

County, New Mexico, described as the acquired lands and in section (7) of the "Status of Lands and Title Report: Carlsbad Project" as reported by the Bureau of Reclamation in 1978.

(c) **TERMS AND CONDITIONS OF CONVEYANCE.**—Any conveyance of the acquired lands under this Act shall be subject to the following terms and conditions:

(1) **MANAGEMENT AND USE, GENERALLY.**—The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, based on historic operations and consistent with the management of other adjacent project lands.

(2) **ASSUMED RIGHTS AND OBLIGATIONS.**—Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2-LM-40-00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes; and

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7-07-57-X0888) for the management and operation of Brantley Lake State Park.

(3) **EXCEPTIONS.**—In relation to agreements referred to in paragraph (2)—

(A) the District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement; and

(B) the District shall not be entitled to any receipts for revenues generated as a result of either agreement.

(d) **COMPLETION OF CONVEYANCE.**—If the Secretary does not complete the conveyance within 180 days from the date of enactment of this Act, the Secretary shall submit a report to the Congress within 30 days after that period that includes a detailed explanation of problems that have been encountered in completing the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance.

### **SEC. 3. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.**

(a) **IDENTIFICATION AND NOTIFICATION OF LEASEHOLDERS.**—Within 120 days after the date of enactment of this Act, the Secretary of the Interior shall—

(1) provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this Act; and

(2) notify all leaseholders of the conveyance authorized by this Act.

(b) **MANAGEMENT OF MINERAL AND GRAZING LEASES, LICENSES, AND PERMITS.**—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the acquired lands conveyed under section 2, and shall be entitled to any receipts from such leases, licenses, and permits accruing after the date of conveyance. All such receipts shall be used for purposes for which the Project was authorized and for financing the portion of operations, maintenance, and replacement of the Summer Dam which, prior to conveyance, was the responsibility of the Bureau of Reclamation, with the exception of major maintenance programs in progress prior to conveyance which shall be funded through the cost share formulas in place at the time of conveyance. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project.

(c) **AVAILABILITY OF AMOUNTS PAID INTO RECLAMATION FUND.**—

(1) **EXISTING RECEIPTS.**—Receipts in the reclamation fund on the date of enactment of this Act which exist as construction credits to the

Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359) shall be deposited in the General Treasury and credited to deficit reduction or retirement of the Federal debt.

(2) **RECEIPTS AFTER ENACTMENT.**—Of the receipts from mineral and grazing leases, licenses, and permits on acquired lands to be conveyed under section 2, that are received by the United States after the date of enactment and before the date of conveyance—

(A) not to exceed \$200,000 shall be available to the Secretary for the actual costs of implementing this Act with any additional costs shared equally between the Secretary and the District; and

(B) the remainder shall be deposited into the General Treasury of the United States and credited to deficit reduction or retirement of the Federal debt.

### **SEC. 4. VOLUNTARY WATER CONSERVATION PRACTICES.**

Nothing in this Act shall be construed to limit the ability of the District to voluntarily implement water conservation practices.

### **SEC. 5. LIABILITY.**

Effective on the date of conveyance of any lands and facilities authorized by this Act, 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 property, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors, prior to conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that provided under chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act.

### **SEC. 6. FUTURE BENEFITS.**

Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Reclamation Act of June 17, 1902, and Acts supplementary thereof or amendatory thereto attributable to their status as part of a Reclamation Project.

The committee amendment was agreed to.

The bill (S. 736), as amended, was considered read the third time and passed.

Mr. DOMENICI. Mr. President, I am very pleased that the Senate has passed S. 736—the Carlsbad Irrigation Project Acquired Land Transfer Act. I, along with Congressman SKEEN, have been working to convey tracts of land—paid for by Carlsbad Irrigation District and referred to as "acquired lands"—back to the district, during the past several congresses.

I introduced this bill in May of 1997 in order to transfer lands back to the rightful owners. This legislation will not affect operations at the New Mexico State park at Brantley Dam, or the operations and ownership of the dam itself. Furthermore, the bill will not affect recreation activities in the area.

This legislation is specific to the Carlsbad project in New Mexico, and directs the Carlsbad Irrigation District to continue to manage the lands as they have been in the past, for the purposes for which the project was constructed. I believe this is a fair and equitable bill that has been developed over years of negotiations. The Carlsbad Irrigation District has had operations and maintenance responsibilities for the past 66 years. It met all

the repayment obligations to the Government in 1991, and it's about time we let CID have what is rightfully theirs.

