

United States that is enforceable in accordance with the express terms of the contract.

(c) USE OF CENTRAL UTAH PROJECT WATER.—

(1) IN GENERAL.—Subject to paragraph (2), any entity with contractual Provo Reservoir Canal or Salt Lake Aqueduct capacity rights in existence on the date of enactment of this Act may, in addition to the uses described in the existing contracts, use the capacity rights, without additional charge or further approval from the Secretary, to transport Central Utah Project water on behalf of the entity or others.

(2) LIMITATIONS.—An entity shall not use the capacity rights to transport Central Utah Project water under paragraph (1) unless—

(A) the transport of the water is expressly authorized by the Central Utah Water Conservancy District;

(B) the use of the water facility to transport the Central Utah Project water is expressly authorized by the entity responsible for operation and maintenance of the facility; and

(C) carrying Central Utah Project water through Provo River Project facilities would not—

(i) materially impair the ability of the Central Utah Water Conservancy District or the Secretary to meet existing express environmental commitments for the Bonneville Unit; or

(ii) require the release of additional Central Utah Project water to meet those environmental commitments.

(d) AUTHORIZED MODIFICATIONS.—The Agreement may provide for—

(1) the modification of the 1936 Repayment Contract for the Deer Creek Division of the Provo River Project to reflect the partial repayment, the adjustment of the annual repayment amount, and the transfer of the Provo Reservoir Canal and the Pleasant Grove Property; and

(2) the modification or termination of the 1938 Repayment Contract for the Aqueduct Division of the Provo River Project to reflect the complete payout and transfer of all facilities of the Aqueduct Division.

(e) EFFECT OF ACT.—Nothing in this Act impairs any contract (including subscription contracts) in effect on the date of enactment of this Act that allows for or creates a right to convey water through the Provo Reservoir Canal.

SEC. 5. EFFECT OF CONVEYANCE.

On conveyance of any land or facility under subsection (a) or (b)(1) of section 3—

(1) the land and facilities shall no longer be part of a Federal reclamation project;

(2) the Association and the District shall not be entitled to receive any future reclamation benefits with respect to the land and facilities, except for benefits that would be available to other nonreclamation facilities; and

(3) the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the land and facilities, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

SEC. 6. REPORT.

If a conveyance required under subsection (a) or (b)(1) of section 3 is not completed by the date that is 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) describes the status of the conveyance;

(2) describes any obstacles to completing the conveyance; and

(3) specifies an anticipated date for completion of the conveyance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3391, as amended, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 3391, authored the gentleman from Utah (Mr. CANNON), authorizes the Secretary of the Interior to convey title to certain lands and facilities of the Provo River Project in the State of Utah. These facilities are operated and maintained by the Provo River Water Users Association and the Metropolitan Water District of Salt Lake and Sandy under contracts with the Bureau of Reclamation.

The bill, as amended, is the result of diverse stakeholders working cooperatively to pursue solutions to multiple concerns. Reclamation, the association, Metro, the Central Utah Water Conservancy District, Jordan Valley Water Conservancy District, and the Canal Company have created this legislation to address human safety and seismic concerns, and to have the ability to obtain low-interest financing for the rehabilitation cost.

Today, Congress has the opportunity to make this collaborative effort come true for the water users of central Utah; and so, Mr. Speaker, I urge adoption of this bill.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the majority has explained the pending measure. We, on this side of the aisle, have no objection to its consideration.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3391, 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.

AUTHORIZING SECRETARY OF THE INTERIOR FOR CONSTRUCTION OF LOWER SANTA MARGARITA CONJUNCTIVE USE PROJECT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4389) to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4389

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

SECTION 1. DEFINITIONS.

For the purposes of this section, the following definitions apply:

(1) DISTRICT.—The term “District” means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term “Project” means the impoundment, recharge, treatment, and other facilities the construction, operation, and maintenance of which is authorized under subsection (b).

SEC. 2. AUTHORIZATION FOR CONSTRUCTION OF LOWER SANTA MARGARITA CONJUNCTIVE USE PROJECT.

(a) AUTHORIZATION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, as far as those laws are not inconsistent with the provisions of this Act, is authorized to construct, operate, and maintain to make the yield of the Lower Santa Margarita Conjunctive Use Project to be located below the confluence of De Luz Creek with the Santa Margarita River on Camp Joseph H. Pendleton, the Fallbrook Annex of the Naval Weapons Station, and surrounding lands within the service area of the District available for irrigation, municipal, domestic, military, and other uses for the District and such other users as herein provided.

