

(2) **TRANSFER DEADLINE.**—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the State and tribal Trust Fund described in section 604.

(f) **TRANSFER CONDITIONS.**—The land and recreation areas described in subsections (b) and (c) shall be transferred to, and held in trust by, the Secretary of the Interior on the following conditions:

(1) **RESPONSIBILITY FOR DAMAGE.**—The Secretary shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) **HUNTING AND FISHING.**—

(A) **IN GENERAL.**—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri River below the water's edge and within the exterior boundaries of the Cheyenne River Sioux and Lower Brule Sioux Tribe reservations.

(B) **JURISDICTION.**—

(i) **IN GENERAL.**—On transfer of the land to the respective tribes under this section, jurisdiction over the land and on land between the water's edge and the level of the exclusive flood pool within the respective Tribe's reservation boundaries shall be the same as that over land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Reservation and the Lower Brule Sioux Reservation, and that jurisdiction shall follow the fluctuations of the water's edge.

(ii) **JURISDICTION UNAFFECTED.**—Jurisdiction over land and water owned by the Federal Government and held in trust for the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe that is not affected by this title shall remain unchanged.

(C) **EASEMENTS AND ACCESS.**—The Secretary shall provide the Tribes with such easements and access on land and water below the level of the exclusive flood pool inside the respective Indian reservations for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887).

(3) **EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.**—

(A) **MAINTENANCE.**—The Secretary of the Interior shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(B) **PAYMENTS TO COUNTY.**—The Secretary of the Interior shall pay any affected county 100 percent of the receipts from the easements, rights-of-way, leases, and cost-sharing agreements described in subparagraph (A).

(g) **EXTERIOR INDIAN RESERVATION BOUNDARIES.**—Nothing in this section diminishes, changes, or otherwise affects the exterior boundaries of a reservation of an Indian Tribe.

SEC. 607. ADMINISTRATION.

(a) **IN GENERAL.**—Nothing in this title diminishes or affects—

- (1) any water right of an Indian Tribe;
- (2) any other right of an Indian Tribe, except as specifically provided in another provision of this title;
- (3) any treaty right that is in effect on the date of enactment of this Act;
- (4) any external boundary of an Indian reservation of an Indian Tribe;
- (5) any authority of the State of South Dakota that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or
- (6) any authority of the Secretary, the Secretary of the Interior, or the head of any other

Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **FEDERAL LIABILITY FOR DAMAGE.**—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan Missouri River Basin program.

(c) **FLOOD CONTROL.**—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan Missouri River Basin program for purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.).

SEC. 608. STUDY.

(a) **IN GENERAL.**—The Secretary shall arrange for the United States Geological Survey, in consultation with the Bureau of Indian Affairs and other appropriate Federal agencies, to complete, not later than October 31, 1999, a comprehensive study of the potential impacts of the transfer of land under sections 605(b) and 606(b), including potential impacts on South Dakota Sioux Tribes having water claims within the Missouri River Basin, on water flows in the Missouri River.

(b) **NO TRANSFER PENDING DETERMINATION.**—No transfer of land under section 605(b) or 606(b) shall occur until the Secretary determines, based on the study, that the transfer of land under either section will not significantly reduce the amount of water flow to the downstream States of the Missouri River.

(c) **STATE WATER RIGHTS.**—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any State.

(d) **INDIAN WATER RIGHTS.**—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any Indian Tribe or tribal nation.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

(a) **SECRETARY.**—There are authorized to be appropriated to the Secretary such sums as are necessary—

- (1) to pay the administrative expenses incurred by the Secretary in carrying out this title;
- (2) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a) and other activities under sections 603(d)(3) and 604(d)(3); and
- (3) to fund the annual expenses (not to exceed the Federal cost as of the date of enactment of this Act) of operating recreation areas to be transferred under sections 605(c) and 606(c) or leased by the State of South Dakota or Indian Tribes, until such time as the trust funds under sections 603 and 604 are fully capitalized.

(b) **SECRETARY OF THE INTERIOR.**—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to pay the administrative expenses incurred by the Secretary of the Interior in carrying out this title.

And the House agree to the same.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
RICHARD H. BAKER,
JOHN T. DOOLITTLE,
DON SHERWOOD,
JAMES L. OBERSTAR,
ROBERT A. BORSKI,
ELLEN TAUSCHER,
BRIAN BAIRD,
Managers on the Part of the House.

JOHN H. CHAFEE,
JOHN WARNER,
BOB SMITH,
GEORGE V. VOINOVICH,
MAX BAUCUS,
DANIEL MOYNIHAN,
Managers on the Part of the Senate.

On motion of Mr. SHUSTER, by unanimous consent, the conference report was considered as read and agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

91.45 WATER RESOURCES DEVELOPMENT TECHNICAL CORRECTIONS

On motion of Mr. SHUSTER, by unanimous consent, the House considered the bill (H.R. 2724) to make technical corrections to the Water Resources Development Act of 1999.

When said bill was considered and read twice.

The bill was ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

91.46 AIRPORT IMPROVEMENT PROGRAM

On motion of Mr. SHUSTER, by unanimous consent, the bill of the Senate (S. 1467) to extend the funding levels for aviation programs for 60 days; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. SHUSTER submitted the following amendment which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 1000, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: "An Act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes."

A motion to reconsider the votes whereby said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

When on motion of Mr. SHUSTER, it was,