

have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4392, the bill just considered and passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 2000

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 297) to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 297

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

TITLE I—LEWIS AND CLARK RURAL WATER SYSTEM

SEC. 101. SHORT TITLE.

This title may be cited as the "Lewis and Clark Rural Water System Act of 2000".

SEC. 102. DEFINITIONS.

In this title:

(1) **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.

(2) **INCREMENTAL COST.**—The term "incremental cost" means the cost of the savings to the project were the city of Sioux Falls not to participate in the water supply system.

(3) **MEMBER ENTITY.**—The term "member entity" means a rural water system or municipality that meets the requirements for membership as defined by the Lewis and Clark Rural Water System, Inc. bylaws, dated September 6, 1990.

(4) **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 project, as contained in the feasibility study.

(5) **PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.**—The term "pumping and incidental operational requirements" means all power requirements that are necessary for the operation of intake facilities, pump-

ing 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.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(7) **WATER SUPPLY PROJECT.**—

(A) **IN GENERAL.**—The term "water supply project" means the physical components of the Lewis and Clark Rural Water Project.

(B) **INCLUSIONS.**—The term "water supply project" includes—

(i) necessary pumping, treatment, and distribution facilities;

(ii) pipelines;

(iii) appurtenant buildings and property rights;

(iv) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

(v) such other pipelines, pumping plants, and facilities as the Secretary considers necessary and appropriate to meet the water supply, economic, public health, and environment needs of the member entities (including water storage tanks, water lines, and other facilities for the member entities).

(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. 103. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.

(a) **IN GENERAL.**—The Secretary shall make grants to the water supply system for the planning and construction of the water supply project.

(b) **SERVICE AREA.**—The water supply system shall provide for the member entities safe and adequate municipal, rural, and industrial water supplies, 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 108.

(d) **LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.**—The Secretary shall not obligate funds for the construction of the water supply project until—

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

(2) a final engineering report and a plan for a water conservation program are prepared and submitted to the Congress not less than 90 days before the commencement of construction of the water supply project.

SEC. 104. 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 project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 105. 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, at the firm power rate, the capacity and energy required to meet the pumping and incidental operational require-

ments of the water supply project during the period beginning on May 1 and ending on October 31 of each year.

(b) **QUALIFICATION TO USE PICK-SLOAN POWER.**—For operation during the period beginning May 1 and ending October 31 of each year, for as long as the water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this title shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

SEC. 106. NO LIMITATION ON WATER PROJECTS IN STATES.

This title 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. 107. WATER RIGHTS.

Nothing in this title—

(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. 108. COST SHARING.

(a) **FEDERAL COST SHARE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary 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 project under section 103; and

(B) 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 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. 109. BUREAU OF RECLAMATION.

(a) **AUTHORIZATION.**—At the request of the water supply system, the Secretary may allow the Commissioner of Reclamation to provide project construction oversight to the water supply project for the service area of the water supply system described in section 103(b).

(b) **PROJECT OVERSIGHT ADMINISTRATION.**—The amount of funds used by the Commissioner of Reclamation for oversight described in subsection (a) 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. 110. PROJECT OWNERSHIP AND RESPONSIBILITY.

The water supply system shall retain title to all project facilities during and after construction, and shall be responsible for all operation, maintenance, repair, and rehabilitation costs of the project.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$213,887,700, to remain available until expended.

TITLE II—SLY PARK UNIT CONVEYANCE**SEC. 201. DEFINITIONS.**

For the purpose of this title, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "Sly Park Unit" means the Sly Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and conduits and canals as authorized under the American River Act of October 14, 1949 (63 Stat. 853), including those used to convey, treat, and store water delivered from Sly Park, as well as all recreation facilities thereto; and

(3) "District" means the El Dorado Irrigation District.

SEC. 202. TRANSFER OF SLY PARK UNIT.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after date of the enactment of this Act and in accordance with all applicable law, transfer all right, title, and interest in and to the Sly Park Unit to the District.

(b) SALE PRICE.—The Secretary is authorized to receive from the District \$2,000,000 to relieve payment obligations and extinguish the debt under contract number 14-06-200-949IR2, and \$9,500,000 to relieve payment obligations and extinguish all debts associated with contracts numbered 14-06-200-7734, as amended by contracts numbered 14-06-200-4282A and 14-06-200-8536A. Notwithstanding the preceding sentence, the District shall continue to make payments required by section 3407(c) of Public Law 102-575 through year 2029.

