

Act of 1984. However, some complications have arisen because of the close proximity of the wilderness boundary to Logan City limits. Management and maintenance problems have been reported by the Forest Service and Logan City.

Within the southwest corner of the wilderness boundary, lying adjacent to Logan City limits, is a utility corridor with several lines, including power, communication and water lines. This utility corridor existed prior to the designation of the wilderness area. Because no motorized or mechanized equipment is allowed to operate within the wilderness area, maintenance of these facilities is difficult, if not impossible, to conduct.

A simple adjustment of the wilderness boundary would provide a commonsense solution to both the utility corridor's maintenance and the Forest Service's management problems.

This legislation would adjust the wilderness boundary to exclude the 31-acre parcel that houses the utility corridor. The new boundary would follow the natural contour lines of Mount Naomi.

To compensate for this adjustment, and prevent a net loss of wilderness, the Forest Service has identified a separate 31-acre parcel with wilderness characteristics to the southern boundary of the wilderness area to be added. This adjustment would thus provide a manageable, natural boundary for the wilderness area.

This legislation has support from the local Forest Service, Logan City and Cache County, and is the smallest area needed to accomplish this purpose.

Additionally, a small portion of the Bonneville Shoreline Trail has been proposed within the 31-acre area adjacent to the Logan City limits. This portion of the trail would connect with a number of other trails in the Bonneville Shoreline Trail system and provide outstanding recreational opportunities to thousands of people each year. When completed, the trail system will travel along the shoreline of the ancient Lake Bonneville, which stretches from northern Utah to southern Utah, near present-day Cedar City.

This trail system has been incredibly popular for hikers, mountain bikers and equestrian traffic. This is the only portion of this trail system that lies within the wilderness area.

This is good legislation. I want to compliment the gentleman from Utah (Mr. HANSEN) on proposing it and urge all my colleagues to support it.

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, again, I thank my good friend from Alaska for his management of this proposed legislation.

Mr. Speaker, the legislation before us today is sponsored by the gentleman

from Utah (Mr. HANSEN), the honorable chairman of our Committee on Resources.

The bill would remove from wilderness designation some 31 acres of land in one section and would add 31 acres to another portion of the Mount Naomi Wilderness Area. I understand the legislation was requested by the city of Logan, Utah, to facilitate the development of the 90-mile nonmotorized Bonneville Shoreline Trail used by pedestrians and cyclists. The proposed trail crosses the Mount Naomi wilderness area where mountain biking is not allowed.

The Subcommittee on Forests and Forest Health held a hearing concerning this legislation. There was no opposition to it. It is my understanding also, Mr. Speaker, that the administration also supports this legislation.

I urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 4870, 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.

CALIFORNIA FIVE MILE REGIONAL LEARNING CENTER TRANSFER ACT

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3401) to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3401

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 "California Five Mile Regional Learning Center Transfer Act".

SEC. 2. LAND CONVEYANCE AND SPECIAL USE AGREEMENT, FIVE MILE REGIONAL LEARNING CENTER, CALIFORNIA.

(a) CONVEYANCE.—*The Secretary of Agriculture shall convey to the Clovis Unified School District of California all right, title, and interest of the United States in and to a parcel of National Forest System land consisting of 27.10 acres located within the southwest ¼ of section 2, township 2 north, range 15 east, Mount Diablo base and meridian, California, which has been utilized as the Five Mile Regional Learning Center by the school district*

since 1989 pursuant to a special use permit (Holder No. 2010-02) to provide natural resource conservation education to California youth. The conveyance shall include all structures, improvements, and personal property shown on original map #700602 and inventory dated February 1, 1989.

