

to improve the standard of living for the members of their tribe. These tribes, like many others, face significant challenges such as meeting important health care and education needs.

This legislation is not the first time tribes will have been compensated for destroyed and lost land as a result of the Pick Sloan project. In my state alone, the Standing Rock, Lower Brule, Cheyenne River and Crow Creek Sioux Tribes have received compensation for land taken by the Pick-Sloan project. It is now time for the Yankton and Santee Sioux tribes to be compensated.

It is now time for action on this bill. I urge all of my colleagues to support this legislation, so these tribes may receive the much-needed compensation they truly deserve.

Mr. OSBORNE. Mr. Speaker, I am pleased that today the House is taking up S. 434, the Yankton and Santee Sioux Compensation Act. Today's mark-up is the culmination of many years of work on the part of the Santee Sioux tribe, which I represent, and the Yankton Sioux Tribe. I want to thank Chairman HANSEN for bringing this legislation forward. I also want to thank Chairman HANSEN's Chief Counsel, Lisa Pittman, as well as Mike Olsen and former staffer Renee Howell in the Committee's Office of Native American and Insular Affairs, who were instrumental in its drafting.

S. 434 would provide long overdue compensation by establishing two trust funds to be used by the Santee Sioux and Yankton Sioux tribes. Specifically, this bill directs the U.S. Treasury to deposit about \$23 million into a special trust fund account for the Yankton Sioux and approximately \$4.7 million for the Santee Sioux. The tribes would then be allowed to draw on the interest earned from the trust funds for economic and infrastructure development and other activities. The tribes would also be required to adopt economic development plans to account for the way in which these funds will be spent.

This legislation is necessary because when the Federal Government built the dams on the upper reaches of the Missouri River under the Pick-Sloan Missouri River Basin program, the Yankton Sioux and Santee Sioux were not provided compensation for the taking of their land. While the dams were designed to promote general economic development in the region, provide for irrigation, and protect from flooding, their construction inundated productive agricultural and pastoral lands and the traditional homeland of the tribes. In the case of the Santee Sioux, the Gavins Point Dam permanently flooded about 600 acres of the tribe's land.

S. 434 is not without precedent. Over the past decade, Congress has passed three laws providing compensation to other tribes affected by the Pick-Sloan projects. Additional tribes were compensated in 1992, 1996, and 1997. I believe it is only fair that we work to find a way to compensate the Yankton Sioux and Santee Sioux tribes.

I am so pleased that the House is taking up this legislation today. This bill will provide the necessary resources to compensate for a longstanding debt owed to these tribes. Perhaps just as important, the compensation provided in this bill has the potential to change the lives of members of these tribes who face numerous challenges. On behalf of the Santee Sioux tribe in particular, I am so grateful that this bill has been brought forward. I strongly urge its passage.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 434, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CUBIN. 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.

#### RECLAMATION RECREATION MANAGEMENT ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5460) to reauthorize and amend the Federal Water Project Recreation Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5460

*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 "Reclamation Recreation Management Act of 2002".

#### SEC. 2. AMENDMENTS TO THE FEDERAL WATER PROJECT RECREATION ACT.

(a) CONGRESSIONAL POLICY.—The first section of the Federal Water Project Recreation Act (16 U.S.C. 4601–12) is amended by striking "public bodies" and inserting "entities".

(b) ALLOCATION OF COSTS.—Section 2 of the Federal Water Project Recreation Act (16 U.S.C. 4601–13) is amended—

(1) in subsection (a) by striking "before authorization of a project,";

(2) in subsection (a), by striking "public bodies" and inserting "entities" and by striking "Projects authorized during the calendar year" and all that follows to the end of the subsection;

(3) in subsection (b) by striking "non-Federal interests" each place it appears and inserting "non-Federal entities";

(4) in subsection (b)(2)—

(A) by striking "": *Provided*, That the source of repayment may be limited to" and inserting "": The source of repayment may include"; and

(B) by inserting "and retained" after "collected"; and

(5) in subsection (b)(2) by adding at the end the following: "Fees and charges may be collected, retained and used by the non-Federal entities for operation, maintenance, and replacement of recreation facilities on project lands and waters being managed by the non-Federal entities. As established by the Secretary, any excess revenues will be credited to the Reclamation Fund to remain available, without further Act of appropriation, to support recreation development and management of Bureau of Reclamation land and water areas."

