

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2005 .....	\$501,344,992
Budget estimates of new (obligational) authority, fiscal year 2006 .....	596,122,425
House bill, fiscal year 2006 .....	601,642,273
Senate bill, fiscal year 2006 .....	612,406,934
Conference agreement, fiscal year 2006 .....	601,643,301
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2005 .....	+100,298,309
Budget estimates of new (obligational) authority, fiscal year 2006 .....	+5,520,876
House bill, fiscal year 2006 .....	+1,028
Senate bill, fiscal year 2006 .....	-10,763,633

RALPH REGULA,  
 ERNEST ISTOOK, JR.,  
 ROGER F. WICKER,  
 ANNE M. NORTHUP,  
 KAY GRANGER,  
 JOHN E. PETERSON,  
 DON SHERWOOD,  
 DAVE WELDON,  
 JAMES T. WALSH,  
 JERRY LEWIS,

*Managers on the Part of the House.*

ARLEN SPECTER,  
 THAD COCHRAN,  
 JUDD GREGG,  
 LARRY E. CRAIG,  
 KAY BAILEY HUTCHISON,  
 TED STEVENS,  
 MIKE DEWINE,  
 RICHARD C. SHELBY,  
 PETE V. DOMENICI,

*Managers on the Part of the Senate.*

SANTA MARGARITA RIVER, CALIFORNIA, CONSTRUCTION AUTHORIZATION

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 125) 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. 125

*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 Act, 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, watershed management, and maintenance of which is authorized under section 2.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, unless otherwise stated.

SEC. 2. AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER 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 the Project substantially in accordance with the final feasibility report and this Act.

(b) CONDITIONS.—The Secretary may construct the Project only after the Secretary 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 hereinafter 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 appropriative 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 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, subject to a memorandum of agreement between the Secretary, the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the Navy’s share of the project, may be by the Secretary, the District, or a third party consistent with section 6.

(b) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Department of the Navy and the District shall participate in the Project yield 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 EXCESS WATER.—

(1) EXCESS WATER AVAILABLE TO OTHER PERSONS.—If the Secretary of the Navy certifies to the official agreed upon to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the Project’s yield allotted to the Secretary of the Navy under

subsection (b), the official may enter into temporary contracts for the sale and delivery of the excess water.

(2) FIRST RIGHT FOR EXCESS WATER.—The first right to excess water to be made available under paragraph (1) shall be given the District, if otherwise consistent with the laws of the State of California.

(3) CONDITION OF CONTRACTS.—Each contract entered into under paragraph (1) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand that water, without charge and without obligation on the part of the United States, after 30 days notice.

(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.

(d) CONSIDERATION.—

(1) DEPOSIT OF FUNDS.—Moneys paid to the United States under a contract entered into under subsection (c) shall be deposited in the special account established for the Department of the Navy under paragraph (1) of section 2667(d) of title 10, United States Code, and shall be available for the purposes specified in subparagraph (C) of such paragraph. Subparagraph (D) of such paragraph shall not apply to moneys deposited in the special account pursuant to this subsection.

(2) IN-KIND CONSIDERATION.—In lieu of monetary consideration under paragraph (1), or in addition to such consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including the following forms of in-kind consideration:

(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy.

(B) Construction of new facilities for the Department of the Navy.

(C) Provision of facilities for use by the Department of the Navy.

(D) Facilities operation support for the Department of the Navy.

(E) Provision of such other services as the Secretary of the Navy considers appropriate.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities whose construction is accepted as in-kind consideration under this subsection.

(4) CONGRESSIONAL NOTIFICATION.—If the in-kind consideration proposed to be provided under a contract to be entered into under subsection (c) has a value in excess of \$500,000, the contract may not be entered into until the earlier of the following:

(A) The end of the 30-day period beginning on the date on which a report describing the contract and the form and quantity of the in-kind consideration is submitted by the Secretary of the Navy to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(B) The end of the 14-day period beginning on the date on which a copy of the report referred to in subparagraph (A) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

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. There shall be no repayment obligation under this section for water delivered to the District under a contract as provided in section 4(c).

(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 the 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 en-

gineering 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 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.

**SEC. 11. SUNSET.**

The authority of the Secretary to complete construction of the Project shall terminate 10 years after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

**GENERAL LEAVE**

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

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

H.R. 125, introduced by the gentleman from California (Mr. ISSA), authorizes the construction of a ground water 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 Camp Pendleton Marine Corps base for its military training needs.

This project would augment the local water district's water supply, would relieve future additional demands for costly and limited imported water supplies, and would set aside and preserve valuable environmental habitat. This project is an excellent example of local and Federal agencies working together to secure safe and dependable water supplies for future generations.

This bill is good for water consumers and good for our marines. I urge my colleagues to support this important bill.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume. H.R. 125 would authorize the Secretary of the Interior to participate in the design, planning, and construction of the Santa Margarita Conjunctive Use Water Project in San Diego County in California. The project would provide water for irrigation, municipal, domestic, military, and other uses.

Mr. Speaker, we have reviewed the legislation and have no objection. A similar bill passed in the House of Representatives in the 108th Congress.

Mr. ISSA. Mr. Speaker, I would like to thank House Resources committee Chairman POMBO and Ranking Member RAHALL for allowing this bill to come to the floor today. I would also like to thank the Resources committee staff for all of their hard work on this bill.

The Santa Margarita Conjunctive Use Project, authorized by this bill will provide safe, reliable, drought-and earthquake-proof water supply for more than 35,000 families. It will provide for enhanced recharge and recovery from the underground basin on Camp Pendleton to provide a constant water supply for both Camp Pendleton and the Fallbrook Public Utility District.

While this bill passed the House in the second session of the 108th Congress it ended up running out of time in the other body. I am hopeful that this time around we will see quick movement of this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the bill, H.R. 125, 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.

**REMOVING CERTAIN RESTRICTIONS REGARDING MAMMOTH COMMUNITY WATER DISTRICT, CALIFORNIA**

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 853) to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States.

The Clerk read as follows:

H.R. 853

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

**SECTION 1. REMOVAL OF CERTAIN RESTRICTIONS ON PROPERTY.**

Notwithstanding Public Law 90-171 (16 U.S.C. 484a; 81 Stat. 531), the approximately 25 acres patented to the Mammoth County Water District (now known as the "Mammoth Community Water District") by Patent No. 04-87-0038, on June 26, 1987, and recorded in Volume 482, at page 517, of the official records of the Recorder's Office, Mono County, California, may be used for purposes other than the purpose for which those lands were being used prior to the conveyance to the Mammoth County Water District and such lands may be transferred as authorized under State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.