in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes, which had been published in the Community and Energy and Natural Resources, with amendments; as follows:

(2) Tract BLKH–2 “Deadwood Garage” (approximately 0.3 acres); lots 9 and 11 of block 72, sec. 26, TSN, RSE.

(3) Tract BLKH–3 “Deadwood Dwellings” (approximately 0.32 acres); lots 12 through 16 of block 72, sec. 26, TSN, RSE.

(4) Tract BLKH–4 “Hardy Work Center” (approximately 150 acres); E1/4, SW1/4, SE1/4; SE1/4; sec. 19; NE1/4, NW1/4, NE1/4; E1/4, SE1/4, NE1/4; NE1/4, sec. 30, TSN, RSE.

(5) Tract BLKH–6 “Pactola Work Center” (approximately 100 acres); W1/2, SW1/4, NW1/4; W1/2; NW1/4, SW1/4; SE1/4; SW1/4; sec. 25; E1/4, SE1/4, SE1/4; NE1/4; sec. 26, TSN, RSE.

(6) Tract BLKH–7 “Pactola Ranger District Office” (approximately 8.25 acres); lot 1 of section 26, T2N, R5E.

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 “National Oilheat Research Alliance Act of 1999”.

SEC. 2. FINDINGS.

Congress finds that—

(1) oilheat is an important commodity re- lied on by approximately 30,000,000 Americans as an efficient and economical energy source for commercial and residential space and hot water heating.

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and hot water heating.

(3) the production, distribution, and mar- keting of oilheat and oilheat equipment plays a significant role in the economy of the United States, accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the oilheat industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and educational efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the future of the oilheat industry, the general economy of the United States, and the millions of Americans that rely on oilheat for commercial and residential space and hot water heating.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALLIANCE.—The term “Alliance” means a national oilheat research alliance established under section 4.

(2) CONSUMER EDUCATION.—The term “consumer education” means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) EXCHANGE.—The term “exchange” means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) INDUSTRY TRADE ASSOCIATION.—The term “industry trade association” means an organization described in paragraph (3) or (6) term “industry trade association” means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) NO. 1 DISTILLATE.—The term “No. 1 distillate” means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) NO. 2 DYED DISTILLATE.—The term “No. 2 dyed distillate” means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials and indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 408(a)(2) of the Internal Revenue Code of 1986.

(7) OILHEAT.—The term “oilheat” means—

(A) No. 1 distillate; and

(B) No. 2 dyed distillate that is used as a fuel in nonindustrial commercial or residential space or hot water heating.

(8) OILHEAT INDUSTRY.—

(A) IN GENERAL.—The term “oilheat industry” means—

(i) persons in the production, transportation, or sale of oilheat; and

(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

(B) EXCLUSION.—The term “oilheat industry” does not include ultimate consumers of oilheat.

(9) PUBLIC MEMBER.—The term “public member” means a member of the Alliance described in section 5(c)(1)(B).

(10) QUALIFIED INDUSTRY ORGANIZATION.—The term “qualified industry organization” means the National Association for Oilheat Research and Education or a successor organization.

(11) QUALIFIED STATE ASSOCIATION.—The term “qualified State association” means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

(12) RETAIL MARKETER.—The term “retail marketer” means a person primarily engaged in the sale of oilheat to ultimate consumers.

(13) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term “wholesale distributor” means a person primarily engaged in—

(A) produces No. 1 distillate or No. 2 dyed distillate;

(B) imports No. 1 distillate or No. 2 dyed distillate;

(C) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

(D) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

SEC. 4. REFERENDA.

(a) CREATION OF PROGRAM.—

(1) IN GENERAL.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

(2) REIMBURSEMENT OF COST.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum.

(3) CONDUCT.—A referendum under para- graph (1) shall be conducted by an inde- pendent auditing firm.

(4) VOTING RIGHTS.—

(A) RETAIL MARKETERS.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail mar- keter in the calendar year previous to the
B. WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—
(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 7.

(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in subparagraph (A), the qualified industry organization may not levy assessments unless a referendum under subsection (a) shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat sold annually in a State, represented by the vote of the person.

(7) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act, a qualified industry association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

(b) SUBSEQUENT STATE PARTICIPATION.—
The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) TERMINATION OR SUSPENSION.—
(1) IN GENERAL.—On the initiative of the Alliance or on petition of the Alliance by retail marketers or other groups knowledgeable about oilheat, the qualified industry association may notify the qualified industry organization in writing that a referendum under paragraph (1) shall not be conducted in the State.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a) if—
(A) persons representing more than one-half of the total volume of oilheat voted in the retail marketer class and more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance;

(B) persons representing more than two-thirds of the total volume of fuel voted in either class.

