

(2) providing for the streamlined and low-cost acquisition of land by nonprofit and governmental social service entities that offer needed community services to residents of the area;

(3) allowing Deschutes County to provide land for community amenities and services, such as open space, parks, roads, and other public spaces and uses, to area residents at little or no cost to the public; and

(4) otherwise assist in the implementation of the Deschutes County Regional Problem Solving Project.

(b) SALE OF LAND.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary") may make available for sale at fair market value to Deschutes County, Oregon, a parcel of the land in Deschutes County comprising approximately 544 acres and lying in township 22 south, range 10 east, Willamette meridian, as more fully described as follows:

(1) Section 1:

(A) Government Lot 3, the portion west of Highway 97;

(B) Government Lot 4;

(C) SENW, the portion west of Highway 97; SWNW, the portion west of Highway 97; NWSW, the portion west of Highway 97; SWSW, the portion west of Highway 97;

(2) Section 2:

(A) Government Lot 1;

(B) SENE, SESW, the portion east of Huntington Road; NESE; NWSE; SWSE; SESE, the portion west of Highway 97;

(3) Section 11:

(A) Government Lot 10;

(B) NENE, the portion west of Highway 97; NWNE; SWNE, the portion west of Highway 97; NENW, the portion east of Huntington Road; SWNW, the portion east of Huntington Road; SENW.

(c) SUITABILITY FOR SALE.—The Secretary shall convey the land under subsection (b) only if the Secretary determines that the land is suitable for sale through the land use planning process.

(d) SPECIAL ACCOUNT.—The amount paid by the County for the conveyance of land under subsection (b)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) may be used by the Secretary for the purchase of environmentally sensitive land east of range 9 east, Willamette meridian, in the State of Oregon that is consistent with the goals and objectives of the land use planning process of the Bureau of Land Management.

Mr. HANSEN (during the reading). Madam Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF INTERIOR TO CONVEY CERTAIN FACILITIES OF THE MINIDOKA PROJECT TO THE BURLEY IRRIGATION DISTRICT

Mr. HANSEN. Madam Speaker, I ask unanimous consent to take from the

Speaker's table the Senate bill (S. 538) to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 538

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

SECTION 1. CONVEYANCE OF FACILITIES.

(a) DEFINITIONS.—In this section:

(1) BURLEY.—The term "Burley" means the Burley Irrigation District, an irrigation district organized under the law of the State of Idaho.

(2) DIVISION.—The term "Division" means the Southside Pumping Division of the Minidoka project, Idaho.

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

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, without consideration or compensation except as provided in this section, convey to Burley, by quitclaim deed or patent, all right, title, and interest of the United States in and to acquired lands, easements, and rights-of-way of or in connection with the Division, together with the pumping plants, canals, drains, laterals, roads, pumps, checks, headgates, transformers, pumping plant substations, buildings, transmission lines, and other improvements or appurtenances to the land or used for the delivery of water from the headworks (but not the headworks themselves) of the Southside Canal at the Minidoka Dam and reservoir to land in Burley, including all facilities used in conjunction with the Division (including the electric transmission lines used to transmit electric power for the operation of the pumping facilities of the Division and related purposes for which the allocable construction costs have been fully repaid by Burley).

(2) COSTS.—The first \$80,000 in administrative costs of transfer of title and related activities shall be paid in equal shares by the United States and Burley, and any additional amount of administrative costs shall be paid by the United States.

(c) WATER RIGHTS.—

(1) TRANSFER.—(A) Subject to subparagraphs (B) and (C), the Secretary shall transfer to Burley, through an agreement among Burley, the Minidoka Irrigation district, and the Secretary, in accordance with and subject to the law of the State of Idaho, all natural flow, waste, seepage, return flow, and groundwater rights held in the name of the United States—

(i) for the benefit of the Minidoka Project or specifically for the Burley Irrigation District;

(ii) that are for use on lands within the Burley Irrigation District; and

(iii) which are set forth in contracts between the United States and Burley or in the decree of June 20, 1913 of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the case of Twin Falls Canal Company v. Charles N. Foster, et al., and commonly referred to as the "Foster decree".

(B) Any rights that are presently held for the benefit of lands within both the

Minidoka Irrigation District and the Burley Irrigation District shall be allotted in such manner so as to neither enlarge nor diminish the respective rights of either district in such water rights as described in contracts between Burley and the United States.

(C) The transfer of water rights in accordance with this paragraph shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other project water user.

