

The Tribe plans to use bonds to finance the \$30 million initial one-third acquisition of the project. A Federal law requires that any encumbrance of Indian trust resources be approved by the Interior Secretary. Interior asserts its current authorities are sufficient to authorize that approval for the Warm Springs trust resources. However, bond counsel asserts current authority is not express enough to allow for an unqualified opinion needed to issue those bonds. The Tribe and PGE also believe more express authority will help secure their agreement.

H.R. 483 addresses this situation by providing express approval specifically for the Pelton agreement so the bonds can be issued and the agreement is more secure. At the same time, it provides that this single case instance of approval is not to diminish Interior's existing authority to approve similar agreements.

The bill also authorizes Warm Springs trust land leases of up to 99 years at the Secretary's discretion.

Mr. Speaker, I hope that the House can unanimously support this piece of legislation. It is cosponsored by the entire Oregon delegation, and it will provide a needed economic development for the Warm Springs Tribes.

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

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

Mr. Speaker, this legislation will permit the Confederated Tribes of the Warm Springs Reservation of Oregon to enter into various leases concerning their trust lands for up to 99 years.

Over the years, and at the specific request of the affected Indian tribe, we have passed numerous similar bills in order to give Indian tribes more flexibility to develop trust lands for the benefit of their members. What is different about this bill, however, is that we are also giving Congressional approval to a settlement and business agreement entered into among the Tribe, the Department of the Interior, and the Portland General Electric Company. The agreement benefits all parties and will help bring needed economic development to the reservation.

Similar agreements between Indian tribes and private companies occur upon the approval of the Secretary of the Interior. While I support the passage of this bill today, it is important to stress that in doing so we are not questioning the Secretary's authority over such matters nor the validity of agreements bearing her approval.

With that, Mr. Speaker, I urge my colleagues to support the passage of H.R. 483.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to

the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentlewoman from yielding me this time.

Mr. Speaker, I rise to join my colleague from eastern Oregon in support of this legislation, and I am pleased to cosponsor it along with the gentleman.

Mr. Speaker, we have a special obligation as Members of this assembly to be sensitive to the needs of Native Americans. Sadly, the history of the United States brings no great credit to the Government or this body, and there have been many lost opportunities. I rise in support of H.R. 483 because it is one way to seize an opportunity and do the right thing.

H.R. 483 gives the Warm Springs Tribe the same control over their sovereign lands that other governments already enjoy. This act will allow the Warm Springs Tribal Government to lease its own land in the same manner that the Cherokee Nation and State and local jurisdictions have for years.

Certainly the Confederated Tribes of the Warm Springs Reservation in Oregon have shown that they have earned this right. They are located on the largest land holding in our State. They have a long history of excellent official relationships with State and Federal authorities in Oregon. They operate their own tribal courts, health system, educational facilities, and law enforcement agencies. They have been leaders in economic development initiatives of which this provision would enable another chapter to move forward.

I have been pleased to work with the tribe in times past. I think it is high time for us to allow the tribe to express similar leadership that they have over their own land. The second provision approves the agreement by the tribes with General Electric to regulate projects on its land. As has been pointed out, this has been a long time in the making. It was approved a year and a half ago, and its time for Congress to add its seal of approval. I strongly urge my colleagues to vote for passage of H.R. 483.

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

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I thank the gentleman from Oregon (Mr. BLUMENAUER) for his kind comments and his generous support of this legislation and express my appreciation to the tribes and to Jefferson County and to Portland General Electric for their continuous work as we have wordsmithed this bill, probably more than any other bill I have been around, to make it conform to the needs of all of the parties involved. They have been quite patient and helpful in this process. I urge passage of this bill.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 483, 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.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider the conference report to accompany H.R. 2590; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read when called up.

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

There was no objection.

CHILOQUIN DAM FISH PASSAGE FEASIBILITY STUDY ACT OF 2001

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2585) to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon.

The Clerk read as follows:

H.R. 2585

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 "Chiloquin Dam Fish Passage Feasibility Study Act of 2001".

SEC. 2. CHILOQUIN DAM FISH PASSAGE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary of the Interior shall, in collaboration with all interested parties, including the Modoc Point Irrigation District, the Klamath Tribes, and the Oregon Department of Fish and Wildlife, conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon.

(b) SUBJECTS.—The study shall include—

- (1) review of all alternatives for providing such passage, including the removal of the dam;
- (2) determination of the most appropriate alternative;
- (3) development of recommendations for implementing such alternative; and
- (4) examination of mitigation needed for upstream and downstream water users, and

for Klamath tribal non-consumptive uses, as a result of such implementation.

(c) REPORT.—The Secretary shall submit to the Congress a report on the findings, conclusions, and recommendations of the study by not later than 1 year after the date of the enactment of this Act.

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

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2585 is another of my bills that will address the current plight of fish and farmers in the Klamath Basin. The Klamath Basin is in both southern Oregon and northern California, and has Endangered Species Act-listed suckers, salmon and bald eagles. There are several tribes with treaty rights that must be respected.

