

Bird Refuge and other nonprofit groups have demonstrated their interest and dedication to a research and education center by raising an additional \$1.5 million for the project.

This bill recognizes the efforts of the refuge staff, the community, and the local Friends group to rebuild the refuge. Between the prior appropriations and the contribution from local supporters, over 80 percent of the funding has already been secured. This is a good bill.

Finally, I would like to compliment Al Trout, the refuge manager, who has worked so diligently to put this together, a truly dedicated public servant.

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

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

Mr. Speaker, I am pleased to support the legislation of the distinguished gentleman from Utah (Mr. HANSEN) which would authorize the construction of a new education and administrative center at one of our Nation's oldest migratory bird refuges. It was unfortunate that floods destroyed the center nearly 18 years ago. I understand the frustration of the gentleman from Utah (Mr. HANSEN) that a new facility has not been built to replace the original building.

As Members may recall, the 1997 National Wildlife Refuge Improvement Act established environmental education and resource interpretation as priority uses at all national wildlife refuges. Education centers like the one planned for Bear River are essential to ensure that the Fish and Wildlife Service promotes the wildlife wonders throughout our national wildlife refuge system and generates public awareness and appreciation for these resources.

Mr. Speaker, I urge Members to support this legislation. I look forward to working with both the gentleman from Utah (Mr. HANSEN) and our ranking member, the gentleman from West Virginia (Mr. RAHALL), who adds his commendation and support for the bill to improve visitor services within our national wildlife refuges.

Mr. MATHESON. Mr. Speaker, it is with great pleasure that I rise today in support of the Bear River Migratory Bird Refuge Visitor Center Act. This legislation will allow the Refuge to construct an educational and administrative headquarters. It is my hope that bird enthusiasts throughout the West will be able to come to see the thousands of birds that visit the area each year and hear what explorer John C. Fremont called "a noise like thunder."

The Refuge was created by Congress in 1928 to ensure the survival of the birds and natural wetlands of the area. Unfortunately, due to massive flooding in the 1983 to 1985, the entire Refuge was destroyed and the wetlands completely covered with water.

Today, the Refuge consists of 74,000 acres. In 1993, land acquisition added nearly 9,000

acres of uplands, wetlands, and mudflats. The historic 65,000 acres of the Refuge, consisting mainly of marsh, open water, and mudflats, have slowly seen salt deposits from the flood flushed out. Now, the wetland is on the verge of full recovery, and with marsh plants thriving, birds are returning in increasing numbers to the Refuge.

I am excited to see this legislation come before the body. I strongly believe that this bill will be beneficial to the Bear River Migratory Bird Refuge habitat by increasing its attractiveness to birds, and to people.

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

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3322.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FERN LAKE CONSERVATION AND RECREATION ACT OF 2001

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2238) to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2238

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 "Fern Lake Conservation and Recreation Act of 2001".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Fern Lake and its surrounding watershed in Bell County, Kentucky, and Claiborne County, Tennessee, is within the potential boundaries of Cumberland Gap National Historical Park as originally authorized by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

(2) The acquisition of Fern Lake and its surrounding watershed and its inclusion in Cumberland Gap National Historical Park would protect the vista from Pinnacle Overlook, which is one of the park's most valuable scenic resources and most popular attractions, and enhance recreational opportunities at the park.

(3) Fern Lake is the water supply source for the city of Middlesboro, Kentucky, and environs.

(4) The 4500-acre Fern Lake watershed is privately owned, and the 150-acre lake and part of the watershed are currently for sale, but the Secretary of the Interior is precluded by the first section of the Act of June 11, 1940

(16 U.S.C. 261), from using appropriated funds to acquire the lands.

(b) PURPOSES.—The purposes of the Act are—

(1) to authorize the Secretary of the Interior to use appropriated funds if necessary, in addition to other acquisition methods, to acquire from willing sellers Fern Lake and its surrounding watershed, in order to protect scenic and natural resources and enhance recreational opportunities at Cumberland Gap National Historical Park; and

(2) to allow the continued supply of water from Fern Lake to the city of Middlesboro, Kentucky, and environs.

SEC. 3. LAND ACQUISITION, FERN LAKE, CUMBERLAND GAP NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) FERN LAKE.—The term "Fern Lake" means Fern Lake located in Bell County, Kentucky, and Claiborne County, Tennessee.

