

the Western Pacific Regional Fishery Management Council earlier this year, the Council reported that approximately 200 tons of dried shark fins are transported through U.S. Pacific ports as bonded cargo.

There are groups in the Pacific that support a ban on shark finning; however, the Western Pacific Fishery Management Council, the entity tasked by law with management of the fisheries in the U.S. Central and Western Pacific Ocean, has repeatedly said that there is insufficient data on which to make that decision. While I do not agree with the Western Pacific Council on this one issue, I do wish to acknowledge the Council's work in including pelagic sharks in its management of pelagic fisheries dating as far back as 1987. To its credit, the Council has also taken aggressive conservation action in many other areas since it was established.

I want to thank Congressmen CUNNINGHAM, Chairman, DON YOUNG and SAXTON, and Congressman GEORGE MILLER for the active roles they have taken in moving this legislation forward, and I look forward to seeing the passage of the bill later today.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3535, as amended.

The question was taken.

Mr. SHERWOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 291) to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

The Clerk read as follows:

S. 291

*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 "Carlsbad Irrigation Project Acquired Land Transfer Act".

### SEC. 2. CONVEYANCE.

#### (a) LANDS AND FACILITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to subsection (c), the Secretary of the Interior (in this Act referred to as the "Secretary") may convey to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the State of New Mexico and in this Act referred to as the "District"), all right, title, and interest of the United States in and to the lands described in subsection (b) (in this Act referred to as the "acquired lands") and all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume.

#### (2) LIMITATION.—

(A) RETAINED SURFACE RIGHTS.—The Secretary shall retain title to the surface estate (but not the mineral estate) of such acquired lands which are located under the footprint of Brantley and Avalon dams or any other project dam or reservoir division structure.

(B) STORAGE AND FLOW EASEMENT.—The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(b) ACQUIRED LANDS DESCRIBED.—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy County, New Mexico, described as the acquired lands and in section (7) of the "Status of Lands and Title Report: Carlsbad Project" as reported by the Bureau of Reclamation in 1978.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—Any conveyance of the acquired lands under this Act shall be subject to the following terms and conditions:

(1) MANAGEMENT AND USE, GENERALLY.—The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, based on historic operations and consistent with the management of other adjacent project lands.

(2) ASSUMED RIGHTS AND OBLIGATIONS.—Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2-LM-40-00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes; and

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7-07-57-X0888) for the management and operation of Brantley Lake State Park.

(3) EXCEPTIONS.—In relation to agreements referred to in paragraph (2)—

(A) the District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement; and

(B) the District shall not be entitled to any receipts for revenues generated as a result of either agreement.

(d) COMPLETION OF CONVEYANCE.—If the Secretary does not complete the conveyance within 180 days from the date of enactment of this Act, the Secretary shall submit a report to the Congress within 30 days after that period that includes a detailed explanation of problems that have been encountered in completing the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance.

### SEC. 3. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.

(a) IDENTIFICATION AND NOTIFICATION OF LEASEHOLDERS.—Within 120 days after the date of enactment of this Act, the Secretary of the Interior shall—

(1) provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this Act; and

(2) notify all leaseholders of the conveyance authorized by this Act.

(b) MANAGEMENT OF MINERAL AND GRAZING LEASES, LICENSES, AND PERMITS.—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the acquired lands conveyed under section 2, and shall be entitled to any receipts from such leases, licenses, and permits accruing after the date of conveyance. All such re-

ceipts shall be used for purposes for which the Project was authorized and for financing the portion of operations, maintenance, and replacement of the Summer Dam which, prior to conveyance, was the responsibility of the Bureau of Reclamation, with the exception of major maintenance programs in progress prior to conveyance which shall be funded through the cost share formulas in place at the time of conveyance. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project.

### (c) AVAILABILITY OF AMOUNTS PAID INTO RECLAMATION FUND.—

(1) EXISTING RECEIPTS.—Receipts in the reclamation fund on the date of enactment of this Act which exist as construction credits to the Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359) shall be deposited in the General Treasury and credited to deficit reduction or retirement of the Federal debt.

(2) RECEIPTS AFTER ENACTMENT.—Of the receipts from mineral and grazing leases, licenses, and permits on acquired lands to be conveyed under section 2, that are received by the United States after the date of enactment and before the date of conveyance—

(A) not to exceed \$200,000 shall be available to the Secretary for the actual costs of implementing this Act with any additional costs shared equally between the Secretary and the District; and

(B) the remainder shall be deposited into the General Treasury of the United States and credited to deficit reduction or retirement of the Federal debt.

### SEC. 4. VOLUNTARY WATER CONSERVATION PRACTICES.

Nothing in this Act shall be construed to limit the ability of the District to voluntarily implement water conservation practices.

### SEC. 5. LIABILITY.

Effective on the date of conveyance of any lands and facilities authorized by this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors, prior to conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that provided under chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act.

### SEC. 6. FUTURE BENEFITS.

Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Reclamation Act of June 17, 1902, and Acts supplementary thereof or amendatory thereto attributable to their status as part of a Reclamation Project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

#### GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 291.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

Mr. Speaker, S. 291, the Carlsbad Irrigation Project Acquired Land Transfer Act, introduced by Senator DOMENICI of New Mexico, is the companion bill to H.R. 1019, introduced by the gentleman from New Mexico (Mr. SKEEN), my esteemed colleague, that was reported from the Committee on Resources last year.