This legislation accomplishes three things: Conveys title of acquired lands and facilities to Carlsbad Irrigation District; allows the District to assume management of leases and the benefits of the receipts from these acquired lands; and sets a 180-day deadline for the transfer, establishing a 50–50 cost-sharing standard for carrying out the transfer.

The Carlsbad Irrigation Project is a single-purpose project created in 1905 by the Bureau of Reclamation, acquiring all facilities, lands and water rights of the privately-owned Pecos Irrigation Company. The CID has had operations and maintenance responsibilities for the irrigation and drainage system since 1932.

During the 104th Congress, the Carlsbad Irrigation District presented testimony before the Committee on Energy and Natural Resources on one occasion, and before the House Committee on Resources on two occasions. Additionally, the administration expressed on several occasions before these two committees that they want to move forward with acquired land transfers where they make sense. The Commissioner of the Bureau of Reclamation, Eluid Martinez, has informed the district and me that he believes that the Carlsbad project is one of several projects where the Bureau would like to pursue transfer opportunities. It is about time that we pass this legislation to provide the Bureau with the ability to accomplish their stated goal in a fair and equitable manner.

This transfer shifts responsibility from the Federal Government back to a local entity, and creates opportunity for the district to improve and enhance the management of these lands. After a long wait, we have gotten administration support for this transfer in language substituted by the Senate Energy Committee, and have gained support from the Democratic side of the aisle. I hope that the House of Representatives will act quickly on this legislation so that the Carlsbad Irrigation District will promptly begin getting the benefits for that which they have paid.

### **LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 1998**

The Senate proceeded to consider the bill (S. 777) to authorize the construction of the Lewis and Clark Water System and to authorize assistance to Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in *italics*.)

S. 777

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 "Lewis and Clark Rural Water System Act of 1997".

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **ENVIRONMENTAL ENHANCEMENT.**—The term "environmental enhancement" means the wetland and wildlife enhancement activities that are carried out substantially in accordance with the environmental enhancement component of the feasibility study.

(2) **ENVIRONMENTAL ENHANCEMENT COMPONENT.**—The term "environmental enhancement component" means the component described in the report entitled "Wetlands and Wildlife Enhancement for the Lewis and Clark Rural Water System", dated April 1991, that is included in the feasibility study.

(3) **FEASIBILITY STUDY.**—The term "feasibility study" means the study entitled "Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota", dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(4) **MEMBER ENTITY.**—The term "member entity" means a rural water system or municipality that signed a Letter of Commitment to participate in the water supply system.

(5) **PROJECT CONSTRUCTION BUDGET.**—The term "project construction budget" means the description of the total amount of funds needed for the construction of the water supply system, as contained in the feasibility study.

(6) **PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.**—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the water supply system to each member entity that distributes water at retail to individual users.

[(7) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.]

(7) **SYSTEM FUNDING AGENCIES.**—The term "System Funding Agencies" means the Environmental Protection Agency and the Department of Agriculture.

(8) **WATER SUPPLY SYSTEM.**—The term "water supply system" means the Lewis and Clark Rural Water System, Inc., a nonprofit corporation established and operated substantially in accordance with the feasibility study.

**SEC. 3. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.**

(a) **IN GENERAL.**—The [Secretary] *System Funding Agencies* shall make grants to the water supply system for the planning and construction of the water supply system.

(b) **SERVICE AREA.**—The water supply system shall provide for safe and adequate municipal, rural, and industrial water supplies, environmental enhancement, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, Osceola County, O'Brien County, Dickinson County, and Clay County, in northwestern Iowa.

(c) **AMOUNT OF GRANTS.**—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 10.

(d) **LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.**—The [Secretary] *System Funding Agencies* shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met;

(2) a final engineering report is prepared and submitted to Congress not less than 90 days before the commencement of construction of the water supply system; and

(3) a water conservation program is developed and implemented.

**SEC. 4. FEDERAL ASSISTANCE FOR THE ENVIRONMENTAL ENHANCEMENT COMPONENT.**

(a) **INITIAL DEVELOPMENT.**—The [Secretary] *System Funding Agencies* shall make grants and other funds available to the water supply system and other private, State, and Federal entities, for the initial development of the environmental enhancement component.

