

This bill amends the Pacific Northwest Power Planning and Conservation Act to allow the administrator of Bonneville Power Administration to sell electricity at wholesale to Joint Operating Entities, the acronym JOEs. JOEs are comprised of public power bodies or cooperatives that aggregate their power contracts into a single contract for administrative and operational efficiencies. Under the bill, the power is sold solely for the purpose of meeting regional firm power consumer loads of regional public bodies and cooperatives that are members of the JOE. Other Federal power marketing agencies currently make similar aggregate sales. The Bonneville Power Administration, for example, also makes aggregated sales for transmission contracts and nonfirm and surplus power sales.

Mr. Speaker, the bill is narrowly drawn to allow only JOEs that were in existence as of the date of enactment to participate. It does not expand purchasers' rights or ability to resell power other than to their own retail customers or other JOE members, or as otherwise permitted by law.

Mr. Speaker, I urge my colleagues to support this legislation.

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

Mr. WALDEN of Oregon. 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 Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1937.

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

A motion to reconsider was laid on the table.

#### DESCHUTES RESOURCES CONSERVANCY REAUTHORIZATION ACT OF 1999

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1027) to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

The Clerk read as follows:

S. 1027

*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 "Deschutes Resources Conservancy Reauthorization Act of 1999".

#### SEC. 2. EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RESOURCES CONSERVANCY.

Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208; 110 Stat. 3009-534) is amended—

(1) in subsection (b)(3), by inserting before the period at the end the following: ", and up to a total amount of \$2,000,000 during each of fiscal years 2002 through 2006"; and

(2) in subsection (h), by inserting before the period at the end the following: "and \$2,000,000 for each of fiscal years 2002 through 2006".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1027.

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

There was no objection.

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

The Deschutes Resources Conservancy was authorized in 1996 as a 5-year pilot project designed to achieve local consensus for projects to improve the ecosystem health in the Deschutes River Basin.

The existing authorization provides up to \$1 million through the Bureau of Reclamation each year for projects. Projects funded through the Conservancy demonstration include: piping for irrigation district delivery systems to prevent water loss; securing water rights for instream flows to secure Squaw Creek habitat; providing fencing of riparian areas to project riverbanks; working with private timberland owners to restore riparian and wetland areas; and seeking donated water rights to enhance instream flows in the Deschutes River Basin.

Mr. Speaker, the bill would reauthorize the 5-year pilot project from 2002 to 2006 and increase the authorization ceiling to \$2 million annually.

Mr. Speaker, this is an excellent piece of legislation. It is a great group that puts a lot of hard work into these projects, and I would encourage my colleagues to support its reauthorization.

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

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

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I thank my good friend, the gentleman from Oregon, for the management of this legislation. I thank the good Senator from Oregon, Senator GORDON SMITH, for his chief sponsorship of this bill. I thank also my good friend, the gentleman from Oregon, for his passage previously of similar legislation.

Mr. Speaker, Senate bill 1027 is to extend participation of the Bureau of Reclamation in the Deschutes Resources Conservancy.

The Deschutes Resources Conservancy was authorized in 1996 as a 5-

year pilot project designed to achieve local consensus for projects to improve ecosystem health in the Deschutes River Basin. Mr. Speaker, S. 1027 will reauthorize funding of these activities for another 5 years and increase the authorization ceiling to \$2 million annually.

This is a highly successful, inexpensive, and popular program involving the cooperation of irrigators, ranchers, environmentalists and State, local and Federal Government agencies. I urge my colleagues to support the bill.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. WALDEN of Oregon. 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 Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1027.

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

A motion to reconsider was laid on the table.

#### SAN BERNARDINO NATIONAL FOREST LAND CONVEYANCE

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3657

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

#### SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as "KATY") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A-2 in an appraisal report of the subject property dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon

the receipt of \$16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel referred to in subsection (a), KATY, and its successors and assigns, will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as "GTE"), KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

#### GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3657.

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

There was no objection.

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

Mr. Speaker, H.R. 3657 was introduced by the gentlewoman from California (Mrs. BONO). This legislation would convey a little over an acre of Forest Service land to a radio station located in the San Bernardino National Forest in California for fair market value.

During the subcommittee hearing on this bill, the administration requested that the bill be amended to include language that would require the radio station to prove that it had clear title to all existing structures on the site. During the markup, the legislation was amended to include that language. The bill is supported by the administration.

I would urge Members to suspend the rules and pass H.R. 3657, as amended.

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

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

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I thank my good friend, the gentleman from Oregon, for management of this legislation. I thank our Chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), and our ranking member, the gentleman from California (Mr. MILLER), for their sponsorship and support of this bill as well.

Mr. Speaker, this bill resolves an ongoing dispute between the Forest Service and a radio station, KATY, regarding the station's unauthorized use of a Forest Service site. H.R. 3657 would require the Secretary of Agriculture to convey for fair market value 1.06 acres within the San Bernardino National Forest in Riverside County, California to KATY. The bill requires KATY to pay \$16,600 (representing rent for 1996-99 without interest) to the Secretary. It also provides that the Forest Service is not required to provide access to the site as it would for an official communications site. I urge my colleagues to support it.

