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**NATIONAL FOREST AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT OF 1988 AMENDMENTS AND BOUNDARY ADJUSTMENT OF THE TOIYABE NATIONAL FOREST**

Mr. HAGEL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill (S. 439).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 439) entitled "An Act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada", do pass with the following amendments:

Strike out all after the enacting clause and insert:

**SECTION 1. ADJUSTMENT OF BOUNDARY OF THE TOIYABE NATIONAL FOREST, NEVADA.**

Section 4(a) of the National Forest and Public Lands of Nevada Enhancement Act of 1988 (102 Stat. 2750) is amended—

(1) by striking "Effective" and inserting "(1) Effective"; and

(2) by adding at the end the following:

"(2) Effective on the date of enactment of this paragraph, the portion of the land transferred to the Secretary of Agriculture under paragraph (1) situated between the lines marked 'Old Forest Boundary' and 'Revised National Forest Boundary' on the map entitled 'Nevada Interchange "A", Change 1', and dated September 16, 1998, is transferred to the Secretary of the Interior."

**SEC. 2. OVERTIME PAY FOR CERTAIN FIRE-FIGHTERS.**

(a) *IN GENERAL*.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

"(5) Notwithstanding paragraphs (1) and (2), for an employee of the Department of the Interior or the United States Forest Service in the Department of Agriculture engaged in emergency wildland fire suppression activities, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, and all that amount is premium pay."

(b) *EFFECTIVE DATE*.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after the end of the 30-day period beginning on the date of the enactment of this Act, and shall apply only to funds appropriated after the date of the enactment of this Act.

Amend the title so as to read "An Act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations."

**HAWAII WATER RESOURCES ACT OF 2000**

Mr. HAGEL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1694).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1694) entitled "An Act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii", do pass with the following amendments:

Strike out all after the enacting clause and insert:

**TITLE I—HAWAII WATER RESOURCES STUDY**

**SEC. 101. SHORT TITLE.**

This title may be cited as the "Hawaii Water Resources Act of 2000".

**SEC. 102. DEFINITIONS.**

In this title:

(1) *SECRETARY*.—The term "Secretary" means the Secretary of the Interior.

(2) *STATE*.—The term "State" means the State of Hawaii.

**SEC. 103. HAWAII WATER RESOURCES STUDY.**

(a) *IN GENERAL*.—The Secretary, acting through the Commissioner of Reclamation and in accordance with the provisions of this title and existing legislative authorities as may be pertinent to the provisions of this title, including: the Act of August 23, 1954 (68 Stat. 773, chapter 838), authorizing the Secretary to investigate the use of irrigation and reclamation resource needs for areas of the islands of Oahu, Hawaii, and Molokai in the State of Hawaii; section 31 of the Hawaii Omnibus Act (43 U.S.C. 4221) authorizing the Secretary to develop reclamation projects in the State under the Act of August 6, 1956 (70 Stat. 1044, chapter 972; 42 U.S.C. 422a et seq.) (commonly known as the "Small Reclamation Projects Act"); and the amendment made by section 207 of the Hawaiian Home Lands Recovery Act (109 Stat. 364; 25 U.S.C. 386a) authorizing the Secretary to assess charges against Native Hawaiians for reclamation cost recovery in the same manner as charges are assessed against Indians or Indian tribes; is authorized and directed to conduct a study that includes—

(1) a survey of the irrigation and other agricultural water delivery systems in the State;

(2) an estimation of the cost of repair and rehabilitation of the irrigation and other agricultural water delivery systems;

(3) an evaluation of options and alternatives for future use of the irrigation and other agricultural water delivery systems (including alternatives that would improve the use and conservation of water resources and would contribute to agricultural diversification, economic development, and improvements to environmental quality); and

(4) the identification and investigation of opportunities for recycling, reclamation, and reuse of water and wastewater for agricultural and nonagricultural purposes.

(b) *REPORTS*.—

(1) *IN GENERAL*.—Not later than 2 years after appropriation of funds authorized by this title, the Secretary shall submit a report that describes the findings and recommendations of the study described in subsection (a) to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Resources of the House of Representatives.

(2) *ADDITIONAL REPORTS*.—The Secretary shall submit to the committees described in paragraph (1) any additional reports concerning the study described in subsection (a) that the Secretary considers to be necessary.

