

and Conservation Act through fiscal year 2003.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4327

Mr. SESSIONS. Senators MURKOWSKI and BINGAMAN have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4327.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4327) was agreed to.

The bill (H.R. 2884), as amended, was read the third time and passed.

CONVEYING PUBLIC DOMAIN LAND IN THE SAN BERNARDINO NATIONAL FOREST IN THE STATE OF CALIFORNIA

Mr. SESSIONS. I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 3657, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A 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.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4328

Mr. SESSIONS. Senator MURKOWSKI has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4328.

The amendment is as follows:

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, pre-

pare 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 parcel 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 of real property 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 Acquisition 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 to be 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 of real property 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.

(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—

(1) by striking the comma after the words "Secretary of Agriculture";

(2) by striking the words "with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513);";

(3) by inserting the words ", real property or interests in lands," after the word "lands" the first time it is used;

(4) by striking "San Bernardino and Cleveland" and inserting "San Bernardino, Cleveland and Los Angeles";

(5) by striking "county of Riverside" each place it appears and inserting "counties of Riverside and San Bernardino";

(6) by striking "as to minimize soil erosion and flood damage" and inserting "for National Forest System purposes"; and

(7) after the "Provided further, That", by striking the remainder of the sentence to the end of the paragraph, and inserting "twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appro-

priated for expenditure in furtherance of this Act."

SEC. 2. SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT CLARIFYING AMENDMENTS.

The Santa Rosa and San Jacinto Mountains National Monument Act of 2000 is amended as follows:

(1) In the second sentence of section 2(d)(1), by striking "and the Committee on Agriculture, Nutrition, and Forestry".

(2) In the second sentence of section 4(a)(3), by striking "Nothing in this section" and inserting "Nothing in this Act".

(3) In section 4(c)(1), by striking "any person, including".

(4) In section 5, by adding at the end the following:

"(j) WILDERNESS PROTECTION.—Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provision shall control."

SEC. 3. TECHNICAL CORRECTION.

The Santo Domingo Pueblo Claims Settlement Act of 2000 is amended by adding at the end:

"SEC. 7. MISCELLANEOUS PROVISIONS.

"(a) EXCHANGE OF CERTAIN LANDS WITH NEW MEXICO.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall acquire by exchange the State of New Mexico trust lands located in township 16 north, range 4 east, section 2, and all interests therein, including improvements, mineral rights and water rights.

"(2) USE OF OTHER LANDS.—In acquiring lands by exchange under paragraph (1), the Secretary may utilize unappropriated public lands within the State of New Mexico.

"(3) VALUE OF LANDS.—The lands exchanged under this subsection shall be of approximately equal value, and the Secretary may credit or debit the ledger account established in the Memorandum of Understanding between the Bureau of Land Management, the New Mexico State Land Office, and the New Mexico Commissioner of Public Lands, in order to equalize the values of the lands exchanged.

"(4) CONVEYANCE.—

"(A) BY SECRETARY.—Upon the acquisition of lands under paragraph (1), the Secretary shall convey all title and interest to such lands to the Pueblo by sale, exchange or otherwise, and the Pueblo shall have the exclusive right to acquire such lands.

"(B) BY PUEBLO.—Upon the acquisition of lands under subparagraph (A), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

(b) OTHER EXCHANGES OF LAND.—

"(1) IN GENERAL.—In order to further the purposes of this Act—

"(A) the Pueblo may enter into agreements to exchange restricted lands for lands described in paragraph (2); and

"(B) any land exchange agreements between the Pueblo and any of the parties to the action referred to in paragraph (2) that are executed not later than December 31, 2001, shall be deemed to be approved.

"(2) LANDS.—The land described in this paragraph is the land, title to which was at issue in *Pueblo of Santo Domingo v. Rael* (Civil No. 83-1888 (D.N.M.)).

"(3) LAND TO BE HELD IN TRUST.—Upon the acquisition of lands under paragraph (1), the

Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

“(4) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to limit the provisions of section 5(a) relating to the extinguishment of the land claims of the Pueblo.

“(c) **APPROVAL OF CERTAIN RESOLUTIONS.**—All agreements, transactions, and conveyances authorized by Resolutions 97-010 and C22-99 as enacted by the Tribal Council of the Pueblo de Cochiti, and Resolution S.D. 12-99-36 as enacted by the Tribal Council of the Pueblo of Santo Domingo, pertaining to boundary disputes between the Pueblo de Cochiti and the Pueblo of Santo Domingo, are hereby approved, including the Pueblo de Cochiti's agreement to relinquish its claim to the southwest corner of its Spanish Land Grant, to the extent that such land overlaps with the Santo Domingo Pueblo Grant, and to disclaim any right to receive compensation from the United States or any other party with respect to such overlapping lands.”

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to.

The amendment (No. 4328) was agreed to.

Mr. SESSIONS. I ask unanimous consent the bill be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3657), as amended, was read the third time and passed.

AUTHORIZING THE EXCHANGE OF LAND AT THE GEORGE WASHINGTON MEMORIAL PARKWAY IN MCLEAN, VIRGINIA

Mr. SESSIONS. Mr. President, I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 4835, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4835) to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4835) was read the third time and passed.

EDUCATION LAND GRANT ACT

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill H.R. 150.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 150) entitled “An Act to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, and for other purposes”, with the following House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the “Education Land Grant Act”.

SEC. 2. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) **AUTHORITY TO CONVEY.**—Upon application, the Secretary of Agriculture may convey National Forest System lands for use for educational purposes if the Secretary determines that—

(1) the entity seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System; and

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use.

(b) **ACREAGE LIMITATION.**—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) **COSTS AND MINERAL RIGHTS.**—A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral rights.

(d) **REVIEW OF APPLICATIONS.**—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) **REVERSIONARY INTEREST.**—If at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, without the consent of the Secretary, title to the lands shall revert to the United States.

AMENDMENT NO. 4329

Mr. SESSIONS. I ask unanimous consent the Senate concur in the amendment of the House, with further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4329.

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

The amendment (No. 4329) was agreed to.

GREATER YUMA PORT AUTHORITY CONVEYANCE

Mr. SESSIONS. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 930, H.R. 3023.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3023) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

[Omit the part in boldface brackets and insert the part printed in italic.]

S. 3023

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

SECTION 1. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) **AUTHORITY TO CONVEY.**—

(1) **IN GENERAL.**—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) **INTERESTS DESCRIBED.**—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1-4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) **DEED COVENANTS AND CONDITIONS.**—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.