(b) SPECIAL USE AGREEMENT.—*As soon as practicable after the date of the enactment of this Act, the Secretary shall enter into negotiations with the Clovis Unified School District to enter into a new special use permit for the approximately 100 acres of National Forest System land that, as of the date of the enactment of this Act, is being used by the school district pursuant to the permit described in subsection (a), but is not included in the conveyance under such subsection.*

(c) REVERSION.—*In the event that the Clovis Unified School District discontinues its operation of the Five Mile Regional Learning Center, title to the real property conveyed under subsection (a) shall revert back to the United States.*

(d) COSTS AND MINERAL RIGHTS.—*The conveyance under subsection (a) shall be for a nominal cost. Notwithstanding such subsection, the conveyance does not include the transfer of mineral rights.*

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

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

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

(Mrs. CUBIN asked and was given permission to revise and extend her remarks.)

Mrs. CUBIN. Mr. Speaker, I am very glad to be working with the gentleman from American Samoa (Mr. FALEOMAVAEGA).

H.R. 3401, introduced by the gentleman from California (Mr. RADANOVICH), my colleague and chairman of the Subcommittee on National Parks, Recreation and Public Lands, provides for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District.

The bill authorizes also a new special use permit for the continued use of unconveyed lands used by the center.

The regional learning center is an outdoor education center that serves several thousand elementary school students throughout the State of California, and I urge my colleagues to support this bill.

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 would like to offer my commendation to the gentlewoman from Wyoming whom I have had the privilege of working closely with on a couple of pieces of legislation on national parks.

Mr. Speaker, this bill was introduced by the gentleman from California (Mr.

RADANOVICH), the distinguished chairman of the Subcommittee on National Parks, Recreation and Public Lands.

Mr. Speaker, H.R. 3401 directs the Forest Service to convey approximately a 27.10-acre administrative site on the Stanislaus National Forest in California to the Clovis Unified School District, or CUSD. The parcel contains the Five Mile Regional Learning Center, which since 1989 has been operating under a special use permit by the school district as a conservation education center.

The learning center serves approximately 14,000 students and is in need of significant repair. While the Clovis Unified School District is willing to put up \$5 million toward capital improvement, it could only secure funding for district-owned properties. The bill also mandates that the Secretary negotiate a special use permit for approximately 100 acres for the school district to use in its educational programs. The school district currently has a special use permit covering 120 acres. The bill includes a reversionary clause as well.

Mr. Speaker, the administration values this land at approximately \$1 to \$2 million. Although we generally do not support the conveyance of Federal lands for little or no consideration, this conveyance is to a school district to foster environmental education. The Clovis Unified School District is also willing to make capital improvements or investment of some \$5 million and requires title to do so, when the Forest Service is apparently unable to maintain the property.

I would like to thank the gentleman from California (Mr. RADANOVICH), the chairman of the Subcommittee on National Parks, Recreation and Public Lands, for working with us on this side of the aisle, the minority, to address concerns with the reversionary clause and clarifying that were the land to revert to the United States, the learning center would be liable for any hazardous substances present on the property since 1989.

Again, Mr. Speaker, I commend the gentlewoman for her management of this bill.

Mr. RADANOVICH. Mr. Speaker, there has been some concern regarding the provision regarding the reversionary interest in the land and the potential liabilities to the Government. I would like to clarify the issue for the record. It is our intent that the California Five Mile Regional Learning Center shall be liable for any contamination of the property by hazardous substances since it commenced occupancy in 1989. In the event that the property reverts back to the United States under section 2(c) of the Act, the Center or its successors shall continue to be liable for environmental contamination under existing law, and the Secretary shall require environmental remediation in such event before retaking possession.

Mr. FALCOMA. Mr. Speaker, I do not have additional speakers, and I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, having no other requests for time, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 3401, 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.

REASONABLE RIGHT-OF-WAY FEES ACT OF 2002

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3258) to amend the Federal Lands Policy and Management Act of 1976 to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of rights-of-way granted, issued, or renewed under such act to prevent unreasonable increases in certain costs in connection with the deployment of communications and other critical infrastructure, as amended.

The Clerk read as follows:

H.R. 3258

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 "Reasonable Right-of-Way Fees Act of 2002".

