

Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

The Clerk read as follows:

S. 2594

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

SECTION 1. CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO.

(a) SALE OF EXCESS WATER.—

(1) IN GENERAL.—In carrying out the Act of August 11, 1939 (commonly known as the "Water Conservation and Utilization Act") (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the "project"), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE.—A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS.—In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES.—The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED.—Nothing in this Act enlarges or attempts to enlarge the right of the United States, under existing law, to control any water in any State.

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

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

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

Mr. Speaker, this legislation authorizes the Secretary of the Interior to enter into contracts with the Mancos Water Conservancy District and its member unit contractors to transfer nonproject water for any beneficial purpose, up to the extent of any excess capacity. Legislation such as this has

passed Congress on several occasions since the Bureau of Reclamation does not have the authority to move nonproject water administratively, unless it is for irrigation purposes. The increased growth and resulting need to use water facilities more efficiently in the western United States have been the basis for Congress to authorize the Secretary of the Interior to enter into these contracts.

Mr. Speaker, I urge an "aye" vote on this legislation.

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

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

Mr. Speaker, S. 2594 authorizes the use of Mancos Project facilities for the storage, diversion, or carriage of nonproject water.

Mr. Speaker, this legislation is not controversial, so we have no objection to its enactment.

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

Mr. DOOLITTLE. Mr. Speaker, I urge an "aye" vote on this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the Senate bill, S. 2594. The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds have voted in the affirmative.

Mrs. CHRISTENSEN. 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.

CONVEYANCE TO DOLORES, COLORADO, CURRENT SITE OF JOE ROWELL PARK

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1972) to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

The Clerk read as follows:

S. 1972

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

SECTION 1. CONVEYANCE OF JOE ROWELL PARK.

(a) IN GENERAL.—The Secretary of Agriculture shall convey to the town of Dolores, Colorado, for no consideration, all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), for open space, park, and recreational purposes.

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) is a parcel of approximately 25 acres of land comprising the site of the Joe Rowell Park (including all improvements on the land and equipment and other items of personal property as agreed to by

the Secretary) depicted on the map entitled "Joe Rowell Park," dated July 12, 2000.

(2) SURVEY.—

(A) IN GENERAL.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(B) COST.—As a condition of any conveyance under this section, the town of Dolores shall pay the cost of the survey.

(c) POSSIBILITY OF REVERTER.—Title to any real property acquired by the town of Dolores, Colorado, under this section shall revert to the United States if the town—

(1) attempts to convey or otherwise transfer ownership of any portion of the property to any other person;

(2) attempts to encumber the title of the property; or

(3) permits the use of any portion of the property for any purpose incompatible with the purpose described in subsection (a) for which the property is conveyed.

(d) The map referenced in subsection (b)(1) shall be on file for public inspection in the Office of the Chief of the Forest Service at the Department of Agriculture in Washington, DC.

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

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

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

Mr. Speaker, S. 1972 was introduced by Senator ALLARD. This legislation would convey approximately 25 acres of Forest Service land to the town of Dolores, Colorado, for use as a park. The property has been used by the town of Dolores as a park under permit from the Forest Service.

Mr. Speaker, S. 1972 guarantees the reversion of the property back to the United States if the town attempts to transfer the title or permit the property to be used for any other purpose.

Mr. Speaker, I urge all Members to support S. 1972.

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

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

Mr. Speaker, S. 1972 directs the Forest Service to convey 25 acres of land to the town of Dolores, Colorado, for use as a local park. Dolores currently operates a park on those lands under a special-use permit. In addition, the lands are surrounded by town and private lands that are not contiguous to other national forestlands.

The bill does not require the town to compensate the Forest Service for the land, but the bill does provide that the lands must be used for a park, or they revert back to the Forest Service.

Mr. Speaker, we are generally reluctant to convey lands out of public ownership without payment of fair compensation. In this case, however, the administrative transfer to the town is consistent with its current uses and may facilitate improvements to the

park facilities. Under these circumstances, we have no objection to the bill.

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

Mr. DOOLITTLE. Mr. Speaker, I urge an "aye" vote on this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the Senate bill, S. 1972.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CHRISTENSEN. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for 10 minutes.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess for 10 minutes.

□ 1433

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 o'clock and 33 minutes p.m.

REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2346) to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. STATE AND LOCAL ENFORCEMENT OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

"(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

"(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

"(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

"(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

"(3) The Commission shall, to the extent practicable, provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

"(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government agency enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

"(B) A person shall submit an appeal on a decision of a State or local government agency to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government agency becomes final, but prior to seeking judicial review of such decision.

"(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

"(D) If the Commission determines under subparagraph (C) that a State or local government agency has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

"(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

"(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

"(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle', as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Maryland (Mr. WYNN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 2346.

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

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

H.R. 2346 is an important initiative intended to improve compliance with the FCC rules governing citizens band radio service.

The House passed this bill in September by a voice vote, and the other

body made a clarifying amendment to the bill when it passed the bill just last month. The result is the text that we see before us today.

Fundamentally, the bill is an effort to help eliminate the practices of the few CB radio users that have chosen to take advantage of the unlicensed nature of CB radios to operate outside the boundaries of the FCC rules. When some people choose not to follow those rules, unexpected and potentially harmful interference can result for users of other services.

Let me take a moment to talk about the amendment that the other body has made to the bill. The amendment was worked out by all parties, including my good friend, the gentleman from Michigan (Mr. EHLERS), and the American Trucking Association, the sponsor of the bill; and obviously the trucking association is a very interested group of American citizens.

First, the amendment protects against the possibility that the courts might construe the legislation to require a final decision in a State adjudication process, as distinguished from a mere final action of a State or a local enforcement agency, as a precondition of appeal to the FCC which has, of course, jurisdiction in the area.

This would prevent lengthy court action prior to appealing a decision of a State or a local agency.

The other body's amendment makes it clear that the legal standard of probable cause for commercial motor vehicles and operators under this legislation is a standard developed by the court system.

This eliminates a protection included in the House bill to help the operators of commercial motor vehicles that raised some unintended consequences and concerns. Accordingly, we should be able to drop that section of the bill.

Lastly, the amendment modifies a requirement that the FCC provide technical guidance to the State and local government agencies.

Mr. Speaker, I want to commend the gentleman from Michigan (Mr. EHLERS), my friend, for his work on this bill and ask all Members to support its passage.

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

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

Mr. Speaker, I rise in support of H.R. 2346, the Citizens Band Radio Enforcement bill. This legislation will go a long way towards solving an ever-increasing and intrusive problem, the illegal operation of CB radios.

To be sure and I must emphasize, the vast majority of CB operators are law-abiding citizens who use their radios properly. However, rogue operators do exist across the country who regularly operate their CB radios at power levels far above the legal limit. When these operators boost their CB power levels, it often causes bleeding into nearby frequencies.

I am actually reminded of an old science fiction program, the Outer