

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

A motion to reconsider was laid on the table.

RECOGNIZING 100TH ANNIVERSARY OF FOUNDING OF INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 419) requesting the President to issue a proclamation in observance of the 100th Anniversary of the founding of the International Association of Fish and Wildlife Agencies.

The Clerk read as follows:

H. CON. RES. 419

Whereas on September 17, 1902, when Theodore Roosevelt was President, 8 wildlife managers and game wardens from 6 States met in West Yellowstone, Montana, on behalf of the country's beleaguered fish and wildlife populations, and established the National Association of Game and Fish Wardens and Commissioners, which later became the International Association of Fish and Wildlife Agencies (IAFWA);

Whereas 100 years later, IAFWA represents the fish and wildlife agencies of all 50 States and enjoys the membership of several Federal natural resource agencies, the Federal and provincial fish and wildlife agencies of Canada, and the Federal natural resource agency of Mexico;

Whereas IAFWA has been a significant force in the enactment of fish and wildlife conservation treaties and Federal statutes too numerous to enumerate, including the Migratory Bird Treaty Act; the Pittman-Robertson Wildlife Restoration Act; the Dingell-Johnson Sportfish Restoration Act; all farm bills enacted since 1985; the North American Wetlands Conservation Act; the National Wildlife Refuge System Improvement Act of 1997, and the Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000, to mention but a few;

Whereas IAFWA continues to promote the sustainable use of natural resources; to encourage cooperation and coordination of fish and wildlife conservation and management at all levels of government; to encourage professional management of fish and wildlife; to develop coalitions among conservation organizations to promote fish and wildlife interests; and to foster public understanding of the need for conservation; and

Whereas the State fish and wildlife agencies have successfully restored healthy fish and wildlife populations enjoyed by all Americans largely using Federal excise taxes paid by hunters and anglers into the Federal trust funds known as the Pittman-Robertson, Dingell-Johnson, and Wallop-Breaux trust funds, and using State hunting and fishing license fees: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the significance of the centennial of the establishment of the entity that became the International Association of Fish and Wildlife Agencies;

(2) acknowledges the outstanding contributions of its member agencies to fish and wildlife conservation; and

(3) requests the President to issue a proclamation observing the 100th anniversary of the founding of the International Association of Fish and Wildlife Agencies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

I am pleased to present this resolution, introduced by the gentleman from Alaska (Mr. YOUNG) and the gentleman from Michigan (Mr. DINGELL), which recognizes the International Association of Fish and Wildlife Agencies for the dedicated service that they have rendered over the past 100 years and the invaluable contributions they have made to fish and wildlife management.

On September 17, 1902, eight wildlife managers from six States met together in West Yellowstone, Montana, to form an organization which became known as the International Association of Fish and Wildlife Agencies. This month they will celebrate their 100th anniversary, and it is appropriate to reflect upon the fine work that our State fish and wildlife agencies perform on a daily basis. This organization has played a key role in conserving and managing thousands of fish and wildlife species and their essential habitats throughout the United States.

This resolution recognizes the importance of the centennial establishment of this organization, acknowledges the outstanding contributions of its member agencies to conservation, and requests the President to issue a proclamation commemorating its 100th anniversary.

This is a good resolution, it is bipartisan, it should be noncontroversial; and I urge its adoption.

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

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

I too rise in support of this concurrent resolution which recognizes the 100th anniversary of the establishment of the International Association of Fish and Wildlife Agencies. It is cosponsored by two very distinguished Members of this body, on our side of the aisle the dean of the House, the gentleman from Michigan (Mr. DINGELL), and on the majority side the former chairman of the Committee on Resources and the current chairman of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG). I commend these gentlemen for bringing this resolution before us, and I urge its support.

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

Mr. HANSEN. 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 Utah (Mr. HANSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 419.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FREMONT-MADISON CONVEYANCE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4708) to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District, as amended.

The Clerk read as follows:

H.R. 4708

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

TITLE I—FREMONT-MADISON IRRIGATION FACILITIES CONVEYANCE

SEC. 101. SHORT TITLE.

This title may be cited as the "Fremont-Madison Conveyance Act".

SEC. 102. CONVEYANCE OF FACILITIES.