(b) CONDITIONS.—The Secretary of the Interior may construct the Project only after the Secretary of the Interior determines that the following conditions have occurred:

(1) The District has entered into a contract under section 9(d) of the Reclamation Project Act of 1939 to repay to the United States appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project, together with interest as herein-after provided.

(2) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted such permits to the Bureau of Reclamation for the benefit of the Department of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this Act, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(3) The District has agreed that it will not assert against the United States any prior appropriate right the District may have to water in excess of the quantity deliverable to it under this Act, and will share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in section 4(b). This

agreement and waiver and the changes in points of diversion and storage under paragraph (2), shall become effective and binding only when the Project has been completed and put into operation.

(4) The Secretary of the Interior has determined that the Project has economic, environmental, and engineering feasibility.

SEC. 3. COSTS.

The Department of the Navy shall not be responsible for any costs in connection with the Project, except upon completion and then shall be charged in reasonable proportion to its use of the Project under regulations agreed upon by the Secretary of the Navy and Secretary of the Interior.

SEC. 4. OPERATION; YIELD ALLOTMENT; DELIVERY.

(a) OPERATION.—The operation of the Project may be by the Secretary of the Interior or otherwise as agreed upon by the Secretaries of the Interior and the Navy and the District, under regulations satisfactory to the Secretary of the Navy with respect to the Navy's share of the impounded water and national security.

(b) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Department of the Navy and the District shall participate in the water impounded by the Project on the basis of equal priority and in accordance with the following ratio:

(1) 60 percent of the Project's yield is allotted to the Secretary of the Navy.

(2) 40 percent of the Project's yield is allotted to the District.

(c) CONTRACTS FOR DELIVERY OF WATER.—

(1) IN GENERAL.—If the Secretary of the Navy certifies that the Department of the Navy does not have immediate need for any portion of the 60 percent yield allotted under subsection (b), the official agreed upon to administer the Project may enter into temporary contracts for the delivery of the excess water.

(2) FIRST RIGHT FOR EXCESS WATER.—The first right of the Secretary of the Navy to demand that water without charge and without obligation on the part of the United States after 30 days notice shall be included as a condition of contracts entered into under this subsection. The first right to water available under paragraph (1) shall be given the District, if otherwise consistent with the laws of the State of California.

(3) DISPOSITION OF FUNDS.—Moneys paid to the United States under a contract under this subsection shall be covered into the general Treasury or to the Secretary of the Navy, as services in lieu of payment for operation and maintenance of the Project, and shall not be applied against the indebtedness of the District to the United States.

(4) MODIFICATION OF RIGHTS AND OBLIGATIONS RELATED TO WATER YIELD.—The rights and obligations of the United States and the District regarding the ratio or amounts of Project yield delivered may be modified by an agreement between the parties.

SEC. 5. REPAYMENT OBLIGATION OF THE DISTRICT.

(a) IN GENERAL.—The general repayment obligation of the District shall be determined by the Secretary of the Interior consistent with the Water Supply Act of 1958; provided, however, that for the purposes of calculating interest and determining the time when the District's repayment obligation to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project.

(b) MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.—The rights and obligations of the United States and the District regarding the repayment obligation of the

District may be modified by an agreement between the parties.

SEC. 6. TRANSFER OF CARE, OPERATION, AND MAINTENANCE.

The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions satisfactory to that Secretary and the District, and with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory also to the Secretary of the Navy. If such a transfer takes place, the District shall be entitled to an equitable credit for the costs associated with the Secretary's proportionate share of the operation and maintenance of the Project. The amount of such costs shall be applied against the indebtedness of the District to the United States.

SEC. 7. SCOPE OF ACT.

For the purpose of this Act, the basis, measure, and limit of all rights of the United States pertaining to the use of water shall be the laws of the State of California. That nothing in this Act shall be construed—

(1) as a grant or a relinquishment by the United States of any rights to the use of water that it acquired according to the laws of the State of California, either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(2) to create any legal obligation to store any water in the Project, to the use of which the United States has such rights;

(3) to constitute a recognition of, or an admission that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California; or

(4) to require the division under this Act of water to which the United States has such rights.