(c) CREDIT REVENUE TO PROJECT REPAYMENT.—Upon payment authorized under subsection (b), the amount paid shall be credited toward repayment of capital costs of the Central Valley Project in an amount equal to the associated undiscounted obligation.

SEC. 203. FUTURE BENEFITS.

Upon payment, the Sly Park Unit shall no longer be a Federal reclamation project or a unit of the Central Valley Project, and the District shall not be entitled to receive any further reclamation benefits.

SEC. 204. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Sly Park Unit under this title, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

TITLE III—TREATMENT OF PROJECT COSTS FOR SLY PARK UNIT**SEC. 301. TREATMENT OF PROJECT COSTS.**

To the extent costs associated with the Sly Park Unit are included as a reimbursable cost of the Central Valley Project, the Secretary is authorized to exclude such costs in excess of those repaid by the Sly Park Unit beneficiaries from the pooled reimbursable costs of the Central Valley Project until such time as the facility is operationally integrated into the water supply yield of the Central Valley Project.

TITLE IV—CITY OF ROSEVILLE PUMPING PLANT FACILITIES**SEC. 401. CREDIT FOR INSTALLATION OF ADDITIONAL PUMPING PLANT FACILITIES IN ACCORDANCE WITH AGREEMENT.**

(a) IN GENERAL.—The Secretary of the Interior shall credit an amount up to \$1,164,600,

the precise amount to be determined by the Secretary through a cost allocation, to the unpaid capital obligation of the City of Roseville, California (in this section referred to as the "City"), as such obligation is calculated in accordance with applicable Federal reclamation law and Central Valley Project rate setting policy, in recognition of future benefits to be accrued by the United States as a result of the City's purchase and funding of the installation of additional pumping plant facilities in accordance with a letter of agreement with the United States numbered 5-07-20-X0331 and dated January 26, 1995. The Secretary shall simultaneously add an equivalent amount of costs to the capital costs of the Central Valley Project, and such added costs shall be reimbursed in accordance with reclamation law and policy.

(b) EFFECTIVE DATE.—The credit under subsection (a) shall take effect upon the date on which—

(1) the City and the Secretary of the Interior have agreed that the installation of the facilities referred to in subsection (a) has been completed in accordance with the terms and conditions of the letter of agreement referred to in subsection (a); and

(2) the Secretary of the Interior has issued a determination that such facilities are fully operative as intended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, the gentleman from South Dakota (Mr. THUNE) introduced H.R. 297, the Lewis and Clark Rural Water System at the beginning of this 106th Congress. The legislation is designed to provide replacement or supplemental water supplies in the Missouri River, the portions of South Dakota, Iowa, and Minnesota, serving in total about 180,000 people, of which approximately 150,000 people reside in Sioux Falls metropolitan area.

The estimated cost of the project is \$283 million in 1993 dollars with a 10 percent State share and 10 percent local cost share based on the willingness-to-pay analysis.

We have been working with the gentleman from South Dakota (Mr. THUNE) on a number of the issues. As currently presented, the bill addresses several other issues of concern to the gentleman from California (Mr. GEORGE MILLER) and me.

Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. THUNE), the author of the bill, to more fully explain his legislation.

Mr. THUNE. Mr. Speaker, I do appreciate the opportunity to speak on this bill, which is so important to my State of South Dakota. H.R. 297 would authorize appropriations for construction of the Lewis and Clark Rural Water System which, when complete, will supply water to 22 communities in South Dakota, Iowa, and Minnesota.

The Lewis and Clark Rural Water System bears tremendous significance to the States that eventually will be served by the delivery of water from an aquifer near the Missouri River at Vermillion, South Dakota. My constituents have expressed the significance of this project in no uncertain terms to me; and, as a result, H.R. 297 was the first bill that I introduced this Congress and has been one of my top legislative priorities since serving in Congress.

I would also like to thank the gentleman from Minnesota (Mr. MINGE), the cosponsor of this legislation, and the gentleman from Iowa (Mr. LATHAM), both of whose districts will be served by this water project.

