

need for NMFS to comply with the request. I want to work closely with Representatives ENI FALEOMAVAEGA, JIM SAXTON, WAYNE GILCHRIST, GEORGE MILLER, DON YOUNG and the Appropriations Committee to make sure there is adequate federal support for the broad and extensive responsibilities for which WESPAC is charged. The fisheries of the Western Pacific economic zones for which WESPAC is responsible comprises approximately forty-eight percent of the entire area NMFS regulates, but WESPAC receives only twelve percent of the total funding all the commissions receive. We must make certain that we give the Commission the tools, resources and support they need in order to credibly discharge their formidable responsibilities.

Secondly, I would like to point out that even with enactment of this resolution or additional legislation amending the Magnuson-Stevens Act to ban shark finning, this is an international problem, and follow-up action must be initiated and undertaken in order to effectively end the practice internationally. Far more fins are unloaded in California ports, Hong Kong and other sites than in Hawaii, and the issue of transshipping of fins must also be addressed. If we are serious about ending finning, we need to act on several fronts.

By citing the waste inherent in finning, the resolution raises the issue of full utilization of the products harvested from sharks. Fins should not be the only part of animal used and we need to develop refined products and markets in order to more fully make good use of shark parts. The resolution cites the waste inherent in finning, and yet there is an implicit level of utilization in other marine products. For example, to what extent is taking solely roe from fish or sea urchins wasteful? NMFS should address these utilization issues as it undertakes regulatory actions impacting shark catches.

The last matter I would like to raise is that of compensation for lost income which will be sustained by Hawaii fishermen and industry. Shark fins generate significant revenue, and traditionally most of its goes directly to the crews of the fishing fleet. The resolution does not address lost compensation for crews, but I am pointing out the issue to indicate the complexity of the issue, and equity in addressing the economic consequences of fisheries regulatory decisions, based on precedents set by previous NMFS actions and decisions.

Again, Mr. Speaker, I urge adoption of the resolution, as well as addressing the underlying and associated issues it raises.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 189, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## CLEAR CREEK DISTRIBUTION SYSTEM CONVEYANCE ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 862) to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District, as amended.

The Clerk read as follows:

H.R. 862

*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 "Clear Creek Distribution System Conveyance Act".

### SEC. 2. DEFINITIONS.

For purposes of this Act:

(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. 3. 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. 4. RELATIONSHIP TO EXISTING OPERATIONS.

Nothing in this Act 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. 5. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

Conveyance of the Distribution System under this Act—

(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. 6. LIABILITY.

Effective on the date of conveyance of the Distribution System under this Act, 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, the subject of Bureau of Reclamation facility transfers has been of particular interest to the Congress, local irrigation districts, and the administration in recent years. Facility transfers represented an effort to shrink the Federal government and shift the responsibilities for ownership into the hands of those who can more efficiently operate and maintain them.

Much of the momentum for these transfers comes from local irrigation districts that are seeking title to these projects. The Federal government holds title to more than 600 Bureau of Reclamation water projects throughout the West. A growing number of these projects are now paid out and operated and maintained by local irrigation districts. The districts seek to have the facilities transferred to them, since many of the districts now have the expertise needed to manage the systems and can do so more efficiently than the Federal government.

H.R. 862 transfers title of the Clear Creek distribution system in California to the Clear Creek Services District without affecting the underlying water services contract, and it relieves the Federal government of all liability for its role in owning and constructing the water distribution system.

This transfer should be supported for two reasons. In the case of the Clear Creek distribution system, the government will reduce its risk of future liabilities associated with the project due to faulty project design. The district has indicated that it is prepared to accept responsibility for the system.

Second, the district believes that it has the expertise and financial capability to manage this project more efficiently than the Federal government.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, this legislation directs the transfer of the Bureau of Reclamation water distribution system to the Clear Creek Community Services District in California. The transfer will be carried out pursuant to a cooperative agreement that has already been negotiated.

The Bureau of Reclamation has worked closely with local interests on this transfer proposal, and it is my understanding that the manager's amendment is acceptable to the administration. This legislation is noncontroversial. Mr. Speaker, I urge support of the legislation of the gentleman from California (Mr. HERGER), H.R. 862.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield 6 minutes to my friend and colleague, the gentleman from California (Mr. HERGER), in whose district this project is located.

Mr. HERGER. Mr. Speaker, I would like to thank the gentleman from California (Chairman DOOLITTLE) and the members and staff of the Subcommittee on Water and Power of the Committee on Resources for their hard work on this important piece of legislation.

I would also like to command and thank the Clear Creek Community Services District for their perseverance, cooperation, and patience in working with the Bureau of Reclamation and the subcommittee.

H.R. 862, the Clear Creek Distribution System Conveyance Act is a modest and noncontroversial measure that authorizes the Secretary of the Interior to convey title to the Clear Creek distribution system out of the hands of the United States and into the hands of the Clear Creek Community Service District.