(c) *COST SHARING*.—Costs of conducting the study and preparing the reports described in subsections (a) and (b) of this section shall be shared between the Secretary and the State. The Federal share of the costs of the study and reports shall not exceed 50 percent of the total cost, and shall be nonreimbursable. The Secretary shall enter into a written agreement with the State, describing the arrangements for payment of the non-Federal share.

(d) *USE OF OUTSIDE CONTRACTORS*.—The Secretary is authorized to employ the services and

expertise of the State and/or the services and expertise of a private consultant employed under contract with the State to conduct the study and prepare the reports described in this section if the State requests such an arrangement and if it can be demonstrated to the satisfaction of the Secretary that such an arrangement will result in the satisfactory completion of the work authorized by this section in a timely manner and at a reduced cost.

(e) *AUTHORIZATION OF APPROPRIATIONS*.—There are authorized to be appropriated \$300,000 for the Federal share of the activities authorized under this title.

**SEC. 104. WATER RECLAMATION AND REUSE.**

(a) Section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) is amended by inserting before the period at the end the following: "; and the State of Hawaii".

(b) The Secretary is authorized to use the authorities available pursuant to section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) to conduct the relevant portion of the study and preparation of the reports authorized by this title if the use of such authorities is found by the Secretary to be appropriate and cost-effective, and provided that the total Federal share of costs for the study and reports does not exceed the amount authorized in section 103.

**TITLE II—DROUGHT RELIEF**

**SEC. 201. DROUGHT RELIEF.**

(a) *RELIEF FOR HAWAII*.—Section 104 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214) is amended—

(1) in subsection (a), by inserting after "Reclamation State" the following: "and in the State of Hawaii"; and

(2) in subsection (c), by striking "ten years after the date of enactment of this Act" and inserting "on September 30, 2005".

(b) *ASSISTANCE FOR DROUGHT-RELATED PLANNING IN RECLAMATION STATES*.—Such Act is further amended by adding at the end of title I the following:

**"SEC. 105. ASSISTANCE FOR DROUGHT-RELATED PLANNING IN RECLAMATION STATES.**

"(a) *IN GENERAL*.—The Secretary may provide financial assistance in the form of cooperative agreements in States that are eligible to receive drought assistance under this title to promote the development of drought contingency plans under title II.

"(b) *REPORT*.—Not later than one year after the date of the enactment of the Hawaii Water Resources Act of 2000, the Secretary shall submit to the Congress a report and recommendations on the advisability of providing financial assistance for the development of drought contingency plans in all entities that are eligible to receive assistance under title II."

**TITLE III—CITY OF ROSEVILLE PUMPING PLANT FACILITIES**

**SEC. 301. CITY OF ROSEVILLE PUMPING PLANT FACILITIES: CREDIT FOR INSTALLATION OF ADDITIONAL PUMPING PLANT FACILITIES IN ACCORDANCE WITH AGREEMENT.**

(a) *IN GENERAL*.—The Secretary shall credit an amount up to \$1,164,600, the precise amount to be determined by the Secretary through a cost allocation, to the unpaid capital obligation of the City of Roseville, California (in this section referred to as the "City"), as such obligation is calculated in accordance with applicable Federal reclamation law and Central Valley Project rate setting policy, in recognition of future benefits to be accrued by the United States as a result of the City's purchase and funding of the installation of additional pumping plant facilities in accordance with a letter of agreement with the United States numbered 5-07-20-X0331 and dated January 26, 1995. The Secretary shall simultaneously add an equivalent amount of costs to the capital costs of the Central Valley

Project, and such added costs shall be reimbursed in accordance with reclamation law and policy.

(b) **EFFECTIVE DATE.**—The credit under subsection (a) shall take effect upon the date on which—

(1) the City and the Secretary have agreed that the installation of the facilities referred to in subsection (a) has been completed in accordance with the terms and conditions of the letter of agreement referred to in subsection (a); and

(2) the Secretary has issued a determination that such facilities are fully operative as intended.

#### **TITLE IV—CLEAR CREEK DISTRIBUTION SYSTEM CONVEYANCE**

##### **SEC. 401. SHORT TITLE.**

This title may be cited as the "Clear Creek Distribution System Conveyance Act".

##### **SEC. 402. DEFINITIONS.**

For purposes of this title:

(1) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(2) **DISTRICT.**—The term "District" means the Clear Creek Community Services District, a California community services district located in Shasta County, California.