For the last 6 years, the Subcommittee on Water and Power has pursued legislation to shrink the size and scope of the Federal Government through the defederalization of Bureau of Reclamation assets.

S. 291 continues this defederalization process by authorizing the Secretary of the Interior to convey to the Carlsbad Irrigation District all right, title, and interest of the United States in and to the acquired lands and all interest the United States holds in the irrigation and drainage system of the Carlsbad project and all related land. The Carlsbad project is a paid-out, single purpose irrigation project delivering stored water to approximately 25,000 acres of farmland in southeastern New Mexico.

This bill is one of several working their way through the House and Senate. It is the expectation of the committee that the Senate will accelerate its work on the other transfer bills that currently await action in the Senate.

Mr. Speaker, I yield the balance of my time to the gentleman from New Mexico (Mr. SKEEN), the author of the House version of the Carlsbad transfer, and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

Mr. Speaker, I rise in enthusiastic and strong support of S. 291, the Carlsbad Irrigation Project Acquired Land Transfer Act. S. 291 was introduced by Senator DOMENICI and Senator BINGAMAN of New Mexico and is the companion bill to H.R. 1019, legislation that I introduced, which passed the Committee on Resources early last year. In fact, I have introduced a version of H.R. 1019 each of the last three Congresses only to run into some form of legislative or political brick wall each time.

Ideally, I would have preferred to be debating H.R. 1019 right now in lieu of S. 291, as I believe that H.R. 1019 is a stronger bill and will serve the interests of Congress and the Carlsbad Irrigation District best. However, discretion is the better part of valor, and I will be pleased to finally send this bill to the President for his signature.

After all, Senate 291 does continue my long-held belief that the more we

can devolve the Federal rule and the local decision-making process the better the management will be.

Now, for a history and justification. In 1905, the U.S. purchased acquired lands from the Pecos Irrigation Company. The amount paid for these lands or the methodology of repayment were contained within the Carlsbad Irrigation District's repayment obligations to the United States.

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The district has repaid all the project costs attributed to them, which includes the acquired lands. Their obligations have been met in full. As a single-purpose project, the district received no repayment credits for flood control, recreation or other project beneficiaries.

The 1924 Fact Finders Act requires all revenues, except minerals generated from the acquired lands, to be used by the district for the project and the 1939 Minerals Leasing Act permits all mineral receipts to be used by the district for district purposes. Both of these acts apply whether the district is paid out or not.

In 1991, the district completed its repayment obligations. Almost \$2.5 million has accumulated in the Reclamation Fund on behalf of CID and are currently available to offset new construction costs. Over 90 years of precedent and several Solicitor Generals reports clearly recognize the District's right to all revenues from the acquired lands.

However, and as a sign of good will to mistaken opposition, the district is waiving its justified right to the \$2 million and allows it to be credited towards the national deficit or debt reduction. That ought to be interesting.

The district is also accepting the O&M costs of Sumner Dam, which is currently the taxpayers' responsibility, and is accepting full responsibility for the conveyed lands and facilities. In addition, the district can only use revenues for maintenance and improvements of the project.

The district is also waiving future eligibility for additional reclamation benefits for the conveyed lands and facilities. And simply put, the district is accepting the costs of the project and saving taxpayer dollars in the process.

The responsible approach on behalf of taxpayers is absolution of the taxpayers' future monetary obligations; and that is accomplished by passage of this legislation, which requires the district's acceptance of financial responsibility.

The State, the county, the city of Carlsbad have soundly endorsed the legislation. The administration supports the legislation. And most importantly, I support the bill.

Mr. Speaker, I want to thank the district manager, Tom Davis; board chairman L.A. Johnson; Bill Ahrens; and the remainder of the board and members of the district for their patience and faith in the process.

Finally, I would like to thank the gentleman from California (Chairman

DOOLITTLE), the gentleman from Alaska (Chairman YOUNG), and the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. DOOLEY). For without each of their assistance, what has been a long road would have been considerably longer.

In closing, I would be remiss to not mention the fine work of the majority staff, Bob Faber and Josh Johnson, and minority staffer Steve Lanich. We all know and appreciate the support the staff provides.

Mr. Speaker, I strongly urge passage of S. 291.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great admiration and great respect and high regard for my colleague, the gentleman from New Mexico (Mr. SKEEN), that I rise in support of the Carlsbad Irrigation Project Acquired Lands Transfer Act.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SKEEN) that the House suspend the rules and pass the Senate bill, S. 291.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### WELLTON-MOHAWK TRANSFER ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 356) to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.

The Clerk read as follows:

S. 356

*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 referred to as the "Wellton-Mohawk Transfer Act".

#### SEC. 2. TRANSFER.

The Secretary of the Interior ("Secretary") is authorized to carry out the terms of the Memorandum of Agreement No. 8-AA-34-WA014 ("Agreement") dated July 10, 1998 between the Secretary and the Wellton-Mohawk Irrigation and Drainage District ("District") providing for the transfer of works, facilities, and lands to the District, including conveyance of Acquired Lands, Public Lands, and Withdrawn Lands, as defined in the Agreement.