(2) LAND.—The term "land" means land, water, interests in land, and any improvements on the land.

(3) PARK.—The term "park" means Cumberland Gap National Historical Park, as authorized and established by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) ACQUISITION AUTHORIZED.—The Secretary may acquire for addition to the park lands consisting of approximately 4,500 acres and containing Fern Lake and its surrounding watershed, as generally depicted on the map entitled "Cumberland Gap National Historical Park, Fern Lake Watershed", numbered 380/80,004, and dated May 2001. The map shall be on file in the appropriate offices of the National Park Service.

(c) AUTHORIZED ACQUISITION METHODS.—

(1) IN GENERAL.—Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary may acquire lands described in subsection (b) by donation, purchase with donated or appropriated funds, or exchange. However, the lands may be acquired only with the consent of the owner.

(2) EASEMENTS.—At the discretion of the Secretary, the Secretary may acquire land described in subsection (b) that is subject to an easement for water supply facilities and equipment associated with the withdrawal and delivery of water by a utility from Fern Lake to the city of Middlesboro, Kentucky, and environs.

(d) BOUNDARY ADJUSTMENT AND ADMINISTRATION.—Upon the acquisition of land under this section, the Secretary shall revise the boundaries of the park to include the land in the park. Subject to subsection (e), the Secretary shall administer the acquired lands as part of the park in accordance with the laws and regulations applicable to the park.

(e) SPECIAL ISSUES RELATED TO FERN LAKE.—

(1) PROTECTION OF WATER SUPPLY.—The Secretary shall manage public recreational use of Fern Lake, if acquired by the Secretary, in a manner that is consistent with the protection of the lake as a source of untreated water for the city of Middlesboro, Kentucky, and environs.

(2) SALE OF WATER.—

(A) CONTRACT WITH UTILITY.—Upon the Secretary's acquisition of land that includes Fern Lake, the Secretary shall enter into a contract to sell untreated water from the lake to a utility that delivers and distributes water to the city of Middlesboro, Kentucky, and environs. The Secretary shall ensure

that the terms and conditions of the contract are equitable, ensuring a balance between the protection of park resources and the delivery and distribution of sufficient water to continue meeting the water demands of the city of Middlesboro, Kentucky, and environs.

(B) PROCEEDS FROM WATER.—The Secretary shall negotiate a reasonable return to the United States for the sale of the water, which the Secretary may receive in the form of reduced charges for water service. Proceeds from the sale of the water, reduced by any offsets for water service to the park, shall be available for expenditure by the Secretary at the park without further appropriation.

(f) CONSULTATION REQUIREMENTS.—In order to better manage Fern Lake and its surrounding watershed, if acquired by the Secretary, in a manner that will facilitate the provision of water for municipal needs as well as the establishment and promotion of new recreational opportunities made possible by the addition of Fern Lake to the park, the Secretary shall consult with—

- (1) appropriate officials in the States of Kentucky, Tennessee, and Virginia, and political subdivisions of these States;
- (2) organizations involved in promoting tourism in these States; and
- (3) other interested parties.

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

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, H.R. 2238 was introduced by the gentleman from Kentucky (Mr. ROGERS) and would authorize the Secretary of the Interior to acquire Fern Lake and its surrounding watershed in Tennessee and Kentucky from willing sellers for addition to the Cumberland Gap National Historical Park. The boundary expansion would enhance the visitors' recreational experience and allow the National Park Service to preserve the 4,500 acre Fern Lake watershed and the water supply for the city of Middlesboro, Kentucky. Since the early 1900s, Fern Lake has been the sole source of drinking water for the city of Middlesboro, Kentucky.

Cumberland Gap, located where the borders of Tennessee, Kentucky and Virginia meet, forms a major break in the Appalachian Mountain chain. The park commemorates the story of the first gateway to the West, first used by the Native Americans and then by pioneers.

Mr. Speaker, during the subcommittee hearing on H.R. 2238, concerns were raised by the National Park Service on how it is to manage the water system once it acquires Fern Lake. At the Committee on Resources markup, I offered an amendment to address the water issue. The amendment was adopted and supported by both the majority and minority of the com-

mittee. However, since that time, the National Park Service has continued to express concern with the water management section of the bill.