(c) RECREATION AND FISH AND WILDLIFE ENHANCEMENT.—Section 3 of the Federal Water Project Recreation Act (16 U.S.C. 4601–14) is amended—

(1) by striking subsection (a), redesignating subsection (b) as subsection (a), and inserting after subsection (a) (as so redesignated) the following:

"(b) In the absence of a non-Federal managing partner, the Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized, as a part of any water resource development project under the Secretary's control heretofore or hereafter authorized or reauthorized, to investigate, plan, construct, replace, manage, operate and maintain or otherwise provide for public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes; the costs of which are nonreimbursable.";

(2) in subsection (a) (as so redesignated)—

(A) by inserting "or enhance" after "project construction to preserve";

(B) by striking "enhancement potential" each place it appears and inserting "resources";

(C) by striking "public bodies" each place it appears and inserting "entities";

(D) by striking "public body" and inserting "entity"; and

(E) by striking "or, in the absence thereof, will not detract from that potential";

(3) in subsection (c)(1)(B) by striking "public body" each place it appears and inserting "entity"; and

(4) by adding at the end of subsection (c) the following:

"(3) In the absence of a non-Federal managing partner, the Secretary of the Interior, acting through the Commissioner of Reclamation, may modify or expand existing facilities, the costs of which are nonreimbursable."

#### (d) LEASE OF FACILITIES.—

(1) REPEAL.—Section 4 of the Federal Water Project Recreation Act (16 U.S.C. 4601–15) is repealed, and sections 5 through 12 of such Act are redesignated as sections 4 through 11, respectively.

(2) CONFORMING AMENDMENT.—Section 6(e) of the Federal Water Project Recreation Act (16 U.S.C. 4601–17(e)) is amended by striking "4, and 5" and inserting "4, and 4".

(e) POST AUTHORIZATION DEVELOPMENT.—Section 5 of the Federal Water Project Recreation Act (16 U.S.C. 4601–16) is amended by striking "public bodies" and inserting "entities".

(f) PROVISION OF FACILITIES.—Section 7 of the Federal Water Project Recreation Act (16 U.S.C. 4601–18) is amended—

(1) in subsection (e) by striking "and 5" and inserting "and between 3 and 4";

(2) in subsection (g) by striking "3(b)" and inserting "3(a)"; and

(3) in subsection (h) by striking "public bodies" and inserting "entities"; and by striking "3(b)" and inserting "3(a)".

(g) MISCELLANEOUS REPORTS.—Section 6 of the Federal Water Project Recreation Act (16 U.S.C. 4601–17) is amended by adding at the end the following:

"(i) Amounts collected under section 2805 of Public Law 102–575 for admission to or recreation use of project land and waters shall be deposited in a special account in the Reclamation Fund and remain available to the Commissioner of Reclamation without further appropriation until expended. Such funds may be used for the development, reconstruction, replacement, management, and operation of recreation resources on project lands and waters with not less than 60 percent being used at the site from which the fees were collected."

(h) MANAGEMENT FOR RECREATION, FISH AND WILDLIFE, AND OTHER RESOURCES.—Section 7 of the Federal Water Project Recreation Act (16 U.S.C. 4601–18) is amended—

(1) by amending subsection (a) to read as follows:

“(a) The Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized, in conjunction with any water resource development project heretofore or hereafter constructed or which is otherwise under the Secretary’s control, to—

“(1) investigate, plan, design, construct, replace, manage, operate, and maintain or otherwise provide for recreation and fish and wildlife enhancement facilities and services, the costs of which may be nonreimbursable;

“(2) provide for public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, including by entering into grants, cooperative agreements, and similar instruments with non-Federal entities, without cost sharing, for recreation projects and activities; and

“(3) to acquire or otherwise make available such adjacent lands or interests therein as are necessary for public recreation or fish and wildlife use.”;

(2) in subsection (b)—

(A) by inserting “, acting through the Commissioner of Reclamation,” after “the Secretary of the Interior”;

(B) by inserting “and management” after “administration”;

