executive Committee shall be  
8 composed of—

9 (i) 1 permanent voting member rep-  
10 resenting the Bureau of Reclamation, ap-  
11 pointed by the Secretary of the Interior;

12 (ii) 1 permanent voting member rep-  
13 resenting the United States Fish and Wild-  
14 life Service, appointed by the Secretary of  
15 the Interior;

16 (iii) 1 permanent voting member rep-  
17 resenting the Corps of Engineers, ap-  
18 pointed by the Secretary;

19 (iv) upon invitation by the Secretary,  
20 other voting members who have signed the  
21 memorandum of agreement described in  
22 paragraph (1)(C), representing any of—

23 (I) the State of New Mexico  
24 Interstate Stream Commission;

- 1 (II) the State of New Mexico De-
- 2 partment of Game and Fish;
- 3 (III) the New Mexico Attorney
- 4 General;
- 5 (IV) the Pueblo of Santo Do-
- 6 mingo;
- 7 (V) the Pueblo of Sandia;
- 8 (VI) the Pueblo of Isleta;
- 9 (VII) the Pueblo of Santa Ana;
- 10 (VIII) the Middle Rio Grande
- 11 Conservancy District;
- 12 (IX) the Albuquerque–Bernalillo
- 13 County Water Authority;
- 14 (X) an organization that rep-
- 15 resents a significant portion of the en-
- 16 vironmental community; and
- 17 (XI) an organization that rep-
- 18 resents a significant portion of the
- 19 farming community;
- 20 (v) the non-Federal cochairperson
- 21 elected under paragraph (4); and
- 22 (vi) upon unanimous recommendation
- 23 of the existing members, members rep-
- 24 resenting any additional organizations that

1 sign the memorandum of agreement de-  
2 scribed in paragraph (1)(C).

3 (B) MEMBERSHIP CAP.—The total mem-  
4 bership of the Executive Committee shall not  
5 exceed 20 members.

6 (C) QUORUM.—

7 (i) IN GENERAL.—Except as provided  
8 in clause (ii),  $\frac{2}{3}$  of the members of the Ex-  
9 ecutive Committee shall constitute a  
10 quorum.

11 (ii) EXCEPTION.—For purposes of  
12 subparagraphs (A) and (C) of paragraph  
13 (4),  $\frac{2}{3}$  of the non-Federal members of the  
14 Executive Committee shall constitute a  
15 quorum.

16 (3) FEDERAL COCHAIRPERSON.—

17 (A) IN GENERAL.—The Secretary of the  
18 Interior shall select a Federal Cochairperson  
19 from the Department of the Interior who  
20 shall—

21 (i) be a nonvoting member of the Ex-  
22 ecutive Committee;

23 (ii) convene the Executive Committee;

24 (iii) develop committee agendas;

25 (iv) call meetings;

1 (v) schedule votes and other decision-  
2 making processes; and

3 (vi) hold the Program Implementation  
4 Team accountable for assignments received  
5 from the Executive Committee.

6 (B) REMOVAL.—The Federal Cochair-  
7 person may be replaced by the Secretary on a  
8 vote of no-confidence by  $\frac{3}{4}$  of a quorum.

9 (4) NON-FEDERAL COCHAIRPERSON.—

10 (A) IN GENERAL.—A non-Federal Chair-  
11 person of the Executive Committee shall be  
12 elected on approval by  $\frac{3}{4}$  of a quorum.

13 (B) DUTIES.—The non-Federal Chair-  
14 person shall—

15 (i) be a voting member of the Execu-  
16 tive Committee;

17 (ii) establish the Executive Committee  
18 agenda jointly with the Federal Cochair-  
19 person; and

20 (iii) lead meetings in the absence of  
21 the Federal Cochairperson.

22 (C) REMOVAL.—

23 (i) IN GENERAL.—The non-Federal  
24 Cochairperson may be removed by the Sec-

1           retary on a vote of no-confidence by  $\frac{3}{4}$   
2           of a quorum.

3           (ii) VACANCY.—If the non-Federal  
4           Chairperson is removed under clause (i),  
5           the vacancy shall be filled in accordance  
6           with subparagraph (A).

7           (d) PROGRAM IMPLEMENTATION TEAM.—

8           (1) IN GENERAL.—The Secretary shall establish  
9           a Program Implementation Team—

10           (A) administered by a program manager  
11           from the Corps of Engineers; and

12           (B) supported by 1 representative of each  
13           entity with membership on the Executive Com-  
14           mittee that elects to provide a representative.

