

and type of each water impoundment structure covered by the cooperative agreement under subsection (a).

(2) **TERMS AND CONDITIONS OF AGREEMENT.**—The Secretary shall prescribe the terms and conditions of the cooperative agreement, which shall set forth the rights and obligations of the Secretary and the non-Federal entity. At a minimum, the cooperative agreement shall—

(A) require the non-Federal entity to operate and maintain the water impoundment structures covered by the agreement in accordance with a plan of operations approved by the Secretary;

(B) require approval by the Secretary of all operation and maintenance activities to be conducted by the non-Federal entity;

(C) require the non-Federal entity to comply with all applicable State and Federal environmental, public health, and safety requirements; and

(D) establish enforcement standards, including termination of the cooperative agreement for noncompliance by the non-Federal entity with the terms and conditions.

(3) **COMPLIANCE.**—The Secretary shall ensure that the non-Federal entity remains in compliance with the terms and conditions of this section and the cooperative agreement.

(e) **RESPONSIBILITIES OF THE NON-FEDERAL ENTITY.**—The non-Federal entity shall be responsible for—

(1) carrying out its operation and maintenance activities with respect to the water impoundment structures covered by the cooperative agreement under subsection (a) in conformance with this section and the cooperative agreement; and

(2) the costs associated with the maintenance and operation of the structures.

(f) **PROHIBITION ON USE OF MECHANIZED TRANSPORT AND MOTORIZED EQUIPMENT.**—The non-Federal entity may not use mechanized transport or motorized equipment—

(1) to operate or maintain the water impoundment structures covered by the cooperative agreement under subsection (a); or

(2) to otherwise conduct activities in the Emigrant Wilderness pursuant to the cooperative agreement.

(g) **EXPANSION OF AGREEMENT TO COVER ADDITIONAL STRUCTURES.**—In the case of the six water impoundment structures located within the boundaries of the Emigrant Wilderness, but not specified in subsection (b), the Secretary of Agriculture may expand the scope of the cooperative agreement under subsection (a), with the consent of the State of California and the other party to the agreement, to include one or more of these structures, subject to the same terms and conditions as apply to the structures specified in subsection (b).

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Agriculture \$20,000 to cover administrative costs incurred by the Secretary to comply with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in carrying out this section.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

□ 1430

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend and colleague, the gentleman from California (Mr. DOOLITTLE), for his work on H.R. 434, the Emigrant Wilderness Pro-

tection Act. This bill would give the Secretary of Agriculture the authority to enter into a cooperative agreement with non-Federal entities to retain, maintain and operate at private expense the 12 small check dams and weirs, located within the Emigrant Wilderness boundary. The work would be done under terms and conditions established by the Secretary and without use of mechanized transport or motorized equipment. The bill authorizes \$20,000 to be appropriated to cover administrative costs incurred by the Secretary to comply with the National Environmental Policy Act.

Although not specifically indicated within the legislation, it is widely believed to have been the intent of Congress when it passed the Emigrant Wilderness Act in 1974 to preserve the 18 check dam structures. Report language for the 1974 act explained: "Within the area recommended for wilderness designation, there are drift fences, five miles, which will be maintained, but several cabins and barns will be removed within 10 years. Two snow cabins will be retained. The weirs and small dams will likewise be retained," House Report No. 93-989, page 10, April 11, 1974.

This is a good, well thought-out, common-sense bill, Mr. Speaker; and I urge my colleagues to support the measure.

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

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

H.R. 434 would allow for the non-motorized maintenance and repair of 12 concrete dams in the Emigrant Wilderness in the Stanislaus National Forest in California. The bill would allow the Forest Service to enter into cooperative agreements to delegate the maintenance work and expense to private properties. These structures were built between 1931 and 1954 and were in existence when Congress designated the Wilderness area in 1974. Several provide water during the dry seasons for trout habitat.

Although dams generally do not belong in Wilderness and the forest planning process is addressing this issue, several factors make the bill acceptable: first, litigation threatens to drag the planning process out for years. Second, these dams, some of which are eligible for listing on the National Register for Historic Places, predate the establishment of the Wilderness, have a history of nonmotorized maintenance, and are, for the most part, unobtrusive. Finally, the expense is not borne by the taxpayer.

As reported out of committee, this bill represents a reasonable compromise, reducing the number of dams maintained from 18 to 12 and mirroring the bill that passed the House last Congress. I urge my colleagues to support it.

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 434, 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.

The title of the bill was amended so as to read: "A bill to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of 12 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, and for other purposes."

A motion to reconsider was laid on the table.

#### PACIFIC NORTHWEST FEASIBILITY STUDIES ACT OF 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1937) to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington, as amended.

The Clerk read as follows:

H.R. 1937

*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 "Pacific Northwest Feasibility Studies Act of 2001".*

#### SEC. 2. AUTHORIZATION OF FEASIBILITY STUDIES.

(a) *IN GENERAL.*—The Secretary of the Interior may engage in the following feasibility studies:

(1) *The Tulalip Tribes Water Quality Feasibility Study, to identify ways to meet future domestic and commercial water distribution needs of the Tulalip Indian Reservation on the Eastern Shore of Puget Sound, Washington.*

(2) *The Lower Elwha Klallam Rural Water Supply Feasibility Study, to identify additional rural water supply sources for the Lower Elwha Indian Reservation on the Olympic Peninsula, Washington.*

(3) *The Makah Community Water Source Project Feasibility Study, to identify ways to meet the current and future domestic and commercial water supply and distribution needs of the Makah Indian Tribe on the Olympic Peninsula, Washington.*

(b) *PUBLIC AVAILABILITY OF RESULTS.*—The Secretary of the Interior shall make available to the public, upon request, the results of each feasibility study authorized under subsection (a), and shall promptly publish in the Federal Register a notice of the availability of those results.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1937, authored by the gentleman from Washington State (Mr. LARSEN) will authorize the Secretary of the Interior to conduct feasibility studies for three Native American tribes in the State of Washington. The purpose of the studies is to investigate the feasibility of providing potable water and wastewater distribution systems to meet the future domestic and commercial needs of the tribes.

