

parcel covered by an application meets all applicable State and local requirements and is appropriate in character and reasonable in acreage in order to meet an existing or reasonably anticipated need for solid waste disposal or for another proposed use that the Secretary finds may include the disposal, placement, or release of any hazardous substance.

(6) CONDITIONS.—

(A) IN GENERAL.—A conveyance of a parcel under this subsection shall be subject to the conditions stated in this paragraph.

(B) REVERTER.—

(i) IN GENERAL.—The instrument of conveyance shall provide that the parcel shall revert to the United States unless substantially all of the parcel has been used, on or before the date that is 5 years after the date of conveyance, for the purpose specified in the application, or for other use or uses authorized under subsection (b) with the consent of the Secretary.

(ii) LIMITATION.—No portion of a parcel that has been used for solid waste disposal or for any other purpose that the Secretary finds may result in the disposal, placement, or lease of a hazardous substance shall revert to the United States.

(C) PAYMENT TO THE SECRETARY ON FURTHER CONVEYANCE.—If at any time after conveyance any portion of a parcel has not been used for the purpose specified in the application, and the entity to which the parcel was conveyed by the Secretary transfers ownership of the unused portion to any other person or entity, transferee shall be liable to pay the Secretary the fair market value of the transferred portion as of the date of the transfer, including the value of any improvements thereon.

(D) USE OF PAYMENTS.—Subject to the availability of appropriations, all amounts received by the Secretary under subparagraph (C) shall be retained by the Secretary, shall be available to the Secretary for use for the management of National Forest System land, and shall remain available until expended.

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

The bill (H.R. 150), as amended, was passed.

## NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS

The Senate proceeded to consider the bill (H.R. 834) to extend the authorization for the National Historic Preservation Fund, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Historic Preservation Act Amendments of 1999".

### SEC. 2. REAUTHORIZATION OF HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking "1997" and inserting "2005".

### SEC. 3. REAUTHORIZATION OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 212(a) of the National Historic Preservation Act (16 U.S.C. 470t(a)) is amended by striking "2000" and inserting "2005".

### SEC. 4. LOCATION OF FEDERAL FACILITIES ON HISTORIC PROPERTIES.

Section 110(a)(1) of the National Historic Preservation Act (16 U.S.C. 470h-2(a)(1)) is amended in the second sentence by striking "agency," and inserting "agency, in accordance with Executive Order 13006, issued May 21, 1996 (61 F.R. 26071).".

### SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended as follows—

(1) in section 101(d)(2)(D)(ii) (16 U.S.C. 470a(d)(2)(D)(ii)) by striking "Officer;" and inserting "Officer; and";

(2) by amending section 101(e)(2) (16 U.S.C. 470a(e)(2)) to read as follows:

"(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947) consistent with the purposes of its charter and this Act.";

(3) in section 101(e)(3)(A)(iii) (16 U.S.C. 470a(e)(3)(A)(iii)) by striking "preservation; and" and inserting "preservation, and";

(4) in section 101(j)(2)(C) (16 U.S.C. 470a(j)(2)(C)) by striking "programs;" and inserting "programs; and";

(5) in section 102(a)(3) (16 U.S.C. 470b(a)(3)) by striking "year;" and inserting "year,";

(6) in section 103(a) (16 U.S.C. 470c(a))—

(A) by striking "purposes this Act" and inserting "purposes of this Act"; and

(B) by striking "him;" and inserting "him.";

(7) in section 108 (16 U.S.C. 470h) by striking "(43 U.S.C. 338)" and inserting "(43 U.S.C. 1338)";

(8) in section 110(1) (16 U.S.C. 470h-2(1)) by striking "with the Council" and inserting "pursuant to regulations issued by the Council";

(9) in section 112(b)(3) (16 U.S.C. 470h-4(b)(3)) by striking "(25 U.S.C. 3001(3) and (9))" and inserting "(25 U.S.C. 3001(3) and (9))";

(10) in section 301(12)(C)(iii) (16 U.S.C. 470w(12)(C)(iii)) by striking "Officer, and" and inserting "Officer; and";

(11) in section 307(a) (16 U.S.C. 470w-6(a)) by striking "Except as provided in subsection (b) of this section, no" and inserting "No";

(12) in section 307(c) (16 U.S.C. 470w-6(c)) by striking "Except as provided in subsection (b) of this section, the" and inserting "The";

(13) in section 307 (16 U.S.C. 470w-6) by redesignating subsections (c) through (f), as amended, as subsections (b) through (e), respectively; and

(14) in subsection 404(c)(2) (16 U.S.C. 470x-3(c)(2)) by striking "organizations, and" and inserting "organizations; and".

(b) Section 114 of Public Law 96-199 (94 Stat. 71) is amended by striking "subsection 6(c)" and inserting "subsection 206(c)".

Amend the title so as to read: "A bill to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.".

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

The bill (H.R. 834), as amended, was passed.

## CONVEYANCE OF NATIONAL FOREST LAND TO ELKO COUNTY, NEVADA

The bill (H.R. 1231) to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery, was considered, ordered to a third reading, read the third time, and passed.

H.R. 1231

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

### SECTION 1. CONVEYANCE OF NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA, FOR USE AS CEMETERY.

(a) REQUIREMENT TO CONVEY.—The Secretary of Agriculture shall convey, without consideration, to Elko County, Nevada, all right, title, and interest of the United States in and to the real property described in subsection (b).

### (b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) consists of: (A) a parcel of National Forest lands (including any improvements thereon) in Elko County, Nevada, known as Jarbidge Cemetery, consisting of approximately 2 acres within the following described lands: NE¼ SW¼ NW¼, S. 9 T. 46 N, R. 58 E., MDB&M, which shall be used as a cemetery; and (B) the existing bridge over the Jarbidge River that provides access to that parcel, and the road from the bridge to the parcel as depicted on the map entitled 'Elko County Road and Bridge Conveyance' dated July 27, 1999.

(2) SURVEY.—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. As a condition of any conveyance under this section, the Secretary shall require that the cost of the survey shall be borne by the County.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States, except that the Secretary may not retain for the United States any reversionary interest in property conveyed under this section.

## IRRIGATION MITIGATION AND RESTORATION PARTNERSHIP ACT OF 1999

The Senate proceeded to consider the bill (H.R. 1444) to authorize the Secretary of the Interior to plan, design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the State of Oregon, Washington, Montana, Idaho, and California, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

### SECTION. 1. SHORT TITLE.

This Act may be cited as the "Irrigation Mitigation and Restoration Partnership Act of 1999".

### SEC. 2. DEFINITIONS.

In this Act:

(1) PACIFIC OCEAN DRAINAGE AREA.—The term "Pacific Ocean drainage area" means the area comprised of portions of the States of Oregon, Washington, Montana, and Idaho from which water drains into the Pacific Ocean.

(2) PROGRAM.—The term "Program" means the Irrigation Mitigation and Restoration Partnership Program established by section 3(a).

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

### SEC. 3. ESTABLISHMENT OF THE PARTNERSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established the Irrigation Mitigation and Restoration Partnership Program within the Department of the Interior.

(b) GOALS.—The goals of the Program are—

(1) to decrease fish mortality associated with the withdrawal of water for irrigation and other purposes without impairing the continued withdrawal of water for those purposes; and

(2) to decrease the incidence of juvenile and adult fish entering water supply systems.

(c) IMPACTS ON FISHERIES.—

(1) IN GENERAL.—Under the Program, the Secretary, in consultation with the heads of other

appropriate agencies, shall develop and implement projects to mitigate impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities, including water and soil conservation districts, in the Pacific Ocean drainage area.

(2) **TYPES OF PROJECTS.**—Projects eligible under the Program may include the development, improvement, or installation of—

- (A) fish screens;
- (B) fish passage devices;
- (C) other facilities agreed to by non-Federal interests, relevant Federal and tribal agencies, and affected States; and
- (D) inventories by the States on the need and priority for projects described in subparagraphs (A) through (C).

(3) **PRIORITY.**—The Secretary shall give priority to any project that has a total cost of less than \$5,000,000.

#### SEC. 4. PARTICIPATION IN THE PROGRAM.

(a) **NON-FEDERAL.**—

(1) **IN GENERAL.**—Non-Federal participation in the Program shall be voluntary.

(2) **FEDERAL ACTION.**—The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action under the Program, unless the entity applies to participate in the Program.

(b) **FEDERAL.**—Development and implementation of projects under the Program on land or facilities owned by the United States shall be nonreimbursable Federal expenditures.

#### SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.

Evaluation and prioritization of projects for development under the Program shall be conducted on the basis of—

- (1) benefits to fish species native to the project area, particularly to species that are listed as being, or considered by Federal or State authorities to be, endangered, threatened, or sensitive;
- (2) the size and type of water diversion;
- (3) the availability of other funding sources;
- (4) cost effectiveness; and
- (5) additional opportunities for biological or water delivery system benefits.

#### SEC. 6. ELIGIBILITY REQUIREMENTS.

(a) **IN GENERAL.**—A project carried out under the Program shall not be eligible for funding unless—

- (1) the project meets the requirements of the Secretary, as applicable, and any applicable State requirements; and
- (2) the project is agreed to by all Federal and non-Federal entities with authority and responsibility for the project.

(b) **DETERMINATION OF ELIGIBILITY.**—In determining the eligibility of a project under this Act, the Secretary shall—

- (1) consult with other Federal, State, tribal, and local agencies; and
- (2) make maximum use of all available data.

#### SEC. 7. COST SHARING.

(a) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of development and implementation of any project under the Program on land or at a facility that is not owned by the United States shall be 35 percent.

(b) **NON-FEDERAL CONTRIBUTIONS.**—The non-Federal participants in any project under the Program on land or at a facility that is not owned by the United States shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project.

(c) **CREDIT FOR CONTRIBUTIONS.**—The value of land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subsection (b) for a project shall be credited toward the non-Federal share of the costs of the project.

(d) **ADDITIONAL COSTS.**—

(1) **NON-FEDERAL RESPONSIBILITIES.**—The non-Federal participants in any project carried out under the Program on land or at a facility that is not owned by the United States shall be re-

sponsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing the project.

(2) **FEDERAL RESPONSIBILITY.**—The Federal Government shall be responsible for costs referred to in paragraph (1) for projects carried out on Federal land or at a Federal facility.

#### SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose.

#### SEC. 9. REPORT.

On the expiration of the third fiscal year for which amounts are made available to carry out this Act, the Secretary shall submit to Congress a report describing—

(1) the projects that have been completed under this Act;

(2) the projects that will be completed with amounts made available under this Act during the remaining fiscal years for which amounts are authorized to be appropriated under section 10; and

(3) recommended changes to the Program as a result of projects that have been carried out under this Act.

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$25,000,000 for each of fiscal years 2001 through 2005.

(b) **LIMITATIONS.**—

(1) **SINGLE STATE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), not more than 25 percent of the total amount of funds made available under this section may be used for 1 or more projects in any single State.

(B) **WAIVER.**—On notification to Congress, the Secretary may waive the limitation under subparagraph (A) if a State is unable to use the entire amount of funding made available to the State under this Act.

(2) **ADMINISTRATIVE EXPENSES.**—Not more than 6 percent of the funds authorized under this section for any fiscal year may be used for Federal administrative expenses of carrying out this Act.

Amend the title so as to read: "A bill to authorize the Secretary of the Interior to establish a program to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho."

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

The bill (H.R. 455), as amended, was passed.

#### BIKINI RESETTLEMENT AND RELOCATION ACT OF 1999

The bill (H.R. 2368) to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2368

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 "Bikini Resettlement and Relocation Act of 1999".

#### SEC. 2. PARTIAL DISTRIBUTION OF TRUST FUND AMOUNTS.

Three percent of the market value as of June 1, 1999, of the Resettlement Trust Fund for the People of Bikini, established pursu-

ant to Public Law 97-257, shall be made available for immediate ex gratia distribution to the people of Bikini, provided such distribution does not reduce the corpus of the trust fund. The amount of such distribution shall be deducted from any additional ex gratia payments that may be made by the Congress into the Resettlement Trust Fund.

#### RELEASE OF REVERSIONARY INTERESTS IN WASHINGTON, UTAH

The bill (H.R. 2862) to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of lands in Washington County, Utah, to facilitate an anticipated land exchange, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2862

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

#### SECTION 1. RELEASE OF REVERSIONARY INTERESTS IN CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) **RELEASE REQUIRED.**—The Secretary of the Interior shall release, without consideration, the reversionary interests of the United States in certain real property located in Washington County, Utah, and depicted on the map entitled "Exchange Parcels, Gardner & State of Utah Property", dated April 21, 1999, to facilitate a land exchange to be conducted by the State of Utah involving the property.

(b) **INSTRUMENT OF RELEASE.**—The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interests required by this section.

#### TREATMENT OF CERTAIN LAND IN RED CLIFFS DESERT, UTAH ACQUIRED BY EXCHANGE

The bill (H.R. 2863) to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2863

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

#### SECTION 1. TREATMENT OF CERTAIN LAND IN RED CLIFFS DESERT RESERVE, UTAH, ACQUIRED BY EXCHANGE.

(a) **LIMITATION ON LIABILITY.**—In support of the habitat conservation plan of Washington County, Utah, for the protection of the desert tortoise and surrounding habitat, the transfer of the land described in subsection (b) from the City of St. George, Utah, to the United States shall convey no liability on the United States that did not already exist with the United States on the date of the transfer of the land.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) is a parcel of approximately 15 acres of land located within the Red Cliffs Desert Reserve in Washington County, Utah, that was formerly used as a landfill by the City of St. George.