(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 5, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

SEC. 5. MEMBERSHIP.
(a) SELECTION.—
(1) IN GENERAL.—Except as provided in subsection (b), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) VACANCIES.—The Alliance shall be filled in the same manner as the original selection.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—
(1) interstate and intrastate operators among retail marketers;
(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;
(3) large and small companies among wholesale distributors and retail marketers; and
(4) diverse geographic regions of the country.

(c) NUMBER OF MEMBERS.—
(1) IN GENERAL.—The membership of the Alliance shall be as follows:
(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year;
(B) If fewer than 24 States are represented under subparagraph (A), one member representing each of the States with the highest volume of oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24;
(C) 5 representatives of retail marketers, 1 each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales;
(D) 5 additional representatives of retail marketers;
(E) 21 representatives of wholesale distributors;
(F) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, State energy officials, or other groups knowledgeable about oilheat;
(2) FULL-TIME OWNERS OR EMPLOYERS.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry associations and other persons as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(d) ACTIVITIES.—
(1) IN GENERAL.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—
(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and
(II) the obtaining of patents, including payment of attorney’s fees for making and perfecting a patent application.

(2) EXCLUDED ACTIVITIES.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(b) PRIORITIES.—In the development of programs and projects, the Alliance shall give due consideration to—
(1) research, development, and demonstration;
(2) safety;
(3) consumer education; and
(4) training.

(c) ADMINISTRATION.—
(1) OFFICERS; COMMITTEES; BYLAWS.—The Alliance shall—
(A) select from among its members a chairperson and other officers as necessary;
(B) establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and
(C) adopt bylaws for the conduct of business and the implementation of this Act.

(2) SOLICITATION OF OILHEAT INDUSTRY COMMENT AND RECOMMENDATIONS.—The Alliance shall establish procedures for the solicitation of industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

(3) ANNUAL REPORT.—The Alliance may establish advisory committees consisting of persons other than Alliance members.

(4) VOTING.—Each member of the Alliance shall have 1 vote in matters before the Alliance.
(d) Administrative Expenses.—

(1) In general.—Any administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 7) plus amounts paid under subsection (b) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

(2) Reimbursement of the Secretary.—

(A) In general.—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

(B) Limitation.—Reimbursement under subclause (A) for any calendar year shall not exceed the amount that the Secretary considers appropriate.

SEC. 7. ASSESSMENTS.

(a) Rate.—The assessment rate shall be equal to two-tenths of a cent per gallon of No. 1 distillate and No. 2 dyed distillate.

(b) Collection Rules.—

(1) Collection at Point of Sale.—The assessment shall be collected at the point of sale of No. 1 distillate or No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

(2) Responsibility for Payment.—A wholesale distributor—

(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(B) shall provide to the Alliance certification of the volume of fuel sold.

(3) No Ownership Interest.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

(c) Failure to Receive Payment.—

(1) Refund.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 60 days of the date of sale may apply for a refund from the Alliance of the assessment paid.

(2) Amount.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

(d) Late Payment Charges.—The Alliance may assess a late payment charge in the amount of 1 percent of the assessment due under this Act.

(e) Alternative Collection Rules.—The Alliance may establish policies and procedures for auditing compliance with this Act.

(f) Authority to Restrict Activities.—If in any year the 5-year average price of consumer grade oilheat exceeds the 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(g) Public Access to Alliance Proceedings.—

(1) Public Notice.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

(2) Meetings Open to the Public.—Each meeting of the Alliance shall be open to the public.

(3) Minutes.—Minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

(h) Assistance in Enforcement.—Each year the Alliance shall prepare and make publicly available a report that—

(i) includes a description of all programs, projects, activities, and agreements undertaken by the Alliance during the previous year and those planned for the current year; and

(j) proposes the allocation of Alliance resources for each such program and project.

(j) Funds Made Available to Qualified State Associations.—

(1) In general.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

(2) Additional Amount.—The qualified State association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collecred in the State.

(k) Request Requirements.—A request under this clause shall—

(a) specify the amount of funds requested; and

(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this Act.
(b) Costs.—A successful action for compliance with subsection (a) may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

SEC. 19. LOBBYING RESTRICTIONS.

No funds derived from assessments under section 7 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this Act or other laws that would further the purposes of this Act.

SEC. 10. DISCLOSURE.