(2) ALLOCATION OF STORAGE SPACE.—The Secretary shall provide an allocation to Burley of storage space in Minidoka Reservoir, American Falls Reservoir, and Palisades Reservoir, as described in Burley Contract Nos. 14-06-100-2455 and 14-06-W-48, subject to the obligation of Burley to continue to assume and satisfy its allocable costs of operation and maintenance associated with the storage facilities operated by the Bureau of Reclamation.

(d) PROJECT RESERVED POWER.—The Secretary shall continue to provide Burley with project reserved power from the Minidoka Reclamation Power Plant, Palisades Reclamation Power Plant, Black Canyon Reclamation Power Plant, and Anderson Ranch Reclamation Power Plant in accordance with the terms of the existing contracts, including any renewals thereof as provided in such contracts.

(e) SAVINGS.—

(1) Nothing in this Act or any transfer pursuant thereto shall affect the right of Minidoka Irrigation District to the joint use of the gravity portion of the Southside Canal, subject to compliance by the Minidoka Irrigation District with the terms and conditions of a contract between Burley and Minidoka Irrigation District, and any amendments or changes made by agreement of the irrigation districts.

(2) Nothing in this Act shall affect the rights of any person or entity except as may be specifically provided herein.

(f) LIABILITY.—Effective on the date of conveyance of the project facilities, described in section (1)(b)(1), 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 facilities, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act, 28 U.S.C. 2671 et seq.

(g) COMPLETION OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall complete the conveyance under subsection (b) (including such action as may be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) not later than 2 years after the date of enactment of this Act.

(2) REPORT.—The Secretary shall provide a report to the Committee on Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate within eighteen months from the date of enactment of this Act on the status of the transfer, any obstacles to completion of the transfer as provided in this section, and the anticipated date for such transfer.

Mrs. CHENOWETH. Madam Speaker, I am happy to come before the House to express my strong support for S. 538, the Burley Irrigation District Conveyance Act, sponsored by my Senate colleagues, Senator Craig and Senator KEMPTHORNE. S. 538 also resembles H.R. 1282, a bill introduced by my friend and fellow Idahoan in the House, MIKE CRAPO.

Madam Speaker, S. 538 would simply convey certain facilities of the Minidoka project, which was authorized in 1902, to the Burley Irrigation District. This fulfills the contract the District had with the Federal government.

Per their agreement, the water users of the Burley Irrigation District have paid their obligations to the U.S. Treasury. Having fulfilled this responsibility under the Reclamation Act, the Water District has been working diligently with Congressman CRAPO and me over the last year to develop this important legislation.

Madam Speaker, S. 538 transfers the rights and use of the facility for which the District already has a right of title.

In April of this year we heard testimony from Roger Ling before the House Subcommittee on Water and Power, chaired by my good friend JOHN DOOLITTLE. Mr. Ling, who is an Idaho Citizen, and a member of the Burley Irrigation District, laid out for the subcommittee in detail the fascinating history of how this project came to fruition. He made a compelling case why the Burley water users deserve to receive the title which they have lawfully paid for.

I am very pleased to have the opportunity to assist Burley in working through the intent of the Reclamation Act. I am convinced that the District will do a tremendous job managing the Minidoka facility, including the environmental aspects of this project.

I would like to address some concerns my democratic colleagues have with regard to NEPA. This is not a complicated bill. S. 538 simply authorizes a title transfer. Nothing more, nothing less. The everyday workings of the irrigation district will not change. The simple "paper" transfer will not have an environmental impact. Therefore, an environmental assessment or impact study is not necessary and a waste of resources. And it is my understanding of this bill that, so long as the day-to-day operations are unchanged, NEPA is deemed to be complied with.

The only change to the Burley Irrigation District will be that the people who have worked for decades to pay for the Minidoka facility will finally receive that which is due to—ownership title.

I thank Chairman DOOLITTLE for bringing this important legislation before the House, and I urge my fellow Colleagues to vote for its passage.

Mr. CRAPO. Madam Speaker, I rise to voice my strong support for S. 538, a bill to convey title to certain facilities in the Minidoka Project to the Burley Irrigation District in Idaho. This bill represents a watershed for irrigators in the western United States by setting a model for future legislation involving facility title transfers.

Burley Irrigation District is a waterusers cooperative operating in southern Idaho for the benefit of local irrigators and was authorized in 1904 under the Reclamation Act. Under authority outlined in the Act, the Secretary of the Interior, through the Bureau of Reclamation, transferred to the District the care, operation, and maintenance of certain project works. In 1926, the District entered into a contract with the United States to assume the care, operation, and maintenance of the South Side Pumping Division, together with certain telephone lines.