(b) **NONREIMBURSEMENT.**—Funds provided under subsection (a) shall be nonreimbursable and nonreturnable.

**SEC. 5. WATER CONSERVATION PROGRAM.**

(a) **IN GENERAL.**—The water supply system shall establish a water conservation program that ensures that users of water from the water supply system use the best practicable technology and management techniques to conserve water use.

(b) **REQUIREMENTS.**—The water conservation programs shall include—

(1) low consumption performance standards for all newly installed plumbing fixtures;

(2) leak detection and repair programs;

(3) rate schedules that do not include declining block rate schedules for municipal households and special water users (as defined in the feasibility study);

(4) public education programs and technical assistance to member entities; and

(5) coordinated operation among each rural water system, and each water supply facility in existence on the date of enactment of this Act, in the service area of the system.

(c) **REVIEW AND REVISION.**—The programs described in subsection (b) shall contain provisions for periodic review and revision, in cooperation with the [Secretary.] *Secretary of the Interior.*

**SEC. 6. MITIGATION OF FISH AND WILDLIFE LOSSES.**

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

**SEC. 7. USE OF PICK-SLOAN POWER.**

(a) **IN GENERAL.**—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning on May 1 and ending on October 31 of each year.

(b) **CONDITIONS.**—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase the entire electric service requirements of the system, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under sub-

section (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It is agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the water supply system;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

**SEC. 8. NO LIMITATION ON WATER PROJECTS IN STATES.**

This Act does not limit the authorization for water projects in the States of South Dakota, Iowa, and Minnesota under law in effect on or after the date of enactment of this Act.

**SEC. 9. WATER RIGHTS.**

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

**SEC. 10. COST SHARING.**

(a) **FEDERAL COST SHARE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the [Secretary] *System Funding Agencies* shall provide funds equal to 80 percent of—

(A) the amount allocated in the total project construction budget for planning and construction of the water supply system under section 3;

(B) such amounts as are necessary to defray increases in the budget for planning and construction of the water supply system under section 3; and

(C) such amounts as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

(2) **SIoux FALLS.**—The [Secretary] *System Funding Agencies* shall provide funds for the city of Sioux Falls, South Dakota, in an amount equal to 50 percent of the incremental cost to the city of participation in the project.

(b) **NON-FEDERAL COST SHARE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the non-Federal share of the costs allocated to the water supply system shall be 20 percent of the amounts described in subsection (a)(1).

(2) **SIoux FALLS.**—The non-Federal cost-share for the city of Sioux Falls, South Dakota, shall be 50 percent of the incremental cost to the city of participation in the project.

**SEC. 11. BUREAU OF RECLAMATION.**

(a) **AUTHORIZATION.**—The Secretary of the Interior may allow the Director of the Bureau of Reclamation to provide project construction oversight to the water supply system

and environmental enhancement component for the service area of the water supply system described in section 3(b).

(b) **PROJECT OVERSIGHT ADMINISTRATION.**—The amount of funds used by the Director of the Bureau of Reclamation for [planning and construction] *oversight and other technical assistance* of the water supply system shall not exceed the amount that is equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.

#### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$226,320,000, of which not less than \$8,487,000 shall be used for the initial development of the environmental enhancement component under section 4, to remain available until expended.

The committee amendments were agreed to.

The bill (S. 777), as amended, was considered read the third time and passed, as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

#### DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION

The bill (S. 1175) to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for 10 additional years, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1175

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

#### SECTION 1. REAUTHORIZATION OF THE DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

Section 5 of Public Law 101-573 (16 U.S.C. 460a note) is amended by striking "10" and inserting "20".

#### WOMEN'S RIGHTS NATIONAL HISTORIC TRAIL ACT OF 1998

The Senate proceeded to consider the bill (S. 1641) to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States, which had been reported from the Committee on Energy and Natural Resources with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets.)

S. 1641

*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 "Women's Rights National Historic Trail Act of 1998".

#### SEC. 2. STUDY OF ALTERNATIVES FOR NATIONAL HISTORIC TRAIL TO COMMEMORATE AND INTERPRET HISTORY OF WOMEN'S RIGHTS IN THE UNITED STATES.

(a) **IN GENERAL.**—The Secretary of the Interior, acting through the Director of the National Park Service (referred to in this

section as the "Secretary"), shall conduct a study of alternatives for [establishing a national historic trail] commemorating and interpreting the history of women's rights in the United States.