Any consumer energy activity undertaken with funds derived from assessments collected by the Alliance under section 7, that includes:

1. a reference to a private brand name;
2. a false or unwarranted claim on behalf of other products; or
3. a reference with respect to the attributes or use of any competing product.

(b) Complaints.—

1. IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

2. TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

3. CESSATION OF ACTIVITIES.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or
(B) a court determines that the conduct of the affected activity constitutes a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—

1. IN GENERAL.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association shall meet to attempt to resolve the issues in dispute.

2. WITHDRAWAL OF COMPLAINT.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) JUDICIAL REVIEW.—

1. IN GENERAL.—A public utility filing a complaint under this section, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall have a right of judicial review of a determination of the Alliance, its complaint.

2. NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous or without merit, the prevailing party shall be entitled to recover an attorney’s fee.

3. SAVINGS Clause.—Nothing in this section shall limit causes of action brought under any other law.

SEC. 11. VIOLATIONS.

(a) PROHIBITION.—It shall be unlawful for any person to conduct a consumer energy activity, undertaken with funds derived from assessments collected by the Alliance under section 7, that includes:

1. a reference to a private brand name;
2. a false or unwarranted claim on behalf of other products; or
3. a reference with respect to the attributes or use of any competing product.

(b) COMPLAINTS.—

1. IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

2. TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

3. CESSATION OF ACTIVITIES.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or
(B) a court determines that the conduct of the affected activity constitutes a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—

1. IN GENERAL.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association shall meet to attempt to resolve the issues in dispute.

2. WITHDRAWAL OF COMPLAINT.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) JUDICIAL REVIEW.—

1. IN GENERAL.—A public utility filing a complaint under this section, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall have a right of judicial review of a determination of the Alliance, its complaint.

2. NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous or without merit, the prevailing party shall be entitled to recover an attorney’s fee.

3. SAVINGS Clause.—Nothing in this section shall limit causes of action brought under any other law.

SEC. 20. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS IN ALASKA

(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Part over qualifying project works in the State of Alaska effective on the date that is 4 years after the date on which the Alliance is established.

(b) PROJECT WORKS ON FEDERAL LANDS.—

1. IN GENERAL.—On the date of enactment of subsection (c), the Commission certifies that the State of Alaska has an effective, coordinated river basin regulatory program for water-power development.

2. N ONMERITORIOUS CASE.—In any case for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c), a party aggrieved by a denial under the election of the applicant shall be entitled to temporary and injunctive relief under subsection (d), the court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover an attorney’s fee from the Alliance.

3. SAVINGS Clause.—Nothing in this section shall limit causes of action brought under any other law.

(b) COMPLAINTS.—

1. IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

2. TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

3. CESSATION OF ACTIVITIES.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or
(B) a court determines that the conduct of the affected activity constitutes a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—

1. IN GENERAL.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the issues in dispute.

2. WITHDRAWAL OF COMPLAINT.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) JUDICIAL REVIEW.—

1. IN GENERAL.—A public utility filing a complaint under this section, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall have a right of judicial review of a determination of the Alliance, its complaint.

2. NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous or without merit, the prevailing party shall be entitled to recover an attorney’s fee.

3. SAVINGS Clause.—Nothing in this section shall limit causes of action brought under any other law.

(c) ELECTRONIC JOURNAL.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, a party aggrieved by a denial or an election to make the project subject to licensing and regulation by the State of Alaska under this section shall have a right of judicial review of the decision of the Commission.

3. SAVINGS Clause.—Nothing in this section shall limit causes of action brought under any other law.

(c) ELECTRONIC JOURNAL.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, a party aggrieved by a denial or an election to make the project subject to licensing and regulation by the State of Alaska under this section shall have a right of judicial review of the decision of the Commission.
Commission shall assert its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

(2) DEFINITIONS.—

(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska’s regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

(2) The Commission’s review required by paragraph (1) shall be completed within one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska’s regulatory program for water-power development complies with the regulations of subsection (a).

(3) If the Commission fails to issue a final order in accordance with paragraph (2), the State of Alaska’s regulatory program for water-power development shall be deemed to be in compliance with subsection (a).

“TITLED III—HYDROELECTRIC PROJECTS IN HAWAII

“§301. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII

“‘Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended in the first sentence by striking ‘several States, or upon’ and inserting ‘the State of Hawaii, unless a license would be required under section 23, or upon’.”

