

the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. LAKEHAVEN WATER RECLAMATION PROJECT.

(a) **AUTHORIZATION.**—*The Secretary of the Interior, in cooperation with the Lakehaven Utility District, Washington, may participate in the design, planning, and construction of, and land acquisition for, the Lakehaven water reclamation project ("Project"), Washington, to reclaim and reuse wastewater (including degraded groundwater) within and outside the service area of the Lakehaven Utility District.*

(b) **COST SHARE.**—*The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.*

(c) **LIMITATION.**—*Funds provided by the Secretary shall not be used for the operation and maintenance of the Project.*

(d) **FUNDING.**—*Funds appropriated pursuant to section 1615 of the Reclamation Wastewater and Groundwater Study and Facilities Act may be used for the Project (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.*

SEC. 2. RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.

Design, planning, and construction of the Project shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

The committee amendment in the nature of a substitute was agreed to. The bill (S. 2301), as amended, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Ground Water Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water."

BURNT, MALHEUR, OWYHEE, AND POWDER RIVER BASIN WATER OPTIMIZATION FEASIBILITY STUDY ACT OF 2000

The Senate proceeded to consider a bill (S. 2877) to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Omit the part in boldface brackets and insert the part printed in italic.]

S. 2877

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 "Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2000".

SEC. 2. STUDY.

The Secretary of the Interior may conduct [a feasibility study] *feasibility studies* on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment was agreed to.

The bill (S. 2877), as amended, was read the third time and passed, as follows:

S. 2877

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 "Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2000".

SEC. 2. STUDY.

The Secretary of the Interior may conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon."

NAMPA AND MERIDIAN CONVEYANCE ACT

The Senate proceeded to consider a bill (S. 3022) to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nampa and Meridian Conveyance Act".

SEC. 2. CONVEYANCE OF FACILITIES.

The Secretary of the Interior (in this Act referred to as the "Secretary") shall, as soon as practicable after the date of enactment of this Act, convey facilities to the Nampa and Meridian Irrigation District (in this Act referred to as the "District") in accordance with all applicable laws and pursuant to the terms of the Memorandum of Agreement (contract No. 1425–99MA102500, dated 7 July 1999) between the Secretary and the District. The conveyance of facilities shall include all right, title, and interest of the United States in and to any portion of the canals, laterals, drains, and any other portion of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District.

SEC. 3. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of facilities under this Act, the United States shall not be liable for

damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

SEC. 4. EXISTING RIGHTS NOT AFFECTED.

Nothing in this Act affects the rights of any person except as provided in this Act. No water rights shall be transferred, modified, or otherwise affected by the conveyance of facilities and interests to the Nampa and Meridian Irrigation District under this Act. Such conveyance shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3022), as amended, was read the third time and passed.

RECLAMATION REFORM ACT OF 2000

The Senate proceeded to consider a bill (S. 1697) to authorize the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This title may be cited as the "Reclamation Reform Refund Act of 2000".

SEC. 2. REFUND OF CERTAIN AMOUNTS RECEIVED UNDER RECLAMATION REFORM ACT OF 1982.

(a) **REFUND REQUIRED.**—*Subject to the availability of appropriations, the Secretary of the Interior is authorized and directed to refund fully amounts received by the United States as payments for charges assessed by the Secretary before January 1, 1994, for failure to file or properly file certain certification or reporting forms pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ff, 390ww(c)) prior to the receipt of irrigation water. Such refunds shall be made regardless of whether such payments were required by the United States, were made pursuant to a compromise or settlement (whether court approved or otherwise), or were otherwise received by the United States. Any refund issued pursuant to this subsection shall include the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of that Act (43 U.S.C. 390ww(i)).*

(b) **AUTHORIZATION OF APPROPRIATIONS.**—*There are authorized to be appropriated to carry out this section such sums as necessary.*

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1697), as amended, was read the third time and passed.

KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 938, S. 2882.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2882) to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which

had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Klamath Basin Water Supply Enhancement Act of 2000".

SEC. 2. AUTHORIZATION TO CONDUCT FEASIBILITY STUDIES.

In order to help meet the growing water needs in the Klamath River basin, to improve water quality, to facilitate the efforts of the State of Oregon to resolve water rights claims in the Upper Klamath River Basin including facilitation of Klamath tribal water rights claims, and to reduce conflicts over water between the Upper and Lower Klamath Basins, the Secretary of the Interior (hereafter referred to as the "Secretary") is authorized and directed, in consultation with affected state, local and tribal interests, stakeholder groups and the interested public, to engage in feasibility studies of the following proposals related to the Upper Klamath Basin and the Klamath Project, a federal reclamation project in Oregon and California:

(1) Increasing the storage capacity, and/or the yield of the Klamath Project facilities while improving water quality, consistent with the protection of fish and wildlife.

(2) The potential for development of additional Klamath Basin groundwater supplies to improve water quantity and quality, including the effect of such groundwater development on non-project lands, groundwater and surface water supplies, and fish and wildlife.

(3) The potential for further innovations in the use of existing water resources, or market-based approaches, in order to meet growing water needs consistent with state water law.

SEC. 3. ADDITIONAL STUDIES.

(a) NON-PROJECT LANDS.—The Secretary may enter into an agreement with the Oregon Department of Water Resources to fund studies relating to the water supply needs of non-project lands in the Upper Klamath Basin.