SEC. 8. LIMITATIONS ON OPERATION AND ADMINISTRATION.

Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way which will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the following:

(1) \$60,000,000 (the current estimated construction cost of the Project, plus or minus such amounts as may be indicated by the engineering cost indices for this type of construction); and

(2) such sums as may be required to operate and maintain the said project.

SEC. 10. REPORTS TO CONGRESS.

Not later than 1 year after the date of the enactment of this Act and periodically thereafter, the Secretary of the Interior and the Secretary of the Navy shall each report to the Congress regarding if the conditions specified in section 2(b) have been met and if so, the details of how they were met.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. 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. 4389, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 4389, introduced by our colleague, the gentleman from California (Mr. ISSA), authorizes the construction of a groundwater recharge and pumping project in the lower Santa Margarita River Basin in Southern California. If constructed, the project could provide much-needed water to the local water utility district and to the Camp Pendleton Marine Base for its military needs.

Supporters believe this project, in conjunction with ongoing water conservation measures, will augment the local water district's water supply, will relieve additional demands on the future for costly and limited imported water supplies, and sets aside and preserves valuable environmental habitats.

This project is an excellent example of a local agency working to secure safe and dependable water supplies for future generations, and I urge the adoption of the bill.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the majority has explained the pending measure. I see the sponsor of the legislation is preparing to speak on it. We on this side have no objection to its consideration.

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

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ISSA), Congressman to the 49th District of California and a valued member of the Committee on Energy and Commerce.

Mr. ISSA. Mr. Speaker, I thank the gentleman for his comments and for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 4389, which I introduced in June of 2004. I want to take this opportunity to thank the chairman of the Committee on Resources, the subcommittee chairman, the ranking member on the

Subcommittee on Water and Power, and all the staff who have worked so hard to bring this important piece of legislation to the floor in an expeditious fashion.

H.R. 4389 authorizes the construction of a conjunctive use water project on the Santa Margarita River in Fallbrook, California. The project will treat water drawn from the Santa Margarita River and offer a reliable water source to the Camp Pendleton Marines and the surrounding communities. Over 60,000 military and civilian personnel work aboard that base each day. It is home to the 1st Marine Expeditionary Force, 1st Marine Division, 1st Force Service Support Group and many other tenants, more than half of whom have been serving in Iraq as we speak.

Securing a reliable source of drinking water has been an ongoing challenge for this base. In fact, this piece of legislation is really a piece of legislation begun by my predecessor, Mr. Ron Packard, who today continues to oversee the completion of this project. It is truly his legacy we are passing on today.

San Diego County has relatively few natural resources for fresh drinking water and has forced the import of 90 percent of the water it consumes annually. This project is vital for the future of San Diego County because it provides over 15,000 acre feet of drinking water that will not have to be imported from the already overtaxed Colorado River or the Bay-Delta.

Additionally, this bill will provide the first connection to Southern California's imported drinking water supply from the San Diego aqueduct. This will supply quality safe drinking water for Camp Pendleton, and the construction of this project will dramatically improve the quality of life for Marines, their families, and to this important military installation.

Mr. Speaker, I urge support and passage of H.R. 4389.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 4389, which I introduced on June 23, 2004. I want to take this opportunity to thank the Chairman of the Resources Committee, the Subcommittee Chairman on Water and Power and all the staff involved for reporting this bill favorably to the floor in an expeditious manner.

H.R. 4389 authorizes the construction of a conjunctive use water project on the Santa Margarita River in Fallbrook, CA. This project will treat water drawn from the Santa Margarita River and offer a reliable water supply for Marine Corps Base, Camp Pendleton and the surrounding communities. Over 60,000 military and civilian personnel work aboard the base everyday. It is the home of 1st Marine Expeditionary Force, 1st Marine Division, 1st Force Service Support Group and many tenant units. Securing a reliable source of quality drinking water has been an ongoing challenge for the base.

San Diego County has relatively few natural sources to draw drinking water from and it is forced to import over 90 percent of all the water consumed annually. This project is vital to the future of San Diego County because it

will provide 15,000 acre feet of drinking water; we will not need to import from the Colorado River or the Bay Delta. Additionally, this bill will provide a connection for the first time to Southern California's imported water supply via the San Diego Aqueduct.