(3) **AGREEMENT.**—The term "Agreement" means Agreement No. 8-07-20-L6975 entitled "Agreement Between the United States and the Clear Creek Community Services District to Transfer Title to the Clear Creek Distribution System to the Clear Creek Community Services District".

(4) **DISTRIBUTION SYSTEM.**—The term "Distribution System" means all the right, title, and interest in and to the Clear Creek distribution system as defined in the Agreement.

##### **SEC. 403. CONVEYANCE OF DISTRIBUTION SYSTEM.**

In consideration of the District accepting the obligations of the Federal Government for the Distribution System, the Secretary shall convey the Distribution System to the District pursuant to the terms and conditions set forth in the Agreement.

##### **SEC. 404. RELATIONSHIP TO EXISTING OPERATIONS.**

Nothing in this title shall be construed to authorize the District to construct any new facilities or to expand or otherwise change the use or operation of the Distribution System from its authorized purposes based upon historic and current use and operation. Effective upon transfer, if the District proposes to alter the use or operation of the Distribution System, then the District shall comply with all applicable laws and regulations governing such changes at that time.

##### **SEC. 405. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.**

Conveyance of the Distribution System under this title—

(1) shall not affect any of the provisions of the District's existing water service contract with the United States (contract number 14-06-200-489-IR3), as it may be amended or supplemented; and

(2) shall not deprive the District of any existing contractual or statutory entitlement to subsequent interim renewals of such contract or to renewal by entering into a long-term water service contract.

##### **SEC. 406. LIABILITY.**

Effective on the date of conveyance of the Distribution System under this title, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

#### **TITLE V—SUGAR PINE DAM AND RESERVOIR CONVEYANCE**

##### **SEC. 501. SHORT TITLE.**

This title may be cited as the "Sugar Pine Dam and Reservoir Conveyance Act".

##### **SEC. 502. DEFINITIONS.**

In this title:

(1) **BUREAU.**—The term "Bureau" means the Bureau of Reclamation.

(2) **DISTRICT.**—The term "District" means the Foresthill Public Utility District, a political subdivision of the State of California.

(3) **PROJECT.**—The term "Project" means the improvements (and associated interests) authorized in the Foresthill Divide Subunit of the Auburn-Folsom South Unit, Central Valley Project, consisting of—

(A) Sugar Pine Dam;

(B) the right to impound waters behind the dam;

(C) the associated conveyance system, holding reservoir, and treatment plant;

(D) water rights;

(E) rights of the Bureau described in the agreement of June 11, 1985, with the Supervisor of Tahoe National Forest, California; and

(F) other associated interests owned and held by the United States and authorized as part of the Auburn-Folsom South Unit under Public Law 89-161 (79 Stat. 615).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(5) **WATER SERVICES CONTRACT.**—The term "Water Services Contract" means Water Services Contract #14-06-200-3684A, dated February 13, 1978, between the District and the United States.

##### **SEC. 503. CONVEYANCE OF THE PROJECT.**

(a) **IN GENERAL.**—As soon as practicable after date of the enactment of this Act and in accordance with all applicable law, the Secretary shall convey all right, title, and interest in and to the Project to the District.

(b) **SALE PRICE.**—Except as provided in subsection (c), on payment by the District to the Secretary of \$2,772,221—

(1) the District shall be relieved of all payment obligations relating to the Project; and

(2) all debt under the Water Services Contract shall be extinguished.

(c) **MITIGATION AND RESTORATION PAYMENTS.**—The District shall continue to be obligated to make payments under section 3407(c) of the Central Valley Project Improvement Act (106 Stat. 4726) through 2029.

##### **SEC. 504. RELATIONSHIP TO EXISTING OPERATIONS.**

(a) **IN GENERAL.**—Nothing in this title significantly expands or otherwise affects the use or operation of the Project from its current use and operation.

(b) **RIGHT TO OCCUPY AND FLOOD.**—On the date of the conveyance under section 503, the Chief of the Forest Service shall grant the District the right to occupy and flood portions of land in Tahoe National Forest, subject to the terms and conditions stated in an agreement between the District and the Supervisor of the Tahoe National Forest.

(c) **CHANGES IN USE OR OPERATION.**—If the District changes the use or operation of the Project, the District shall comply with all applicable laws (including regulations) governing the change at the time of the change.

