

# LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVA- TION AND IMPROVEMENT ACT OF 2000

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1761) 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, as amended.

The Clerk read as follows:

S. 1761

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000".

## SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau of Reclamation.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner.

(3) STATE.—The term "State" means the Texas Water Development Board and any other authorized entity of the State of Texas.

(4) PROGRAM AREA.—The term "program area" means—

(A) the counties in the State of Texas in the Rio Grande Regional Water Planning Area known as Region "M" as designated by the Texas Water Development Board; and

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

## SEC. 3. LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The Secretary, acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto, shall undertake a program in cooperation with the State, water users in the program area, and other non-Federal entities, to investigate and identify opportunities to improve the supply of water for the program area as provided in this Act. The program shall include the review of studies or planning reports (or both) prepared by any competent engineering entity for projects designed to conserve and transport raw water in the program area. As part of the program, the Secretary shall evaluate alternatives in the program area that could be used to improve water supplies, including the following:

(1) Lining irrigation canals.

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

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

(1) how the project relates to the near- and long-term water demands and supplies in the study area, including how the project would affect the need for development of new or expanded water supplies;

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

(3) whether the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved

per dollar expended on the construction of the project; and

(4) if the project proponents have met the requirements specified in subsection (c).

(c) PROJECT REQUIREMENTS.—A project sponsor seeking Federal funding under this program shall—

(1) provide a report, prepared by the Bureau of Reclamation or prepared by any competent engineering entity and reviewed by the Bureau of Reclamation, that includes, among other matters—

(A) the total estimated project cost;

(B) an analysis showing how the project would reduce, postpone, or eliminate development of new or expanded water supplies;

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

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

(E) engineering plans and designs that demonstrate that the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved per dollar expended on the construction of the project;

(2) provide a project plan, including a general map showing the location of the proposed physical features, conceptual engineering drawings of structures, and general standards for design; and

(3) sign a cost-sharing agreement with the Secretary that commits the non-Federal project sponsor to funding its proportionate share of the project's construction costs on an annual basis.

(d) FINANCIAL CAPABILITY.—Before providing funding for a project to the non-Federal project sponsor, the Secretary shall determine that the non-Federal project sponsor is financially capable of funding the project's non-Federal share of the project's costs.

(e) REVIEW PERIOD.—Within one year after the date a project is submitted to the Secretary for approval, the Secretary, subject to the availability of appropriations, shall determine whether the project meets the criteria established pursuant to this section.

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

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

## SEC. 4. LOWER RIO GRANDE CONSTRUCTION AUTHORIZATION.

(a) PROJECT IMPLEMENTATION.—If the Secretary determines that any of the following projects meet the review criteria and project requirements, as set forth in section 3, the Secretary may conduct or participate in funding engineering work, infrastructure construction, and improvements for the purpose of conserving and transporting raw water through that project:

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

(2) In the Cameron County, Texas La Feria Irrigation District #3, a distribution system improvement project identified by the 1993 engineering study by Sigler, Winston, Greenwood and Associates, Inc.

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

(4) In the Harlingen Irrigation District Cameron #1 Irrigation District a project of

meter installation and canal lining as identified in a proposal submitted to the Texas Water Development Board dated April 28, 2000.

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1761.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1761 will enable the Bureau of Reclamation to develop a program to improve the supply of water in the Lower Rio Grande region of the State of Texas.

This action is needed for two reasons. The first concerns local weather patterns. There have been several periods in the last 10 years that rainfall in this area of Texas has been below normal. The second is that Mexico failed from the period 1992 through 1997 to deliver 1 million acre feet of water to the Rio Grande, which is a principal source of water for this area.

As of today, that deficit has not been corrected. In addition to setting up the general program, this legislation also provides authorization for four specific projects involving the lining of irrigation canals and substituting pipes for canals. Both will conserve significant amounts of water.

Mr. Speaker, I urge support for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1761, a bill that provides for water conservation and water supply improvements in the Lower Rio Grande River Basin.

Projects such as canal lining, improvements to pipelines, installation of water meters will be eligible for financial assistance under this legislation. As we have seen in all the western States, projects like these can substantially improve the efficiency of existing water supplies and may even eliminate the need for additional new water supply projects.

Mr. Speaker, I want to congratulate my colleagues, the gentleman from Texas (Mr. HINOJOSA), the gentleman from Texas (Mr. ORTIZ), for all their work and effort on this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ORTIZ).

(Mr. ORTIZ asked and was given permission to revise and extend his remarks.)

Mr. ORTIZ. Mr. Speaker, first of all, I want to thank the gentleman from Alaska (Mr. YOUNG), my good friend; the gentleman from Nevada (Mr. GIBBONS); the gentleman from California (Mr. DOOLITTLE), chairman of the Subcommittee on Water and Power; the gentleman from California (Mr. DOOLEY), the ranking member; and the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, for the help that they have given us with this bill.

Mr. Speaker, I rise in support of this bill, S. 1761, the Lower Rio Grande Valley Water Resources Conservation and Improvement Act.

This comprehensive water resources plan will serve the border region of south Texas, also known as Region M of the Texas State Water Plan.

Texas and many southwestern States live in a near-state of emergency when it comes to water resources. The Southwest is mostly desert, and water is hard to come by.

Last July, the Subcommittee on Water and Power held a hearing on this bill to examine the needs of water for south Texas and how to maximize the water we now have.

One of the most important things we examined in the hearing on this bill was the effect of Mexico's water deficit on the water shortage in south Texas.

The Texas Senate Water Plan depends upon the water we are supposed to get from Mexico under the 1944 treaty that divides the water from the Rio Grande between our two nations.

The continuing drought conditions in south Texas and enormous water deficit that Mexico has incurred under the water treaty are making a desperate situation much worse and it is making it much worse.

Mr. Speaker, I would like to thank Senator HUTCHINSON for working with us, and I urge my good friends to support this bill. It is a good bipartisan bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in support of this suspension. As a sponsor of the original House companion measure, I want to thank our Texas Senators for their hard work in moving this forward in that Chamber.

I also want to express appreciation to my colleagues, the gentleman from Texas (Mr. ORTIZ), the gentleman from Texas (Mr. BONILLA), the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. RODRIGUEZ), the gen-

tleman from Texas (Mr. GONZALEZ), the gentleman from Texas (Mr. THORNBERRY), as well as the gentleman from California (Mr. DOOLEY), the gentleman from California (Mr. GEORGE MILLER), for their diligent efforts that have brought us to where we are today.

Mr. Speaker, I also want to say a special thanks to the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, and the gentleman from California (Mr. DOOLITTLE), chairman of the Subcommittee on Water and Power. It truly has been a joint effort and a perfect example of the great work that can be accomplished here in this body.

In the south Texas/Rio Grande Valley, we are in a state of crisis. My colleagues may recall that last month on November the 3, The Washington Post ran a front page story headlined "Life Along the Rio Grande Defined by Lack of Water." That lack of water, both quality and quantity, is the crisis we face.

If I may quote from this story: "Conflicts over access to a clean, cheap and sufficient supply of water are becoming a defining feature of life along the 2,100-mile United States-Mexico border, and of relations across it. While for many outsiders the border is synonymous with drug trafficking and immigration, when people who live here talk about confrontation between Mexicans and Americans, or tension between urban areas and farmers, or cooperation to solve problems, the dominant subject is always water."

□ 1430

There is no question that the key resource challenge of the 21st century on the border is going to be fresh water. Drought conditions over the last decade have made citizens of the region keenly aware of the significant impacts a dwindling water supply can and ultimately will have if the problem is not recognized and addressed.

Add to this situation the fact that, according to U.S. Census Bureau statistics, the border cities of Laredo and McAllen, Texas grew faster in the last decade than any metropolitan region in the United States except Las Vegas, and you will begin to fully comprehend the impending magnitude of the problem we face.

That is why last year I introduced legislation to rectify this problem. Joining me in this effort was the gentleman from Texas (Mr. BONILLA), the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. THORNBERRY), the gentleman from Texas (Mr. ORTIZ), and the gentleman from Texas (Mr. RODRIGUEZ). All of us recognized what needed to be done.

The suspension before us is a solid step in the right direction, one that will authorize the undertaking of a problem, rather the undertaking of a program to investigate, to conduct studies, and identify opportunities to improve our supply of water.

In closing, I want to say that I am talking more specifically about look-

ing at alternatives which include lining irrigation canals and increasing the use of pipelines, flow control structures, meters and associated appurtenances of water supply facilities.

The Post article, one that I referenced at the beginning of my remarks, closed by saying "Without water, you're dead." By securing this Federal funding to help us implement a visionary plan, we are ensuring that our border region will continue to flourish and prosper. This is the least we can do, and it is our responsibility to do nothing less.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank, again, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Texas (Mr. ORTIZ) for all of their work.

I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. DOOLITTLE), subcommittee chairman, for their efforts to bring this to the floor. I thank the gentleman from Nevada (Mr. GIBBONS) for managing it today on the floor. I urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. GEORGE MILLER) for his leadership on this important bill before the floor today. I want to ask that all Members give it their full support.