In this contract, the District agreed to pay to the United States the balance of all construction indebtedness of landowners, including in-

terest and penalties, operation and maintenance charges, and book value of equipment and supplies transferred to the District.

Supplemental contracts between the District and the United States have transferred responsibility for certain transmission lines, transformer stations, and the main South Side Canal from its headworks to the first lift pumping station of the South Side Pumping Division.

Since that time, the District has repaid out all construction and other costs allocated to it under the various contracts. The District has been in continuous operation, maintenance, and management of the distribution facilities and pumping plants for 72 years.

S. 538 is consistent with the Reclamation Act of 1902 and the need of the United States to divest itself of title to property for which it has liability, but not the operation and maintenance responsibilities. Moreover, it fulfills the spirit of the Reclamation Act and the goal of reducing the size of the federal government by transferring to private hands title to Bureau of Reclamation facilities.

I would like to take a moment to address certain questions that had been raised by the Administration regarding the intentions of this bill. These issues have already been clarified with the Secretary of the Interior, but I would like to state them here for the purpose of placing them in the RECORD.

First, the question of what is meant in this legislation by the inclusion of return flows as part of the water rights transfer. As a result of the irrigation of the lands within Burley Irrigation District and Minidoka Irrigation District, there are return flows to the Snake River. Under the Foster Decree, when these districts are using stored water to which they are entitled under their spaceholder contracts for irrigation of their lands, they receive a credit for the return flows to the river which is used on a proportionate basis to reduce their use of stored water. The Decree is administered by the State of Idaho, and the extent of return flows depends on the operation of the districts' distribution systems. These rights clearly belong to the districts and inure the benefit of the districts and the landowners therein.

Second, a concern had been raised about this bill potentially changing the crediting system of return flows from the way it is currently carried out and, in particular, adversely affecting the Minidoka Irrigation District. Let me assure you that nothing in the bill is intended to modify the crediting of return flows from the way they are currently credited. Of course, it is extremely difficult to differentiate the source of return flows, but I would expect that the agreement to be negotiated between the Burley Irrigation District, the Minidoka Irrigation District, and the Secretary of the Interior, would address the partitioning of credits in a manner that will preserve the status quo.

Finally, the Administration had raised a question about the possible impact on storage rights of provisions in the bill transferring natural flow rights. The Bureau of Reclamation has been informed that nothing under this bill is intended to transfer or impair storage rights held by the Bureau, and nothing is intended to impair the operations of the Minidoka Project by the Secretary of the Interior. To the extent operational issues or concerns arise as a result of the transfer, I would expect the Burley Irrigation District and the Secretary to address such matters in the agreement that will be negotiated under the bill.

These questions have been addressed to the satisfaction of the Administration, and all sides have given their assent to this legislation.

Madam Speaker, this legislation is the product of months of intensive negotiations involving the District, the Administration, and Congress. It is fair and cost-effective to the American taxpayer, and it is simply wise public policy. The compromises reached allow all those involved to feel a sense of ownership in this legislation. Accordingly, I would like to express my appreciation to the distinguished subcommittee chairman, Mr. DOOLITTLE, the ranking member, Mr. DEFAZIO, as well as the full committee Chairman YOUNG and Ranking Member MILLER, and the Administration for their hard work and cooperation on this important bill.

I would also like to express my thanks to my colleague from Idaho, Mrs. CHENOWETH, for her invaluable help in passing this legislation. And, of course, I extend special appreciation to the bill's sponsor in the other body, Senator CRAIG, and applaud his persistence in this endeavor.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Madam Speaker I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bills just passed.

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

There was no objection.

REREFERRAL OF MEMORIAL NO. 303 TO COMMITTEE ON AGRICULTURE AND COMMITTEE ON RESOURCES

Mr. HANSEN. Madam Speaker, I ask unanimous consent that Memorial No. 303 received by the House from the legislature of the State of Idaho be referred to the Committee on Agriculture as well as the Committee on Resources.

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

There was no objection.

REREFERRAL OF EXECUTIVE COMMUNICATIONS 10321 AND 10322 TO COMMITTEE ON AGRICULTURE

Mr. HANSEN. Madam Speaker, I ask unanimous consent that the Committee on Resources be discharged from consideration of Executive Communications 10321 and 10322 and that such Executive Communications be referred to the Committee on Agriculture.

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

There was no objection.