The water quality for Camp Pendleton will dramatically improve with the construction of this project, and the quality of life of Marines and their families at this important military installation will be enhanced.

I want to thank the Chairman for the opportunity to speak on H.R. 4389, and I urge my colleagues to vote in favor of this bill.

Ms. BERKLEY. Mr. Speaker, I rise today in support of the Lincoln County Conservation, Recreation, and Development Act of 2004. I would like to thank Mr. GIBBONS, Mr. PORTER, Mr. RAHALL, Mr. POMBO, and the members of the Resources Committee for their diligent work on this bipartisan legislation that is important to all Nevadans.

The Lincoln County Conservation, Recreation, and Development Act is the result of the cooperation and support of the entire Nevada delegation. This carefully crafted piece of legislation strikes a delicate balance between encouraging economic development in Lincoln County, protecting Nevada's environment, and managing essential natural resources.

The Federal Government controls over 98 percent of the land in Lincoln County. Allowing for the private development of a portion of this land would provide for an increase in economic growth in Lincoln County. Property taxes collected would be reinvested to maintain critical government services and improve infrastructure and recreational opportunities within the County. Proceeds from land sales will also be reinvested to preserve and manage parks, trails, and natural resources, and pay for development of a multi-species conservation plan.

This comprehensive legislation will aid in the preservation of our natural resources and public lands in Lincoln County. Nearly 770,000 acres of land will be designated as wilderness, and thousands of acres in Lincoln County will be protected to create more parks and trails for future generations. I am extremely pleased that the Mount Irish, Big Rocks and Mormon Mountain areas were included as wilderness designations in the final version of this vital legislation. These sites are rich in archeological artifacts and wilderness designation provides the necessary protection for these treasures.

I recognize the importance of ensuring that environmentally sensitive lands are protected. Under this legislation the Bureau of Land Management will complete a full environmental impact statement pursuant to the National Environmental Policy Act (NEPA). Another provision provides the Secretary of the Interior the authority to set aside 10,000 acres of the land to be auctioned for potential cultural and natural resource issues that may arise.

This sensible piece of legislation will provide an economic boost to the communities of Lincoln County and protect and promote Nevada's unique natural areas while providing exciting opportunities to sustain future growth in our great State.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 4389, 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.

CONVEYANCE OF CERTAIN LAND HELD IN TRUST FOR THE PAIUTE INDIAN TRIBE OF UTAH TO THE CITY OF RICHFIELD, UT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3982) to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

The Clerk read as follows:

H.R. 3982

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

SECTION 1. LAND CONVEYANCE TO CITY.

(a) AUTHORIZATION FOR CONVEYANCE.—Not later than 90 days after the Secretary receives a request from the Tribe and the City to convey all right, title, and interest of the United States and the Tribe in and to the Property to the City, the Secretary shall take the Property out of trust status and convey the Property to the City.

(b) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) TRIBAL RESOLUTION.—Prior to conveying the Property under subsection (a), the Secretary shall ensure that the terms of the sale have been approved by a tribal resolution of the Tribe.

(2) CONSIDERATION.—Consideration given by the City for the Property shall be not less than the appraised fair market value of the Property.

(3) NO FEDERAL COST.—The City shall pay all costs related to the conveyance authorized under this section.

(c) PROCEEDS OF SALE.—The proceeds from the conveyance of the Property under this section shall be given immediately to the Tribe.

(d) FAILURE TO MAKE CONVEYANCE.—If after the Secretary takes the Property out of trust status pursuant to subsection (a) the City or the Tribe elect not to carry out the conveyance under that subsection, the Secretary shall take the Property back into trust for the benefit of the Tribe.

SEC. 2. TRIBAL RESERVATION.

Land acquired by the United States in trust for the Tribe after February 17, 1984, shall be part of the Tribe's reservation.

SEC. 3. TRUST LAND FOR SHIVWITS OR KANOSH BANDS.

If requested to do so by a tribal resolution of the Tribe, the Secretary shall take land held in trust by the United States for the benefit of the Tribe out of such trust status and take that land into trust for the Shivwits or Kanosh Bands of the Paiute Indian Tribe of Utah, as so requested by the Tribe.

SEC. 4. CEDAR BAND OF PAIUTES TECHNICAL CORRECTION.

The Paiute Indian Tribe of Utah Restoration Act (25 U.S.C. 761) is amended by striking "Cedar City" each place it appears and