(C) by striking “lease”; and

(D) by adding at the end the following: “All such agreements or contracts for administration or management shall identify the terms and conditions of administration, management, and use, approvals required from Bureau of Reclamation, and assure public access to project lands managed for recreation.”;

(3) by adding at the end the following:

“(d) The Secretary of the Interior, acting through the Commissioner of Reclamation, is also authorized to enter into agreements with other non-Federal entities for recreation and concession management at Bureau of Reclamation projects. All such agreements or contracts for management shall identify the terms and conditions of management and use, approvals required from the Bureau of Reclamation, and assure public access to project lands managed for recreation.”; and

“(e) The Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized to approve the administration, management, and use of Bureau of Reclamation lands, waters, and the resources thereon by means of easements, leases, licenses, contracts, permits, and other forms of conveyance instruments.

“(f) The Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized to produce, sell, or otherwise make available to the public: information about Bureau of Reclamation programs including publications, photographs, computer discs, maps, brochures, posters, videos, and other memorabilia related to the Bureau of Reclamation, and the natural, historic, and cultural resources of the area; and, other appropriate and suitable merchandise to enhance the public’s use of the area. Income from such sales shall be credited to the Reclamation Fund to remain available, without further Act of appropriation, to pay costs associated with the production and sale of items, and any remaining revenue shall be available, without further Act of appropriation, to support recreation development and management of Bureau of Reclamation land and water areas.”.

(i) DEFINITIONS.—Section 10 of the Federal Water Project Recreation Act (16 U.S.C. 4601–21) is amended by adding at the end the following:

“(f) The term ‘non-Federal entity’ means non-Federal public bodies, nonprofit organizations, Indian tribes, or entities within the private sector.”.

(j) AUTHORIZATION OF APPROPRIATIONS.—The Federal Water Project Recreation Act (16 U.S.C. 4601–12 et seq.) is amended by redesignating section 11 (as redesignated by subsection (d) of this section) as section 12, and by inserting after section 10 the following:

**“SEC. 11. AVAILABILITY OF APPROPRIATIONS.**

“Funds appropriated under this section may remain available until expended.”.

(k) LIMITATION ON APPLICATION.—This section and the amendments made by this section shall apply only to water resource development projects under the control of the Secretary of the Interior.

**SEC. 3. RECREATIONAL FACILITIES AT LOST CREEK RESERVOIR.**

(a) CONSTRUCTION OF FACILITIES.—As soon as practicable after funds are made available for this section, the Secretary of the Interior shall construct recreational facilities at Lost Creek Reservoir in Utah.

(b) MAINTENANCE AND OPERATION OF FACILITIES.—Construction of recreational facilities under subsection (a) shall begin only after the Secretary has entered into a cooperative agreement with the State of Utah that provides for the operation and maintenance of the recreational facilities.

(c) COST SHARING.—The Federal share of the cost of construction carried out under this section shall be 50 percent.

**SEC. 4. TECHNICAL CORRECTION.**

Section 1(g) of Public Law 107–69 (115 Stat. 595) is amended by striking “section 2(c)(1)” and inserting “subsection (c)(1)”.

**SEC. 5. AUTHORIZATION OF AUSTIN, TEXAS, WASTEWATER RECLAMATION AND REUSE PROJECT.**

(a) AUTHORIZATION OF PROJECT.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

**“SEC. 1635. AUSTIN, TEXAS, WATER RECLAMATION AND REUSE PROJECT.**

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Austin Water and Wastewater Utility, Texas, is authorized to participate in the planning (including an appraisal and feasibility study), design, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of Public Law 102–575 (106 Stat. 4600) is amended by adding at the end of the items relating to chapter XVI the following:

“Sec. 1635. Austin, Texas, Water Reclamation and Reuse Project.”.

**SEC. 6. WILLARD BAY RESERVOIR ENLARGEMENT STUDY.**

(a) AUTHORIZATION OF FEASIBILITY STUDY.—Pursuant to the reclamation laws, the Secretary of the Interior, through the Bureau of Reclamation, may conduct a feasibility study on raising the height of Arthur V. Watkins Dam and thereby enlarging the Willard Bay Reservoir for the development of additional storage to meet water supply needs within the Weber Basin Project area. The feasibility study shall include such environmental evaluation as required under the National Environmental Policy Act of 1969 and a cost allocation as required under the Reclamation Projects Act of 1939.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report on the results of the study to the Congress for review and approval.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$2,000,000.