The Klamath Project, operated by the Bureau of Reclamation, has historically delivered water to about 200,000 acres. This year, however, the basin is experiencing a severe drought, on top of which the Klamath Project has been asked to provide additional water for species listed under the Endangered Species Act.

The feasibility study required in this legislation is needed to address an imminent endangered species habitat claim against the Chiloquin Dam in southern Oregon, which is the Modoc Point Irrigation District's current gravity flow diversion source. This dam blocks suckers from reaching 95 percent of their former spawning and juvenile rearing habitat in the warm water reaches of the Sprague River.

Several parties have identified the Chiloquin Dam as constituting a significant habitat problem for endangered suckers. They include: the Klamath Tribes, U.S. Fish and Wildlife, Bureau of Reclamation, Oregon Department of Fish and Wildlife, and the Klamath Water Users Association.

I have worked in consultation with the Modoc Point Irrigation District and the Klamath Tribes to craft this legislation requesting this study of this dam. The study will include review of all alternatives for providing passage, including removal of the dam; determination of the most appropriate alternative; development of recommendations for implementing the alternative; and examination of mitigation needed for upstream and downstream water users as a result of such implementation.

I would also point out that this legislation was cosponsored by several members of this committee, including the gentleman from Oregon (Mr. DEFAZIO).

This legislation is long overdue. The need to study this impediment is long

overdue. Despite the crisis our Nation faces today, the farmers in this basin continue to face a crisis of their own, both economically and for their future. We need to move forward to resolve the issues that have blocked their ability to get water and the other help they need. Madam Speaker, I ask for the support of the entire House for this common sense, straightforward and balanced legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 2585, and I note that a long-standing member of the Committee on Resources, the gentleman from Oregon (Mr. DEFAZIO), is a cosponsor of this bill.

Restoring fish habitat in the Klamath Basin is complicated and often controversial. Making decisions based on scientific studies of water operations and habitat requirements can help prevent more confrontations over scarce water supplies.

The studies authorized by H.R. 2585 need to be carefully designed and carried out. These studies should consider all factors that affect fish survival in the basin, including the possible need to restore wetlands and riparian habitats. I thank the sponsor and cosponsors of this bill, and I urge my colleagues to support H.R. 2585.

Mr. WALDEN of Oregon. Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I thank the gentlewoman for yielding me this time.

Madam Speaker, I am here to support H.R. 2585 introduced by the gentleman from Oregon (Mr. WALDEN). It is true that we have a great deal of tension and frustration in the Klamath Basin these days, and I commend the gentleman for taking specific steps to help relieve some of that pressure.

This bill is an important step in studying alternatives for the improvement of fish passage for the endangered species. These endangered species have generated a great deal of controversy and attention. I for one feel that in some instances some of the frustration was misplaced in terms of trying to divert the blame for the problem in the Klamath Basin somehow to the fish themselves.

I note with some interest that one of the Klamath Basin Native American leaders pointed out to me that blaming the fish for the water problem is a lot like blaming the gas gauge on your car if one runs out of gas. Having the gas gauge register empty, it is not the problem of the gas gauge, it is the fact that the car has run out of gas.

What we are facing here is a condition that is the result of systematic action on the part of the Federal Government for over a century of making too many demands on scarce water in this arid basin.

We must not lose sight of the big picture within the Klamath Basin. It once held 350,000 acres of shallow lakes, fresh water marshes, wet meadows, and seasonally flooded basins throughout southeastern Oregon and northern California. Today, nearly 80 percent of the basin's wetlands have been drained and converted to agriculture; in some cases, water-intensive agriculture. It is no mystery that we have run into problems. The Federal Government has not had appropriate policies to deal with the overcommitment of the water in this basin.

Just as important, if not more important than the improvement of fish passage, is the restoration of wetlands to improve the spawning grounds of the fish that are vital to the tribes of this area and to the entire ecosystem.

While I fully endorse this bill, which will authorize the feasibility study to improve the fish passage at Chiloquin Dam, I urge my colleagues and the Department of the Interior to remain aware of the interconnectedness of the resources and the user needs throughout the Klamath Basin.

I hope that this Congress will yet come forward, when we are spending hundreds of millions of dollars in disaster relief, when we have a whole host of pressing problems, that we do not turn our back on the needs of the environment of the Klamath Basin, of farmers who were encouraged to farm there as a result of government policies, and that we take steps to help reclaim some of that natural environment, reduce the stress on water in that basin.

Madam Speaker, this is an important step; but I hope we continue to look at the big picture.

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the comments of the gentleman from Oregon (Mr. BLUMENAUER) and for his willingness to support this legislation, and to find balanced solutions for the problems that we face in the Northwest.

Madam Speaker, it is interesting, I had not visited this dam until a year or so ago, and at that point I invited the Modoc Point Irrigation District directors and the tribal leaders from there to both join me at the site of this dam. I did not know what to expect. I had not seen it, but I had heard and read a lot about it.

As we approached the dam, walked down, the skies were dark and it began to pelt rain and snow, not heavily, but it was one of those cold wet days. As I stood and looked at this concrete obstruction that backs water up and then

allows water to be diverted into the Modoc Point District, we have to make sure that they continue to get access to water.