(a) CONVEYANCE REQUIREMENT.—The Secretary of the Interior shall convey to the Fremont-Madison Irrigation District, Idaho, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law and pursuant to the terms of the memorandum of agreement between the District and the Secretary (Contract No. 1425-01-MA-10-3310). The Secretary shall include in the facilities conveyed under this section all right, title, and interest of the United States in and to the canals, laterals, drains, and other components of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District as they exist upon the date of enactment of this Act, consistent with section 107.

(b) REPORT.—If the Secretary has not completed any conveyance required under this title by September 13, 2003, the Secretary shall, by no later than that date, submit a report to the Congress explaining the reasons that conveyance has not been completed and stating the date by which the conveyance will be completed.

SEC. 103. COSTS.

(a) IN GENERAL.—The Secretary shall require, as a condition of the conveyance under section 102, that the District pay the administrative costs of the conveyance and related activities, including the costs of any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as described in Contract No. 1425-01-MA-10-3310.

(b) VALUE OF FACILITIES TO BE TRANSFERRED.—In addition to subsection (a) the Secretary shall also require, as condition of the conveyance under section 102, that the District pay to the United States the lesser of the net present value of the remaining obligations owed by the District to the United States with respect to the facilities conveyed, or \$280,000. Amounts received by the United States under this subsection shall be deposited into the reclamation fund.

SEC. 104. TETON EXCHANGE WELLS.

(a) CONTRACTS AND PERMIT.—In conveying the Teton Exchange Wells under section 102, the Secretary shall also convey to the District—

(1) Idaho Department of Water Resources permit number 22-7022, including drilled wells under the permit, as described in Contract No. 1425-01-MA-10-3310; and

(2) all equipment appurtenant to such wells.

(b) EXTENSION OF WATER SERVICE CONTRACT.—The water service contract between

the Secretary and the District (Contract No. 7-07-10-W0179, dated September 16, 1977) is hereby extended and shall continue in full force and effect until all conditions described in this title are fulfilled.

SEC. 105. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.

Prior to conveyance the Secretary shall complete all actions as may be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable laws.

SEC. 106. LIABILITY.

Effective on the date of the conveyance of the facilities described in section 102, 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 facilities, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section may be deemed to increase the liability of the United States beyond that currently provided in chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act.

SEC. 107. WATER SUPPLY TO DISTRICT LANDS.

The Secretary shall increase the number of acres within the District that are eligible to receive water from the Minidoka Project and the Teton Basin Projects to reflect the number of acres within the District as of the date of enactment of this Act, which includes lands annexed into the District prior to enactment of this Act as intended by the Teton Basin Project. This section does not in any way authorize the use of any additional Federal Reclamation project water beyond that which is currently authorized under their existing water storage contracts and as allowed by State water law.

SEC. 108. EXISTING RIGHTS NOT AFFECTED.

Nothing in this title affects the rights of any person except as provided in this title. Any conveyance under this title shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

SEC. 109. DEFINITIONS.

In this title:

(1) **DISTRICT.**—The term “District” means the Fremont-Madison Irrigation District, an irrigation district organized under the law of the State of Idaho.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

TITLE II—HUMBOLDT PROJECT CONVEYANCE

SEC. 201. SHORT TITLE.

This title may be cited as the “Humboldt Project Conveyance Act”.

SEC. 202. DEFINITIONS.

For purposes of this title:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **STATE.**—The term “State” means the State of Nevada.

(3) **PCWCD.**—The term “PCWCD” means the Pershing County Water Conservation District, a public entity organized under the laws of the State of Nevada.

(4) **PERSHING COUNTY.**—The term “Pershing County” means the Pershing County government, a political subunit of the State of Nevada.

(5) **LANDER COUNTY.**—The term “Lander County” means the Lander County government, a political subunit of the State of Nevada.

SEC. 203. AUTHORITY TO CONVEY TITLE.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act and

in accordance with all applicable law, the Secretary shall convey all right, title, and interest in and to the lands and features of the Humboldt Project, including all water rights for storage and diversion, to PCWCD, the State, Pershing County, and Lander County, consistent with the terms and conditions set forth in the Memorandum of Agreement between PCWCD and Lander County dated January 24, 2000, the Conceptual Agreement between PCWCD and the State dated October 18, 2001, the Letter of Agreement between Pershing County and the State dated April 16, 2002, and any agreements between the Bureau of Reclamation and PCWCD.