Mr. REYES. Mr. Speaker, I rise in support of S. 1761, the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 1999. I am a cosponsor of the House companion bill. This legislation will allow for both the Department of the Interior and the Department of Agriculture to work with state and local governments to make improvements to irrigation canals and pipelines; to build and install flow control structures in irrigation canals; and to begin the use of water meters in irrigation canals. These measures will result in water savings for the entire Valley region, from El Paso to Brownsville.

The Rio Grande Valley of Texas which stretches from El Paso to Brownsville serves as the boundary between Mexico and the United States. It also has served as a major source of water supply for the region. The area includes the border cities of Cameron, Hidalgo, Starr, Willacy, Jim Hogg, Zapata, Webb, Maverick, Val Verde, Kinney, Terrell, Brewster, Presidio, Jeff Davis, Hudspeth, and El Paso. These border cities are in danger of diminishing their water supplies.

This bill is a stepping stone for these cities and counties to reinvent their water supply in order to ensure that future generations that reside in these areas are assured water for the future. Both the United States and Mexico must work together to implement these programs. Binational cooperation is the key in facilitating a successful and effective water conservation program. In addition to binational cooperation, it is important to assure that tribal concerns, tribal rights and American Indian sovereignty issues have been addressed during the implementation of this legislation. Any

legislation that impacts tribal lands and resources in any way must include tribal consultation on a government to government basis.

The authors of this bill should be commended for authorizing the development of an on-farm education program to implement state-of-the-art water application and conservation techniques. Education is the first step in facilitating the process to take appropriate steps in conserving water for future generations. As a result, education programs will be implemented in collaboration with the International Boundary and Water Commission.

State, local, and tribal governments recognize the need to preserve and revitalize their water supplies; however, the federal government will need to assist these entities. Therefore, this bill authorizes \$65,200,000 for cost sharing. The federal share will be 60 percent. Non-federal share is suggested to be 40 percent with no more than 30 percent paid by the state with the provision that the remainder of the non-federal share may include in-kind payment.

Further study is needed to evaluate the water supply for future generations. The bill authorizes additional study by the Departments of Interior and Agriculture on alternative water supply options. The study would include water reuse options and emphasizes conservation. Its evaluation will be funded by the federal government at 50 percent with the remainder deriving from non-federal dollars.

The water supply in the border region is in danger of running well below the amount that can provide for the people residing in these areas. This is a serious and on-going concern in my District of El Paso, Texas and other areas along the United States/Mexico border that needs to be addressed. S. 1761 will help our border communities renew their water supplies.

Mr. Speaker, once again, I encourage my colleagues to support the passage of this important legislation.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1761, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2594) to authorize the Secretary of the Interior to contract with

the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2594

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO.

(a) SALE OF EXCESS WATER.—

(1) IN GENERAL.—In carrying out the Act of August 11, 1939 (commonly known as the "Water Conservation and Utilization Act") (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the "project"), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE.—A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS.—In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES.—The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED.—Nothing in this Act enlarges or attempts to enlarge the right of the United States, under existing law, to control any water in any State.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CONVEYANCE OF JOE ROWELL PARK TO DOLORES, COLORADO

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from the further consideration of the

Senate bill (S. 1972) to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1972

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONVEYANCE OF JOE ROWELL PARK.

(a) IN GENERAL.—The Secretary of Agriculture shall convey to the town of Dolores, Colorado, for no consideration, all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), for open space, park, and recreational purposes.

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) is a parcel of approximately 25 acres of land comprising the site of the Joe Rowell Park (including all improvements on the land and equipment and other items of personal property as agreed to by the Secretary) depicted on the map entitled "Joe Rowell Park," dated July 12, 2000.

(2) SURVEY.—

(A) IN GENERAL.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(B) COST.—As a condition of any conveyance under this section, the town of Dolores shall pay the cost of the survey.

(c) POSSIBILITY OF REVERTER.—Title to any real property acquired by the town of Dolores, Colorado, under this section shall revert to the United States if the town—

(1) attempts to convey or otherwise transfer ownership of any portion of the property to any other person;

(2) attempts to encumber the title of the property; or

(3) permits the use of any portion of the property for any purpose incompatible with the purpose described in subsection (a) for which the property is conveyed.

(d) The map referenced in subsection (b)(1) shall be on file for public inspection in the Office of the Chief of the Forest Service at the Department of Agriculture in Washington, DC.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AUTHORIZATION OF USE OF FISCAL YEAR 2001 FUNDS FOR CERTAIN COAST GUARD PROJECTS

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5637) to provide that an amount available for fiscal year 2001 for the Department of Transportation shall be available to reimburse certain costs incurred for clean-up of former Coast Guard facilities at Cape May, New Jersey, and to authorize the Coast Guard to transfer funds and authority for demolition and removal of a structure