When one looks at the dam itself, the top is wood and wire and it is all kind of broken down and disheveled. It is a mess. There is evidence of three fish passage ladders, two of which have crumbled down to basically the rebar and the concrete. The third one against the side where we were standing seemed to function fairly well. The biologist told us there are some 700 suckers that make their way through and up to the upper end where the habitat is impaired, and there is a lot of work we can do there, I think.

I said, How many fish try to get up here? They do not know. It is hard to measure success if we do not know how many are trying to get up versus how many that do. The long and short of it is, this has been an impediment for at least a decade and yet nothing has happened. Like my colleague, I want to make something happen. I want to try to solve these problems so we have a viable environment and a vibrant agricultural economy because I think they can co-exist in the Klamath Basin. The comments of the gentleman regarding farmers invited to settle, not only were they invited, we invited our veterans, our men and women who wore the uniform of this country and defended our freedom abroad, to participate in a lottery. We promised to give them land and a guarantee of water for life if they would settle and develop this area.

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It is one of the oldest irrigation projects in America. It was one of the first.

Over time, more and more promises have been given, more and more people settled. These are real people who are facing real bankruptcy right now. This Congress and this administration helped with a \$20 million commitment to kind of tide them over, but it is not enough. We have got to do more. We have got to break through some of these barriers and solve some of these problems if we are going to have a long-term solution. We have got to act quickly. This study will still take a year, but it is a lot less time than it would have taken if we did not pass this legislation because they have had 10 years to try and figure it out.

The Klamath water users have put together a very comprehensive report on how to deal with a whole host of solutions in this basin, to improve habitat, to improve water quality and still have viable agriculture. A lot of those have fallen on deaf ears over time. Many of them were at the agency level and not enacted. We cannot stand by and let this happen. This is a huge crisis for many, many, many families. A thousands plus farms are affected right now, today. They do not know what is

going to happen next year. They come to us and ask, will we have water? We do not know. We do not know. That is why this legislation and legislation to grant them other relief from operation and maintenance costs that is pending in the committee that is going to help me get it through here, and other emergency relief legislation we have just got to act on.

I commend the Committee on Resources. I thank them for their effort. I commend my colleagues. I ask for their approval of this legislation.

Mr. BLUMENAUER. Madam Speaker, I rise in support of H.R. 2585, the Chiloquin Dam Fish Passage Feasibility Study Act of 2001. This bill takes an important step into studying alternatives for the improvement of fish passage for endangered fish species.

However, we must not lose sight of the big picture within the Klamath Basin. The Klamath Basin once held 350,000 acres of shallow lakes, freshwater marshes, wet meadows, and seasonally flooded basins in Southeastern Oregon and Northern California. Today, nearly 80 percent of the Basin's wetlands have been drained and converted to agriculture.

Just as important, if not more important than the improvement of fish passage, is the restoration of wetlands to improve the spawning grounds of the fish that are vital to tribes in the area.

While I fully endorse this bill, which will authorize a feasibility study to improve fish passage at the Chiloquin Dam, I urge my colleagues and the Department of Interior to remain aware of the interconnectedness of resources and user-needs throughout the Klamath Basin.

Mr. WALDEN of Oregon. Madam Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 2585.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BUFFALO BAYOU NATIONAL HERITAGE AREA STUDY ACT

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1776) to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas, as amended.

The Clerk read as follows:

H. R. 1776

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 "Buffalo Bayou National Heritage Area Study Act".

SEC. 2. NATIONAL PARK SERVICE STUDY REGARDING BUFFALO BAYOU, TEXAS.

(a) FINDINGS.—The Congress finds the following:

(1) The area beginning at Shepherd Drive in west Houston, Texas, and extending to the Turning Basin, commonly referred to as the "Buffalo Bayou", made a unique contribution to the cultural, political, and industrial development of the United States.

(2) The Buffalo Bayou is distinctive as the first spine of modern industrial development in Texas and one of the first along the Gulf of Mexico coast.

(3) The Buffalo Bayou played a significant role in the struggle for Texas independence.

(4) The Buffalo Bayou developed a prosperous and productive shipping industry that survives today.

(5) The Buffalo Bayou led in the development of Texas' petrochemical industry that made Houston the center of the early oil boom in America.

(6) The Buffalo Bayou developed a sophisticated shipping system, leading to the formation of the modern day Houston Ship Channel.

(7) The Buffalo Bayou developed a significant industrial base, and served as the focal point for the new city of Houston.

(8) There is a longstanding commitment by the Buffalo Bayou Partnership, Inc., to complete the Buffalo Bayou Trail along the 12-mile segment of the Buffalo Bayou.

(9) There is a need for assistance for the preservation and promotion of the significance of the Buffalo Bayou as a system for transportation, industry, commerce, and immigration.

(10) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within the Buffalo Bayou region to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Buffalo Bayou Partnership, Inc., the State of Texas, and other local and governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall, in consultation with the State of Texas, the City of Houston, and other appropriate organizations, carry out a study regarding the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in Houston, Texas.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes non-contiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, non-profit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including