

43 U.S.C. 371 et seq.), and Acts amendatory thereof and supplemental thereto.

#### SEC. 6. AGREEMENTS.

Funds appropriated pursuant to this Act 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 4(a); and

(2) governing the funding of planning, design, and compliance activities costs under section 4(b).

#### SEC. 7. 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 2 before the date amounts are provided for the project under this Act, 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 4.

#### SEC. 8. 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 Act.

(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. 9. RELATIONSHIP TO RECLAMATION REFORM ACT OF 1982.

Activities carried out, and financial assistance provided, under this Act 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. 10. 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 Act. Sums appropriated under this section shall remain available until expended.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

#### GENERAL LEAVE

Mr. GILCHREST. 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 H.R. 1113.

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

There was no objection.

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

Mr. Speaker, H.R. 1113 introduced, by the gentleman from California (Mr.

OSE), addresses issues associated with water management, flood control, drainage and subsistence occurring within the multicounty Colusa Basin in California.

The bill intends to reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water. It will assist in groundwater recharge efforts, as well as provide funding for conservation, conjunctive use and increased water supplies.

One of the prime objectives of local project proponents in seeking introduction of this legislation was to specifically identify a congressional priority for funding from within existing Federal programs. This authorization is not intended to expand Federal expenditure but is to prioritize existing spending. I would encourage my colleagues to vote for the legislation.

Mr. GILCHREST. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. OSE) to address some of his feelings on this legislation that affects his Congressional District.

Mr. OSE. Mr. Speaker, oftentimes, I am reminded by others who are smarter than I, when an organization does what one is hoping it does, perhaps the best thing one can do is just sit down and be quiet. However, I did want to offer a few remarks on the passage of H.R. 1113.

H.R. 1113 is a win-win for my district in that it provides the opportunity to complete work that was commenced under my predecessor's tenure. When Vic Fazio was here in the 105th Congress, he worked with Members on both sides of the aisle, the purpose of which was to bring some flood protection to the Colusa Basin and its residents. He was, I believe, able to get this package passed through the House twice, actually; but, unfortunately, it got caught in a time crunch at the end of the 105th and, as such, did not get signed by the President.

We are back here today on the first step of the new travels of the new journey. We pass it here in the House. It will go on to the Senate from here. The essential components of this bill are that we provide flood protection for people in the Colusa Basin, hopefully averting up to an average of \$5 million a year in flood damage that occurs on seasonal streams off the Pacific Coast range.

It provides up to 10,000 acres of new wetlands and habitat for wildlife along the Pacific flyway. It is supported by the Yolo, Glenn and Colusa Boards of Supervisors, the California Farm Bureau, local organizations like the Family Water Alliance, the Sacramento Valley Landowners Association, the Glenn-Colusa Irrigation District, and also by the municipalities such as Wilcox, Colusa and Orland.

It is also somewhat of a unique vehicle in that the Colusa Basin Drainage District has entered into a memorandum of understanding somewhat unusual in this, laying out the param-

eters under which the 10,000 acres of new wildlife and habitat area will be managed. It is unique in that sense.

It is perhaps a vehicle we could mimic elsewhere in the country as we work to balance our needs between the demands of humans for flood protection and our needs to help in the environment and the like.

Again, I want to express my appreciation to the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for allowing me to come and speak.

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I thank my good friend, the gentleman from Maryland (Mr. GILCHREST) for his management of the legislation and on the floor.

Mr. Speaker, this bill authorizes a number of relatively small structures for water retention and watershed management in California's Colusa Basin. The bill, as amended, now requires a reasonable level of local cost sharing to help cover project planning, design and environmental compliance expenses. I thank the gentleman from California (Mr. OSE) for his sponsorship of this bill, and I urge my colleagues to support this legislation.

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

Mr. GILCHREST. Mr. Speaker, I urge my colleagues to vote aye on the legislation, 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 Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 1113, 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.

A motion to reconsider was laid on the table.

#### MISSOURI RIVER BASIN PROJECT CONVEYANCE

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2984) to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska, as amended.

The Clerk read as follows:

H. R. 2984

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

**SECTION 1. CONVEYANCE OF THE ASSETS OF THE MIDDLE LOUP DIVISION OF THE MISSOURI RIVER BASIN PROJECT, NEBRASKA.**

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law, convey all right, title, and interest in and to the property comprising the assets of the Missouri River Basin Project, Middle Loup Division, Nebraska, in accordance with the Memorandum of Understanding.

(b) SALE PRICE.—The Secretary shall accept \$2,847,360 as payment from the District and \$2,600,000 as payment from the power customers under the terms specified in this section, as consideration for the conveyance under subsection (a). Out of the receipts from the sale of power from the Pick-Sloan Missouri Basin Program (Eastern Division) collected by the Western Area Power Administration and deposited into the Reclamation fund of the Treasury in fiscal year 2001, \$2,600,200 shall be treated as full and complete payment by the power customers of such consideration and repayment by the power customers of all aid to irrigation associated with the facilities conveyed under subsection (a).

