

CONVEYANCE OF CERTAIN LANDS
IN SAN JUAN COUNTY, NM, TO
SAN JUAN COLLEGE

DOMENICI (AND BINGAMAN)
AMENDMENT NO. 250

Mr. ENZI (for Mr. DOMENICI for himself and Mr. BINGAMAN) proposed an amendment to the bill (S. 293) to direct the Secretaries of Agriculture and Interior and to convey certain lands in San Juan County, NM, to San Juan College; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of completion of the survey referred to in subsection (b), the Secretary of the Interior shall convey to San Juan College, in Farmington, New Mexico, subject to the terms, conditions, and reservations under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) not to exceed 20 acres known as the "Old Jicarilla Site" located in San Juan County, New Mexico (T29N; R5W; portions of sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Interior, Secretary of Agriculture, and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS, CONDITIONS, AND RESERVATIONS.—

(1) Notwithstanding exceptions for application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries of the Interior and Agriculture and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(3) The Secretary of Agriculture shall identify any reservations of rights-of-way for ingress, egress, and utilities as the Secretary deems appropriate.

(4) The conveyance described in subsection (a) shall be subject to valid existing rights.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsection (a) and (b) above, shall be revoked simultaneous with the conveyance of the property under subsection (a).

PERKINS COUNTY RURAL WATER
SYSTEM ACT OF 1999

DASCHLE (AND JOHNSON)
AMENDMENT NO. 251

Mr. ENZI (for Mr. DASCHLE for himself and Mr. JOHNSON) proposed an amendment to the bill (S. 243) to authorize the construction of the Perkins

County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Perkins County Rural Water System Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(2) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101-294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation; and

(3) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project.

SEC. 3. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term "Corporation" means the Perkins County Rural Water System, Inc., a nonprofit corporation established and operated under the laws of the State of South Dakota substantially in accordance with the feasibility study.

(2) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.", as amended in March 1995.

(3) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(4) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of the water supply system by the Corporation.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(6) WATER SUPPLY SYSTEM.—The term "water supply system" means intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines operated by the Perkins County Rural Water System, Inc., to the point of delivery of water to each entity that distributes water at retail to individual users.

SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the Corporation for the Federal share of the costs of—

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply 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 water supply system; and

(2) a final engineering report and a plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The Corporation shall be operated on a not-for-profit basis.

(2) The Corporation may contract to purchase its entire electric service requirements for the water supply system, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the Corporation contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Corporation;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the Corporation, except that the power supplier of the Corporation shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 7. FEDERAL SHARE.

The Federal share under section 4 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 8. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 9. CONSTRUCTION OVERSIGHT.

(a) AUTHORIZATION.—At the request of the Corporation, the Secretary may provide the

Corporation assistance in overseeing matters relating to construction of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.— The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) \$15,000,000 for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Monday, April 12, 1999, at 3 p.m. in open and closed session, to receive testimony on alleged Chinese espionage at Department of Energy laboratories.

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

COMMITTEE ON SMALL BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled, "Buried Alive: Small Business Consumed By Tax Filing Burdens." The hearing will begin at 1 p.m. on Monday, April 12, 1999, in room 428A Russell Senate Office Building.

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

ADDITIONAL STATEMENTS

TRIBUTE TO RALPH BOLING

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Ralph Boling for his service to the state of Kentucky and the people of Hancock County. Ralph recently completed a special five-year term as Hancock County's Judge/Executive, during which he led the county through a remarkable period of growth and progress.

Before beginning his political career, Ralph was a farmer and businessman in Hancock County, working as an oil field driller, farmer, Hancock County Road Foreman and as the Hawesville Water Superintendent. His work outside of public service gave him the advantage of having first-hand knowledge of the struggles of working families, and shaped his desire to make a difference in the Hawesville community.

Following in his father's footsteps, Ralph's first endeavor in politics was a run for Hancock County Sheriff. He ran

successfully in 1969, and again in 1977, serving two terms as Sheriff. In the final months of his second term, President Ronald Reagan appointed Ralph as a United States Marshal for the Western district of Kentucky. He excelled as a U.S. Marshal and received a second appointment under President Reagan and a third appointment under President George Bush. During his 12 years of service, Ralph received two of the highly distinguished "Awards for Excellent Performance."