15           (2) ADDITIONAL STAFF.—To support the goals  
16           of the Collaborative Program, the Secretary of the  
17           Interior shall provide staff for the Program Imple-  
18           mentation Team from—

19           (A) the Bureau of Reclamation;

20           (B) the Bureau of Indian Affairs;

21           (C) the United States Fish and Wildlife  
22           Service; or

23           (D) any other appropriate agency of the  
24           Department of the Interior.

1           (3) DUTIES.—Under the direction of the Exec-  
2       utive Committee, the Program Implementation  
3       Team shall—

4           (A) provide administrative support for all  
5       Collaborative Program operations;

6           (B) not later than 1 year after the date of  
7       enactment of this Act, prepare a long-term plan  
8       to carry out the purposes of the Collaborative  
9       Program;

10          (C) consistent with the long-term plan,  
11       prepare annual revisions, annual work plans,  
12       budget requests, and activity and fiscal reports;

13          (D) provide information to the public con-  
14       cerning activities of the Collaborative Program  
15       and undertake community outreach;

16          (E) collaborate with other efforts relating  
17       to the protection and recovery of the silvery  
18       minnow and willow flycatcher carried out under  
19       other Federal programs and non-Federal pro-  
20       grams, including—

21           (i) silvery minnow and willow  
22       flycatcher recovery teams under the direc-  
23       tion of the United States Fish and Wildlife  
24       Service;

1                   (ii) Bosque and ecosystem recovery  
2                   programs under the United States Fish  
3                   and Wildlife Service and Corps of Engi-  
4                   neers; and

5                   (iii) other related programs;

6                   (F) administer project proposal processes;

7                   (G) administer contracts and grants, ex-  
8                   cept for those contracts and grants assigned to  
9                   the Bureau of Reclamation;

10                  (H) ensure that all activities undertaken  
11                  by the Collaborative Program comply with ap-  
12                  plicable laws; and

13                  (I) undertake such other duties as are as-  
14                  signed by the Executive Committee and nec-  
15                  essary to carry out the Collaborative Program.

16                  (e) WORKING GROUPS.—

17                   (1) IN GENERAL.—The Executive Committee  
18                   may create working groups to—

19                   (A) provide advice to the Executive Com-  
20                   mittee and the Program Implementation Team;  
21                   and

22                   (B) implement tasks consistent with the  
23                   purposes described in section 3(b).

24                   (2) MEMBERSHIP.—Working groups established  
25                   under paragraph (1) may consist of—

1 (A) members of the Program Implementa-  
2 tion Team; and

3 (B) individuals appointed by, and under  
4 the direction of, the Program Implementation  
5 Team, including—

6 (i) representatives appointed by the  
7 Executive Committee;

8 (ii) signatory members; or

9 (iii) individuals contracted by the Pro-  
10 gram Implementation Team.

11 **SEC. 5. COLLABORATIVE PROGRAM ACTIVITIES.**

12 (a) IN GENERAL.—The Secretary and the Secretary  
13 of the Interior may—

14 (1) enter into any grants, contracts, cooperative  
15 agreements, interagency agreements, or other agree-  
16 ments that the Secretary and the Secretary of the  
17 Interior determine to be necessary to carry out the  
18 Collaborative Program, including interagency agree-  
19 ments to transfer funds between agencies within the  
20 jurisdiction of the Secretary and the Secretary of the  
21 Interior; and

22 (2) accept or provide grants to carry out the  
23 Collaborative Program.

24 (b) RESPONSIBILITIES.—In carrying out the pur-  
25 poses of the Collaborative Program—

1 (1) the Commissioner of Reclamation may—

2 (A) carry out flow requirements to comply  
3 with the Biological Opinion described in section  
4 205(b) of the Energy and Water Development  
5 Appropriations Act, 2005 (Public Law 108–  
6 447; 118 Stat. 2949) or any modifications to  
7 the Biological Opinion and other projects relat-  
8 ing to water management, including—

9 (i) acquiring interests in land and  
10 water to meet minimum flow requirements;

11 (ii) monitoring and gaging flows;

12 (iii) pumping from the Low Flow Con-  
13 veyance Channel and other drains and  
14 channels to support silvery minnow and  
15 willow flycatcher habitat; and

16 (iv) improving monitoring and gaging;

17 (B) consult with the signatory members re-  
18 garding opportunities and methods to accom-  
19 plish the responsibilities;

20 (C) coordinate implementation of all other  
21 activities carried out within the Middle Rio  
22 Grande under the jurisdiction of the Bureau of  
23 Reclamation with the activities of the Collabo-  
24 rative Program to achieve the purposes of the  
25 Collaborative Program; and