##### **SEC. 505. FUTURE BENEFITS.**

On payment of the amount under section 503(b)—

(1) the Project shall no longer be a Federal reclamation project or a unit of the Central Valley Project; and

(2) the District shall not be entitled to receive any further reclamation benefits.

##### **SEC. 506. LIABILITY.**

Except as otherwise provided by law, effective on the date of conveyance under section 503, 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 Project.

##### **SEC. 507. COSTS.**

To the extent that costs associated with the Project are included as a reimbursable cost of the Central Valley Project, the Secretary is directed to exclude all costs in excess of the

amount of costs repaid by the District from the pooled reimbursable costs of the Central Valley Project until such time as the Project has been operationally integrated into the water supply of the Central Valley Project. Such excess costs may not be included into the pooled reimbursable costs of the Central Valley Project in the future unless a court of competent jurisdiction determines that operation integration is not a prerequisite to the inclusion of such costs pursuant to Public Law 89-161.

#### **TITLE VI—COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT**

##### **SEC. 601. SHORT TITLE.**

This title may be cited as the "Colusa Basin Watershed Integrated Resources Management Act".

##### **SEC. 602. AUTHORIZATION OF ASSISTANCE.**

The Secretary of the Interior (in this title referred to as the "Secretary"), acting within existing budgetary authority, may provide financial assistance to the Colusa Basin Drainage District, California (in this title referred to as the "District"), for use by the District or by local agencies acting pursuant to section 413 of the State of California statute known as the Colusa Basin Drainage Act (California Stats. 1987, ch. 1399) as in effect on the date of the enactment of this Act (in this title referred to as the "State statute"), for planning, design, environmental compliance, and construction required in carrying out eligible projects in the Colusa Basin Watershed to—

(1)(A) reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water or tailwater;

(B) assist in groundwater recharge efforts to alleviate overdraft and land subsidence; or

(C) construct, restore, or preserve wetland and riparian habitat; and

(2) capture, as an incidental purpose of any of the purposes referred to in paragraph (1), surface or stormwater for conservation, conjunctive use, and increased water supplies.

##### **SEC. 603. PROJECT SELECTION.**

(a) **ELIGIBLE PROJECTS.**—A project shall be an eligible project for purposes of section 602 only if it is—

(1) consistent with the plan for flood protection and integrated resources management described in the document entitled "Draft Programmatic Environmental Impact Statement/Environmental Impact Report and Draft Program Financing Plan, Integrated Resources Management Program for Flood Control in the Colusa Basin", dated May 2000; and

(2) carried out in accordance with that document and all environmental documentation requirements that apply to the project under the laws of the United States and the State of California.

(b) **COMPATIBILITY REQUIREMENT.**—The Secretary shall ensure that projects for which assistance is provided under this title are not inconsistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706 et seq.) or the CALFED Bay-Delta Program.

##### **SEC. 604. COST SHARING.**

(a) **NON-FEDERAL SHARE.**—The Secretary shall require that the District and cooperating non-Federal agencies or organizations pay—

(1) 25 percent of the costs associated with construction of any project carried out with assistance provided under this title;

(2) 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to such a project; and

(3) 35 percent of the costs associated with planning, design, and environmental compliance activities.

(b) **PLANNING, DESIGN, AND COMPLIANCE ASSISTANCE.**—Funds appropriated pursuant to this title may be made available to fund 65 percent of

costs incurred for planning, design, and environmental compliance activities by the District or by local agencies acting pursuant to the State statute, in accordance with agreements with the Secretary.

(c) **TREATMENT OF CONTRIBUTIONS.**—For purposes of this section, the Secretary shall treat the value of lands, interests in lands (including rights-of-way and other easements), and necessary relocations contributed by the District to a project as a payment by the District of the costs of the project.

#### SEC. 605. COSTS NONREIMBURSABLE.

Amounts expended pursuant to this title shall be considered nonreimbursable for purposes of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 371 et seq.), and Acts amendatory thereof and supplemental thereto.

#### SEC. 606. AGREEMENTS.

Funds appropriated pursuant to this title may be made available to the District or a local agency only if the District or local agency, as applicable, has entered into a binding agreement with the Secretary—

(1) under which the District or the local agency is required to pay the non-Federal share of the costs of construction required by section 604(a); and

(2) governing the funding of planning, design, and compliance activities costs under section 604(b).