(b) **COMPLIANCE WITH AGREEMENTS.**—All parties to the conveyance under subsection (a) shall comply with the terms and conditions of the agreements cited in subsection (a).

(c) **REPORT.**—If the conveyance required by this section has not been completed within 18 months after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that describes—

- (1) the status of the conveyance;
- (2) any obstacles to completion of the conveyance; and
- (3) the anticipated date for completion of the conveyance.

SEC. 204. PAYMENT.

(a) **IN GENERAL.**—As consideration for any conveyance required by section 203, PCWCD shall pay to the United States the net present value of miscellaneous revenues associated with the lands and facilities to be conveyed.

(b) **WITHDRAWN LANDS.**—As consideration for any conveyance of withdrawn lands required by section 203, the entity receiving title shall pay the United States (in addition to amounts paid under subsection (a)) the fair market value for any such lands conveyed that were withdrawn from the public domain pursuant to the Secretarial Orders dated March 16, 1934, and April 6, 1956.

(c) **ADMINISTRATIVE COSTS.**—Administrative costs for conveyance of any land or facility under this title shall be paid in equal shares by the Secretary and the entity receiving title to the land or facility, except costs identified in subsections (d) and (e).

(d) **REAL ESTATE TRANSFER COSTS.**—As a condition of any conveyance of any land or facility required by section 203, costs of all boundary surveys, title searches, cadastral surveys, appraisals, and other real estate transactions required for the conveyance shall be paid by the entity receiving title to the land or facility.

(e) **NEPA COSTS.**—Costs associated with any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for conveyance of any land or facility under section 203 shall be paid in equal shares by the Secretary and the entity receiving title to the land or facility.

(f) **STATE OF NEVADA.**—The State shall not be responsible for any payments for land or facilities under this section. Any proposal by the State to reconvey to another entity land conveyed by the Secretary under this title shall be pursuant to an agreement with the Secretary providing for fair market value to the United States for the lands, and for continued management of the lands for recreation, wildlife habitat, wetlands, or resource conservation.

SEC. 205. COMPLIANCE WITH OTHER LAWS.

Following the conveyance required by section 203, the district, the State, Pershing County, and Lander County shall, with respect to the interests conveyed, comply with

all requirements of Federal, State, and local law applicable to non-Federal water distribution systems.

SEC. 206. REVOCATION OF WITHDRAWALS.

Effective on the date of the conveyance required by section 203, the Secretarial Orders dated March 16, 1934, and April 6, 1956, that withdrew public lands for the Rye Patch Reservoir and the Humboldt Sink, are hereby revoked.

SEC. 207. LIABILITY.

Effective on the date of the conveyance required by section 203, 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 Humboldt Project, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that currently provided in chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act.

SEC. 208. NATIONAL ENVIRONMENTAL POLICY ACT.

Prior to any conveyance under this title, the Secretary shall complete all actions as may be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable laws.

SEC. 209. FUTURE BENEFITS.

Upon conveyance of the lands and facilities by the Secretary under this title, the Humboldt Project shall no longer be a Federal reclamation project and the district shall not be entitled to receive any future reclamation benefits with respect to that project, except those benefits that would be available to other nonreclamation districts.

TITLE III—JICARILLA APACHE RESERVATION RURAL WATER SYSTEM

SEC. 301. SHORT TITLE.

This title may be cited as the “Jicarilla Apache Reservation Rural Water System Act”.

SEC. 302. PURPOSES.

The purposes of this title are as follows:

(1) To ensure a safe and adequate rural, municipal, and water supply and wastewater systems for the residents of the Jicarilla Apache Reservation in the State of New Mexico in accordance with Public Law 106-243.

(2) To authorize the Secretary of the Interior, through the Bureau of Reclamation, in consultation and collaboration with the Jicarilla Apache Nation—

(A) to plan, design, and construct the water supply, delivery, and wastewater collection systems on the Jicarilla Apache Reservation in the State of New Mexico; and

(B) to include service connections to facilities within the town of Dulce and the surrounding area, and to individuals as part of the construction.