I would also like to thank the gentleman from California (Chairman DOOLITTLE); the gentleman from Alaska (Chairman YOUNG); the Speaker; the majority leader; the majority whip; the gentleman from California (Mr. GEORGE MILLER), the ranking member; and the staffs of those committees and the leadership staff, particularly Tom Pyle in the House majority whip's office; and the gentleman on my staff, Jafar Karim, for the hard work that they have put in making this bill become a reality.

I would also like to recognize, Mr. Speaker, the project sponsors, those community leaders, the Lewis and Clark Rural Water System, who have fought hard and been so persistent in moving this project forward.

It has been a long process. This bill was introduced back in 1994. It has been refined and reworked to where we are today.

Let me just very briefly state why I believe it is so important and why this is important that this bill move at this time. First off, this helps fulfill promises made by the Federal Government to South Dakota in the Flood Control Act of 1944, wherein South Dakota gave up over half a million acres of prime bottom land in exchange for irrigation benefits and other benefits, many of which never materialized.

Secondly, the legislation authorizes construction of a water system that, when built, will meet critical water needs of 22 communities in South Dakota, Iowa, and Minnesota. Over 180,000 people will be served with clean drinking water.

Mr. Speaker, this legislation is important because this is a health issue. This is a safety issue, and this is an economic development issue for these communities.

Finally, it is important, Mr. Speaker, that we do this now because of the growing sense of urgency when it comes to the water needs of this area and because this legislation has been around and been refined and reworked over four sessions of Congress. The time for action is now.

I want to express my appreciation to those who have helped us bring it to this point and the opportunity to move this legislation forward, and so I encourage all my colleagues to support

the legislation; and on behalf of the people of South Dakota, I thank my colleagues.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the committee amendment to H.R. 297, the bill to authorize the Lewis and Clark Rural Water System.

The Lewis and Clark Rural Water System is designed to provide replacement or supplemental water supplies from the Missouri River to areas in southeastern South Dakota, northwestern Iowa, and southwestern Minnesota serving up to about 180,000 people.

This region has seen substantial growth and development in recent years, and we know that future water needs in the area will be significantly greater than the current available supply. Many residents in the project area have water of such poor quality it does not meet present or proposed standards for drinking water. Many communities rely on shallow aquifers as the primary source of drinking water, aquifers which are very vulnerable to contamination by surface activities, including large hog farms. Why do we not clean up the hog farms?

Lewis and Clark Rural Water System will provide a reliable source for supplemental drinking water. I urge my colleagues to support the authorization of this project with a "yes" vote on H.R. 297.

Mr. Speaker, the committee amendment includes several additional provisions affecting water resource activities of the Bureau of Reclamation in Northern California. I have no objection to these provisions.

In fact, I want to thank the committee for including title 3, the "Treatment of Project Costs For Sly Park Unit," which will provide for the Secretary to exclude these costs in excess to be repaid by the Sly Park Unit beneficiaries from the pooled reimbursable costs of the Central Valley Project until such time as the facilities are integrated into the water supply yield to the Central Valley project.

This will provide a correction of an inadvertent oversight that could prove costly to a number of urban water districts in California. I think that this is a proper resolution of this issue.

Mr. MINGE. Mr. Speaker, I rise today to urge my colleagues to support H.R. 297, the Lewis and Clark Rural Water System Act, which has been reported out of the House Committee on Resources.

The Lewis and Clark Rural Water System Act will serve a number of communities in Minnesota, Iowa and South Dakota. Currently these communities are served by shallow aquifers that are vulnerable to contamination. Many of these towns have tried repeatedly to dig new wells. Unfortunately, they have had little luck.

The area that would be served by H.R. 297 is currently experiencing a drought with no immediate relief in sight. This bill will not alleviate the current crisis but protect the region

from the water level uncertainties associated with shallow aquifers in the future. That certainty not only lends peace of mind to local citizens, but is also crucial to the area's economic development plans. The business climate cannot flourish when the water supply is questionable.

The Senate has already passed legislation authorizing the Lewis and Clark Rural Water System Act. Time is of the essence for this project and it is my hope that any differences with the Senate can be quickly resolved.