SEC. 2. CLARIFICATION OF FAIR MARKET RENTAL VALUE DETERMINATIONS FOR PUBLIC LANDS AND FOREST SERVICE RIGHTS-OF-WAY.

(a) *LINEAR RIGHTS-OF-WAY UNDER FEDERAL LAND POLICY AND MANAGEMENT ACT.—Section 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) is amended by adding at the end the following new subsection:*

"(k) DETERMINATION OF FAIR MARKET VALUE OF LINEAR RIGHTS-OF-WAY.—(1) Effective upon the issuance of the rules required by paragraph (2), for purposes of subsection (g), the Secretary concerned shall determine the fair market rental for the use of land encumbered by a linear right-of-way granted, issued, or renewed under this title using the valuation method described in paragraphs (2), (3), and (4).

"(2) Not later than one year after the date of enactment of the Reasonable Right-of-Way Fees Act of 2002, and in accordance with subsection (k), the Secretary of the Interior shall amend section 2803.1-2 of title 43, Code of Federal Regulations, as in effect on the date of enactment of such Act, to revise the per acre rental fee zone value schedule by State, county, and type of linear right-of-way use to reflect current values of land in each zone. The Secretary of Agriculture shall make the same revisions for linear rights-of-way granted, issued, or renewed under this title on National Forest System lands.

"(3) The Secretary concerned shall update annually the schedule revised under paragraph (2) by multiplying the current year's rental per acre by the annual change, second quarter to the second quarter (June 30 to June 30) in the Gross National Product Implicit Price Deflator Index published in the Survey of Current Business of the Department of Commerce, Bureau of Economic Analysis.

"(4) Whenever the cumulative change in the index referred to in paragraph (3) exceeds 30 percent, or the change in the 3-year average of the 1-year Treasury interest rate used to determine per acre rental fee zone values exceeds plus

or minus 50 percent, the Secretary concerned shall conduct a review of the zones and rental per acre figures to determine whether the value of Federal land has differed sufficiently from the index referred to in paragraph (3) to warrant a revision in the base zones and rental per acre figures. If, as a result of the review, the Secretary concerned determines that such a revision is warranted, the Secretary concerned shall revise the base zones and rental per acre figures accordingly."

(b) *RIGHTS-OF-WAY UNDER MINERAL LEASING ACT.—Section 28(l) of the Mineral Leasing Act (30 U.S.C. 185(l)) is amended by inserting before the period at the end the following: "using the valuation method described in section 2803.1-2 of title 43, Code of Federal Regulations, as revised pursuant to section 504(k) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(k))."*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from American Samoa (Mr. FALCOMA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I know many of my colleagues, especially from the West, are strong advocates of fair and reasonable Federal land rights-of-way fees.

This Nation's system of roadways and railways was born of effective partnerships in planning and construction between the Federal Government and private industry. Today, we face the challenge of expanding the next generation of technology and energy infrastructures to the underserved areas of the country and bringing commercial benefits to citizens set apart by geographic, economic and digital divides.

I serve as a member of the House Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet. As such, I have been exploring ways to facilitate the expansion of telecommunications infrastructure in my home State of Wyoming.

In doing so, I became aware of a significant Federal obstacle to infrastructure development nationwide. Recent applications of the Federal Land Policy and Management Act, which I will call FLPMA, have resulted in exorbitant increases in fees to cross Federal lands. Telecommunications providers, particularly those building the next generation of fiber optic broadband infrastructure, have been specifically targeted for these fee increases, while other infrastructure providers have been put on notice of changes to come.

FLPMA requires that private users of public lands pay a fair price for that privilege, a policy that protects the value of our Federal lands, helps ensure that those resources continue to be available to and accommodating of a number of a multitude of compatible uses.

Recent interpretations of FLPMA, however, have motivated policies which reach way beyond the value of Federal lands, attempting to associate the right of way to cross Federal lands with the revenues generated by the use of telecommunications technologies.