Mrs. BONO. Mr. Speaker, H.R. 3657 would provide for the conveyance at fair market value of a small tract of Forest Service land in the San Bernardino National Forest to a locally-owned radio station that serves mountain communities in my district. I would like to thank Chairman YOUNG and Chairman CHENOWETH-HAGE for their assistance in bringing this bill to the floor.

In 1988, Cliff and Katy Gill began a search for an antenna site that would allow them to obtain an FCC construction permit for a radio station to serve Idyllwild, California, a community of about 3000 residents located at 5200 feet elevation in the San Jacinto Mountains. The community is nestled in mountainous terrain and surrounded by the San Bernardino National Forest and other State and local park land. The Gills discovered that the rugged terrain sharply limited the sites that could host an antenna capable of reaching the residents of Idyllwild, the neighboring mountain communities, and the highway that connects them to the valley below. Wanting to start up their station, the Gills ultimately went on the air in December 1989 from a temporary antenna on a time-share private campground. Mr. Gill named this new radio station, KATY-FM, for his wife Katy.

However, because the original site for the antenna drastically limited KATY's coverage, the Gills kept looking. The Gills first searched for sites on private land. But with the private land constituting only a small island—only a few hundred acres—within the sea of public land, it soon became apparent that the only workable sites would be found on public land. Six years later, they thought they had found the perfect site. GTE had operated a small wooden communications tower in the San Bernardino National Forest for 30 years under a Forest Service special use permit. GTE offered to sublease to KATY space on their tower and in their small equipment shed. In 1995, after seven years of searching for an antenna site, the Gills moved onto the GTE tower and gained the coverage they had long sought for their station.

Unfortunately, they were soon informed by the District Ranger that they must strip their antenna from the GTE tower and vacate the site. Petitions signed by almost half the residents of Idyllwild, its Chamber of Commerce, and others did not budge the agency. The Forest Service maintained that subleasing of tower space could only occur on sites that had been formally designated as communications sites in the forest plans and that this site had not received such a designation in the San Bernardino plan. The agency argued that, even though it had allowed this site to be used as a communications site for three decades and was continuing to permit such use by GTE, KATY was in trespass and GTE had violated its special use authorization. The Forest Service continued to insist that KATY leave even as the station was proving how critically important it is to the communities it serves.

Because of their location in rugged country, Idyllwild and neighboring mountain communities are vulnerable to extreme weather and other adverse natural events. In recognition of this and in its effort to provide the best possible public service, KATY signed an agreement with the local 10-watt emergency broadcast station, WNKI, which has very limited coverage, to broadcast WNKI's emergency bulletins. Shortly thereafter, the Federal Communications Commission and the California State Office of Emergency Services selected KATY as the Local Primary Station to broadcast information in the event of disaster.

KATY's dedication to providing emergency service paid off for the mountain communities in 1996 when the Bee Canyon fire raged through 9000 acres in their vicinity. KATY broadcast the mandatory evacuation orders and the announcement that it was safe to return home. In all, KATY aired nearly 200 announcements that were closely monitored not only by the residents but also by the firefighters and other emergency service personnel. Again, in 1998 KATY broadcast the mandatory order to evacuate the community of Juniper Flats also threatened by fire during severe thunderstorms.

My late husband took up the cause of KATY. In August 1996, he and Chairman YOUNG wrote a letter to the Secretary of Agriculture requesting his assistance in permitting KATY to retain its antenna site. This was followed by letters from the chairman and ranking minority member of the Senate Energy and Natural Resources Committee and the chairman of the Interior subcommittee of the Senate Appropriations Committee. Finally, a House-Senate conference committee added to the Omnibus Parks and Public Lands Management Act of 1996 a provision requiring the Secretary of Agriculture to consider whether maintaining the KATY antenna site was in the public interest and to report his conclusions to Congress.

That report was never delivered to Congress. A draft of the report would have offered a new site for KATY's antenna on a neighboring mountain in the San Bernardino National Forest. When the Forest Service learned from KATY that placing the antenna on that site would be prohibited by three FCC regulations, the agency approached Cliff and Katy Gill and asked if they would entertain purchasing the antenna site. I am happy to say that H.R. 3657 is the product of subsequent amicable negotiations between the Gills and the agency.

I want to assure my colleagues that this purchase will have no discernible impact on the National Forest or the environment. The tract to be purchased is only approximately 1.06 acres in size. It is on the very edge of the National Forest, directly adjacent to a residential development. The station has purchased the neighboring residential lot to assure access to the antenna site. The tower and equipment shed are shielded by tall evergreen trees and large rocks and are not visible above Inspiration Point where the site is located.