Mr. Speaker, I again ask my colleagues to support H.R. 297.

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

Mr. DOOLITTLE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 297, as amended.

The question was taken.

Mr. GEORGE MILLER of California. 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.

GENERAL LEAVE

Mr. DOOLITTLE. 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. 297, as amended.

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

There was no objection.

SENSE OF HOUSE REGARDING RAISING OF UNITED STATES FLAG IN AMERICAN SAMOA

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 443), expressing the sense of the House of Representatives with regard to the centennial of the raising of the United States flag in American Samoa, as amended.

The Clerk read as follows:

H. RES. 443

Whereas the people of American Samoa have inhabited Tutuila and the Manu'a Islands for at least 3,000 years and developed a unique and autonomous seafaring and agrarian culture, governing themselves through their own form of government;

Whereas in 1722, Dutch explorer Jacob Roggeveen became the first European to sight—but not land on—the shores of the Samoan Islands, islands which remained isolated for another 46 years because Roggeveen miscalculated their location;

Whereas in 1768, French explorer Louis Antoine de Bougainville, the second European to sight the Samoan islands, became so impressed with the sailing skills of the natives he

named the islands "L'Archipel des Navigateurs," and for generations thereafter the entire Samoan island group was known to the Western World as the "Navigator Islands";

Whereas in 1787, Frenchman Jean Francois La Perouse landed on the shores of these islands and thus began the "opening" of Samoa to the West, with American whalers as the principal group to engage the people of Samoa in trade and commerce, followed from 1830 on by English missionaries;

Whereas in 1839, as part of a congressionally authorized trip to the Pacific, United States Navy commander Charles Wilkes visited the island of Tutuila and later reported favorably in support of establishing a structured relationship between the island and the United States;

Whereas on March 2, 1872, Richard Meade, commander of the U.S.S. Narragansett, visited Pago Pago, and, on his own responsibility, made an agreement with High Chief Mauga entitled "Commercial Regulations, etc.," which was submitted to, but never ratified by, the Senate;

Whereas on February 13, 1878, a "treaty of friendship and commerce with the people of Samoa" was proclaimed ratified;

Whereas on June 14, 1889, a treaty known as the General Act of 1889, between the United States, Germany, and Great Britain, and assented to by the Samoan Government, "to provide for the security of the life, property and trade of the citizens and subjects of their respective Governments residing in, or having commercial relations with the Islands of Samoa," was concluded and later ratified;

Whereas on December 2, 1899, a tripartite treaty between the United States, Germany, and Great Britain, which provided for the division of the several islands of Samoa, was signed by the three parties in Washington, D.C.;

Whereas on April 17, 1900, by treaty of cession, the traditional chiefs of the South Pacific Islands of Tutuila and Aunu'u agreed to become a part of the United States in return for protection of their land and culture, and the United States flag was raised on what is now known as the United States Territory of American Samoa;

Whereas on July 14, 1904, by treaty of cession, His Majesty the King of Manu'a and his traditional chiefs from the Islands of Ta'u, Ofu, and Olosega, agreed to become part of the United States in return for the protection of their land and culture;

Whereas since that time, the residents of American Samoa have been proud of their affiliation with this great Nation and have demonstrated their loyalty and patriotism in countless ways;

Whereas April 17 is known as Flag Day in American Samoa and is the biggest holiday in the territory, and is celebrated not only in American Samoa, but throughout the United States wherever there is a sizable Samoan community;

Whereas American Samoans in Hawaii, California, Nevada, Utah, Alaska, Washington, and other parts of the United States pause each year on this important date to celebrate this monumental occasion in American Samoa's history;

Whereas the per capita rate of enlistment in the Armed Forces among American Samoans is among the highest in the United States, with hundreds of American Samoans enlisting annually;

Whereas for decades American Samoa served as a Naval coaling station for United States ships in the Pacific, providing the Nation with what is commonly referred to as the best deep-water harbor in the entire Pacific—a harbor where American ships are protected from severe and sudden tropical storms by natural, high, sloping mountains—a harbor which, in the Nation's youth, served as a critical and crucial refueling and replenishing port for military and commercial interests, enabling the United States to pursue its foreign and commercial policies, logistically unrestrained, throughout the Asian Pacific region;