**SEC. 7. REAUTHORIZATION OF WATER DESALINATION ACT OF 1996.**

(a) AUTHORIZATION OF COOPERATIVE AND INTERAGENCY AGREEMENTS.—Section 3(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note) is amended in the first sentence by inserting “and cooperative and interagency agreements” after “contracts”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Act is amended—

(1) in subsection (a) by striking “1997 through 2002” and inserting “2003 through 2008”; and

(2) in subsection (b) by striking “\$25,000,000 for fiscal years 1997 through 2002” and inserting “\$25,000,000 for fiscal years 2003 through 2008”.

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.

This legislation provides the Bureau of Reclamation the authority to develop and manage recreation at reclamation water projects. The legislation also authorizes the Secretary of the Interior to participate in the design, planning and construction of a project to reclaim and reuse wastewater within the city of Austin, Texas.

Furthermore, the bill provides for the reauthorization of the Water Desalination Act of 1996 and provides authority for the Secretary to study the feasibility of raising Willard Bay Reservoir in Utah.

Mr. Speaker, I include the following for the RECORD:

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE,

Washington, DC, October 1, 2002.

Hon. JAMES HANSEN,  
Chairman, Committee on Resources,  
Washington, DC.

DEAR CHAIRMAN HANSEN: I am writing with regard to H.R. 5460, to reauthorize and amend the Federal Water Project Recreation Act, which was referred to the Committee on Resources on September 25, 2002. This legislation affects programs under the jurisdiction of the Transportation and Infrastructure Committee.

I recognize your desire to bring this bill before the House in an expeditious manner. Accordingly, I will not exercise my Committee’s right to a sequential referral of the legislation. By agreeing to waive its consideration of the bill, however, the Committee on Transportation and Infrastructure does not waive its jurisdiction over H.R. 5460. In addition, the Transportation and Infrastructure Committee reserves its authority to seek conferees on provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Transportation and Infrastructure Committee for conferees on H.R. 5460.

I request that you include a copy of our exchange of letters in the CONGRESSIONAL RECORD during consideration on the House Floor. Thank you.

Sincerely,

DON YOUNG,  
Chairman.

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

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

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

Mr. RAHALL. Mr. Speaker, this is legislation that was introduced by the gentleman from Texas (Mr. DOGGETT). I want to commend him for this very worthy piece of legislation and his persistence and dedication to helping provide his people high-quality water supplies.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman from West Virginia for his help on this legislation, and I thank the gentleman from Utah (Mr. HANSEN), the chairman of the committee, as well as the gentleman from California (Mr. CALVERT), the subcommittee chairman who was very helpful to us during the subcommittee proceedings on this legislation, which has now been appended to some legislation of the gentleman from California (Mr. CALVERT).

Mr. Speaker, I would also want to recognize the contribution of Mayor Gus Garcia of Austin. He ably presented the city's case for this legislation in his first testimony before the Congress as our mayor.

After witnessing the catastrophic floods that struck central Texas earlier this year, many people may wonder why we need to conserve water. But, in fact, though we have some mighty powerful rivers, we also have a mighty thirsty State. Austin is a city that has been blessed with many resources. We believe that by conserving these resources in part through this bill that we will have an ample water supply in the future. This legislation will enable the city of Austin, with the assistance of the Bureau of Reclamation, to conserve our water supply through planning and development of a project to reclaim and reuse treated wastewater. The initiative will reduce demand on Austin's water supply and conserve water for human consumption. It is estimated that the project can save as much as 9 billion gallons of water each year.

Austin is already a recognized leader in water resource planning, and with this Federal legislative backup, our community can further address water conservation and sustainable development.

The growth of the city of Austin has been tremendous in the last decade and has presented us with challenges, one of which is planning for our water needs. This legislation will help assure that. The water reclamation project

will provide assistance to beneficiaries as diverse as the city itself, from municipal parks to schools to industrial facilities. Indeed, our high-tech manufacturing plants are major water consumers and with this legislation they are assured not only greater water availability, but water at a lesser cost, which is very important to them.