“TITLED IV—ARROWROCK DAM HYDROELECTRIC PROJECT

“§302. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT

“‘Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4566, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission’s procedures under that section, extend until March 26, 2005, the time period during which the licensee is required to commence construction of the project.’”

The amendment (No. 2802) was agreed to.

The committee amendments were agreed to.

The bill (S. 348), as amended, was passed, as follows:

S. 348

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

TITLE I—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999

SEC. 101. SHORT TITLE.

This title may be cited as the “National Oilheat Research Alliance Act of 1999”.

SEC. 102. FINDINGS AND PURPOSES.

Congress finds that—

(1) oilheat is an important commodity relied on by approximately 30,000,000 Americans as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States, accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the oilheat industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, the general economy of the United States, and the millions of Americans that rely on oilheat for commercial and residential space and hot water heating.

SEC. 103. DEFINITIONS.

In this title:

(1) ALLIANCE.—The term “Alliance” means a national oilheat research alliance established under section 104.

(2) CONSUMER EDUCATION.—The term “consumer education” means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other oilheat-industrial commercial or residential space or hot water heating fuels.

(3) EXCHANGE.—The term “exchange” means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the value of the oilheat exchange to be settled in cash or property other than the oilheat.

(4) INDUSTRY TRADING ASSOCIATION.—The term “industry trading association” means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) NO. 1 DISTILLATE.—The term “No. 1 distillate” means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials that is indelibly dyed with No. 1 distillate by the American Society for Testing and Materials that is indelibly dyed; or

(6) NO. 2 DYED DISTILLATE.—The term “No. 2 dyed distillate” means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury for Testing and Materials that is indelibly dyed based on the Internal Revenue Code of 1986.

(7) OILHEAT.—The term “oilheat” means—

(A) No. 1 distillate; and

(B) No. 2 dyed distillate; that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

(8) OILHEAT INDUSTRY.—

(A) IN GENERAL.—The term “oilheat industry” means—

(i) persons in the production, transportation, or sale of oilheat; and

(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment;

(B) EXCLUSION.—The term “oilheat industry” does not include ultimate consumers of oilheat.

(9) PUBLIC MEMBER.—The term “public member” means a member of the Alliance described in section 105(c)(1)(F).

(10) QUALIFIED INDUSTRY ORGANIZATION.—The term “qualified industry organization” means the National Association for Oilheat Research and Education or a successor organization.

(11) QUALIFIED STATE ASSOCIATION.—The term “qualified State association” means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

(12) RETAIL MARKETER.—The term “retail marketer” means a person engaged primarily in the sale of oilheat to ultimate consumers.

(13) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term “wholesale distributor” means a person that—

(i) produces No. 1 distillate or No. 2 dyed distillate;

(ii) imports No. 1 distillate or No. 2 dyed distillate; or

(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

(15) STATE.—The term “State” means the several States, except the State of Alaska.

SEC. 104. REFERENDA.

(a) CREATION OF PROGRAM.

(1) IN GENERAL.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

(2) REIMBURSEMENT OF COST.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum.

(3) CONDUCT.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

(4) VOTING RIGHTS.

(A) RETAIL MARKETERS.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

(B) WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period.

(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 107.
(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Provided that a retail marketer votes, the development, selection, and adoption of subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(7) NOTIFICATION.—Not later than 90 days after the date of enactment of this title, each to be selected by the qualified State association or an industry trade association.

(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) TERMINATION OR SUSPENSION.—(1) IN GENERAL.—On the initiative of the Alliance, the termination of the Alliance by retail marketers and wholesale distributor representatives 35 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by—

(A) persons representing more than one-half of the total volume of oilheat in the retail marketer class and more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate in the wholesale distributor class; or

(B) persons representing more than two-thirds of the total volume of fuel voted in either such class.

(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 105, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration, as adjusted for the calendar year or other representative period.

SEC. 105. MEMBERSHIP. 

(a) SELECTION.—(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

(1) interstate and intrastate operators among whom the State is located;

(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) NUMBER OF MEMBERS.—(1) IN GENERAL.—The membership of the Alliance shall be as follows:

(2) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(3) NOTIFICATION.—Not later than 90 days after the date of enactment of this title, each to be selected by the qualified State association or an industry trade association.

(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) TERMINATION OR SUSPENSION.—(1) IN GENERAL.—On the initiative of the Alliance, the termination of the Alliance by retail marketers and wholesale distributor representatives 35 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by—

(A) persons representing more than one-half of the total volume of oilheat in the retail marketer class and more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate in the wholesale distributor class; or

(B) persons representing more than two-thirds of the total volume of fuel voted in either such class.