This is a noncontroversial bill, and I urge its adoption.

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

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

I rise in strong support as well of H.R. 1937, the Pacific Northwest Feasibility Studies Act. I congratulate my colleague, the gentleman from Washington State (Mr. LARSEN), for his hard work in bringing this bill to the House floor today.

H.R. 1937 authorizes the Secretary of the Interior to engage in water supply feasibility studies to benefit several Native American communities in the State of Washington. The studies will help the communities to identify the best ways to meet their water supply and distribution needs for domestic, rural, and commercial water users.

The bill also requires the Secretary to make the results of these studies available to the public and to publish a notice of the availability of study results. The report and accompanying environmental and economic analyses will provide the Congress with recommendations on how best to proceed with cost-effective and environmentally sound solutions to the water problems facing these communities.

This legislation enjoys broad support, and I encourage my colleagues to support H.R. 1937.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. LARSEN), the sponsor of H.R. 1937.

Mr. LARSEN of Washington. Mr. Speaker, I just want to take a few minutes to speak on behalf of H.R. 1937, the Pacific Northwest Feasibility Studies Act of 2001.

I first want to thank the gentleman from California (Mr. CALVERT) and the gentleman from Utah (Mr. HANSEN) on the Republican side, and the gentleman from West Virginia (Mr. RAHALL), the gentleman from Washington (Mr. DICKS), the gentleman from Washington (Mr. SMITH), and the gentleman from Washington (Mr. INSLEE) on the Democratic side for their support in shepherding this legislation to the floor today.

I just want to point out this bill authorizes the Secretary of the Interior to conduct water feasibility studies for three Native American tribes in Washington State. I want to speak briefly about one in particular, which is in my district, the Tulalip Indian Tribe. The Tulalip reservation is located outside of Marysville and covers approximately

35 square miles. The permanent population of the reservation is under 7,000 and continues to grow significantly, but during the summer and holidays the reservation population increases by up to 40 percent.

Like many American Indian reservations, the Tulalip reservation faces groundwater access barriers due to the presence of glacial sediments, a shallow aquifer system, bordering salt water and limited drainage. Likewise, most of the current drinking water on the reservation is supplied from a patchwork of public and private wells. Continued degradation of the water resources on the reservation will limit the development of the reservation and surrounding areas.

The study that this bill authorizes is vital to ensure the long-term safety and accessibility of groundwater on the reservation. So I urge my colleagues to support this legislation, H.R. 1937.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume, in closing, to thank the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), for her support in helping to bring these four bills to the floor today. Especially the first one, I failed to thank her on the floor for that, so I will do it now.

I want to thank her and all the Members for their support in bringing these four bills forward.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume to thank my colleague for those kind words. It has been a pleasure sharing this afternoon with him and getting these bills to the floor and passed, as well as working with him on the committee these several years.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 1937, 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.

#### GENERAL LEAVE

Mr. PETERSON of Pennsylvania. 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. 695, H.R. 434, H.R. 1628, and H.R. 1937, the four bills just considered.

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

There was no objection.

#### BROWN V. BOARD OF EDUCATION 50TH ANNIVERSARY COMMISSION

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2133) to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*.

The Clerk read as follows:

Senate amendments:

Page 3, line 8, strike out "Chair" and insert "one of two Co-chairpersons".

Page 3, after line 8, insert:

(2) Two representatives of the Department of Justice appointed by the Attorney General, one of whom shall serve as one of two Co-chairpersons of the Commission.

Page 3, line 9, strike out "(2)" and insert "(3)".

Page 3, strike out lines 11 to 22.

Page 3, after line 22, insert:

(A)(i) The Members of the Senate from each State described in clause (iii) shall each submit the name of 1 individual from the State to the majority leader and minority leader of the Senate.

(ii) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President 5 individuals, 1 from each of the States described in clause (iii).

(iii) The States described in this clause are the States in which the lawsuits decided by the *Brown* decision were originally filed (Delaware, Kansas, South Carolina, and Virginia), and the State of the first legal challenge involved (Massachusetts).

(B)(i) The Members of the House of Representatives from each State described in subparagraph (A)(iii) shall each submit the name of 1 individual from the State to the Speaker of the House of Representatives and the minority leader of the House of Representatives.

(ii) After review of the submissions made under clause (i), the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives, shall recommend to the President 5 individuals, 1 from each of the States described in subparagraph (A)(iii).

Page 4, line 3, strike out "(3)" and insert "(4)".

Page 4, line 6, strike out "(4)" and insert "(5)".

Page 4, line 8, strike out "(5)" and insert "(6)".

Page 4, line 10, strike out "(6)" and insert "(7)".

Page 5, line 4, strike out "the Chair" and insert "a Co-chairperson".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

#### GENERAL LEAVE

Mr. TOM DAVIS of Virginia. 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. 2133, the bill under consideration.

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

There was no objection.