Mr. Speaker, late yesterday afternoon the administration, the majority and the minority of the committee and the gentleman from Kentucky (Mr. ROGERS) agreed to the amendment before us. I believe the amendment further clarifies for the Service its responsibility protecting the resources in the park, while assuring the city of Middlesboro, Kentucky, that their continued water needs will be met.

H.R. 2238 is a unique and complex bill. The gentleman from Kentucky (Mr. ROGERS) has worked hard to accommodate the concerns raised by the administration, while remaining focused on his priority of ensuring long-term protection for Fern Lake and a continued supply of water for his constituents. I urge my colleagues to support H.R. 2238, as amended.

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

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

Mr. Speaker, Cumberland Gap National Historical Park serves two important purposes: The park preserves an absolutely beautiful area, while also allowing people to explore the important historical role played by the Cumberland Gap. The gap, located at the intersection of the Kentucky, Tennessee and Virginia borders, was first a passageway for large game animals, then Native Americans, and finally hundreds of thousands of American settlers heading to the American West.

Like the park itself, H.R. 2238 serves two important purposes. The bill would authorize the Secretary of the Interior to acquire for addition to the park an approximately 4,500 acre parcel known as the Fern Lake Watershed. During the hearings we held on this matter, photographs showed it to be a lush, undeveloped area, and the administration testified as to its eagerness to add the land to the park.

In addition, passage of H.R. 2238 will ensure a reliable, long-term water supply for a community that depends on Fern Lake. The Secretary would be authorized to grant easements over the newly acquired property to facilitate the continued use of the lake as the municipal water supply for the town of Middlesboro, Kentucky, and to contract with the utility for the sale and distribution of the water to the town and its environs.

Mr. Speaker, we realize this is a somewhat unusual arrangement. However, the lake will be a valuable addition to the park, and we feel sure that the National Park Service, the utility and the town will develop a good, mutually beneficial working relationship.

Mr. Speaker, our ranking member, the gentleman from West Virginia (Mr.

RAHALL), joins me in commending the gentleman from Kentucky (Mr. ROGERS) for his hard work on this legislation, and we urge support for H.R. 2238.

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

Mr. RADANOVICH. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS), who is the sponsor of the legislation.

Mr. ROGERS of Kentucky. Mr. Speaker, I am pleased and honored to have the opportunity to rise in support of H.R. 2238, the Fern Lake Conservation and Recreation Act of 2001. This has been a long road, but with the help and services of the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. RADANOVICH), as well as the gentleman from West Virginia (Mr. RAHALL) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) on the floor this morning, we have come together and crafted an excellent bill that is worthy of the Chamber's support. I appreciate their efforts in getting this legislation to the floor in such a timely manner and making the necessary corrections to it that enables it to become, I think, a successful bill.

Mr. Speaker, the bill before the House today is an essential piece of legislation which will forever protect one of the most pristine areas in the Commonwealth of Kentucky, indeed the Nation, for future generations. The bill aims to incorporate, as has been said, Fern Lake, an unspoiled body of water nestled in the Appalachian Mountains, into the Cumberland Gap National Historical Park.

The photographs that stand before us this morning are simple testimony to the absolute beauty of this pristine area. For those who are not familiar with this part of the world, the Cumberland Gap National Park is 20,000 acres of virtually untouched frontier, mountains and countryside, established by Congress in 1940. It is, as some have said, the first frontier, where Daniel Boone blazed the Cumberland Gap Trail in the late 18th century leading the way for thousands and tens of thousands of other settlers hoping to find a fresh start in this new world, moving from the Eastern Seaboard, 13 colonies, into the hinterlands of this great Nation. This is where they first came through.

Congress rightly recognized the importance of permanently protecting this frontier, and today we will hopefully vote to continue these endeavors by approving this Fern Lake addition. In short, this bill will protect the lake as a clean and safe source of rural water for the city of Middlesboro, Kentucky, its only source, enhance the scenic, recreational, wildlife, cultural value of the park, and increase tourism opportunities in the tristate areas of Kentucky, Tennessee and Virginia.

As one can see from the pictures on display, the lake and the surrounding watershed are of unparalleled beauty, and these pictures capture the essence of what thousands of park visitors see each year. This spectacular landscape is visible from Pinnacle Overlook, the highest point, the most popular attraction in the national park, and it is typical of what many of our ancestors experienced as they trudged forward through this uncharted territory over 200 years ago.