(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 105, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration, as adjusted for the calendar year or other representative period.

SEC. 105. MEMBERSHIP. 

(a) SELECTION.—(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

(1) interstate and intrastate operators among whom the State is located;

(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) NUMBER OF MEMBERS.—(1) IN GENERAL.—The membership of the Alliance shall be as follows:

(2) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(3) NOTIFICATION.—Not later than 90 days after the date of enactment of this title, each to be selected by the qualified State association or an industry trade association.
publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

(3) RECOMMENDATIONS BY THE SECRETARY.—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

(4) IMPLEMENTATION.—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

(5) RECORDS; AUDITS.—

(1) RECORDS.—The Alliance shall—

(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

(B) make the records available to the public.

(2) AUDITS.—

(A) In General.—The records of the Alliance including fee assessment reports and applications for refunds under section 107(b)(2)(B) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

(B) Availability of Audit Reports.—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

(C) Policies and Procedures.—

(i) In General.—The Alliance shall establish policies and procedures for auditing compliance with this title.

(ii) Conformity with GAAP.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

(g) PUBLIC ACCESS TO ALLIANCE PROCEEDINGS.—

(1) Public Notice.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

(2) MEETINGS OPEN TO THE PUBLIC.—Each meeting of the Alliance shall be open to the public.

(3) MINUTES.—The minutes of each meeting of the Alliance shall be made available and readily accessible by the public.

(h) ANNUAL REPORT.—Each year the Alliance shall prepare and make publicly available a report that—

(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

(2) details the allocation of Alliance resources for each such program and project.

SEC. 107. ASSESSMENTS.

(a) RATE.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

(b) COLLECTION RULES.—

(1) COLLECTION AT POINT OF SALE.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesaler distributor. A wholesaler distributor shall deliver a sale made pursuant to an exchange.

(2) RESPONSIBILITY FOR PAYMENT.—A wholesaler distributor may be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(b) shall provide to the Alliance certification of the volume of fuel imported.

(c) AMOUNT.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate imported after the point of sale.

(4) IMPORTATION AFTER POINT OF SALE.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale shall—

(A) provide to the Secretary certification of the volume of fuel imported.

(B) MAKE THE RECORDS AVAILABLE TO THE PUBLIC.—The Alliance shall provide the Secretary with the records available to the qualified State association and any other funds received by the Alliance, annual thereafter, the Secretary of Commerce shall again conduct a market survey and consumer protection survey.

SEC. 108. MARKET SURVEY AND CONSUMER PROTECTION.

(a) PRICING ANALYSIS.—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall be based on the price of consumer grade oilheat to a composite of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(b) AUTHORITY TO RESTRICT ACTIVITIES.—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon the expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

SEC. 109. COMPLIANCE.

(a) In General.—The Alliance shall maintain records and procedures for ensuring compliance with this title.

(b) Costs.—A successful action for compliance under this section may also provide payment by the defendant of the costs incurred by the Alliance in bringing the action.

SEC. 110. LOBBYING RESTRICTIONS.

No funds derived from assessments under section 107 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this title or other laws that would further the purposes of this title.

SEC. 111. DISCLOSURE.

The Secretary of Commerce shall, in consultation with the Secretary of Energy, prepare a report on the activities of the Alliance, including the activities under section 108, for submission to the Congress, the Secretary of Energy, and the public.

SEC. 112. DISCLOSURE OF CONSUMER EDUCATION ACTIVITY.

Pursuant to section 108, the Secretary of Commerce shall, in consultation with the Secretary of Energy, prepare a report on the activities of the Alliance, including the activities under section 108, for submission to the Congress, the Secretary of Energy, and the public.
were supported, in whole or in part, by the Alliance and any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(c) Responses.—(1) In General.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

(2) Transmittal to Qualified State Association.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(d) Cessation of Activities.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or

(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(e) Responses.—(1) In General.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

(2) Withdrawal of Complaint.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(f) Judicial Review.—(1) In General.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in the United States district court.

(2) Relief.—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(A) the complaint is withdrawn; or

(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(g) Attorney’s Fees.—(1) Rebursement.—In any case in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover an attorney’s fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

(2) Nonmeritorious Case.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous without merit, the prevailing party shall be entitled to recover an attorney’s fee.

(h) Savings Clause.—Nothing in this section shall limit causes of action brought under any other law.