While Ralph was honored to work in the Marshal's service, and loved his work under both President Reagan and President Bush's administrations, after his third term he decided it was time to exclusively serve the people of Hancock County. Ralph ran for Hancock County Judge/Executive and was elected to serve a special five-year term. Ralph always had the best interest of the county at heart, and encouraged the fiscal court to work together as a team despite political differences.

During his term as Judge/Executive, Ralph made great strides for Hancock County. He successfully led the effort to close the county landfill and was instrumental in assuring the construction of a new Emergency Services Building. The county also built a new fire station, and purchased additional fire trucks and police cruisers for increased public safety.

One of Ralph's achievements as Judge/Executive was his successful effort to build and repair many county roads. During Ralph's last two years as Judge, the fiscal court spent \$2 million on Hancock roads, and obtained state funding to pave roads to Commonwealth Aluminum and Willamette and build bridges on Indian Hill and Goernig Road. He also helped establish the Hancock County Career Center. Ralph envisioned a bright future for Hancock County's workers and businesses, and he believed this center would be to the long-term benefit of the county.

Ralph's term as Judge/Executive has ended, but Hancock County will feel the effects of his accomplishments for years to come. His motto was "Together we can make a difference," and he has certainly proven this to be true. Ralph worked together with local law enforcement, state government, the U.S. Marshal's service and the Fiscal Court to make tremendous differences in people's lives. My colleagues and I thank you, Ralph, for your many years of service to Hancock County, the State of Kentucky and the United States.●

TRIBUTE TO RUBY COHEN

• Mr. DODD. Mr. President, I rise today to pay special tribute to a unique and wonderful person who graced the State of Connecticut and who recently passed away at the age of 87, Mr. Rubin H. "Ruby" Cohen.

Ruby hailed from Colchester, Connecticut. He accomplished a great

many things during his exceptional life. The son of Jewish immigrants, Ruby made his mark at an early age. At 15 years old, after quitting school, Ruby went to work at a local hot dog stand called Harry's Place in Colchester. Then at the age of 18, with \$300 borrowed from relatives, Ruby Cohen purchased Harry's Place, which eventually became a popular stopping point for travelers making their way between Connecticut and the Rhode Island beaches in the summer.

Soon, Governors, State Legislators, and politicians were stopping in for a bite to eat. It is at Harry's Place that my father, Thomas Dodd, came to meet and befriend Ruby Cohen. My father deeply valued this very special man who was always honest with his opinions and supportive throughout their many years of friendship.

However, politicians did not go to Harry's Place simply to enjoy a hot dog, but to rub elbows with one of Connecticut's most influential lawmakers. Unassuming in his presence, Ruby Cohen was, in fact, considered a powerful political insider. He began his political career in 1942 when he was first elected to the state House of Representatives. His popularity with the voters of Colchester earned him 14 more terms in office during which he became the first Democrat in 85 years to become the House Chairman of the Appropriations committee, a position he held for 12 years.

It was during his tenure as Chairman that Ruby Cohen distinguished himself as a legislator and also aided a cultural renaissance in my hometown of East Haddam. Back in 1959, The Goodspeed Opera House, which sits quietly on the Connecticut River just a short distance from my home, was a dilapidated state-operated garage in dire need of repairs. When Ruby Cohen was approached by one of his colleagues in the House who expressed a desire to renovate the structure, Ruby seized an opportunity to enhance a community. He drafted a bill appropriating \$10,000 for the repair of the building's roof, successfully beginning the creation of the Opera House. Today, the Goodspeed Opera House is a nationally renowned theater with a reputation for excellence in the arts. We have Ruby Cohen to thank for recognizing the value and importance of the arts within a community and for providing this quiet Connecticut town with an artistic outlet.

Ruby will also be remembered for his commitment to preserving Connecticut's open spaces well before it became an issue of national importance. He played an integral role in the establishment of one of Connecticut's better-known refuges, Gay City State Park in Hebron. He spearheaded the restoration of the Comstock Bridge in East Hampton. Also on his list of accomplishments is the preservation of the Gelston House, a historic hotel which stands next to the Goodspeed Opera House.

Mr. President, Ruby Cohen was an honest man from meager beginnings