#### SEC. 607. REIMBURSEMENT.

For project work (including work associated with studies, planning, design, and construction) carried out by the District or by a local agency acting pursuant to the State statute in section 602 before the date amounts are provided for the project under this title, the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse the District or the local agency, without interest, an amount equal to the estimated Federal share of the cost of such work under section 604.

#### SEC. 608. COOPERATIVE AGREEMENTS.

(a) **IN GENERAL.**—The Secretary may enter into cooperative agreements and contracts with the District to assist the Secretary in carrying out the purposes of this title.

(b) **SUBCONTRACTING.**—Under such cooperative agreements and contracts, the Secretary may authorize the District to manage and let contracts and receive reimbursements, subject to amounts being made available in advance in appropriations Acts, for work carried out under such contracts or subcontracts.

#### SEC. 609. RELATIONSHIP TO RECLAMATION REFORM ACT OF 1982.

Activities carried out, and financial assistance provided, under this title shall not be considered a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

#### SEC. 610. APPROPRIATIONS AUTHORIZED.

Within existing budgetary authority and subject to the availability of appropriations, the Secretary is authorized to expend up to \$25,000,000, plus such additional amount, if any, as may be required by reason of changes in costs of services of the types involved in the District's projects as shown by engineering and other relevant indexes to carry out this title. Sums appropriated under this section shall remain available until expended.

#### TITLE VII—CONVEYANCE TO YUMA PORT AUTHORITY

##### SEC. 701. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) **AUTHORITY TO CONVEY.**—

(1) **IN GENERAL.**—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) **INTERESTS DESCRIBED.**—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1-4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) **DEED COVENANTS AND CONDITIONS.**—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292-303-3624, 1292-303-3625, and 1292-303-3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of <sup>15</sup>/<sub>16</sub> of all gas, oil, metals, and mineral rights.

(10) A reservation of <sup>1</sup>/<sub>16</sub> of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) **CONSIDERATION.**—

(1) **IN GENERAL.**—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

(2) **DETERMINATION.**—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.

(d) **USE.**—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) **COMPLIANCE WITH LAWS.**—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) **USE OF 60-FOOT BORDER STRIP.**—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) **DEFINITIONS.**—

(1) **60-FOOT BORDER STRIP.**—The term "60-foot border strip" means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) **GREATER YUMA PORT AUTHORITY.**—The term "Greater Yuma Port Authority" means Trust No. 84-184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

#### TITLE VIII—DICKINSON DAM BASCULE GATES SETTLEMENT

##### SEC. 801. SHORT TITLE.

This title may be cited as the "Dickinson Dam Bascule Gates Settlement Act of 2000".

##### SEC. 802. FINDINGS.

The Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority,

which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than \$1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

#### SEC. 803. DEFINITIONS.

In this title:

(1) **BASCULE GATES.**—The term “bascule gates” means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) **CITY.**—The term “City” means the city of Dickinson, North Dakota.

(3) **DAM.**—The term “Dam” means Dickinson Dam on the Heart River, North Dakota.

(4) **LAKE.**—The term “Lake” means the reservoir known as “Patterson Lake” in the State of North Dakota.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

#### SEC. 804. FORGIVENESS OF DEBT.

(a) **IN GENERAL.**—The Secretary shall accept a 1-time payment of \$300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9-07-60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) **OWNERSHIP.**—Title to the Dam and bascule gates shall remain with the United States.

(c) **COSTS.**—(1) The Secretary shall enter into an agreement with the City to allocate responsibilities for operation and maintenance costs of the bascule gates as provided in this subsection.

(2) The City shall be responsible for operation and maintenance costs of the bascule gates, up to a maximum annual cost of \$15,000. The Secretary shall be responsible for all other costs.

(d) **WATER SERVICE CONTRACTS.**—The Secretary may enter into appropriate water service contracts if the City or any other person or entity seeks to use water from the Lake for municipal water supply or other purposes.

Amend the title so as to read “An Act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.”.

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate agree to amendments of the House with respect to each of these measures.

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

#### AMENDMENT TO THE MAGNUSON-STEVENSON FISHERIES CONSERVATION AND MANAGEMENT ACT

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5461, which is at the desk.