(3) To require the Secretary, at the request of the Jicarilla Apache Nation, to enter into a self-determination contract with the Jicarilla Apache Nation under title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f et seq.) under which—

(A) the Jicarilla Apache Nation shall plan, design, and construct the water supply, delivery, and wastewater collection systems, including service connections to communities and individuals; and

(B) the Bureau of Reclamation shall provide technical assistance and oversight responsibility for such project.

(4) To establish a process in which the Jicarilla Apache Nation shall assume title

and responsibility for the ownership, operation, maintenance, and replacement of the system.

SEC. 303. DEFINITIONS.

As used in this title:

(1) **BIA.**—The term “BIA” means the Bureau of Indian Affairs, an agency within the Department of the Interior.

(2) **IRRIGATION.**—The term “irrigation” means the commercial application of water to land for the purpose of establishing or maintaining commercial agriculture in order to produce field crops and vegetables for sale.

(3) **RECLAMATION.**—The term “Reclamation” means the Bureau of Reclamation, an agency within the Department of the Interior.

(4) **REPORT.**—The term “Report” means the report entitled “Planning Report/Environmental Assessment, Water and Wastewater Improvements, Jicarilla Apache Nation, Dulce, New Mexico”, dated September 2001, which was completed pursuant to Public Law 106-243.

(5) **RESERVATION.**—The term “Reservation” means the Jicarilla Apache Reservation in the State of New Mexico, including all lands and interests in land that are held in trust by the United States for the Tribe.

(6) **RURAL WATER SUPPLY PROJECT.**—The term “Rural Water Supply Project” means a municipal, domestic, rural, and industrial water supply and wastewater facility area and project identified to serve a group of towns, communities, cities, tribal reservations, or dispersed farmsteads with access to clean, safe domestic and industrial water, to include the use of livestock.

(7) **STATE.**—The term “State” means the State of New Mexico.

(8) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Reclamation.

(9) **TRIBE.**—The term “Tribe” means the Jicarilla Apache Nation.

SEC. 304. JICARILLA APACHE RESERVATION RURAL WATER SYSTEM.

(a) **CONSTRUCTION.**—The Secretary, in consultation and collaboration with the Tribe, shall plan, design, and construct the Rural Water Supply Project to improve the water supply, delivery, and wastewater facilities to the town of Dulce, New Mexico, and surrounding communities for the purpose of providing the benefits of clean, safe, and reliable water supply, delivery, and wastewater facilities.

(b) **SCOPE OF PROJECT.**—The Rural Water Supply Project shall consist of the following:

(1) Facilities to provide water supply, delivery, and wastewater services for the community of Dulce, the Mundo Ranch Development, and surrounding areas on the Reservation.

(2) Pumping and treatment facilities located on the Reservation.

(3) Distribution, collection, and treatment facilities to serve the needs of the Reservation, including, but not limited to, construction, replacement, improvement, and repair of existing water and wastewater systems, including systems owned by individual tribal members and other residents on the Reservation.

(4) Appurtenant buildings and access roads.

(5) Necessary property and property rights.

(6) Such other electrical power transmission and distribution facilities, pipelines, pumping plants, and facilities as the Secretary deems necessary or appropriate to meet the water supply, economic, public health, and environmental needs of the Reservation, including, but not limited to, water storage tanks, water lines, maintenance equipment, and other facilities for the Tribe on the Reservation.

(c) **COST SHARING.**—

(1) **TRIBAL SHARE.**—Subject to paragraph (3) and subsection (d), the tribal share of the cost of the Rural Water Supply Project is comprised of the costs to design and initiate construction of the wastewater treatment plant, to replace the diversion structure on the Navajo River, and to construct raw water settling ponds, a water treatment plant, water storage plants, a water transmission pipeline, and distribution pipelines, and has been satisfied.

(2) **FEDERAL SHARE.**—Subject to paragraph (3) and subsection (d), the Federal share of the cost of the Rural Water Supply Project shall be all remaining costs of the project identified in the Report.

(3) **OPERATION AND MAINTENANCE.**—The Federal share of the cost of operation and maintenance of the Rural Water Supply Project shall continue to be available for operation and maintenance in accordance with the Indian Self-Determination Act, as set forth in this title.