Just from the photos alone, it is not hard to understand why Congress should act today to ensure the preservation of this pristine area. Because of the conditions set forth in the original Cumberland Gap legislation, no appropriate funds can be used to purchase additional acreage unless specifically authorized by Congress. H.R. 2238 provides that authorization and paves the way for an additional 4,500 acres to be included in the park if willing sellers appear and appropriations become available.

One of the principal goals of the legislation that we have before us is to ensure the continued use of the lake as a clean and safe water supply for the city of Middlesboro, Kentucky, a small city which borders the Cumberland Gap Park.

The dam was constructed in 1893, forming the lake, and that 150-acre lake has been privately owned for most of its existence, but it has been for sale on the open market since last year. Given the fact that the lake serves as the sole water source for the city, there is considerable concern that a new owner may not share the same interest as the community.

As our local resident witness testified before the hearings here, many businesses in the area rely on the uncommon purity of the water for their livelihood. With that in mind, the bill we crafted provides a valuable resource for the park, while at the same time ensuring that the city's water demands are sufficiently met.

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We expect the Park Service to act in good faith with this community, so that the citizens of Middlesboro will be secure with the knowledge that their water supply source will always be there. I am confident the Park Service will prove to be a valuable and responsible partner in this regard.

Lastly, Mr. Speaker, it cannot be overstated how important this legislation is to the economic well-being of the citizens of rural Appalachian Kentucky. This proposed Federal investment in our rich cultural heritage would certainly bring added tourism revenue and jobs to this impoverished area. Tourism is an essential part of our region's economic development, and we must seize every opportunity to further strengthen this sector.

In conclusion, Mr. Speaker, I want to extend my special gratitude and thanks to everyone who has made this day possible. The committee and the subcommittee have been very forthcoming, the staff has been extraordinarily helpful in this respect, and we appreciate it on both sides of the aisle.

I want to extend a special thanks to Middlesboro Mayor Ben Hickman and County Executive Jennifer Jones, who first brought this idea to my attention, and also Mrs. Karla Bowling, the president of the Bell County Chamber of Commerce, who traveled not just once but twice to this city to provide her expert testimony in support of this bill. We are grateful especially for their service.

Mr. Speaker, I strongly urge passage of this important legislation. I thank Members for their support.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume to just thank the distinguished gentleman from Kentucky. He has brought the wonderful pictures and really laid out all of the reasons why this bill should be supported.

We would also like to add our congratulations on his having passed the transportation appropriations bill with such a broad consensus and such a strong vote.

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

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2238, 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.

RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT AMENDMENT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2115) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington.

The Clerk read as follows:

H.R. 2115

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

SECTION 1. LAKEHAVEN, WASHINGTON, WASTEWATER RECLAMATION AND REUSE PROJECT.

(a) AUTHORIZATION.—The Reclamation Wastewater and Groundwater Study and Fa-

cilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

“SEC. 1635. LAKEHAVEN, WASHINGTON, WATER RECLAMATION AND REUSE PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the Lakehaven Utility District, Washington, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the Lakehaven Utility District.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 1634 the following:

“Sec. 1635. Lakehaven, Washington, Water Reclamation and Reuse Project.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Washington (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, the bill H.R. 2115, as sponsored by the gentleman from Washington (Mr. SMITH), would authorize the Bureau of Reclamation to add the Lakehaven Utility District reclamation projects to its current list of 25 specifically authorized projects under title XVI of the Reclamation Wastewater and Groundwater Study and Facilities Act.

Lakehaven Utility District is proposing a water reclamation program that would result in the reduction or elimination of local secondary wastewater to the Puget Sound, conjunctive use of reclaimed water, groundwater and surface water, and enhancement of existing wetlands and fish habitat.

Lakehaven has two secondary wastewater treatment plants currently discharging over 6 million gallons of water a day to the Puget Sound. They would use reclaimed water to manage groundwater levels, thereby enhancing the reliability of existing water supplies. The project would result in the construction of additional treatment systems at the district's two wastewater treatment plants and would further purify all or portions of the plant's secondary effluent.

Lakehaven is also planning the construction of transmission and distribution pipeline systems to transport water to reuse areas where facilities will be developed to direct the water to the aquifer. This would be done