1 (D) construct fish passages at San Acacia  
2 Diversion Dam and at Isleta Diversion Dam;

3 (2) the Secretary of the Army—

4 (A) may carry out and fund additional  
5 projects not designated to the Commissioner of  
6 Reclamation under paragraph (1), including—

7 (i) actions to induce overbank flooding  
8 and creation of backwaters;

9 (ii) salvaging eggs;

10 (iii) improving monitoring and gaging;

11 (iv) performing habitat and ecosystem  
12 restoration;

13 (v) regeneration of native vegetation  
14 and monitoring of associated water deple-  
15 tions;

16 (vi) reconstructing a new San Marcial  
17 Railroad bridge and realignment of the  
18 river channel;

19 (vii) developing ways to—

20 (I) increase sediment transport  
21 through Jemez Canyon Dam, Galisteo  
22 Dam, and Cochiti Lake; and

23 (II) address issues of contami-  
24 nated sediment;

- 1 (viii) preventing salt cedar encroach-  
2 ment in Angostura, Isleta and San Acacia  
3 reaches;
- 4 (ix) implementing captive propagation  
5 of silvery minnow, including expansion of  
6 facilities;
- 7 (x) creating at least 2 new naturalized  
8 refugia, 1 of which shall be carried out in  
9 partnership with the Bureau of Reclama-  
10 tion, United States Fish and Wildlife Serv-  
11 ice, and Middle Rio Grande Conservancy  
12 District without direct oversight by the  
13 Collaborative Program, under the Silvery  
14 Minnow Off-Channel Sanctuaries Program  
15 as authorized under section 6014 of the  
16 Emergency Supplemental Appropriations  
17 Act for Defense, the Global War on Ter-  
18 ror, and Tsunami Relief, 2005 (Public  
19 Law 109–13; 119 Stat. 283);
- 20 (xi) monitoring silvery minnow protec-  
21 tion and recovery efforts by conducting  
22 surveys of populations and habitat above  
23 Cochiti Lake;

1                   (xii) developing comprehensive water  
2                   quality assessments and managing changes  
3                   in water quality;

4                   (xiii) conducting studies and research  
5                   necessary to define the needs of listed spe-  
6                   cies; and

7                   (xiv) monitoring the effects of activi-  
8                   ties on listed species;

9                   (B) shall implement the decisions of the  
10                  Executive Committee in performing the activi-  
11                  ties described in subparagraph (A); and

12                  (C) shall coordinate implementation of all  
13                  other activities carried out within the Middle  
14                  Rio Grande by the Corps of Engineers with the  
15                  activities of the Collaborative Program in order  
16                  to achieve the purposes of the Collaborative  
17                  Program.

18                  (c) LIMITATIONS.—

19                   (1) ACQUISITION OF LAND OR WATER.—In car-  
20                   rying out this Act, the Secretary or the Secretary of  
21                   the Interior may only acquire interests in land and  
22                   water.

23                   (2) WATER RIGHTS.—Nothing in this Act pre-  
24                   empts or affects State water law or an interstate  
25                   compact governing water.

1           (3) COMPLIANCE.—All actions carried out in  
2 accordance with this Act shall be in compliance with  
3 applicable State, Federal, or tribal law.

4           (4) RIO GRANDE COMPACT.—No action carried  
5 out under this Act shall impair the ability of the  
6 State to meet the obligations of the State under the  
7 Rio Grande compact.

8           (5) STATE LAW.—The Secretary and the Sec-  
9 retary of the Interior shall carry out activities under  
10 the Collaborative Program consistent with State law.

11           (6) CONSULTATION.—

12           (A) IN GENERAL.—Consultations between  
13 governments under this Act shall be carried out  
14 between the Secretary or the Secretary of the  
15 Interior and tribes prior to initiating actions  
16 that would impact tribal land or water rights.

17           (B) CONSENT REQUIREMENT.—No action  
18 involving access to, or use of, pueblo or tribal  
19 land may be carried out without prior written  
20 consent of the affected pueblo or Indian tribe.

21           (7) COLLABORATION.—In carrying out this Act,  
22 the Secretary and the Secretary of Interior may col-  
23 laborate with or enter into contracts, cooperative  
24 agreements, interagency agreements, or other agree-

1 ments with, or accept or provide grants to, tribes  
2 that—

3 (A) are signatory members; but

4 (B) are not represented on the Executive  
5 Committee.

6 (8) NO EFFECT ON CERTAIN AUTHORITY.—

7 Nothing in this Act diminishes the authority, sov-  
8 ereignty, or rights of any person, organization, tribe,  
9 or other governmental entity.