(d) **OPERATION, MAINTENANCE, AND REPLACEMENT AFTER COMPLETION.**—Upon determination by the Secretary that the Rural Water Supply Project is substantially complete, the Tribe shall assume responsibility for and liability related to the annual operation, maintenance, and replacement cost of the project in accordance with this title and the Operation, Maintenance, and Replacement Plan under chapter IV of the Report.

SEC. 305. GENERAL AUTHORITY.

The Secretary is authorized to enter into contracts, grants, cooperative agreements, and other such agreements and to promulgate such regulations as may be necessary to carry out the purposes and provisions of this title and the Indian Self-Determination Act (Public Law 93-638; 25 U.S.C. 450 et seq.).

SEC. 306. PROJECT REQUIREMENTS.

(a) **PLANS.**—

(1) **PROJECT PLAN.**—Not later than 60 days after funds are made available for this purpose, the Secretary shall prepare a recommended project plan, which shall include a general map showing the location of the proposed physical facilities, conceptual engineering drawings of structures, and general standards for design for the Rural Water Supply Project.

(2) **OM&R PLAN.**—The Tribe shall develop an operation, maintenance, and replacement plan, which shall provide the necessary framework to assist the Tribe in establishing rates and fees for customers of the Rural Water Supply Project.

(b) **CONSTRUCTION MANAGER.**—The Secretary, through Reclamation and in consultation with the Tribe, shall select a project construction manager to work with the Tribe in the planning, design, and construction of the Rural Water Supply Project.

(c) **MEMORANDUM OF AGREEMENT.**—The Secretary shall enter into a memorandum of agreement with the Tribe that commits Reclamation and BIA to a transition plan that addresses operations and maintenance of the Rural Water Supply Project while the facilities are under construction and after completion of construction.

(d) **OVERSIGHT.**—The Secretary shall have oversight responsibility with the Tribe and its constructing entity and shall incorporate value engineering analysis as appropriate to the Rural Water Supply Project.

(e) **TECHNICAL ASSISTANCE.**—The Secretary shall provide such technical assistance as may be necessary to the Tribe to plan, develop, and construct the Rural Water Supply Project, including, but not limited to, operation and management training.

(f) **SERVICE AREA.**—The service area of the Rural Water Supply Project shall be within the boundaries of the Reservation.

(g) **OTHER LAW.**—The planning, design, construction, operation, and maintenance of the Rural Water Supply Project shall be subject to the provisions of the Indian Self-Determination Act (25 U.S.C. 450 et seq.).

(h) **REPORT.**—During the year that construction of the Rural Water Supply Project begins and annually until such construction is completed, the Secretary, through Reclamation and in consultation with the Tribe, shall report to Congress on the status of the planning, design, and construction of the Rural Water Supply Project.

(i) **TITLE.**—Title to the Rural Water Supply Project shall be held in trust for the Tribe by the United States and shall not be transferred or encumbered without a subsequent Act of Congress.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this title \$45,000,000 (January 2002 dollars) plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved for the planning, design, and construction of the Rural Water Supply Project as generally described in the Report dated September 2001.

(b) **CONDITIONS.**—Funds may not be appropriated for the construction of any project authorized under this title until after—

(1) an appraisal investigation and a feasibility study have been completed by the Secretary and the Tribe; and

(2) the Secretary has determined that the plan required by section 306(a)(2) is completed.

(c) **NEPA.**—The Secretary shall not obligate funds for construction until after the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Rural Water Supply Project.

SEC. 308. PROHIBITION ON USE OF FUNDS FOR IRRIGATION PURPOSES.

None of the funds made available to the Secretary for planning or construction of the Rural Water Supply Project may be used to plan or construct facilities used to supply water for the purposes of irrigation.

SEC. 309. WATER RIGHTS.

The water rights of the Tribe are part of and included in the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441). These rights are adjudicated under New Mexico State law as a partial final judgment and decree entered in the Eleventh Judicial District Court of New Mexico. That Act and decree provide for sufficient water rights under “historic and existing uses” to supply water for the municipal water system. These water rights are recognized depletions within the San Juan River basin and no new depletions are associated with the Rural Water Supply Project. In consultation with the United States Fish and Wildlife Service, Reclamation has determined that there shall be no significant impact to endangered species as a result of water depletions associated with this project. No other water rights of the Tribe shall be impacted by the Rural Water Supply Project.