(b) SURVEYS.—To further the purposes of this Act, the Secretary is authorized to compile information on native fish species in the Upper Klamath River Basin, upstream of Upper Klamath Lake. Wherever possible, the Secretary should use data already developed by Federal agencies and other stakeholders in the Basin.

(c) HYDROLOGIC STUDIES.—The Secretary is directed to complete ongoing hydrologic surveys in the Klamath River Basin currently being conducted by the U.S. Geological Survey.

(d) REPORTING REQUIREMENTS.—The Secretary shall submit the findings of the studies conducted under section 2 and Section 3(a) of this Act to the Congress within 90 days of each study's completion, together with any recommendations for projects.

SEC. 4. LIMITATION.

Activities funded under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

SEC. 5. WATER RIGHTS.

Nothing in this Act shall be construed to—

(1) create, by implication or otherwise, any reserved water right or other right to the use of water;

(2) invalidate, preempt, or create any exception to State water law or an interstate compact governing water;

(3) alter the rights of any State to any appropriated share of the waters of any body or surface or groundwater, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(4) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(5) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any groundwater resources.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized such sums as necessary to carry out the purposes of this Act. Activities conducted under this Act shall be non-reimbursable and nonreturnable.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2882), as amended, was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—S. 623 AND S. 1474

Mr. LOTT. I ask unanimous consent the Senate proceed to the consideration en bloc of Calendar No. 359, S. 623, and Calendar No. 709, S. 1474. I further ask unanimous consent amendment No. 4317 to S. 623 and amendment No. 4318 to S. 1474 be agreed to, the committee amendments be agreed to, the bills be read the third time and passed, with the motion to reconsider laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAKOTA WATER RESOURCES ACT OF 1999

The Senate proceeded to consider the bill (S. 623) to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 623

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 "Dakota Water Resources Act of 1999".

SEC. 2. PURPOSES AND AUTHORIZATION.

Section 1 of Public Law 89-108 (79 Stat. 433; 100 Stat. 418) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "of" and inserting "within";

(B) in paragraph (5), by striking "more timely" and inserting "appropriate"; and

(C) in paragraph (7), by striking "federally-assisted water resource development project providing irrigation for 130,940 acres of land" and inserting "multipurpose federally assisted water resource project providing irrigation, municipal, rural, and industrial water systems, fish, wildlife, and other natural resource conservation and development, recreation, flood control, ground water recharge, and augmented stream flows";

(2) in subsection (b)—

(A) by inserting ", jointly with the State of North Dakota," after "construct";

(B) by striking "the irrigation of 130,940 acres" and inserting "irrigation";

(C) by striking "fish and wildlife conservation" and inserting "fish, wildlife, and other natural resource conservation";

(D) by inserting "augmented stream flows, ground water recharge," after "flood control,"; and

(E) by inserting "(as modified by the Dakota Water Resources Act of 1999)" before the period at the end;

(3) in subsection (e), by striking "terminated" and all that follows and inserting "terminated."; and

(4) by striking subsections (f) and (g) and inserting the following:

"(f) COSTS.—

"(1) ESTIMATE.—The Secretary shall estimate—

"(A) the actual construction costs of the facilities (including mitigation facilities) in existence as of the date of enactment of the Dakota Water Resources Act of 1999; and

"(B) the annual operation, maintenance, and replacement costs associated with the used and unused capacity of the features in existence as of that date.

"(2) REPAYMENT CONTRACT.—An appropriate repayment contract shall be negotiated that provides for the making of a payment for each payment period in an amount that is commensurate with the percentage of the total capacity of the project that is in actual use during the payment period.

"(3) OPERATION AND MAINTENANCE COSTS.—The Secretary shall be responsible for the costs of operation and maintenance of the proportionate share attributable to the capacity of the facilities (including mitigation facilities) that remain unused."

"(3) OPERATION AND MAINTENANCE COSTS.—Except as otherwise provided in this Act or Reclamation Law—

"(A) The Secretary shall be responsible for the costs of operation and maintenance of the proportionate share of unit facilities in existence on the date of enactment of the Dakota Water Resources Act of 1999 attributable to the capacity of the facilities (including mitigation facilities) that remain unused;

"(B) The State of North Dakota shall be responsible for costs of operation and maintenance of the proportionate share of existing unit facilities that are used and shall be responsible for the full costs of operation and maintenance of any facility constructed after the date of enactment of the Dakota Water Resources Act of 1999; and

"(C) The State of North Dakota shall be responsible for the costs of providing energy to authorized unit facilities.

"(g) AGREEMENT BETWEEN THE SECRETARY AND THE STATE.—The Secretary shall enter into 1 or more agreements with the State of North Dakota to carry out this Act, including operation and maintenance of the completed unit facilities and the design and construction of authorized new unit facilities by the State.

"(h) BOUNDARY WATERS TREATY OF 1909.—

"(1) DELIVERY OF WATER INTO THE HUDSON BAY BASIN.—Water systems constructed under this Act may deliver Missouri River water into the Hudson Bay basin only after the Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, determines that adequate treatment has been provided to meet the requirements of the Treaty Between the United States and Great Britain relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the 'Boundary Waters Treaty of 1909')."

"(1) DELIVERY OF WATER INTO THE HUDSON BAY BASIN.—Prior to construction of any water