The Clear Creek Community Services District is a local agency that provides water services for domestic and agricultural use to a large area of western Shasta County in the Northern California district I represent.

Clear Creek entered into a contractual relationship with the United States in 1963 for construction of the distribution system, as well as a long-term water services contract and a commitment to long-term repayment of the construction cost of the system.

The district commenced making payments on its repayment obligation starting in 1967. Thereafter, the district took full and complete responsibility for the administration, operation, maintenance, and repair of the system. Legal title to the system, however, remained in the name of the United States.

Now that the district's repayment obligation has been satisfied by the terms of its agreement with the Bureau, both the district and Bureau seek to have title to the federally-owned facilities transferred back to the district.

The district took advantage of the administration's title transfer program and negotiated the terms and conditions of an agreement whereby title to the distribution facilities would be transferred in a manner satisfactory to all concerned parties. This legislation will effectuate that agreement, and will bring title and authority over these facilities back to the 8,000 or so people who are served by them.

Although the district already carries out all aspects of the operation and maintenance of the system, transfer of title will allow the customers and water users in the district to be better served by more cost-effective and responsive administration of the facility.

Mr. Speaker, the Clear Creek title transfer is uncluttered by any adverse or controversial issues related to environmental impact, water allocation,

hazardous waste, Federal power, or endangered species. It has the full support of the Clear Creek Community Services District, the citizens, communities, and businesses served by the district, and the Bureau of Reclamation.

Further, it advances the objective of creating a government that works better and costs less by transferring these facilities to State and local units of government where they can be more efficiently managed.

I urge the Members to vote in favor of this noncontroversial proposal, which provides a definite win-win situation for all parties involved. I appreciate the opportunity to speak on its behalf.

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

Mr. Speaker, I thank my friend and colleague, the gentleman from Guam (Mr. UNDERWOOD), for his help in this matter, and I urge an aye vote.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 862, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read:

"A bill to direct the Secretary of the Interior to implement the provisions of an agreement conveying title to a distribution system from the United States to the Clear Creek Community Services District."

A motion to reconsider was laid on the table.

#### SLY PARK UNIT CONVEYANCE ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 992) to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for other purposes, as amended.

The Clerk read as follows:

H.R. 992

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

#### SECTION 1. DEFINITIONS.

For the purpose of this Act, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "Sly Park Unit" means the Sly Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and conduits and canals as authorized under the American River Act of October 14, 1949 (63 Stat. 853), including those used to convey, treat, and store water delivered from Sly Park, as well as all recreation facilities thereto; and

(3) "District" means the El Dorado Irrigation District.—

#### SEC. 2. TRANSFER OF SLY PARK UNIT.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after date of enactment of this Act and in accordance with all applicable law, transfer all right, title, and interest in and to the Sly Park Unit to the District.

(b) SALE PRICE.—The Secretary is authorized to receive from the District \$2,000,000 to relieve payment obligations and extinguish the debt under contract number 14-06-200-949R2, and \$9,500,000 to relieve payment obligations and extinguish all debts associated with contracts numbered 14-06-200-7734, as amended by contracts numbered 14-06-200-4282A and 14-06-200-8536A. Notwithstanding the preceding sentence, the District shall continue to make payments required by section 3407(c) of Public Law 102-575 through year 2029.

(c) CREDIT REVENUE TO PROJECT REPAYMENT.—Upon payment authorized under subsection (b), the amount paid shall be credited toward repayment of capital costs of the Central Valley Project in an amount equal to the associated undiscounted obligation.

#### SEC. 3. FUTURE BENEFITS.

Upon payment, the Sly Park Unit shall no longer be a Federal reclamation project or a unit of the Central Valley Project, and the District shall not be entitled to receive any further reclamation benefits.

#### SEC. 4. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Sly Park Unit 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, for more than 14 years the Sly Park Unit conveyance has been a legislative proposal before the Congress. It has passed both the House and Senate several times in various forms.

Today we have before us what I consider a fair proposal to all interested parties in the legislation. The Sly Park Unit in California was originally authorized under the American River Act of October 14, 1949. Since the project was completed in 1955, the district has operated and maintained the facilities.

Additionally, the district has played a major role in providing a safe, clean, and community-oriented recreation area that offers camping, boating, swimming, picnicking, and fishing.

Since I became the chairman of the Subcommittee on Water and Power, it has been my intent to pursue legislation to shrink the size and scope of the Federal government through the defederalization of these assets.

This defederalization should be done for two reasons. First, in the case of Sly Park, the unit will be completely paid for prior to conveyance.

Second, the district has demonstrated for more than four decades their expertise and financial capability in managing this project more efficiently than the Federal government.

During the 105th Congress two congressionally-initiated Bureau of Reclamation transfer bills were signed into law that directed the Secretary of the Interior to convey all right, title, and