TITLE IV—TOM GREEN COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 REPAYMENT CONTRACT EXTENSION

SEC. 401. TOM GREEN COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1; REPAYMENT PERIOD EXTENDED.

The Secretary of the Interior may revise the repayment contract with the Tom Green County Water Control and Improvement District No. 1 numbered 14-06-500-369, by extending the period authorized for repayment of reimbursable construction costs of the San Angelo project from 40 years to 50 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

H.R. 4708, the Fremont-Madison Conveyance Act of 2002, directs the Secretary of the Interior to transfer all right, title and interest of the United States in and to all components of the water system that are operated and maintained by the Fremont-Madison Irrigation District to the district. This title transfer must take place pursuant to a memorandum of agreement between the Secretary of the Interior and Fremont-Madison Irrigation District dated September 13, 2001.

The second component of this bill is H.R. 5039, the Humboldt Project Conveyance Act of 2002. H.R. 5039, the Humboldt Project Conveyance Act of 2002, directs the Secretary of the Interior to transfer the title and interest of the United States in and to certain irrigation project property in the Humboldt Project, Nevada, that are operated and maintained by the Pershing County Water Conservation District to the district. This title transfer must take place pursuant to a memorandum of agreement between the Secretary of the Interior acting through the Bureau of Reclamation and Pershing County Water Conservation District.

The third component is H.R. 3223, Jicarilla Apache Reservation Rural Water System Act of 2001. H.R. 3222, the Jicarilla Apache Reservation Rural Water System Act of 2001, will allow the Jicarilla Apache Nation to work with the Bureau of Reclamation to plan, design and construct a water supply delivery and wastewater collection system which would bring the water quality up to Federal water quality standards and allow for continued development in the area by expanding the quality of potable water available.

The fourth component is H.R. 4910, to revise the repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas. H.R. 4910 authorizes the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1 in Texas. Due to the ongoing drought in the area, the district has had very limited quantities of water to deliver to their constituents and limited revenues to repay their required repayment obligation. This bill will authorize the Secretary to extend the repayment period to allow the annual payments to remain constant and allow for the repayment of the remaining obligation over a longer period of time.

All of these measures are non-controversial bills. I urge their passage.

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

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

The majority has already explained this bill, which would address water management needs in four western States. It is important to mention that certain conditions must be met before local project sponsors take over any project facilities now owned by the United States. Prior to completing the project conveyances authorized in title I and II of this bill, the Secretary of the Interior is directed to comply with all applicable statutes. This includes the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, and any other laws that apply to the transfer.

The Congress recognizes that there may be ways to condition the transfers to mitigate any issues raised during the environmental reviews conducted prior to conveyance. But compliance with applicable laws prior to conveyance is not optional; it is required by the bill.

I extend my compliments to the gentleman from New Mexico (Mr. UDALL) for his hard work on title III of this bill, which will literally change the lives of the people who live in the affected area of the State of New Mexico. The gentleman from New Mexico is a very distinguished and hardworking representative for his people and deserves a great deal of praise for what has gone into this particular legislation.

In addition, I would note that title IV of this bill includes legislation sponsored by the gentleman from Texas (Mr. STENHOLM). His leadership in sponsoring this worthy legislation will assist farmers in his district as they cope with the continuing drought. I commend the gentleman from Texas for his suburb leadership.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Mexico (Mr. UDALL).

□ 1545

Mr. UDALL of New Mexico. Mr. Speaker, I thank the ranking member, the gentleman from West Virginia (Mr. RAHALL), and the gentleman from Utah (Chairman HANSEN), for all of their hard work and leadership on this bill.

I rise today to speak to title III of H.R. 4708, which contains the Jicarilla Apache Rural Water System Act which I introduced on November 1, 2001, and which the Committee on Resources reported to the House on September 4, 2002.

I would like to thank the 12 bipartisan cosponsors of this legislation, and I am thankful to the committee for including these provisions in this overall bill.

The Jicarilla Apache Rural Water System Act will greatly improve the quality of safe and reliable drinking water to the reservation. It will also support an adequate wastewater treatment system. This legislation addresses critical public health issues for the

tribe and for North-Central New Mexico.