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

The assistant legislative clerk read as follows:

A bill (H.R. 5461) to amend the Magnuson-Stevens Fisheries Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

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

Mr. HOLLINGS. Mr. President, I rise to make a few remarks on H.R. 5461, the Shark Finning Prohibition Act, legislation to begin, and I stress the word begin, to ensure the conservation of sharks, including addressing the causes and consequences of shark finning.

First, I want to recognize Ms. SNOW, our chairman on the Oceans and Fisheries Subcommittee on the Commerce Committee, and Mr. KERRY, ranking member of the subcommittee, for putting shark conservation legislation on the committee agenda this Congress. My colleagues recognized the substantial danger international fleets pose to sharks around the world, either as a result of direct harvest, high bycatch, or practices such as shark finning. As with so many of our highly migratory and protected species, we cannot hope to address these threats solely through domestic action.

We are here today because of the growing threats to shark populations, which are particularly vulnerable to harvest and bycatch mortality. Most attention has been focused specifically on the practice of shark finning, which has increased dramatically over the past decade, driven by rising demand for fins in the world market. However, there are other threats to shark conservation, including directed shark fisheries and the use of non-selective fishing gear, that must be given further attention, both here and abroad. In addition, the amount of finning done by U.S. fishermen pales by comparison to the amount of finning done by foreign fleets outside of U.S. waters. The global shark fin trade involves at least 125 countries, and the demand for shark fins and other shark products has driven dramatic increases in shark fishing and shark mortality around the world. In 1998, the National Marine Fisheries Service estimated that 120 metric tons of shark fins were landed in Hawaii that had been caught by foreign vessels, with a value between \$2,376,000 and \$2,640,000. That is roughly four times the amount landed by U.S. vessels in the same year. These figures include only figures for shark fins that happen to go through U.S. ports in the Pacific; the total amount of finning by foreign fishermen is undoubtedly much higher.

Although I support the legislation before us today, I am disappointed that we were not able to convince House Members and others that passage of S. 2831, the Shark Conservation Act of 2000, introduced by Senator KERRY, and supported by our subcommittee members, was the best course of action to take this year. S. 2831 attempted to address threats to shark conservation in a holistic manner. It looked beyond domestic finning, and provided the ad-

ministration with tools to address finning by foreign nations as well. As a result, the current bill does not contain the strong international enforcement measures of the Shark Conservation Act. Dr. Andrew Rosenberg of the National Marine Fisheries Service, in October 1999 testimony before the House warned of the consequences of failing to impose international measures against shark finning:

... even with implementation of new U.S. management measures to prohibit shark finning, in all likelihood, foreign-flagged vessels will continue shark finning in international waters. In the absence of strict international measures to prohibit shark finning, the anticipated result of new U.S. prohibitions would be that foreign vessels will develop new shipment routes for shark fins through ports outside Hawaii.

The administration's warning should be taken seriously. When all the press releases and headlines have faded from memory, there is no doubt that foreign fleets will silently, and happily, continue—or even increase—shark finning, with no adverse repercussions to speak of. We sincerely hope that H.R. 5461 will not merely shift shark-finning and the resulting profits over to foreign nations and international corporations, with no net benefit to shark conservation. The only way to prevent this is by applying these rules to everyone. Simply enacting H.R. 5461 without addressing shark conservation internationally is short-sighted and will not solve the problem. In the next Congress, I intend to continue working with my colleagues in the Senate, House, and the new administration, whichever administration that may turn out to be, to craft a solution that will lead to the eventual cessation of finning internationally.

Although I do believe that the current bill is not as strong as it should be, I am glad to report it contains a number of provisions from the Senate bill that will lay the foundation for addressing the international fishing practices that threaten shark conservation efforts, including the practice of finning. H.R. 5461 begins the critical process of collecting the information, including data on the international shark fin trade, that is so lacking at the present time by: (1) directing the administration to initiate or continue discussions with other countries to ban shark finning; (2) requiring the collection of information on trade in shark fins and directing the Secretary to report the findings to Congress; and (3) establishing a research program to help improve shark stock assessments, reduce incidental catch, and better utilize sharks captured legally.

Let me conclude by stating that I rise in support of this legislation and urge its adoption, but I cannot help but think of what we may have been able to accomplish with passage of Mr. KERRY's bill, S. 2831. H.R. 5461 does take an important first step to end the practice of finning, but it is only the first step—the real work is yet to come.