10 (9) NO EFFECT ON CERTAIN DUTIES.—

11 (A) IN GENERAL.—Nothing in this Act di-  
12 minishes or impairs—

13 (i) the trust relationship or responsi-  
14 bility of the Federal Government to any  
15 tribe;

16 (ii) the obligation of the Federal Gov-  
17 ernment to consult with the tribes on a  
18 government-to-government basis; or

19 (iii) the ability of the Federal Govern-  
20 ment to fund activities for the benefit of  
21 the tribes.

22 (B) FUNDING.—Nothing in this Act re-  
23 stricts the Secretary or the Secretary of the In-  
24 terior from funding activities in accordance with

1           the Indian trust responsibility of the Federal  
2           Government.

3           (10) NO EFFECT ON RESERVOIR OPER-  
4           ATIONS.—While this Act provides additional author-  
5           ization for the Secretary and the Secretary of the  
6           Interior, nothing expands the discretion of the Sec-  
7           retary or the Secretary of the Interior with respect  
8           to operating reservoir facilities under the jurisdiction  
9           of the Secretary or the Secretary of the Interior in  
10          the Middle Rio Grande.

11 **SEC. 6. REPORTING.**

12          Not later than 1 year after the date of enactment  
13 of this Act, and every 2 years thereafter, the Secretary  
14 and the Secretary of the Interior shall submit to the Com-  
15 mittee on Environment and Public Works and the Com-  
16 mittee on Energy and Natural Resources of the Senate  
17 and the Committee on Resources of the House of Rep-  
18 resentatives a report that—

19           (1) describes expenditure of appropriated funds  
20           and cost-share contributions;

21           (2) describes activities carried out under this  
22           Act; and

23           (3) describes compliance with the purposes of  
24           this Act.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—

3 (1) IN GENERAL.—There is authorized to be  
4 appropriated to the Secretary and the Secretary of  
5 the Interior such sums as are necessary to carry out  
6 this Act for each of fiscal years 2006 through 2015.

7 (2) NONREIMBURSABLE.—Amounts made  
8 available pursuant to paragraph (1) shall be consid-  
9 ered nonreimbursable Federal expenditures.

10 (b) COST ALLOCATION.—

11 (1) ACTIVITIES AT FULL FEDERAL EXPENSE.—

12 (A) WATER ACQUISITION.—Water acquisi-  
13 tion and the cost of administration for water  
14 acquisition and water management by the Bu-  
15 reau of Reclamation described in section  
16 5(b)(1) shall be carried out at full Federal ex-  
17 pense.

18 (B) ADMINISTRATION.—Administration of  
19 the Collaborative Program, as described in sec-  
20 tion 4(d), including the participation of Federal  
21 agencies in the Program Implementation Team,  
22 shall be carried out at full Federal expense.

23 (2) COST-SHARE.—

24 (A) IN GENERAL.—Subject to subpara-  
25 graph (B), all projects or activities of the Col-  
26 laborative Program not described in paragraph

1 (1) that are carried out by the Secretary or the  
2 Secretary of the Interior shall require a non-  
3 Federal cost-share of 25 percent.

4 (B) LIMITATION.—

5 (i) IN GENERAL.—The total non-Fed-  
6 eral share required under subparagraph  
7 (A) for all projects during the period of fis-  
8 cal years 2006 through 2015 shall be not  
9 more than \$30,000,000.

10 (ii) FEDERAL EXPENSE.—On satisfac-  
11 tion of the total non-Federal share de-  
12 scribed in clause (i)—

13 (I) no further non-Federal share  
14 shall be required; and

15 (II) all projects and activities  
16 shall be carried out at full Federal ex-  
17 pense.

18 (C) CONTRIBUTIONS.—The cost-share  
19 under subparagraph (A) may be provided as—

20 (i) in-kind contributions, including  
21 participation on the Program Implementa-  
22 tion Team or in working groups, the value  
23 of which shall be determined by Secretary;  
24 or

25 (ii) direct cash contributions.

1                   (D) PROGRAMMATIC BASIS.—The amount  
2                   of the Federal and non-Federal cost-shares  
3                   shall be determined on—

4                   (i) a programmatic, rather than  
5                   project-by-project, basis; and

6                   (ii) a 3-year interval with excess non-  
7                   Federal cost-share being credited to subse-  
8                   quent accounting periods.

9                   (c) ADMINISTRATIVE COSTS.—Not more than 15 per-  
10                  cent of amounts made available under subsection (a) shall  
11                  be used to pay the administrative costs of carrying out  
12                  the Program Implementation Team established under sec-  
13                  tion 4(d).

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