(i) Election of Remedies.—A complaining party may be entitled to—

(1) temporary, preliminary, and permanent injunctive relief

(2) a court order compelling performance of any contract, agreement, or undertaking

(3) such other equitable relief as may be proper

(j) Costs.—A court in which the court grants a public utility injunctive relief under this section shall award the public utility reasonable costs and expenses, including reasonable attorney’s fees, as the court may determine to be proper.

(k) Savings Clause.—Nothing in this section shall limit the right of any public utility to bring any action or proceeding to enforce any of its rights under this section.

(l) Meritorious Case.—In the case of nonmeritorious case works that would be qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the commencement of work, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

(3) Project Works on Federal Lands.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

(a) approval of the Secretary having jurisdiction over such lands; and

(b) such conditions as the Secretary may prescribe.

(m) Consultation with Affected Agencies.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska’s regulatory program.

(n) Application of Federal Laws.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

(o) Oversight by the Commission.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State’s program to ensure compliance with this provision.

(p) Resumption of Commission Authority.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

(q) Determination by the Commission.—(1) Upon application by the Governor of the State of Alaska, the Commission shall take such action to protect the State’s program to ensure compliance with this provision.

(2) The Commission’s review required by paragraph (1) shall be completed within one year of receipt of the application, and that the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska’s regulatory program for water-power development complies with the requirements of subsection (a).

(3) If the Commission fails to issue a final order in accordance with paragraph (2), the State of Alaska’s regulatory program for water-power development shall be deemed to be in compliance with subsection (a).
CONGRESSIONAL RECORD—SENATE
November 19, 1999

TITLE III—HYDROELECTRIC PROJECTS IN ARIZONA
SEC. 301. PROJECTS ON FRESH WATER IN THE STATE OF HAWAII.
Section 4(e) of the Federal Power Act (16 U.S.C. 799(e)) is amended in the first sentence by striking “several States, or upon” and inserting “several States and within the State of Hawaii, unless a license would be required under section 23, or upon”.

TITTE IV—AROBNWROCK DAM HYDROELECTRIC PROJECT
SEC. 401. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.
Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission’s procedures under that section, extend, for up to 2 years, the time period during which the licensee is required to commence construction of the project.

ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999
The Senate proceeded to consider the bill (S. 1088) to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona, for a wastewater treatment facility, and for other purposes.

SEC. 2. DEFINITIONS.
In this Act:
(1) CITY.—The term “City” means the city of Sedona, Arizona.
(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.
(a) IN GENERAL.—The Secretary may sell to the City of Sedona, Arizona, by quid pro quo deed in fee simple, all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:
(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled “Camp Verde Administrative Site”, dated April 12, 1997.
(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled “Cave Creek Administrative Site”, dated May 1, 1997.
(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 296.43 acres, as depicted on the map entitled “Cave Creek Administrative Site”, dated April 12, 1997.
(4) The Groom Creek Administrative Site, comprising approximately 21 acres, as depicted on the map entitled “Groom Creek Administrative Site”, dated April 29, 1997.
(5) The Payson Administrative Site, comprising approximately 300 acres of land, as depicted on the map entitled “Payson Administrative Site”, dated May 1, 1997.
(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled “Sedona Administrative Site”, dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.
(a) IN GENERAL.—The Secretary may sell to the City of Sedona, Arizona, by quid pro quo deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled “Sedona Effluent Management Plan”, dated January 31, 1985, for the conveyance of an effluent disposal system in Yavapai County, Arizona.
(b) DESCRIPTION.—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

SEC. 5. DISPOSITION OF FUNDS.
Notwithstanding any other provision of law, the Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

AMENDMENT NO. 2803
(Purpose: To reduce the amount of consideration to be paid by the City by the amount of special use permit fees paid by the City)

On page 5, line 15, strike the period at the end and insert “; reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the date the conveyance is given to the City”.

(A) the date that is 270 days after the date of enactment of this Act; or
(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).

The amendment (No. 2803) was agreed to.

The bill (S. 1088), as amended, was passed, as follows:

S. 1088
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 “Arizona National Forest Improvement Act of 1999”.

SEC. 2. DEFINITIONS.
In this Act:
(1) CITY.—The term “City” means the city of Sedona, Arizona.
(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of the land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) RIGHT OF RECENTRY.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—
(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or
(2) the conveyed land is not used for disposal of treated effluent or other purposes related to the construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 2. DISPOSITION OF FUNDS.
(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90–484a (commonly known as the “Sisk Act”).
(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary without further Act of appropriation, for—
(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or
(2) the acquisition of land and or an interest in land in the State of Arizona.

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