The bill would require that KATY pay fair market value for the tract and an additional sum of \$16,600 to settle any claims the government might have for the unauthorized occupation of national forest land. That sum represents the rent that the Gills should have paid to the Forest Service for use of the site. Although the Gills paid more than twice that amount in rent to GTE under the sublease, they believe this is a fair resolution. I appreciate the efforts of the Forest Service to design a good solution to a difficult problem.

Cliff Gill passed away last year before he saw enactment of this bill and fulfillment of his dream. We can ensure that his widow, Katy, will be able to continue KATY's service to the community by enacting H.R. 3657. I urge passage of this bill.

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

Mr. WALDEN of Oregon. 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 Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 3657, 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.

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#### FORT PECK RESERVATION RURAL WATER SYSTEM ACT OF 2000

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 624) to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes, as amended.

The Clerk read as follows:

S. 624

*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 "Fort Peck Reservation Rural Water System Act of 2000".*

#### SEC. 2. PURPOSES.

*The purposes of this Act are—*

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

(2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State, outside the Fort Peck Indian Reservation, in developing safe and adequate municipal, rural, and industrial water supplies.

#### SEC. 3. DEFINITIONS.

*In this Act:*

(1) **ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.**—The term "Assiniboine and Sioux Rural Water System" means the rural water system within the Fort Peck Indian Reservation authorized by section 4.

(2) **DRY PRAIRIE RURAL WATER SYSTEM.**—The term "Dry Prairie Rural Water System" means the rural water system authorized by section 5 in the Roosevelt, Sheridan, Daniels, and Valley Counties of the State.

(3) **FORT PECK RESERVATION RURAL WATER SYSTEM.**—The term "Fort Peck Reservation Rural Water System" means the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System.

(4) **FORT PECK TRIBES.**—The term "Fort Peck Tribes" means the Assiniboine and Sioux Indian Tribes within the Fort Peck Indian Reservation.

(5) **PICK-SLOAN.**—The term "Pick-Sloan" means the Pick-Sloan Missouri River Basin Program (authorized by section 9 of 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. 891)).

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

(7) **STATE.**—The term "State" means the State of Montana.

#### SEC. 4. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.

(a) **AUTHORIZATION.**—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the "Assiniboine and Sioux Rural Water System", as generally described in the report required by subsection (g)(2).

(b) **COMPONENTS.**—The Assiniboine and Sioux Rural Water System shall consist of—

(1) pumping and treatment facilities located along the Missouri River within the boundaries of the Fort Peck Indian Reservation;

(2) pipelines extending from the water treatment plant throughout the Fort Peck Indian Reservation;

(3) distribution and treatment facilities to serve the needs of the Fort Peck Indian Reservation, including—

(A) public water systems in existence on the date of enactment of this Act that may be purchased, improved, and repaired in accordance with the cooperative agreement entered into under subsection (c); and

(B) water systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation;

(4) appurtenant buildings and access roads;

(5) all property and property rights necessary for the facilities described in this subsection;

(6) electrical power transmission and distribution facilities necessary for services to Fort Peck Reservation Rural Water System facilities; and

(7) such other pipelines, pumping plants, and facilities as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the Fort Peck Indian Reservation, including water storage tanks, water lines, and other facilities for the Fort Peck Tribes and the villages, towns, and municipalities in the Fort Peck Indian Reservation.

(c) **COOPERATIVE AGREEMENT.**—

(1) **IN GENERAL.**—The Secretary shall enter into a cooperative agreement with the Fort Peck Tribal Executive Board for planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

(2) **MANDATORY PROVISIONS.**—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(3) **OPTIONAL PROVISIONS.**—The cooperative agreement under paragraph (1) may include provisions relating to the purchase, improvement, and repair of water systems in existence on the date of enactment of this Act, including systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation.

(4) **TERMINATION.**—The Secretary may terminate a cooperative agreement under paragraph (1) if the Secretary determines that—

(A) the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

(B) the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

(5) **TRANSFER.**—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary may transfer to the Fort Peck Tribes, on a non-reimbursable basis, funds made available for the Assiniboine and Sioux Rural Water System under section 9.

(d) **SERVICE AREA.**—The service area of the Assiniboine and Sioux Rural Water System shall be the area within the boundaries of the Fort Peck Indian Reservation.

(e) **CONSTRUCTION REQUIREMENTS.**—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

(f) **TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.**—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall not be transferred unless a transfer is authorized by an Act of Congress enacted after the date of enactment of this Act.

(g) **LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.**—The Secretary shall not obligate funds for construction of the Assiniboine and Sioux Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Assiniboine and Sioux Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Assiniboine and Sioux Rural Water System that have been shown to be economically and financially feasible.

(h) **TECHNICAL ASSISTANCE.**—The Secretary shall provide such technical assistance as is necessary to enable the Fort Peck Tribes to plan, design, construct, operate, maintain, and replace the Assiniboine and Sioux Rural Water System, including operation and management training.

(i) **APPLICATION OF INDIAN SELF-DETERMINATION ACT.**—Planning, design, construction, operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System within the Fort Peck Indian Reservation shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).