

EC-1868. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Fisheries Off West Coast and Western Pacific" received on April 25, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1869. A communication from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Schedule of Fees" received on May 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1870. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska"; to the Committee on Commerce, Science, and Transportation.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 736. A bill to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. CHAFFEE):

S. 737. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 736. A bill to convey real property within the Carlsbad project in New Mexico to the Carlsbad Irrigation District; to the Committee on Energy and Natural Resources.

#### THE CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

• Mr. DOMENICI. Mr. President, today I am introducing legislation that will convey tracts of land, referred to as "acquired lands," to the Carlsbad Irrigation District in New Mexico. These are lands that were once owned by the beneficiaries of the irrigation project, and acquired by the Federal Government when the Bureau of Reclamation assumed the responsibility of construction and operation of the irrigation project in the early part of this century. Since that time, the Carlsbad Irrigation District has repaid its indebtedness to the Federal Government, which included not only its contractual share of construction costs, but also all costs associated with the project land and facilities that were acquired from the project beneficiaries.

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. It will accomplish three things: First, convey title to acquired lands and facilities to the District; second, allow the District to assume the management of leases and the benefits of the receipts from these acquired lands; and third, provide authority for the Bureau of Reclamation to cooperate with the Carlsbad Irrigation District on water conservation projects at the Carlsbad project. This bill protects the interests that the State of New Mexico has in some of those lands.

During the 104th Congress, the Carlsbad Irrigation District presented testimony related to the transfer of acquired lands 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. With this in mind, I believe that the legislation I am introducing today will provide the Bureau with the ability to accomplish their stated goal in a fair and equitable manner.

Mr. President, I understand that similar legislation will soon be introduced in the House of Representatives by Congressman JOE SKEEN, and I am hopeful that we will be able to move this bill through Congress, and coordinate our efforts with the administration's stated objectives. I encourage my colleagues to support this legislation, and ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 736

*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 "Carlsbad Irrigation Project Acquired Land Transfer Act".

#### SEC. 2. CONVEYANCE.

(a) LANDS AND FACILITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to the conditions set forth in subsection (c) and section 2(b), the Secretary of the Interior (in this Act referred to as the "Secretary") is hereby authorized to convey all right, title, and interest of the United States in and to the lands described in subsection (b) (in this Act referred to as the "acquired lands") in addition to all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the

State of New Mexico and in this Act referred to as the "District").

(2) LIMITATIONS.—

(A) The Secretary shall retain title to the surface estate of such acquired lands which are located under the footprint of Brantley and Avalon dams or any other project dam or reservoir diversion structure.

(B) The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(b) ACQUIRED LANDS DESCRIBED.—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy County, New Mexico, described as the acquired lands 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) The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, consistent with existing management of such lands and other adjacent project lands.

(2) 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 or revenues generated as a result of either agreement.

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary should complete the conveyance authorized by this Act, including such action as may be required under the National Environmental Policy Act of 1969 (42 U.S.C. et seq.) within 9 months of the date of enactment of this Act.

(e) REPORT TO CONGRESS.—If the conveyance authorized by this Act is not completed by the Secretary within 9 months of the date of enactment of this Act, the Secretary shall prepare a report to the Congress which shall include a detailed explanation of problems that have been encountered in completion of the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance. The Secretary's report shall be transmitted to the Committee on Resources of the House of Representatives, and to the Committee on Energy and Natural Resources of the Senate within 30 days after the expiration of such 9 month period.

#### 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 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 the Secretary of the Interior shall notify all leaseholders of the conveyance authorized by this Act.