(c) FUTURE BENEFITS.—Upon payment by the Districts of consideration for the conveyance in accordance with the Memorandum of Understanding, the Middle Loup Division of the Missouri River Basin Project—

(1) shall not be treated as a Federal reclamation project; and

(2) shall not be subject to the reclamation laws or entitled to receive any reclamation benefits under those laws.

(d) LIABILITY.—Except as otherwise provided by law, effective on the date of conveyance of the assets under this section, 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 assets.

(e) DEFINITIONS.—In this section:

(1) ASSETS.—The term “assets” has the meaning that term has in the Memorandum of Understanding.

(2) DISTRICTS.—The term “Districts” means the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska.

(3) MEMORANDUM OF UNDERSTANDING.—The term “Memorandum of Understanding” means Bureau of Reclamation memorandum of understanding number 99AG601285, entitled “MEMORANDUM OF UNDERSTANDING BETWEEN UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION GREAT PLAINS REGION NEBRASKA-KANSAS AREA OFFICE AND LOUP BASIN RECLAMATION DISTRICT FARWELL IRRIGATION DISTRICT SARGENT IRRIGATION DISTRICT CONCERNING PRINCIPLES AND ELEMENTS OF PROPOSED TRANSFER OF TITLE TO WORKS, FACILITIES AND LANDS IN THE MIDDLE LOUP DIVISION”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

**GENERAL LEAVE**

Mr. Gilchrest. 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 H.R. 2984.

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

There was no objection.

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

Mr. Speaker, H.R. 2984 directs the Secretary of Interior to convey all right, title and interest in the Middle Loup Division to the Farwell Irrigation District; the Sargent Irrigation District; and the Loup Basin Reclamation District, in the State of Nebraska, in accordance with a signed memorandum of understanding between the Bureau of Reclamation and the districts.

An agreement on the sale price has been worked out between the districts, the Bureau of Reclamation and Western Area Power Administration for the facilities to be conveyed under this act. I urge an aye vote on this legislation.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, H.R. 2984, as amended, would direct to the Bureau of Reclamation, subject to applicable law, to convey a portion of the Pick-Sloan Missouri Basin flood control and irrigation project to the Loup Basin Reclamation District, the Sargent River Irrigation District and the Farwell Irrigation District in Nebraska.

This legislation, as amended, it is my understanding that the administration supports it and at a later point in time I will reserve the right to vote on this suspension bill.

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

Mr. GILCHREST. 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 Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 2984, as amended.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

**TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT ACT**

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4643) to provide for the settlement of issues and claims related to

the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4643

*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 “Torres-Martinez Desert Cahuilla Indians Claims Settlement Act”.

**SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds the following:

(1) In 1876, the Torres-Martinez Indian Reservation was created, reserving a single, 640-acre section of land in the Coachella Valley, California, north of the Salton Sink. The Reservation was expanded in 1891 by Executive Order, pursuant to the Mission Indian Relief Act of 1891, adding about 12,000 acres to the original 640-acre reservation.

(2) Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the 1891 reservation lands.

(3) In 1909, an additional 12,000 acres of land, 9,000 of which were then submerged under the Salton Sea, were added to the reservation under a Secretarial Order issued pursuant to a 1907 amendment of the Mission Indian Relief Act. Due to receding water levels in the Salton Sea through the process of evaporation, at the time of the 1909 enlargement of the reservation, there were some expectations that the Salton Sea would recede within a period of 25 years.

(4) Through the present day, the majority of the lands added to the reservation in 1909 remain inundated due in part to the flowage of natural runoff and drainage water from the irrigation systems of the Imperial, Coachella, and Mexicali Valleys into the Salton Sea.

(5) In addition to those lands that are inundated, there are also tribal and individual Indian lands located on the perimeter of the Salton Sea that are not currently irrigable due to lack of proper drainage.

(6) In 1982, the United States brought an action in trespass entitled “United States of America, in its own right and on behalf of Torres-Martinez Band of Mission Indians and the Allottees therein v. the Imperial Irrigation District and Coachella Valley Water District”, Case No. 82-1790 K (M) (hereafter in this section referred to as the “U.S. Suit”) on behalf of the Torres-Martinez Indian Tribe and affected Indian allottees against the two water districts seeking damages related to the inundation of tribal- and allottee-owned lands and injunctive relief to prevent future discharge of water on such lands.

(7) On August 20, 1992, the Federal District Court for the Southern District of California entered a judgment in the U.S. Suit requiring the Coachella Valley Water District to pay \$212,908.41 in past and future damages and the Imperial Irrigation District to pay \$2,795,694.33 in past and future damages in lieu of the United States request for a permanent injunction against continued flooding of the submerged lands.

(8) The United States, the Coachella Valley Water District, and the Imperial Irrigation District have filed notices of appeal with the United States Court of Appeals for the Ninth Circuit from the district court's judgment in the U.S. Suit (Nos. 93-55389, 93-55398, and 93-55402), and the Tribe has filed a notice of appeal from the district court's denial of its motion to intervene as a matter of right (No. 92-55129).