For over 2 decades, the current system, the Dulce municipal water system, has deteriorated due to a lack of funds and capital improvements made by the Federal trustee. The Jicarilla Nation has invested \$14 million in their efforts to improve the quality of its municipal water and waste water system. The Jicarilla's investment of over \$14 million is roughly 25 percent of the total project cost.

The lack of investment and rehabilitation in the municipal water system constructed by the BIA in the 1920s and expanded in the 1960s has led to the delivery of inadequate water to the residents of the reservation and surrounding communities. The completion of this project will allow tribal development, such as building additional housing, schools, medical facilities and elderly care facilities, just to name a few.

This legislation will enable the Jicarilla Apache Nation to work with the Bureau of Reclamation to plan, design and construct the water supply, delivery and waste water collection system. These improvements would bring the water quality up to Federal water quality standards.

In addition, the legislation will allow for continued development in the area of expanding the quantity of potable water. The Bureau of Reclamation will be responsible for the construction costs of this project, while the Jicarilla Apache Nation will assume the annual operation, maintenance and replacement costs of the project.

I would also like to thank Lori Sonken, Steve Lanich and Marie Howard of the Committee on Resources minority staff, as well as Josh Johnson and Doug Yoder of the Committee on Resources majority staff for working closely with my office on this important legislation.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, my bill, H.R. 5039, would direct the Secretary of Interior to convey title to certain irrigation project property in the Humboldt Project, Nevada, to the Pershing County Water Control District, the State of Nevada and to Lander and Pershing Counties.

The Pershing County Water Conservation District will receive the Rye Patch Reservoir along with specific lands along the reservoir and title for acquired passage lands. The State of Nevada will receive all the withdrawn lands above the high water mark at Rye Patch to be added to existing State park and withdrawn lands in the Humboldt Sink area and in Lander County to be managed as wetlands.

All lands being conveyed to the State will be used for recreation, wildlife

habitat, wetlands or resource conversation, pursuant to the agreement between the State of Nevada and the Pershing County Water Conservation District. Lander County will receive title to designated pasture lands and Pershing County will acquire lands immediately adjacent to Derby Airport for maintenance and future expansion purposes.

Over the past 5 years, the Pershing County Water Conservation District has undergone an extensive consensus-based process with the Federal Government, the counties and the State of Nevada. They have also conducted outreach with local representatives of environmental organizations.

As a result of public comments received through scoping meetings and in their other convenient views, the Pershing County Water Conservation District has continued to reformulate their proposal in a sincere attempt to address all concerns. They should be commended for their efforts.

Mr. Speaker, this bill ratifies agreement between the Bureau of Reclamation and the Pershing County Water Conservation District, the State and the counties. It has the support of the Governor of Nevada, the Humboldt River Basin Water Authority and the counties of Lander and Pershing in Nevada as well. The Department of Interior and the Bureau of Reclamation are on record as supporters of transferring title to the reclamation project to the local entities.

This is the third and hopefully final attempt to obtain title to Humboldt Project facilities since it repaid its original project loan back in 1978. The Pershing County Water Conservation District operates and maintains the project and its constituents are the sole beneficiaries of the project. Local control is the logical choice.

Mr. Speaker, I encourage my colleagues to pass this legislation.

Mr. STENHOLM. Mr. Speaker, I rise in strong support of H.R. 4708, which includes legislation I introduced to extend a repayment period for the Tom Green County Water Control and Improvement District No. 1.

The Tom Green County Water Control and Improvement District No. 1 has an outstanding loan with the Department of Interior for the construction of an irrigation canal. The remaining balance is approximately \$2.4 million. The farmers in the District have made diligent efforts to make timely payments on the contract. They have paid 38 percent (about \$1.5 million) of the original debt owed to the Department of Interior despite the fact that they have yet to receive a fair return on their investment.

In West Texas, there is virtually nothing of a higher daily concern than the availability of water. In recent years, Texas has been devastated by drought. As a result, the farmers have received a full year's allocation of irrigation water only 50 percent of the time. Moreover, for the other 50 percent of the time, they received either less than the annual allocation or no irrigation water at all.

Payment on the debt has never been forgiven, even in years when the District received no water. Deferments have been granted

seven times; however, those payments still have to be made. They are added to the remaining balance and the payments continue to get higher annually because the original contract end date does not change.