(b) **MATTERS TO BE CONSIDERED.**—The study under subsection (a) shall include—

(1) consideration of the establishment of a new unit of the National Park System;

(2) consideration of the establishment of various appropriate designations for routes and sites relating to the history of women's rights in the United States, and alternative means to link those sites, including a corridor between Buffalo, New York, and Boston, Massachusetts;

(3) recommendations for cooperative arrangements with State and local governments, local historical organizations, and other entities; and

(4) cost estimates for the alternatives.

(c) **STUDY PROCESS.**—The Secretary shall—

(1) conduct the study with public involvement and in consultation with State and local officials, scholarly and other interested organizations, and individuals;

(2) complete the study as expeditiously as practicable after the date on which funds are made available for the study; and

(3) on completion of the study, submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and recommendations of the study.

The committee amendment was agreed to.

The bill (S. 1641), as amended, was considered read the third time and passed, as follows:

S. 1641

*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 "Women's Rights National Historic Trail Act of 1998".

#### SEC. 2. STUDY OF ALTERNATIVES FOR NATIONAL HISTORIC TRAIL TO COMMEMORATE AND INTERPRET HISTORY OF WOMEN'S RIGHTS IN THE UNITED STATES.

(a) **IN GENERAL.**—The Secretary of the Interior, acting through the Director of the National Park Service (referred to in this section as the "Secretary"), shall conduct a study of alternatives for commemorating and interpreting the history of women's rights in the United States.

(b) **MATTERS TO BE CONSIDERED.**—The study under subsection (a) shall include—

(1) consideration of the establishment of a new unit of the National Park System;

(2) consideration of the establishment of various appropriate designations for routes and sites relating to the history of women's rights in the United States, and alternative means to link those sites, including a corridor between Buffalo, New York, and Boston, Massachusetts;

(3) recommendations for cooperative arrangements with State and local governments, local historical organizations, and other entities; and

(4) cost estimates for the alternatives.

(c) **STUDY PROCESS.**—The Secretary shall—

(1) conduct the study with public involvement and in consultation with State and local officials, scholarly and other interested organizations, and individuals;

(2) complete the study as expeditiously as practicable after the date on which funds are made available for the study; and

(3) on completion of the study, submit to the Committee on Resources of the House of Representatives and the Committee on En-

ergy and Natural Resources of the Senate a report on the findings and recommendations of the study.

#### WILLOW LAKE NATURAL TREATMENT SYSTEM PROJECT

The bill (S. 2041) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Willow Lake Natural Treatment System Project for the reclamation and reuse of water, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2041

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

#### SECTION 1. WILLOW LAKE NATURAL TREATMENT SYSTEM PROJECT.

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by redesignating sections 1631, 1632, and 1633 as sections 1632, 1633, and 1634, respectively; and

(2) by inserting after section 1630 the following new section 1631:

#### "SEC. 1631. WILLOW LAKE NATURAL TREATMENT SYSTEM PROJECT.

"(a) **AUTHORIZATION.**—The Secretary, in cooperation with the City of Salem, Oregon, is authorized to participate in the design, planning, and construction of the Willow Lake Natural Treatment System Project to reclaim and reuse wastewater within and without the service area of the City of Salem.

"(b) **COST SHARE.**—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost.

"(c) **LIMITATION.**—The Secretary shall not provide funds for the operation and maintenance of a project described in subsection (a)."

(b) **CONFORMING AMENDMENTS.**—That Act is further amended—

(1) in section 1632 (43 U.S.C. 390h-13) (as redesignated by subsection (a)(1)), by striking "section 1630" and inserting "section 1631";

(2) in section 1633(c) (43 U.S.C. 390h-14) (as so redesignated), by striking "section 1633" and inserting "section 1634"; and

(3) in section 1634 (43 U.S.C. 390h-15) (as so redesignated), by striking "section 1632" and inserting "section 1633".

(c) **CLERICAL AMENDMENT.**—The table of contents in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by striking the items relating to sections 1631 through 1633 and inserting the following:

"Sec. 1631. Willow Lake Natural Treatment System Project.

"Sec. 1632. Authorization of appropriations.

"Sec. 1633. Groundwater study.

"Sec. 1634. Authorization of appropriations."

#### GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 2086) to revise the boundaries of the George Washington Birthplace National Monument, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting