Public Law 91-557

AN ACT

December 17, 1970
[H. R. 3328]

To authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to approve a release agreement to be negotiated by and between the Soboba Band of Mission Indians, the Metropolitan Water District of Southern California, hereinafter called Metropolitan, and the Eastern Municipal Water District, hereinafter called Eastern, which provides among other things that—

Soboba Indian Reservation, Calif. Water distribution system; claim release agreement.

(a) Metropolitan shall pay to the Secretary of the Interior for the use and benefit of the Soboba Indians the sum of $30,000. Payment shall be made when the lands that comprise the Soboba Indian Reservation have been annexed to Metropolitan and to Eastern. The annexation shall be subject to the terms and conditions of the release agreement and the annexation and water service agreement to be executed pursuant to section 2 of this Act.

Payment.

(b) The Soboba Band of Mission Indians releases Metropolitan and and Eastern, their successors or assigns, from all claim it may have based on past, present, or future actual or claimed damage to, or interference with, the flow of waters from the springs on the Soboba Indian Reservation lands, or on actual or claimed interference with, or damage to, the water supply to or upon the lands of the Soboba Indian Reservation, which claims arise from construction and operation of a certain tunnel through the San Jacinto mountains constructed in the 1930's.

(c) The release agreement shall be effective upon the completion of the concurrent annexation of the Soboba Indian Reservation lands to Metropolitan and Eastern and upon the execution of an annexation and water service agreement authorized by section 2 of this Act.

Effective date.

SEC. 2. The Secretary of the Interior and the Soboba Band of Indians are authorized to enter into an annexation and water service agreement with Eastern which provides, among other things, that—

Land annexation.

(a) The Soboba Indian Reservation lands may be annexed to Eastern and Metropolitan.

(b) No annexation charge or back taxes regardless of form shall be made for said annexation.

Annexation charge, etc., waiver.

(c) The Secretary and Eastern shall jointly determine the additional new water supply and distribution facilities that shall be constructed and the existing facilities that shall be rehabilitated in order to provide domestic and irrigation water to each consumer within the Soboba Indian Reservation. Subject to the appropriation authorization limitation in section 5, construction or rehabilitation of facilities to provide water service to the Soboba Indian Reservation shall be undertaken by Eastern, shall be financed by the United States, with Eastern providing such funds as the Secretary of the Interior and Eastern jointly determine represent a prorated share of joint-use facilities constructed outside of the Soboba Reservation, and with the $30,000 paid pursuant to subsection 1(a) being applied to the construction or rehabilitation. Facilities constructed within the Soboba Reservation shall be the property of the United States and facilities constructed outside of the Soboba Reservation shall be the property of Eastern.

Water service agreement.

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Maintenance.

(d) Eastern shall have the exclusive right, without charge, to use the supply and distribution facilities owned by the United States lying within the Soboba Indian Reservation, and Eastern shall assume the responsibility for maintaining and operating such facilities.

New service connections, financing.

(e) Upon assumption of operation and maintenance of the system by Eastern following completion of the initial installation and rehabilitation work, any new service connections applied for by residents or consumers within the Soboba Indian Reservation, and any other additional water main extensions or facilities required for serving new development within the Soboba Indian Reservation, shall be financed by the applicants for such service, in accordance with the standard rules and regulations of Eastern, except as indicated in the next sentence. As long as title to the lands involved is held in trust by the United States, such new service connections or additional water main extensions or facilities may be financed by the United States to the extent agreed upon by the Secretary of the Interior. All such new service connections, additional extensions, or facilities shall be constructed by Eastern. All such new service connections, additional extensions, or facilities financed by parties other than the United States shall be the property of Eastern. All such service connections, additional extensions, or facilities financed by the United States shall be the property of the United States subject to exclusive use by Eastern without charge.

Exception.

Delivery.

(f) Subject to the limitations of capacity and location of the jointly agreed upon facilities, Eastern shall deliver domestic and irrigation water to each individual consumer within the Soboba Indian Reservation in accordance with the prevailing standard rules and regulations of Eastern and the provisions of the annexation and water service agreement.

Rates.

(g) The retail rates applicable to water service within the Soboba Indian Reservation shall be mutually agreed upon by Eastern and the Secretary of the Interior, and shall be neither less than nor more than the estimated cost of such water service to Eastern, adjusted to reflect differences between estimated costs and actual costs in preceding rate periods. Eastern shall make collections for service in accordance with its prevailing rules and regulations and the Secretary of the Interior shall guarantee payment to Eastern of any delinquent bill for providing water service to lands held in trust within the Soboba Indian Reservation. Water service to a consumer shall be discontinued in accordance with the prevailing rules and regulations of Eastern when a bill for service becomes delinquent, and shall not be resumed as long as the bill is delinquent without prior approval of the Secretary of the Interior. The Secretary shall not approve a resumption of service to an Indian who is able to pay all or a portion of a delinquent bill and fails to do so.

Collection.

Delinquent payment.

Title, transfer.

(h) When title restrictions are removed from any part or all of the Soboba Indian Reservation land, the responsibility and duties of the United States under the annexation and water service agreement shall cease with respect to such land, except for the installation and rehabilitation obligations undertaken in subsections 2 (c) and (e) unless otherwise provided by Act of Congress. Title to the water distribution facilities serving such lands shall at that time become the property of Eastern and the obligation of Eastern to provide water service to such land at cost to the district shall likewise cease.

Rights-of-way.

SEC. 3. The Secretary is authorized to grant to Eastern without charge and subject to such conditions as he may prescribe (a) rights-of-way over Soboba Reservation lands necessary for the use, maintenance, and operation of supply and distribution facilities owned by the United States; (b) rights-of-way within which new service connections

are installed after initial installation and rehabilitation work has been completed by Eastern; and (c) rights-of-way necessary for additional water main extensions and other waterworks facilities required for serving new development: *Provided*, That where title to the Soboba Reservation lands involved has been conveyed in fee simple by the United States the rights-of-way hereby authorized shall be subject to prior approval of the owner of record. Eastern shall construct, use, maintain, operate, or install the equipment or facilities for which the rights-of-way are granted in a manner that avoids damage to buildings, crops, or trees, or interference with growing of crops. Should such damage or interference occur, Eastern shall compensate the United States as trustee, or the fee owner of record. The rights-of-way granted shall revert to the United States or the owner of record when no longer required for the purpose or purposes for which granted.

Trust lands, alienation, etc.; prohibition.

SEC. 4. Nothing in this Act shall permit Metropolitan or Eastern, or their successors or assigns, to alienate, encumber, or tax any property belonging to an Indian or Indian band which is held in trust by the United States of America, or which is subject to a restriction against alienation imposed by the United States of America, while such property is exempt therefrom under Federal case law or provisions of other Federal statutes.

Appropriation.

SEC. 5. There are authorized to be appropriated to carry out the provisions of subsection 2(c) not to exceed $316,658, in addition to the unexpended balance of sums previously appropriated and available for a water supply to the Soboba Reservation and the $30,000 provided pursuant to subsection 2(c), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved. There are also authorized to be appropriated such sums as may be necessary to make any payments guaranteed pursuant to subsection 2(g). No funds shall be appropriated pursuant to the authorization contained in this section until sixty calendar days (not counting days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) after the Secretary has submitted to the Congress a plan for the construction and use of the water supply and distribution facilities under subsection 2(c), and for the repayment of costs as provided in section 6, and then only if within said sixty days neither the House nor the Senate Committee on Interior and Insular Affairs disapproves by committee resolution the plan submitted.

Time limitation; construction plan, submittal to Congress.

Claims.

SEC. 6. Nothing in this Act shall affect the right of the Soboba Indians to pursue their claim against the United States under the Act of August 13, 1946 (60 Stat. 1049), now pending in docket numbered 80A before the Indian Claims Commission, but any expenditures under subsections 2 (c), (e), and (g), and the $30,000 paid by the Metropolitan and used pursuant to subsection 2(c), may be used by the Commission either in mitigation of damages or as an offset against any award which the Indians may receive. If such amount exceeds the award, the excess, and all expenditures by the United States under subsections 2 (c), (e), and (g) after the date of the award, shall be repaid to the United States, without interest, by deductions from revenues received by the Soboba Band or its members from the sale, lease, or rental of the lands, such deductions to be in amounts that will reimburse the United States within fifty years, or as soon thereafter as possible, according to estimates of the Secretary of the Interior, which estimates may be revised from time to time: *Provided*, That deductions in any one year shall not exceed 50 per centum of the revenues received in that year.

25 USC 70.

Deductions.

Limitation.

Land assignment modification.

SEC. 7. Notwithstanding any other provision of law, any assignment of land on the Soboba Reservation shall be modified, reduced in size, revoked, or otherwise limited by the governing body of the Soboba Band, or by the Secretary of the Interior if in his judgment the governing body fails to act effectively, in order to assure that the benefits from the development of the land with water provided pursuant to this Act, other than for subsistence purposes, will accrue to the Band rather than to the assignee.

Long-term leases.
Ante, p. 302.

SEC. 8. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby amended by inserting after "Gila River Reservation," the words "the Soboba Indian Reservation,".

Approved December 17, 1970.

Public Law 91-558

December 17, 1970
[S. 4536]

AN ACT

To amend the Small Business Act.

Small Business Act, amendment.

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

TITLE I—SMALL BUSINESS ADMINISTRATION

Revolving funds.
80 Stat. 132; 81 Stat. 268.
15 USC 633.

SEC. 101. Paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,900,000,000" and inserting in lieu thereof "$2,200,000,000";

(2) by striking out "$300,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000".

TITLE II—AUTHORIZATION FOR PRESIDENT TO STABILIZE PRICES, RENTS, WAGES, AND SALARIES

SEC. 201. Section 206 of the Economic Stabilization Act of 1970 (84 Stat. 799–800; Public Law 91–379) is amended by striking out "February 28, 1971," and inserting in lieu thereof "March 31, 1971,"; and by striking out "March 1, 1971," and inserting in lieu thereof "April 1, 1971,".

Approved December 17, 1970.

Public Law 91-559

December 19, 1970
[H. R. 15770]

AN ACT

To provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes.

Water Bank Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Bank Act".

Water bank program.

SEC. 2. The Congress finds that it is in the public interest to preserve, restore, and improve the wetlands of the Nation, and thereby to