To make matters worse, the concrete lining placed in the canal in 1960 has started to deteriorate after forty-two years and repairs are necessary. These repairs are very expensive. Farmers simply cannot sustain paying the costs of the annual operation and maintenance costs due to the irrigation district, the bureau of Reclamation annual payment, and extensive repair costs when little or no water is available.

The Bureau of Reclamation has stated that the increased payments, as a result of continued deferments due to the drought conditions, are making it increasingly difficult on the farmers' ability to repay the annual payments. The increased annual payments place additional financial burdens on the District and increasing these payments further will only lead to future difficulty that the Bureau of Reclamation cannot remedy. Only Congress can remedy the long-term problem, which is why I have introduced H.R. 4910 to get this loan restructured.

This legislation would allow the Secretary of Interior to revise the repayment contract (No. 14-06-500-369) by extending the period authorized for repayment of reimbursable construction costs of the canal from 40 to 50 years.

These Tom Green County farmers have been doing their part to meet their responsibilities. When year-after-year the water was unavailable, their only recourse was to ask for an extension on the loan. I'm glad Tom Green County Commissioner Clayton Friend brought this to my attention and I'm very appreciative of the speedy Resources Committee action. I have high hopes that we will be able to get this bill to the President within the next few weeks.

On behalf of the farmers in my district, I urge you to support H.R. 4708.

Mr. SIMPSON. Mr. Speaker, I rise today to thank you for considering H.R. 4708, the Freemont Madison Conveyance Act. Under H.R. 4708, the Cross-cut Diversion Dam, Cross-cut Canal and five wells with associated water rights would be owned and operated by the FMID. The district has operated and maintained these facilities since they were constructed.

In July the Resources Committee held a hearing on H.R. 4708. During this hearing the Bureau of Reclamation expressed concern over capping the costs for the required NEPA study and administrative costs associated with the transfer.

After the hearing I worked with the Bureau and Freemont Madison Irrigation District to find a solution that is acceptable. The Resources Committee marked up an amended version of H.R. 4708. The amendment in the nature of the substitute was agreed up by all interested parties and was subsequently reported out of the Committee by unanimous consent.

This bill is the culmination of many years of hard work by the members of the Freemont-Madison Irrigation District. In fact, it is one of the first issues I was approached with when I was elected to my first term in the House almost four years ago. I know the members of the Freemont-Madison will continue to provide quality service and remain the good stewards

of the natural resources that are at their disposal upon transfer of this title and I look forward to the passage of H.R. 4708.

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

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

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4708, 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 is amended so as to read: "A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District, and for other purposes."

A motion to reconsider was laid on the table.

WEST BUTTE ROAD RIGHT-OF-WAY ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4953) to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road, as amended.

The Clerk read as follows:

H.R. 4953

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

SECTION 1. COUNTY RIGHT-OF-WAY TO WEST BUTTE ROAD IN THE STATE OF OREGON.

(a) DEFINITIONS.—In this Act:

(1) WEST BUTTE ROAD.—The term "West Butte Road" means the unpaved Bureau of Land Management road in the State of Oregon identified on the map as BLM Road 6520.

(2) COUNTY.—The term "County" means each of Crook County and Deschutes County in the State of Oregon.

(3) MAP.—The term "map" means the map entitled "West Butte Road Right of Way" dated July 17, 2002.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) GRANT TO COUNTIES.—Notwithstanding any other Act, and subject to subsection (d), the Secretary shall grant to each County a right-of-way to the West Butte Road.

(c) BOUNDARIES.—

(1) IN GENERAL.—Subject to paragraph (2), the rights-of-way granted under subsection (b) shall—

(A) extend in length from Reservoir Road in Crook County to United States Route 20 in Deschutes County, Oregon; and

(B) shall extend in width 100 feet on each side of the centerline of West Butte Road.

(2) MODIFICATIONS.—

(A) STATE ROADS.—

(i) IN GENERAL.—The Secretary shall amend the existing rights-of-way of each of the Counties as contained in their respective road case files to include the rights-of-way granted under subsection (b).

(ii) EFFECT.—The rights-of-way amended under clause (i) shall be subject to the common terms, conditions, and stipulations identified in the Counties' rights-of-way grants that apply on the date of enactment of this Act.