Mr. Speaker, I believe it was Ben Franklin who said, "When the well is dry, we know the worth of water." Fortunately, there is no danger of the Colorado River running dry, but there are many demands on water rights from that river, and it is well that through this legislation we move forward progressively, working with the Federal Government and the Bureau of Reclamation to assure that we have our water needs met in the future.

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

Mr. RAHALL. 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 pass the bill, H.R. 5460, 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.

#### CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4944) to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4944

*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 "Cedar Creek and Belle Grove National Historical Park Act".

#### SEC. 2. PURPOSE.

The purpose of this Act is to establish the Cedar Creek and Belle Grove National Historical Park in order to—

(1) help preserve, protect, and interpret a nationally significant Civil War landscape and antebellum plantation for the education, inspiration, and benefit of present and future generations;

(2) tell the rich story of Shenandoah Valley history from early settlement through the Civil War and beyond, and the Battle of Cedar Creek and its significance in the conduct of the war in the Shenandoah Valley;

(3) preserve the significant historic, natural, cultural, military, and scenic resources found in the Cedar Creek Battlefield and Belle Grove Plantation areas through partnerships with local landowners and the community; and

(4) serve as a focal point to recognize and interpret important events and geographic locations within the Shenandoah Valley Bat-

tlefields National Historic District representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864.

#### SEC. 3. FINDINGS.

Congress finds the following:

(1) The Battle of Cedar Creek, also known as the battle of Belle Grove, was a major event of the Civil War and the history of this country. It represented the end of the Civil War's Shenandoah Valley campaign of 1864 and contributed to the reelection of President Abraham Lincoln and the eventual outcome of the war.

(2) 2,500 acres of the Cedar Creek Battlefield and Belle Grove Plantation were designated a national historic landmark in 1969 because of their ability to illustrate and interpret important eras and events in the history of the United States. The Cedar Creek Battlefield, Belle Grove Manor House, the Heater House, and Harmony Hall (a National Historic Landmark) are also listed on the Virginia Landmarks Register.

(3) The Secretary of the Interior has approved the Shenandoah Valley Battlefields National Historic District Management Plan and the National Park Service Special Resource Study, both of which recognized Cedar Creek Battlefield as the most significant Civil War resource within the historic district. The management plan, which was developed with extensive public participation over a 3-year period and is administered by the Shenandoah Valley Battlefields Foundation, recommends that Cedar Creek Battlefield be established as a new unit of the National Park System.

(4) The Cedar Creek Battlefield Foundation, organized in 1988 to preserve and interpret the Cedar Creek Battlefield and the 1864 Valley Campaign, has acquired 308 acres of land within the boundaries of the National Historic Landmark. The foundation annually hosts a major reenactment and living history event on the Cedar Creek Battlefield.

(5) Belle Grove Plantation is a Historic Site of the National Trust for Historic Preservation that occupies 383 acres within the National Historic Landmark. The Belle Grove Manor House was built by Isaac Hite, a Revolutionary War patriot married to the sister of President James Madison, who was a frequent visitor at Belle Grove. President Thomas Jefferson assisted with the design of the house. During the Civil War Belle Grove was at the center of the decisive battle of Cedar Creek. Belle Grove is managed locally by Belle Grove, Incorporated, and has been open to the public since 1967. The house has remained virtually unchanged since it was built in 1797, offering visitors an experience of the life and times of the people who lived there in the 18th and 19th centuries.

(6) The panoramic views of the mountains, natural areas, and waterways provide visitors with an inspiring setting of great natural beauty. The historic, natural, cultural, military, and scenic resources found in the Cedar Creek Battlefield and Belle Grove Plantation areas are nationally and regionally significant.

(7) The existing, independent, not-for-profit organizations dedicated to the protection and interpretation of the resources described above provide the foundation for public-private partnerships to further the success of protecting, preserving, and interpreting these resources.

(8) None of these resources, sites, or stories of the Shenandoah Valley are protected by or interpreted within the National Park System.

#### SEC. 4. DEFINITIONS.

In this Act: