

CONGRESSIONAL RECORD -- *House*

Wednesday, July 27, 1994

103rd Congress 2nd Session

140 Cong Rec H 6283

**REFERENCE:** Vol. 140 No. 100

**TITLE:** PERSONAL EXPLANATION

**SPEAKER:** MR. GOODLING

**TEXT:** Text that appears in UPPER CASE identifies statements or insertions which are not spoken By a MEMBER of the Senate on the floor.

[\*H6283]

Mr. GOODLING. Mr. Chairman, had I been able to get beyond the White House chains where we had the celebration on the Disabilities Act and, had I gotten one finger held up, as I ran down the aisle over here while the lights were still on, I would not have missed the vote. But had I been here on the Calvert vote, I would have voted "yes. "

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that all debate on the remainder of the bill and all amendments thereto close at 2 p.m. today.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. M c CANDLESS. Mr. Chairman, reserving the right to object, I would like to get an understanding of what the chairman of the committee might have in mind here relative to his request.

The CHAIRMAN. The gentleman's request is that the total time for the debate on this bill and all amendments thereto would be concluded at 2 p.m. today.

Mr. M c CANDLESS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I move that all debate on the remainder of the bill and all amendments thereto close at 2 p.m. today.

The CHAIRMAN. The question is on the motion offered by the gentleman from California (Mr. Miller ).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McCANDLESS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were-ayes 246, noes 179, not voting 14, as follows:

(Roll No. 356)

AYES-246

|                     |              |               |
|---------------------|--------------|---------------|
| Abercrombie         | Ackerman     | Andrews (ME)  |
| Andrews (NJ)        | Andrews (TX) | Applegate     |
| Bacchus (FL)        | Baesler      | Barlow        |
| Barrett (WI)        | Becerra      | Berman        |
| Bevill              | Bilbray      | Bishop        |
| Blackwell           | Bonior       | Borski        |
| Boucher             | Brooks       | Browder       |
| Brown (CA)          | Brown (FL)   | Brown (OH)    |
| Bryant              | Byrne        | Cantwell      |
| Cardin              | Carr         | Chapman       |
| Clayton             | Clement      | Clyburn       |
| Coleman             | Collins (IL) | Collins (MI)  |
| Condit              | Conyers      | Cooper        |
| Coppersmith         | Costello     | Coyne         |
| Cramer              | Danner       | Darden        |
| de la Garza         | de Lugo (VI) | Deal          |
| DeFazio             | DeLauro      | Derrick       |
| Deutsch             | Dicks        | Dingell       |
| Dixon               | Dooley       | Durbin        |
| Edwards (CA)        | Edwards (TX) | Engel         |
| English             | Eshoo        | Evans         |
| Faleomavaega (AS)   | Farr         | Fazio         |
| Fields (LA)         | Filner       | Fingerhut     |
| Flake               | Foglietta    | Ford (MI)     |
| Ford (TN)           | Frank (MA)   | Frost         |
| Furse               | Gejdenson    | Gephardt      |
| Geren               | Gibbons      | Glickman      |
| Gonzalez            | Gordon       | Green         |
| Gutierrez           | Hall (OH)    | Hall (TX)     |
| Hamburg             | Hamilton     | Harman        |
| Hastings            | Hayes        | Hefner        |
| Hinchey             | Hoagland     | Hochbrueckner |
| Holden              | Hoyer        | Hughes        |
| Hutto               | Inslee       | Jacobs        |
| Jefferson           | Johnson (GA) | Johnson (SD)  |
| Johnston            | Kanjorski    | Kaptur        |
| Kennedy             | Kennelly     | Kildee        |
| Kleczka             | Klein        | Klink         |
| Kopetski            | Kreidler     | LaFalce       |
| Lambert             | Lancaster    | Lantos        |
| LaRocco             | Laughlin     | Lehman        |
| Levin               | Lewis (GA)   | Lipinski      |
| Lloyd               | Long         | Lowey         |
| Maloney             | Mann         | Manton        |
| Margolies-Mezvinsky | Martinez     | Matsui        |
| McCloskey           | McCurdy      | McDermott     |
| McHale              | McKinney     | McNulty       |
| Meehan              | Meek         | Menendez      |

|                     |                     |               |
|---------------------|---------------------|---------------|
| Mfume               | Miller (CA)         | Mineta        |
| Minge               | Mink                | Moakley       |
| Mollohan            | Montgomery          | Moran         |
| Murphy              | Murtha              | Nadler        |
| Neal (MA)           | Neal (NC)           | Oberstar      |
| Obey                | Olver               | Ortiz         |
| Owens               | Pallone             | Parker        |
| Pastor              | Payne (NJ)          | Payne (VA)    |
| Pelosi              | Penny               | Peterson (FL) |
| Peterson (MN)       | Pickett             | Pomeroy       |
| Poshard             | Price (NC)          | Quillen       |
| Rahall              | Rangel              | Ravenel       |
| Reed                | Richardson          | Ridge         |
| Roemer              | Romero-Barcelo (PR) | Rose          |
| Rostenkowski        | Rowland             | Roybal-Allard |
| Rush                | Sabo                | Sanders       |
| Sangmeister         | Sarpalius           | Sawyer        |
| Schenk              | Schroeder           | Schumer       |
| Scott               | Serrano             | Sharp         |
| Shepherd            | Sisisky             | Skaggs        |
| Skelton             | Slaughter           | Smith (IA)    |
| Spratt              | Stark               | Stenholm      |
| Stokes              | Strickland          | Studds        |
| Stupak              | Sundquist           | Swett         |
| Swift               | Synar               | Tanner        |
| Taylor (MS)         | Tejeda              | Thompson      |
| Thornton            | Thurman             | Torres        |
| [*H6284] Torricelli | Towns               | Traficant     |
| Tucker              | Underwood (GU)      | Unsoeld       |
| Velazquez           | Vento               | Visclosky     |
| Volkmer             | Washington          | Waters        |
| Watt                | Waxman              | Williams      |
| Wilson              | Wise                | Woolsey       |
| Wyden               | Wynn                | Yates         |

NOES-179

|               |              |              |
|---------------|--------------|--------------|
| Allard Archer | Armey        | Bachus (AL)  |
| Baker (CA)    | Baker (LA)   | Ballenger    |
| Barca         | Barcia       | Barrett (NE) |
| Bartlett      | Barton       | Bateman      |
| Beilenson     | Bereuter     | Bilirakis    |
| Bliley        | Blute        | Boehlert     |
| Boehner       | Bonilla      | Brewster     |
| Bunning       | Burton       | Buyer        |
| Callahan      | Calvert      | Camp         |
| Canady        | Castle       | Clinger      |
| Coble         | Collins (GA) | Combest      |
| Cox           | Crane        | Crapo        |
| Cunningham    | DeLay        | Diaz-Balart  |
| Dickey        | Doolittle    | Dornan       |
| Dreier        | Duncan       | Dunn         |
| Ehlers        | Emerson      | Everett      |
| Ewing         | Fawell       | Fish         |
| Fowler        | Franks (CT)  | Franks (NJ)  |
| Gallegly      | Gallo        | Gekas        |

|                |              |              |
|----------------|--------------|--------------|
| Gilchrest      | Gillmor      | Gilman       |
| Gingrich       | Goodlatte    | Goodling     |
| Goss           | Grams        | Grandy       |
| Greenwood      | Gunderson    | Hancock      |
| Hansen         | Hastert      | Hefley       |
| Hobson         | Hoekstra     | Horn         |
| Houghton       | Huffington   | Hunter       |
| Hutchinson     | Hyde         | Inglis       |
| Inhofe         | Istook       | Johnson (CT) |
| Johnson, E. B. | Johnson, Sam | Kasich       |
| Kim            | King         | Kingston     |
| Klug           | Knollenberg  | Kolbe        |
| Kyl            | Lazio        | Leach        |
| Levy           | Lewis (CA)   | Lewis (FL)   |
| Lewis (KY)     | Lightfoot    | Linder       |
| Livingston     | Lucas        | Machtley     |
| Manzullo       | Mazzoli      | McCandless   |
| McCollum       | McCrery      | McDade       |
| McHugh         | McInnis      | McKeon       |
| McMillan       | Meyers       | Mica         |
| Michel         | Miller (FL)  | Moorhead     |
| Morella        | Myers        | Nussle       |
| Orton          | Oxley        | Packard      |
| Paxon          | Petri        | Pickle       |
| Pombo          | Porter       | Portman      |
| Pryce (OH)     | Quinn        | Ramstad      |
| Regula         | Roberts      | Rogers       |
| Rohrabacher    | Ros-Lehtinen | Roth         |
| Roukema        | Royce        | Santorum     |
| Saxton         | Schaefer     | Schiff       |
| Sensenbrenner  | Shaw         | Shays        |
| Shuster        | Skeen        | Smith (MI)   |
| Smith (NJ)     | Smith (OR)   | Smith (TX)   |
| Snowe          | Solomon      | Spence       |
| Stearns        | Stump        | Talent       |
| Tauzin         | Taylor (NC)  | Thomas (CA)  |
| Thomas (WY)    | Torkildsen   | Upton        |
| Vucanovich     | Walker       | Walsh        |
| Weldon         | Whitten      | Wolf         |
| Young (AK)     | Young (FL)   | Zeliff       |
| Zimmer         |              |              |

NOT VOTING-14

|              |          |          |
|--------------|----------|----------|
| Bentley Clay | Dellums  |          |
| Fields (TX)  | Herger   | Hilliard |
| Hoke         | Markey   | Molinari |
| Norton (DC)  | Reynolds | Slattery |
| Valentine    | Wheat    |          |

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Mr. EWING changed his vote from "aye" to "no."

Mrs. KENNELLY changed her vote from "no" to "aye."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The motion agreed to is that all debate on this bill and its printed amendments will conclude at 2 p.m. today.

AMENDMENT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Vucanovich: At the end of the bill, add the following new section:

"SECTION 703. FOREIGN MINERAL DEPENDENCE.

The Secretary shall waive any provision of this Act, in whole or in part, if such provision is determined to require importation of any mineral from any foreign nation in excess of 90 percent of 1992 domestic consumption. Such determination shall be made within one year of enactment of this Act by the Director of the Bureau of Mines, Department of the Interior, who shall consider all alternatives for these minerals."

Mrs. VUCANOVICH. Mr. Chairman, I have an amendment to title VII of H.R. 518 which was printed in the Record on my behalf by Mr. Lewis of California, concerning the provisions of the California Desert Protection Act and our Nation's dependency on mineral imports from foreign nations.

Mr. Chairman, my amendment would protect our Nation's strategic interests by simply requiring the Director of the Bureau of Mines to determine whether or not provisions of H.R. 518, if enacted, are causing the U.S. dependency on foreign imports to exceed 90 percent of our domestic consumption of any mineral product.

Mr. Chairman, I have here a graph prepared from the U.S. Bureau of Mines annual summary of mineral commodities which depicts our net import reliance on selected nonfuel minerals for 1993. For some commodities such as bauxite, the ore of aluminum, graphite, manganese and the high-tech minerals, strontium and niobium, we were 100 percent dependent upon foreign sources for our domestic consumption last year. For industrial diamonds and asbestos, we were over 95 percent dependent on foreign sources. For platinum group metals used in catalytic converters in automobiles and other pollution controlling devices the United States imported 88 percent of its needs. Chromium and tungsten are steel-hardening agents for which we were over 82 percent dependent upon imports, as we were likewise for tin and fluorspar, the ingredients for the ubiquitous additive in toothpaste, stannous fluoride.

And the list goes on and on. I might add that gold and silver are not on it however, because of successful exploration for and development of mines in my State and in the California desert, such as the Castle Mountain Mine for which the boundary of the proposed East Mojave Preserve was modified to exclude reserves for future years production. That was the amendment offered by my colleague from Nevada, and second degree amended by Chairman Miller to do likewise for mining claims adjacent to the Mountain Pass rare-earth mine astride Interstate Highway 15.

I supported those boundary adjustments as necessary to protect identified reserves for future mining at those active mining operations, and I am appreciative that the authors of this bill came around to this same conclusion, albeit not during mark-up in the Natural Resources Committee. Likewise, both this bill and the one passed by the other body make a boundary

adjustment in the Panamint Range to exclude from **wilderness** designation a couple of identified deposits of disseminated gold. I note President Bush's recommendation was to declare those lands not suitable for **wilderness** status anyway, but H.R. 518 would put them into the system regardless.

Nonetheless, the amendment before us now remains necessary because the authors of this bill have not agreed to exclude from conservation units they would create in this bill many hundreds to thousands of mining claims that contain the potential to supply domestic needs for minerals. And that's just lands sufficiently prospected to date to be deemed worthy of claim-staking.

Certainly, much of the area remains unknown geologically in the detail necessary to delineate orebodies. The U.S. Geological Survey and the Bureau of Mines have done studies in some **wilderness** study areas within the area swallowed up by H.R. 518, but not for all of them by any means. Why? Because the Department of the Interior decided a decade ago to study on-the-ground only those WSA's which were initially recommended suitable for inclusion in the **Wilderness** Preservation System. For those WSA's for which other factors lead to the recommendation to Congress to not put them into **Wilderness** the budget did not support detailed mineral surveys. Consequently, because H.R. 518 would put into **wilderness** many areas recommended unsuitable for such status, passage of this bill will ensure inclusion of undiscovered mineral deposits for which neither Government geologists nor private prospectors have had opportunity to assess.

Mr. Chairman, the Bureau of Mines did complete an investigation of mineral potential in the East Mojave area of the desert in 1991. That review looked only at mineral prospects already identified-some 701 occurrences-and filtered those down to 24 deposits for which mines were existing or could be profitably mined in the near future. The Bureau went on to analyze the impact of restrictions to development of just those 24 deposits and determined that setting aside the area as a National Park would likely leave two billion dollars of undeveloped resources in the ground. And, Mr. Chairman, that is assuming the protection of valid existing rights to develop the deposits at existing mines.

Now, the Committee of the Whole has voted to make the area a preserve, not a park, but it would remain off-limits to mineral development nonetheless, so [\*H6285] this assessment of economic impact remains valid today. But, even this huge impact is understated. The Bureau said "the greatest impact of restrictions on mining relate to the untapped potential." Mr. Chairman, that means the undiscovered mineral resources we can only speculate must exist in this highly mineralized piece of the Earth's crust.

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The CHAIRMAN. The time of the gentlewoman from Nevada (Mrs. Vucanovich ) has expired.

Mr. McCANDLESS . Mr. Chairman, I ask unanimous consent that the gentlewoman from Nevada (Mrs. Vucanovich ) be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MILLER of California. Mr. Chairman, I reserve the right to object.

PARLIAMENTARY INQUIRY

Mr. M c CANDLESS. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. M c CANDLESS. Mr. Chairman, it is my understanding that the motion passed to limit debate

to a period not to exceed 2 o'clock on all amendments, et cetera.

The CHAIRMAN. The gentleman is correct.

Mr. McCANDLESS. Mr. Chairman, it would appear to me that the gentlewoman from Nevada (Mrs. Vucanovich ) would certainly be entitled, under that rule, for a 3-minute extension to here remarks.

The CHAIRMAN. The request of the gentleman from California (Mr. McCandless ) requires unanimous consent. The Committee is operating under the 5-minute rule.

Mr. MILLER of California. Mr. Chairman, reserving the right to object, the only reason I object is to know, since we do have a time limit, whether the gentleman's side is going to have other amendments or time for other Members to speak, or how he is going to handle this?

Mrs. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, from my position, I would be happy to explain to the gentleman from California (Mr. Miller ) that I have probably less than 1 minute.

Mr. MILLER of California. Mr. Chairman, reserving the right to object, I am trying to get some information as to how the gentleman anticipates the time being apportioned. Most of the amendments, if not all, are the gentleman's amendments. I just did not know if Members were aware of the overall time limit and that the clock is now running down.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, my response, if I understand the gentleman's question correctly, is that irrespective of whether the gentleman yields on the unanimous-consent request or not, or other factors that might follow, the limit for debate is 2 o'clock, irrespective, if I understood the motion the gentleman made earlier.

Mr. MILLER of California. That is correct.

Mr. McCANDLESS. Mr. Chairman, that would mean that the 3 minutes that the gentlewoman from Nevada (Mrs. Vucanovich ) is asking to have would come out of that time between now and 2 o'clock.

Mr. MILLER of California. Mr. Chairman, if that is all right with the minority, that is fine. The gentleman from California (Mr. McCandless ) has the most speakers.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the gentlewoman from Nevada (Mrs. Vucanovich ) is recognized for 3 additional minutes.

There was no objection.

Mrs. VUCANOVICH. Mr. Chairman, the U.S. Geological Survey, in Circular No. 1024 of 1989, listed these metals commodities as having been produced from the desert in the past: antimony, bismuth, cadmium, gold, iron, lead, lithium, manganese, magnesium, mercury, rare-earths, tin, tungsten, uranium, vanadium, and zinc. A to Z. In addition nonmetallic minerals include borates,

rare-earths, sand, gravel, pumice, cinders, limestone, and clay.

My amendment is a reasonable step to assure some semblance of regard for our national interest in having domestic supplies of mineral commodities our society demands. I merely seek to have the Director of the Bureau of Mines report to Congress, within 1 year of enactment-I do not seek delay, whether or not the act would put us beyond the 90-percent threshold on this chart if the parks, preserves, and **wilderness** so designated are forcing foreign mineral dependency. Do I believe the trigger of this amendment will be pulled? No, its not very likely. But neither is it likely a subsequent Congress will undo the designations in this bill which could prompt increased import dependency. So why not put in this provision and let a future Congress override it if they think necessary?

Mr. Chairman, my friend, the gentleman from Youngstown, OH, is a true champion of the Buy-America Act. Well, this amendment is nothing more than the explicit application of that philosophy to our natural resources. I urge his support and the support of all our colleagues for the Lewis amendment.

Mr. Chairman, I include for the Record a chart setting forth the 1993 net import reliance of selected nonfuel mineral materials as a percent of apparent consumption:

SEE HARDCOPY TEXT FOR TABLE DATA

Mr. HANSEN. Mr. Chairman, I rise in strong support of the Vucanovich amendment dealing with foreign mineral dependence.

This Congress is constantly debating ways to increase our ability to compete in the world marketplace and reduce our foreign trade deficit. Members on both sides of the aisle agree we must make progress in these areas to improve our own economy.

As the chart of the gentlewoman from Nevada (Mrs. Vucanovich ) indicates, the United States is already over 100 percent dependent on foreign sources for such important minerals as bauxite, graphite, and managanese. We are over 90 percent dependent on foreign sources of industrial diamonds.

As this country painfully learned from our experience in the 1970's with OPEC, foreign dependence on natural resources can have devastating impacts on our fragile economy.  
[\*H6286]

The Vucanovich amendment merely empowers the Secretary of the Interior to waive any provision of this act which results in the United States becoming over 90 percent dependent on foreign sources for any mineral. With rapidly changing technologies and their resulting new demands on resources, we must assure that this act does not impede our ability to compete in the world marketplace. We must assure flexibility that we can produce important minerals for our Nation's future.

Mr. Chairman, I urge my colleagues to support the Vucanovich amendment.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

(Mr. HUNTER asked and was given permission to revise and extend his remarks.)

Mr. HUNTER. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from Nevada (Mrs. Vucanovich ). I think this is an amendment that is very, very important from a national defense perspective. There are a large number of items, of minerals and metals, that come from the California desert that are considered to be critical to our national defenses. Those are metals like chromium and tungsten and other materials that are used to



make jet engines, to make other militarily critical items. I would like to review very briefly what some of these are.

The gentlewoman has talked about bauxite and aluminum. We are now 100 percent dependent on foreign sources for those.

For manganese, we are 100 percent dependent, presently, on foreign sources for that particular item. Yet, the desert is known to have those resources.

Tungsten is another item that is of militarily critical use to us. We are 85 percent dependent on foreign sources. Let me list some of the foreign sources we are dependent upon: China, Bolivia, the Federal Republic of Germany, and Peru. They are the major suppliers of tungsten.

Tin, we are 73 percent dependent on Brazil, Bolivia, China, Indonesia, Malaysia.

Antimony, we are 58 percent foreign-dependent, and those suppliers are China, Mexico, the Republic of South Africa, and Hong Kong.

Cadmium, we are 49 percent foreign-dependent on Canada, Mexico, Australia, and the Federal Republic of Germany.

Think, we are 34 percent foreign-dependent on Canada, Mexico, Peru, Spain, and we go down the line, Mr. Chairman.

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The point is that the California desert has supplies and deposits of these militarily critical materials and unless we make an inventory of what we have, which is essentially what the gentlewoman is asking us to do, we are not going to be able to determine whether or not we have supplies that might be necessary to the Nation's defenses should we at some point be cut off from this foreign supply. That is the genesis or the justification for maintaining a national defense stockpile. Those items I listed are on the national defense stockpile.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, I feel it essential to bring to Members' attention a matter that is critical to what we are doing today in the world of computers, and that is rare earths. There is a goodly deposit of rare earths that is included in the modified Joshua Tree boundary lines. Rare earth is something we kind of have to explain. What it is, is an element of the process by which we ultimately develops computer chips and other components for electrical activity. I cannot overemphasize the importance of such things as this, irrespective of whether they are or are not in a **wilderness** area, whether they are or are not in the Joshua Tree National Monument, or whatever it ends up being. The gentleman speaking is graphically illustrating what it is that we have to have in the way of resources if we are going to continue to build our economy and offset our deficit of trade.

Mr. HUNTER. Mr. Chairman, I would conclude by saying we are talking about basically locking up 7 million acres. We are doing that without taking the most basic of commonsense actions and, that is, to make a little inventory of what we have. Particularly, the gentlewoman's amendment goes to requiring the Director of the Bureau of Mines to determine whether or not provisions of this bill, if enacted, would cause the United States' dependency on foreign imports to exceed 90 percent of the domestic consumption of any such mineral product. That is common sense. It is something that is important. It has been stated by the other side, the proponents of this bill, that we are stewards of our natural resources and that is the reason that Members of the House

should support this desert bill. We are also stewards of national security. For that reason, everyone in the House should support the gentlewoman's amendment. I thank her for offering it and I urge its full support.

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, the bill the Members have been talking to is not included in the amendment that has been proposed by the gentlewoman. That we have critical minerals is a fact but this amendment before us does not talk about critical or strategic minerals. It says any mineral. That is the language of the amendment, any mineral from any foreign nation in excess of 90 percent of 1992 domestic consumption. It starts off by saying the Secretary shall await any provision of this act in whole or in part if such provision is determined to require importation of any mineral beyond that 90 percent number that we have. That is what the amendment says. There is nothing in here about an inventory of what is available, the sort of reasoned arguments that are being made, or about a report to Congress. This provides for the unilateral action by the Secretary of Interior under the advice of the Bureau of Mines to open up the California Desert Act, and he shall do it, not maybe, but shall do it. That is what this amendment provides.

What is the effect of it? Read your amendment. Members well know that any mineral, it could be a list of the strategic ones we talked about, but what is mined there today? Sand, gravel, talc. Remember 20 Mule Team Borax? These are the strategic minerals. Is there some shortage of talc that occurs that causes us to then undo the provisions, any provision of this act? Eight million acres of **wilderness** is designated. Four million acres of parkland is designated in this act. And we are going to undo it because we have some sort of a critical shortage of talc or borax? I guess it might be a crisis someplace. Not enough for stone-washed jeans.

The point is, this amendment undoes the designations that occur here with regard to **wilderness**. It does it in a unilateral way. In fact, of course, the boundaries of these **wilderness** areas, the boundaries of these parks are looked at as based on the information we have. Do we have enough information? Probably not. Will we ever have enough information? Probably not. Are we using the information that we have? Absolutely, in terms of making decisions in 1994. That is what we use. We have excluded claims. The gentleman from California that has been interested in this most specifically in this Congress (Mr. Lehman ) has attempted, the Members of the other body, the Senate, have avoided this. They try to avoid claims and patents of areas. In fact what about the public lands and how they are being used today in terms of what the cost is? What about something called due diligence? Just speculative claims does not do it. It does not get us there. Of course if we look across the landscape at the public lands, we find it is a scandal. That is why we are in conference and the gentleman from California (Mr. Miller ) and the gentleman from South Dakota (Mr. Johnson ) are working to try to come up with a decent mineral law, rather than one that exploits and destroys the land in this country. Yet this amendment would put them before everything else and any other use. It is wrong. This amendment ought to be defeated and I urge my colleagues to defeat it.

Mr. CALVERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, mining is a major industry in my State and district-and, [\*H6287] it is a major source of wealth for the entire country.

The minerals which exist below the surface of our Earth are not merely ornamental. There is more than just gold and silver in them there hills. There are bauxite, graphite, tungsten, and many other minerals of tremendous strategic importance.

And, there are minerals which have uses we have yet to discover-minerals which may contain substances that will provide a cure for cancer, heart disease, AIDS or other horrible diseases.

Mr. Chairman, let us not lock up potential miracles. Let us not lock up our mineral wealth.

I urge a "yes" vote on the Lewis-Vucanovich amendment.

Mr. LEHMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise as chairman of the Subcommittee on Energy and Mineral Resources to oppose this amendment. I must tell Members the other night, I was reading from an old Congressional Record about the battle over the creation of Yosemite National Park in my district. The same type of argument we are hearing here was brought up at the creation of that great national treasure's legislation which protected it, an attempt to say that one certain value here is more important than anything else or than the legitimate public interest is.

Mr. Chairman, this amendment is as mischievous as the last one was. It takes away all discretion from the Secretary with respect to his ability to make decisions on these lands. It says he shall waive any provision of the act. It does not say he may waive it, it does not say he may take anything else into consideration except the narrow provisions here. It ignores the fact that in putting this legislation together, we have excluded from the boundaries of the **wilderness** areas all operating mines. There are no operating mines within the boundaries of any **wilderness** area under this act. We have gone out of our way in every instance in fact to go beyond that where mining interests have had legitimate claims outside the boundaries to give them rights in those cases as well. It has not come to our attention at any time over the debate on this bill that there is any kind of mineral that is in the national interest that we ought to move and try to protect. Indeed, we certainly would have done that had it come to our attention, but it is not the case here. This is just an attempt to prevent this legislation from going forward.

As the gentleman from Minnesota (Mr. Vento ) just indicated, though the talk we hear on the floor is about protecting strategic minerals and things that might be vital to our national defense, that is not mentioned at all in this amendment. This amendment would apply to any minerals at all, to any kind of substance and not limit it to those that might have some strategic importance or value. That is certainly not the intent of the legislation.

The intent of the legislation is not to protect strategic minerals. The intent of the legislation is to undo the legislation that is before us. I think we should reject the amendment and get on with passage of the bill.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from Minnesota.

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Mr. VENTO. I thank the gentleman for his work and I know his efforts. He has been very concerned about patented claims that exist within the Mojave and other areas. But I think the one thing wrong with this amendment, if it were adopted, is you would have to change the name of the California Conservation Act to the California Mining and Exploitation Act. So it is an amendment that needs some correction, that is right.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentlelady from Nevada (Mrs. Vucanovich ). I would like to thank Mrs. Vucanovich for her leadership in dealing with the complex issues involved in reforming the mining law of 1872. She is truly an expert in this field.

This is a commonsense amendment. It simply states that if the United States becomes too dependent on minerals from foreign sources, certain provisions of this legislation could be

waived.

The reason this amendment is common sense is because there are a multitude of different minerals in the east Mojave Desert. In fact, according to the report completed by the Bureau of Mines study entitled "Minerals in the East Mojave," there are 701 mineral occurrences in the east Mojave. Of these, 24 are profitable deposits. However, the untapped mineral potential in the east Mojave is phenomenal.

Unfortunately, under the Feinstein-Miller-Lehman bill we may never realize this potential. However, Mr. Miller and Mrs. Feinstein have said that all valid and existing rights are protected, no mines will be put out of business, and existing mines can still operate under the Mining in the Parks Act. If that is the case, why not adopt this amendment?

Please allow me to step back just a bit. I presume Mr. Miller is familiar with Pluess-Staufner, Inc. of California?

Pluess-Staufner's claims in the east Mojave represent the largest known deposit of high purity and high brightness calcium carbonate deposits in the Western United States. The claims held by Pluess-Staufner's limestone deposits have a gross value of over \$ 6 billion at today's market price.

Pluess-Staufner has invested over \$ 400,000 to develop these claims. They should be allowed to proceed with the permitting process. This process guarantees that their project complies with all environmental regulations.

If this legislation is implemented in its current form, the 80 employees at the Pluess-Staufner site in Lucerne Valley who earn approximately \$ 20 per hour will be out of work. Contrary to what Mrs. Feinstein and Mr. Miller say, this bill will cost jobs. Just ask the employees at Pluess-Staufner.

I urge my colleagues to support the Vucanovich amendment. Let's not be put in the position of being totally dependent on foreign sources for our minerals-including strategic minerals which are critical to our national defense effort.

Keep in mind that the only other source outside the California desert that we have for rare earth minerals is the People's Republic of China.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, once again we are confronted with an amendment that goes far beyond the bounds that those who have spoken on behalf of it have suggested.

This amendment allows the Secretary to waive any provision of this act if any mineral is found that we are 90 percent dependent on. I do not know if that means for a single nation or a group of nations.

Mr. Chairman, I have spoken before and opposed such things as NAFTA, the trade act, and now provisions to extend NAFTA to China, to major mining companies so that we can engage in trade. We have GATT coming up that extends to mining activities and minerals. We have American companies that are seeking to mine in China, and Indonesia and everywhere else. Now somehow because of those actions which you want to give, what you want to give is the Director of the Bureau of Mines the right to waive any provision of this bill, to devastate the **wilderness** in this bill, to devastate the national parks based upon the finding of any mineral, not whether it is important to the United States, not whether it is critical to military needs, not whether it is strategic to the interests of this country, because the authors of this amendment know in fact those minerals are not present in the desert. And if they are, if they are being mined in the

desert, they are grandfathered in. Those mines continue to exist. This committee has gone forward to see that that happens.

We have an ambiguous situation where the gentleman from California has written to me to ask me to work that out in conference, and I told them that I would try to do that, because minerals are not threatened, because we allow them to continue. So what is really going on here?

This is what we have seen in the last several amendments, to try to do indirectly what they cannot do directly, [\*H6288] because the people of California overwhelmingly support the creation of these parks, Congress overwhelmingly supports it, and we have seen when we voted on this in the past, when we turned down these kinds of amendments, now to simply give blanket authority to override the **Wilderness** Act, to override the national park programs on the basis of some minerals that may be there sometime, let the Secretary come forward and tell this to the Congress, and let us not pretend that if the Secretary waived this and the Director of Minerals made this recommendation that that mine would be up and running in any short period of time. That is why we have stockpiles of strategic materials and minerals. That is why we have a petroleum reserve. That is why we have a stockpile of critical resources, so we can meet those needs.

The gentleman in the well recently said that Bolivia, Germany, and China were responsible for one of the minerals on the list where we are already 100 percent dependent. The point being that is a decision that this country and this Congress have already made, previous administrations have made, that they have encouraged those imports into this country, encouraged those companies to go to work, American companies to work in those foreign lands. The fact is if all of those countries get together in a consortia to cut off our minerals, then there is something going on in the world that is far larger than this act.

But the point is this: We have had the Geological Survey look at this, the National Academies have looked at this, and the probability of finding any commercial or strategic minerals is de minimis, it is essentially de minimis. Why? Because we have had ; people that have been exploring and that have been looking, and those who have found them are grandfathered in.

The gentlewoman keeps putting forward the amendment saying they are going to do a little inventory and submit a report, but the fact is there is nothing in the amendment about that, and the amendment provides for a waiver of every provision in this act that sets up these national parks in the California desert, and it is essentially to override what the Congress is going to do here and what the people of California, all of the people in the State of California have supported in our efforts to do, and that is to manage these resources on a multiple-use basis so that they can be preserved for the future.

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This would put any mineral in advance of all of those other interests of the desert lands and the people of the State of California.

This amendment should be rejected, just as the last amendment was rejected, because it is simply an effort to try to delay or destroy the designation of these areas as **wilderness**, as parks, and to do again what they cannot do, and that is to kill this legislation.

Mr. VENTO. Will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

I would just like to point out, and I concur, of course, with the chairman's comment, and this

requires the action. But the point is the Congress can, and the Congress has, modified **wildernesses** to deal with problems that occur, has modified parks to deal with problems that occur, where there are mines occurring in parks, where there are active mines and **wilderness**, where there are claims, and we could act.

The question here is not to turn this over to a unilateral, unelected bureaucrat in the Department of Interior who may or may not have the best interests of the areas and the American people at heart.

The CHAIRMAN. The time of the gentleman from California (Mr. Miller ) has expired. (By unanimous consent, Mr. Miller of California was allowed to proceed for 2 additional minutes.)

Mr. LEHMAN. Will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. LEHMAN. Mr. Chairman, I just point out that at the present time Joshua Tree and Death Valley National Monuments are managed by the Secretary of the Interior, and this amendment, if passed, would apply a new standard in those areas that is not present now and would allow the opening up of those areas to mineral activity that has been excluded there for about half a century. It does great harm to those two national treasures, Joshua Tree and Death Valley, and I urge its defeat.

Mr. MILLER of California. I appreciate the gentleman's remarks.

That is the point. This amendment is an attempt to stand on its head the previous actions of this Congress, the current action that we are currently debating, and the fact is it does not require any kind of finding. It is simply a determination. It does not require a public process to go through this.

All of a sudden you can find the acts of this Congress and previous acts can be waived because one mineral somewhere was found to be in 90 percent of excess of domestic consumption.

Mr. VENTO. If the gentleman will yield further, this act covers certain military withdrawals. There has been an active problem between mining and the military reservations, and this amendment would provide for the mining of materials in military reservations and withdrawn areas in this act, and it would give the authority to the Secretary of the Interior to make that decision, not the President, not in consultation with the Department of Defense. It would be the Secretary of Interior in charge of those military reservations.

Mr. MILLER of California. I thank the gentleman for his point.

I hope our colleagues will reject this amendment. It is very, very bad policy and, again, it is an effort to kill this legislation, not to try to do, as we have done in the committee, as we have done on the floor, to accommodate those legitimate ongoing mining operations so they can continue. They are all taken care of in this legislation.

This is way beyond that. The agenda here is to kill this legislation, to kill the designation of these parks, and we should reject this amendment.

MR. RAHALL. MR. CHAIRMAN, I RISE IN OPPOSITION TO THIS AMENDMENT.

THIS AMENDMENT REPRESENTS A THINLY DISGUISED EFFORT TO UNDERMINE THE **WILDERNESS** AND PARK DESIGNATIONS OF THIS LEGISLATION.

LET ME REMIND MY COLLEAGUES THAT WE SAW A SIMILAR TYPE OF AMENDMENT LAST

NOVEMBER DURING DEBATE ON LEGISLATION TO REFORM THE MINING LAW OF 1872.

AT THE TIME, AN AMENDMENT WAS OFFERED TO WAIVE PROVISIONS OF THE BILL IF THE DEFENSE DEPARTMENT DETERMINED THERE IS A NATIONAL SECURITY NECESSITY TO ENSURE A SUFFICIENT SUPPLY OF STRATEGIC AND CRITICAL MINERALS.

THAT AMENDMENT, RIGHTLY SO, WAS DEFEATED.

SUBSEQUENT TO THAT VOTE, IT WAS REVEALED BY THE CLEVELAND PLAIN DEALER THAT THE AMENDMENT COULD HAVE BENEFITED A CLEVELAND-BASED MINING COMPANY THAT PURPORTEDLY IS SEEKING TO OBTAIN TITLE TO FEDERAL LANDS-IN THE FORM OF MINING CLAIM PATENTS-CONTAINING BERYLLIUM ORE WORTH UP TO \$ 15 BILLION \* \* \* FOR A MERE \$ 26,487.

And what does the Pentagon have to say? They want to sell 24,221 tons of beryllium materials they already have stockpiled.

Yet, today, this same type of amendment has been reconfigured to the pending legislation.

In this case, however, the Defense Department does not even get to make a national security call on whether or not the minerals are needed.

Rather, it is the Bureau of Mines.

The Defense Department could be sitting on tons of a given mineral, and may be trying to sell those minerals, yet if the Bureau of Mines says that if we are importing a certain percentage of that mineral, the **wilderness** and park designations contained in this bill could be waived.

Let us not forget that we have in this country a strategic and critical materials stockpile to address the national security needs of the Nation as it relates to mineral dependency.

And so I urge the defeat of this amendment. It is completely without justification.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Mrs. Vucanovich ).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title VII?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment in the nature of a substitute. [\*H6289]

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Lewis of California:

-Strike all after the enacting clause and insert the following: That this Act may be cited as the "California Desert and Employment Preservation Act of 1994". Sec. 2. The Congress finds that-

(a) many areas of undeveloped public land in California and one parcel in Washoe County, Nevada, administered by the Bureau of Land Management have outstanding natural characteristics that give them high value as **wilderness** and that can, if properly managed, serve as an enduring resource of **wilderness** for the benefit of the American people;

(b) it is in the national interest that these areas be promptly designated as components of the National **Wilderness** Preservation System in order to preserve and maintain them as an enduring resource of **wilderness** to be managed to promote and perpetuate their **wilderness** character and their specific multiple values for natural systems biodiversity, watershed preservation, wildlife habitat protection, scenic and historic preservation, scientific research and education use, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of present and future generations of the American people; and

(c) certain areas of public lands located in Inyo and Riverside Counties, California are appropriate for transfer from the Bureau of Land Management to the National Park Service as additions to the Death Valley and Joshua Tree National Monuments. Sec. 3. (a) As used in this Act, the term "public lands" shall have the same meaning as defined in section 103(e) of the Federal Land Policy and Management Act of 1976.

(b) As used in this Act the term "Secretary" means the Secretary of the Interior. Sec. 4. (a) In furtherance of the purposes of the **Wilderness** Act, the following public lands are hereby designated as **wilderness**, and therefore, as components of the National **Wilderness** Preservation System:

(1) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately fifteen thousand eight hundred and ninety-seven acres, as generally depicted on a map entitled "Owens Peak Proposal", dated June 1988 (CA-1-026).

(2) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately ten thousand seven hundred and twenty-one acres, as generally depicted on a map entitled "Sacatar Meadows Proposal", dated June 1988 (CA-010-027).

(3) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately twenty-eight thousand two hundred and ninety-one acres, as generally depicted on a map entitled "Southern Inyo Proposal", dated June 1988 (CA-010-056).

(4) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately one thousand nine hundred and eighty-three acres, as generally depicted on a map entitled "Pinnacles Proposal", dated June 1988 (CA-040-303).

(5) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately seven thousand four hundred and forty-three acres, as generally depicted on a map entitled "Pit River Canyon Proposal", dated June 1988 (CA-020-103).

(6) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately seven thousand eight hundred and eighty-nine acres, as generally depicted on a map entitled "Tunnison Mountain Proposal", dated June 1988 (CA-020-311).

(7) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately thirty-seven thousand and fifty-five acres located in Lassen County, California, and five hundred and eighty-nine acres located in Washoe County, Nevada, as generally depicted on a map entitled "Skedaddle Proposal", dated June 1988 (CA-020-612). However, the designation of the Skedaddle **Wilderness** Area will in no way be construed or used to restrain current or future activities associated with the adjacent Sierra Army Depot.

(8) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately one thousand one hundred and sixty-one acres, as generally depicted on a map entitled "South Warner Proposal", dated June 1988 (CA-020-708).

(9) Certain public lands in the Ukiah District of the Bureau of Land Management, California,



which comprise approximately four thousand one hundred and forty-three acres, as generally depicted on a map entitled "Chemise Mountain Proposal", dated June 1988 (CA-050-111).

(10) Certain public lands in the Ukiah District of the Bureau of Land Management, California, which comprise approximately twenty thousand two hundred and forty-eight acres, as generally depicted on a map entitled "King Range Proposal", dated June 1988 (CA-050-112).

(11) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately three hundred and forty-four acres, as generally depicted on a map entitled "Agua Tibia Proposal" dated June 1988 (CA-060-002).

(12) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-two thousand eight hundred and seventy-five acres, as generally depicted on a map entitled "Sawtooth Mountains Proposal", dated June 1988 (CA-060-024B).

(13) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifteen thousand four hundred and eight acres, as generally depicted on a map entitled "Carrizo George Proposal", dated June 1988 (CA-060-025A).

(14) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately four thousand three hundred and twenty-three acres, as generally depicted on a map entitled "Western Otay Mountain Proposal", dated June 1988 (CA-060-028).

(15) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately six thousand seven hundred and eighty-three acres, as generally depicted on a map entitled "Southern Otay Mountain Proposal", dated June 1988 (CA-060-029).

(16) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately three hundred ninety-two thousand six hundred forty-three acres, as generally depicted on a map entitled "Saline Valley Proposal", dated June 1988 (CDCA-117). Of this acreage approximately thirty thousand two hundred and ninety-five acres are added to the National Park System pursuant to section 4(a)(1) of this Act.

(17) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately two thousand one hundred and fifty-four acres, as generally depicted on a map entitled "Lower Saline Valley Proposal", dated June 1988 (CDCA-117A).

(18) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty five thousand seven hundred and ninety-two acres, as generally depicted on a map entitled "Little Sand Spring Proposal", dated June 1988 (CDCA-119A). All of this acreage is hereby added to the National Park System pursuant to section 4(a)(1) of this Act.

(19) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty eight thousand three hundred and ninety-two acres, as generally depicted on a map entitled "Inyo Mountains Proposal", dated June 1988 (CDCA-122).

(20) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty thousand and thirty acres, as generally depicted on a map entitled "Hunter Mountain Proposal", dated June 1988 (CDCA-123).

(21) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately ninety thousand six hundred and twenty-six acres, as generally depicted on a map entitled "Panamint Dunes Proposal", dated June 1988 (CDCA-127).

(22) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fourteen thousand and seventy-nine acres, as generally depicted on a map entitled "Wild Rose Canyon Proposal", dated June 1988 (CDCA-134).

(23) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty four thousand five hundred and thirty-six acres, as generally depicted on a map entitled "Slate Range Proposal", dated June 1988 (CDCA-142).

(24) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty three thousand four acres, as generally depicted on a map entitled "Funeral Mountains Proposal", dated June 1988 (CDCA-143). Of this acreage approximately fifteen thousand seven hundred and seventy-eight acres are added to the National Park System pursuant to section 4(a)(1) of this Act.

(25) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty two thousand eight hundred and eleven acres, as generally depicted on a map entitled "Greenwater Valley Proposal", dated June 1988 (CDCA-148).

(26) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately seventy nine thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Nopah Range Proposal", dated June 1988 (CDCA-150).

(27) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately one hundred twenty one thousand nine hundred and twelve acres, as generally depicted on a map entitled "Owlshead Mountains Proposal", dated June 1988 (CDCA-156).

(28) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately [\*H6290] thirty two thousand one hundred and twenty-five acres, as generally depicted on a map entitled "Little Lake Canyon Proposal", dated June 1988 (CDCA-157).

(29) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty six thousand one hundred and thirteen acres, as generally depicted on a map entitled "Owens Peak Proposal", dated June 1988 (CDCA-158).

(30) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirteen thousand nine hundred and eighty-six acres, as generally depicted on a map entitled "El Paso Mountains Proposal", dated June 1988 (CDCA-164).

(31) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty nine thousand one hundred and thirteen acres, as generally depicted on a map entitled "Golden Valley Proposal", dated June 1988 (CDCA-170).

(32) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty thousand two hundred and ninety-one acres, as generally depicted on a map entitled "Newberry Mountains Proposal", dated June 1988 (CDCA-206).

- (33) Certain public lands in the California Desert District of the Bureau of Land Management California, which comprise approximately seventeen thousand six hundred and thirty acres, as generally depicted on a map entitled "Rodman Mountains Proposal", dated June 1988 (CDCA-207); .
- (34) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately eleven thousand six-eight acres, as generally depicted on a map entitled "Bighorn Mountains Proposal", dated June 1988 (CDCA-217); .
- (35) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately six thousand four hundred and ten acres, as generally depicted on a map entitled "Morongo Proposal", dated June 1988 (CDCA-218).
- (36) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately eleven thousand one hundred and sixty-nine acres, as generally depicted on a map entitled "Whitewater Proposal", dated June 1988 (CDCA-218A).
- (37) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-four thousand three hundred and sixty-nine acres, as generally depicted on a map entitled "Kinston Range Proposal", dated June 1988 (CDCA-222).
- (38) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-one thousand seven hundred and one acres, as generally depicted on a map entitled "Cinder Cones Proposal", dated June 1988 (CDCA-239).
- (39) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-six thousand four hundred and five acres, as generally depicted on a map entitled "Kelso Dunes Proposal", dated June 1988 (CDCA-250).
- (40) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-three thousand two hundred and thirty-two acres, as generally depicted on a map entitled "Bristol/Granite Mountains Proposal", dated June 1988 (CDCA-256).
- (41) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-four thousand two hundred and thirty-eight acres, as generally depicted on a map entitled "South Providence Mountains Proposal", dated June 1988 (CDCA-262).
- (42) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-nine thousand six hundred and eighty-one acres, as generally depicted on a map entitled "Providence Mountains Proposal", dated June 1988 (CDCA-263).
- (43) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-three thousand five hundred and nineteen acres, as generally depicted on a map entitled "Castle Peaks Proposal", dated June 1988 (CDCA-266).
- (44) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-four thousand eight hundred and fifty-four acres, as generally depicted on a map entitled "Fort Piute Proposal", dated June 1988 (CDCA-267).
- (45) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately one hundred sixteen thousand four hundred and eighty

acres, as generally depicted on a map entitled "Turtle Mountains Proposal", dated June 1988 (CDCA-307).

(46) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately sixty-one thousand eight hundred and fifty-three acres, as generally depicted on a map entitled "Chemehuevi Mountains Proposal", dated June 1988 (CDCA-310).

(47) Certain public lands in the Yuma, Arizona District of the Bureau of Land Management, located in California, which comprise approximately nine hundred and thirty-eight acres, as generally depicted on a map entitled "Chemehuevi/Needles Addition Proposal", dated June 1988 (AZ-050-004).

(48) Certain public lands in the California Desert District of the Bureau of Land Management, located in California, which comprise approximately seventy two thousand sixty-three acres, as generally depicted on a map entitled "Whipple Mountains Proposal", dated June 1988 (CDCA-312).

(49) Certain public lands in the Yuma, Arizona, District of the Bureau of Land Management, located in California, which comprise approximately one thousand three hundred and forty-three acres, as generally depicted on a map entitled "Whipple Mountains Addition Proposal", dated June 1988 (AZ-050-010).

(50) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately seventy-five thousand six hundred and sixty-five acres, as generally depicted on a map entitled "Palen/McCoy Proposal", dated June 1988 (CDCA-325).

(51) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-two thousand seven hundred and eighty-two acres, as generally depicted on a map entitled "Coxcomb Mountains Proposal", dated June 1988 (CDCA-328).

(52) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-one thousand four hundred and thirty-four acres, as generally depicted on a map entitled "Eagle Mountains Proposal", dated June 1988 (CDCA-334).

(53) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-seven thousand one hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Mountains Proposal", dated June 1988 (CDCA-341).

(54) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately seven thousand one hundred and ninety-nine acres, as generally depicted on a map entitled "Mecca Hills Proposal", dated June 1988 (CDCA-343).

(55) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-eight thousand two hundred and seven acres, as generally depicted on a map entitled "Orocopia Mountains Proposal", dated June 1988 (CDCA-344).

(56) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-seven thousand thirty acres, as generally depicted on a map entitled "Chuckwalla Mountains Proposal", dated June 1988 (CDCA)-348).

(57) Certain public lands in the California Desert District of the Bureau of Land Management,

California, which comprise approximately thirty-one thousand four hundred and ninety-three acres, including eight hundred and ninety-one acres adjacent to the **Wilderness** Study Area, as generally depicted on a map entitled "Julian Wash (formerly Indian Pass) Proposal", dated June 1988 (CDCA-355).

(58) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately five thousand four hundred and fifty-five acres, as generally depicted on a map entitled "Gavilan (formerly Picacho Peak) Proposal", dated June 1988 (CDCA-355A).

(59) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-five thousand seven hundred and sixteen acres, as generally depicted on a map entitled "North Algodones Dunes Proposal", dated June 1988 (CDCA-360).

(60) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-six thousand one hundred and twenty-eight acres, as generally depicted on a map entitled "Jacumba Proposal", dated June 1988 (CDCA-368).

(61) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifteen thousand three hundred and fifty-nine acres, as generally depicted on a map entitled "Fish Creek Mountains Proposal", dated June 1988 (CDCA-372).

(62) Certain public lands in the Carson City, Nevada, District of the Bureau of Land Management, located in California, which comprise approximately five hundred and fifty acres, as generally depicted on a map entitled "Carson Iceberg Proposal", dated June 1988 (NV-030-532).

(b) The acreages cited in this Act are approximate. In the event of discrepancies between acreages cited in this Act and the acreages depicted on the referenced maps, the maps shall control. Sec. 5. As soon as practicable after enactment of this Act, a map and a legal description for each designated **wilderness** area and area added to the National Park System shall be filed by the Secretary with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, [\*H6291] and each such map and legal description shall have the same force and effect as if included in this Act: Provided, That correction of clerical, and cartographic errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Offices of the Director and California State Director, Bureau of Land Management, Department of the Interior. Sec. 6. (a) Subject to valid existing rights, each **wilderness** area designated by section 4(a) of this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the **Wilderness** Act (16 U.S.C. 1131 et seq.) and pursuant to the rules and regulations promulgated in implementation thereof.

(b) The following lands are hereby added to the National Park System:

(1) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately one hundred and three thousand eight hundred acres, as described in the Bureau of Land Management's Monument Environmental Impact Statement, 1989, and generally depicted on maps entitled Proposed Additions to National Park System Death Valley National Monument, 1989, are hereby incorporated in, and shall be deemed to be a part of Death Valley National Monument.

(2) Certain public lands which comprise approximately four thousand eight hundred acres, as described in the Bureau of Land Management's Monument Environmental Impact Statement, 1989, and generally depicted on a map entitled: Proposed Addition to National Park System

Joshua Tree National Monument, 1989, are hereby incorporated in, and shall be deemed to be a part of Joshua Tree National Monument.

(c) Upon enactment of this title, the lands described in subsection (a) of this section, are, by operation of law and without consideration, transferred to the administrative jurisdiction of the National Park Service. The boundaries of the California Desert District; Death Valley National Monument and Joshua Tree National Monument are adjusted accordingly. The areas added to the National Park System by this section shall be administered in accordance with the provisions of law generally applicable to units of the National Park System.

(d) The Secretary shall, within a reasonable period of time, prepare plans to manage each designated **wilderness** area.

(e) For purposes of this Act, any reference in the **Wilderness** Act to the effective date of that Act shall be deemed to be a reference to the effective date of this Act. Sec. 7. Any lands within the boundaries of a **wilderness** area established by this Act that are acquired by the United States after the date of enactment of this Act shall become part of the **wilderness** area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such **wilderness** area. Sec. 8. Except as otherwise provided in this Act, and subject to valid existing rights, all Federal lands established as **wilderness** by this Act and all lands within **wilderness** areas designated by this Act which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public lands laws, including the mining, mineral leasing, geothermal leasing, and material sales laws. Sec. 9. (a) Nothing in this Act designating lands as **wilderness** shall constitute or be construed to constitute either an express or implied reservation of water or water rights for **wilderness** purposes. The United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated as **wilderness** pursuant to the substantive and procedural requirements of the laws of the States of California and Nevada as appropriate.

(b) Nothing in this Act shall be construed to limit the exercise of water rights as provided under California and Nevada State laws as appropriate. Sec. 10. (a) Military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system.

(b) Nothing in this Act shall be construed to restrict, forbid, or interfere with demilitarization activities and the overflight of military aircraft over areas designated in this Act as the components of the National **Wilderness** Preservation System.

(c) The designation by this Act of **wilderness** areas in the State of California shall not restrict military overflights of **wilderness** areas for the purposes of military testing and training.

(d) The fact that military overflights can be seen or heard shall not preclude such activities over the **wilderness** areas designated by this Act.

(e) Nothing in this Act shall be construed to restrict, forbid, or interfere with demilitarization activities at Sierra Army Depot which is located adjacent to areas designated in this Act as components of the National **Wilderness** Preservation System and the fact that such demilitarization activities can be detected from within the adjacent **wilderness** areas shall not preclude such activities. Sec. 11. In recognition of the past use of portions of the **wilderness** areas designated by this Act by Indian people for traditional cultural and religious purposes, the Secretary shall assure access to the **wilderness** areas by Indian people for traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an appropriate Indian tribe or Indian religious community, may from time to time temporarily close to general public use one or more specific portions of **wilderness** areas in order to protect the privacy of religious cultural activities in such areas by Indian people. Any such closure shall be

made so as to affect the smallest practicable area for the minimum period necessary for such purposes. Sec. 12. The Congress finds and directs that all public lands in the State of California administered by the Bureau of Land Management have been adequately studied for **wilderness** designation pursuant to sections 202 and 603 of the Federal Land Policy and Management Act of 1976 and those lands not designated as **wilderness** by this Act are no longer subject to the requirements contained in section 603 of the Federal Land Policy and Management Act of 1976 for management of **wilderness** study areas in a manner that does not impair the suitability of such areas for preservation as **wilderness** and shall be managed for their other resource values in accordance with land management plans developed pursuant to the Federal Land Policy and Management Act; or as part of the National Park System pursuant to section 6 of this Act. Sec. 13. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I will not at this point take all of my time.

But this substitute presented to the House is by way of having some further discussion of the process that we have been going through here relative to the way this committee has chosen to bring this bill to the floor.

First and foremost, I think my colleagues are aware of the fact that this legislation has a very long history in the House. This substitute is a reflection of much of that history. It was almost a decade ago that legislation was passed by this House that suggested that the California desert problems in terms of **wilderness** potential and park designation involved some very, very complex questions, and they were questions that should not be taken lightly by a committee or by action of the House. And so the House went out of its way, including this committee under different leadership, went out of its way to establish a commission that was given the charge to evaluate the problems of the California desert and to bring back recommendations to the House.

That commission, made up of environmentalists, of grazers, recreation users, all citizens who care about the desert, understand it, and have an interest in it, that commission, over the 6 years of its meetings, took some 40,000 individual inputs, spent \$ 10 million of the taxpayers' money, and at the very end of that process, a very small group within the environmental community were not happy with the way the bill went together, and so they created their own image of the West introduced by way of legislation, and eventually was picked up by Senator Feinstein.

This bill brought by the committee to the floor is somewhat of a clumsy reflection of those years of efforts and the aftermath of that effort. Indeed, it is important for the Members to know the House has acted in the past and, indeed, the House has during this process over the last several weeks acted in a very positive fashion as well.

The committee brought to the floor legislation that was a reflection of those extremes of which I have spoken.

I must say that the House has been more than generous in recognizing that the committee had been arbitrary in terms of their dealings with the Members, the five Members of the House who were elected to represent the desert. In that process, the House decided to listen to those Members as we went forward with the debate.

I could not be more pleased with both the dialog and discussion that has swirled around a number of the amendments that we have had, and in that discussion, it has caused the House to rather significantly improve the bill by changing the committee action. It is [\*H6292] because of that that some of my colleagues are going to discuss further the past action of the House and the commission report which is my substitute.

Mr. HANSEN. Mr. Chairman, I rise in strong support of the Lewis substitute which is also sponsored by all Members who represent the California desert.

The Lewis substitute would essentially implement the recommendations of the BLM for the California desert, or designate approximately 2.3 million acres of **wilderness** and parks.

The professional land managers at the BLM spent 15 years and \$ 8 million and considered over 4,000 public comments in developing the recommendations which are known as the California desert plan.

This plan has been endorsed by former Interior Secretaries Cecil Andrus, a Democrat, and James Watt, a Republican, and is clearly a compromise by all affected parties.

H.R. 518 is clearly a thinly veiled attempt to replace the California desert plan with the wish list of the national preservation groups. H.R. 518 triples the acreage in **wilderness** and parks that was recommended by BLM.

Mr. Chairman, I think the biggest waste of money we see in this Interior Committee or Natural Resources, we now call it, is in 1964 we passed the **wilderness** bill, and the **wilderness** bill and the FLPMA bill said the Forest Service, Park Service, the BLM would take it upon themselves to study these various areas. Then they would make a recommendation to Congress.

Well, if we have ever wasted money, that is the biggest waste we have ever seen. In my home State, they spent \$ 8 million. I have been 14 years in Congress. I have been part of every **wilderness** bill that has passed.

I have yet to see only one, which I was the sponsor of, that stayed even close to the recommendation of the entity, of the agency.

So I really think what we ought to do, as we pass this bill, is the next bill we ought to agree on, with my friends on the other side, let us take national parks, let us take BLM, let us take Forest Service out of it. Why just throw this money down the drain? Because nobody pays any attention to it.

Here is a classic example of the gentleman from California. Here we spent all of that money and we just ignore it. We trample it as if it is not even there.

What an utter waste of money that the American ;taxpayers should see. True, it is the prerogative of Congress. But why do we go through this exercise, when we listen to them in a hearing for 15 minutes, we shove them out the door? Why do we even have these people?

It is to me one of the biggest wastes I have ever seen in my years in Congress.

To give you an example, in Utah the BLM exhaustive **wilderness** review mandated by the Federal Land Policy and Management Act, found 1.9 million acres of land suitable of **wilderness** as per the designation in the 1964 bill. The Utah delegation on a bipartisan basis has been trying to enact legislation, largely following these recommendations. Unfortunately, we have a freshman Member who comes in and put three times that amount who had never been west of the Mississippi River, if you can believe it, never seen the ground, but he thinks he ought to do it.



Moreover, preservation groups who felt the BLM should have identified more land suitable for **wilderness** persuaded their friends and administration to force the BLM to treat it as nonwilderness, which flies in the face of the recommendations that came out from Andrus to Mr. Lujan.

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In other words, they want to politically manipulate recommendations made by career civil servants who are professional land managers, BLM, and so forth. If I have learned anything from this bill, I think the first thing we should do is do away with waste of money, because we ignore it. It is a "make us feel good" thing. It is like the Brady bill, we all feel good even though it accomplishes nothing.

Mr. Chairman, I speak in strong support of the Lewis amendment, which is a good amendment and recognizes the will of the people and all of the career people who worked so diligently to come up with their particular piece of legislation.

Mr. HUFFINGTON. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from California.

Mr. HUFFINGTON. I thank the gentleman for yielding.

Mr. Chairman, I rise to briefly revisit an issue the House considered recently regarding the unique land exchange included in this bill, specifically those provisions that would have granted to the Catellus Development Corp. exclusively an extremely beneficial preference.

Mr. Chairman, it causes me great concern that this provision, such a patently unfair special interest, found its way into the bill in the first place. Over the past few months I have tried to gain an understanding of how this legislative gift for one politically influential company came to be written into the bill. Unfortunately, my inquiries were never fully answered. Now we are on the verge of final passage.

I hope between now and the completion of the conference report we will finally learn how such a sweetheart deal was put into the bill. The American people have a right to see how back-room deals get made.

Mr. Chairman, I include additional information in the Record at this point.

THE DESERT PROTECTION ACT IS PERHAPS ONE OF THE MOST IMPORTANT SINGLE PIECES OF **WILDERNESS** LEGISLATION TO COME BEFORE THE 103D CONGRESS. THIS BILL, PROPOSED IN THE HOUSE BY CONGRESSMAN RICHARD LEHMAN AND IN THE SENATE BY SENATOR DIANNE FEINSTEIN , ALSO CARRIES NATIONAL IMPLICATIONS. FOR, AS PRESENTLY DRAFTED, THAT BILL WILL DETERMINE HOW THE FEDERAL GOVERNMENT ACQUIRES LAND FOR PUBLIC PARKS AND WHETHER THE U.S. DEPARTMENT OF THE INTERIOR GIVES FAIR TREATMENT TO LANDOWNERS LARGE AND SMALL.

WITH ALL THIS AT STAKE, LAST SPRING I INSTRUCTED MY STAFF TO BEGIN A THOROUGH REVIEW OF THE BILL: WHO STANDS TO BENEFIT THE MOST, AND WHO STANDS TO LOSE.

ONE THE SURFACE, TREATED SUPERFICIALLY, THE BILL SEEMS A STRAIGHTFORWARD PROPOSITION: TRANSFER MILLIONS OF ACRES OF LAND IN CALIFORNIA INTO PROTECTION OF THE NATIONAL PARK SYSTEM.

BUT THAT IS ON THE SURFACE. AND, HERE THE SURFACE IS DECEPTIVE.

BENEATH THE SURFACE, A DIFFERENT STORY EMERGES.

IN FACT, ON CLOSE EXAMINATION, H.R. 518 AND ITS COMPANION BILL IN THE SENATE, SENATOR FEINSTEIN 'S S. 21, APPEAR TO BE NOT DISSIMILAR FROM A LOT OF LEGISLATION THAT HAS COME OUT OF WASHINGTON LATELY: DOWN IN THE BOWELS OF LEGALESE FORMULATIONS, CAN BE FOUND A POT OF GOLD FOR A SPECIAL INTEREST, A VERY BIG-BUT LITTLE VISIBLE-PAYOFF FOR A VERY LARGE PRIVATE COMPANY WITH EXCELLENT POLITICAL CONNECTIONS.

THIS BILL PROVIDES FOR A MAJOR BAILOUT, AT TAXPAYER'S EXPENSE, OF A CORPORATION OWNED IN SIGNIFICANT PART BY PEOPLE WHO NEITHER LIVE NOR WORK IN CALIFORNIA AND INDEED BY MANY WHO NEITHER LIVE NOR WORK IN THE UNITED STATES.

WHAT FIRST CAUGHT MY EYE WAS A SECTION OF THE PROPOSED LEGISLATION THAT TOOK AN EXTRAORDINARY STEP: IT DIRECTED THE SECRETARY OF INTERIOR TO TREAT A PRIVATE CORPORATION, THE CATELLUS DEVELOPMENT CORP. OF SAN FRANCISCO, CA, IN A VERY PREFERENTIAL WAY.

NOW WE ALL KNOW THAT SPECIAL LANGUAGE FOR SPECIFIC INDUSTRIES IS PUT INTO STATE AND FEDERAL LEGISLATION FROM TIME TO TIME, BUT VERY FEW ACTUALLY PUT THE NAME OF THE CORPORATE BENEFICIARY RIGHT IN THE BILL. YET THIS IS EXACTLY WHAT OCCURRED HERE, ALBEIT IN SMALL PRINT.

AS I SET ABOUT TO LEARN MORE ABOUT THIS CATELLUS CORP., MY STUDY TURNED UP SOME VERY, VERY DISTURBING QUESTIONS. THESE QUESTIONS ARE NOT ONLY DISTURBING FOR THEIR ; IMPLICATIONS TO THE AMERICAN TAXPAYER BUT ARE ALSO DISTURBING FOR THE NEARLY 1 MILLION MEMBERS OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM.

CATELLUS, YOU MIGHT SAY, IS THE CHILD OF BIG RAILROADS. BACK IN THE 1980'S THE SANTA FE PACIFIC CORP. NEEDED MONEY. IT HAD JUST DISTRIBUTED ONE OF THE LARGEST STOCK DIVIDENDS IN ITS HISTORY, \$ 30 PER SHARE, AND SANTA FE WAS HEAVILY IN DEBT, LOOKING HARD FOR MONEY TO PAY FOR THIS LARGESSE.

THE BIGGEST SINGLE STOCKHOLDER IN SANTA FE WAS OLYMPIA & YORK CORP., A GIANT CANADIAN REAL ESTATE FIRM THAT HAS BUILT SEVERAL PROJECTS IN THE UNITED STATES INCLUDING A \$ 1.5 BILLION HOTEL AND OFFICE COMPLEX IN DOWNTOWN SAN FRANCISCO, A BID THEY WON NOT LONG AFTER DIANNE FEINSTEIN BECAME MAYOR OF THAT CITY.

OLYMPIA & YORK RECEIVED \$ 30 FOR EACH OF ITS SHARES IN THAT 1988 DIVIDEND.

THE HEAD OF OLYMPIA & YORK, A CANADIAN NAMED PAUL REICHMANN, SUGGESTED TO THE HEAD OF SANTA FE THAT THEY TAKE SOME OF THE RAILROAD'S VACANT LAND AND FORM A DEVELOPMENT COMPANY. SANTA FE HAD MILLIONS OF ACRES, A GOOD DEAL OF IT IN MY STATE OR CALIFORNIA.

WHAT WAS INTERESTING ABOUT THIS LAND, AND WHAT IS SO IMPORTANT TO UNDERSTAND IN VOTING ON THIS BILL, IS WHERE SANTA FE GOT THESE ACRES. [\*H6293] IT DIDN'T PAY FOR THEM. THIS LAND WAS FREE. THIS LAND WAS A GIFT OF THE U.S. GOVERNMENT.

THE LAND SANTA FE PLACED IN THE CATELLUS DEVELOPMENT CORP., SOME 1 MILLION ACRES, WAS PART OF THE LAND THE U.S. GOVERNMENT GAVE THE RAILROADS IN THE 19TH CENTURY. SANTA FE HAS HAD THE ADVANTAGEOUS USE OF THIS FREE GOVERNMENT LAND FOR NEARLY A CENTURY. SOME OF IT THE RAILROAD USED FOR RIGHTS OF WAY, ON OTHER ACRES SANTA FE HAS DEVELOPED RICH GOLD AND MINERAL DEPOSITS.

SOME OF THE LAND SANTA FE PLACED IN CATELLUS IS VERY VALUABLE, A SLIVER OF IT ON THE COAST, OLD RAIL YARDS AND TRACK AREAS IN CITIES LIKE SAN FRANCISCO AND SAN DIEGO. BUT, THE BULK OF THE ACREAGE IS REMOTE, IN THE DESERT OR IN THE MOUNTAINS AND THE LAND VALUE OF THIS REMOTE PORTION IS IN QUESTION-TO SAY THE LEAST. SOME LAND EXPERTS THINK THE LAND IS CLOSE TO WORTHLESS.

SO CATELLUS WAS BORN. IT HAD A SLIVER OF VALUABLE LAND AND A LOT OF DESERT. IN 1989, THE SANTA FE-OLYMPIA & YORK MANAGERS OF CATELLUS SET OUT TO RAISE MONEY. TYE FOUND TWO SOURCES, AND ONE WAS THE MEMBERS OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM, OFTEN CALLED CALPERS; THE OTHER AN INSURANCE COMPANY.

CALPERS IS ONE OF THE LARGEST PENSION FUNDS IN THE COUNTRY, A MAJOR INVESTOR IN SOME OF THE BEST KNOWN PUBLICLY TRADED CORPORATIONS IN THE UNITED STATES, WITH NEARLY A MILLION SHAREHOLDERS AND OVER \$ 80 BILLION IN INVESTMENTS.

BUT AT THE TIME, CATELLUS WASN'T PUBLICLY TRADED AND CALPERS'S INITIAL INVESTMENT WAS WHAT THEY CALL A PRIVATE PLACEMENT. IT BOUGHT 19.9 PERCENT OF CATELLUS AT NEARLY \$ 38 A SHARE, AN INVESTMENT OF \$ 398 MILLION.

FROM DAY ONE THIS WAS AN UNUSUAL INVESTMENT FOR CALPERS. IT WAS, TO BEGIN WITH, THE FIRST SPECULATIVE REAL ESTATE COMPANY THAT CALPERS HAD INVESTED IN AND ONE OF THE LARGEST SINGLE INVESTMENTS IT HAS EVER MADE IN ANYTHING BUT WELL KNOWN, FORTUNE 500, PUBLICLY TRADED FIRMS.

IN ADDITION TO THE INVESTMENT OF CALPERS, CATELLUS BORROWED ANOTHER \$ 71 MILLION FROM THE PENSION FUND AND ABOUT \$ 400 MILLION FROM THE PRUDENTIAL INSURANCE CO., SO EVEN BEFORE IT WENT PUBLIC IT HAD RAISED NEARLY \$ 1 BILLION IN FUNDS.

NOW THIS IS WHERE THEY STORY BECOMES VERY INTERESTING FOR ANYBODY VOTING ON THIS BILL, PAYING TAXES IN THE UNITED STATES, OR RELYING ON CALPERS FOR HIS OR HER RETIREMENT.

WHEN I LOOKED AT DOCUMENTS CATELLUS HAD FILED WITH THE SECURITIES AND EXCHANGE COMMISSION OVER THE YEARS, IT LOOKED TO ME AS IF THAT MONEY, APPROXIMATELY A BILLION DOLLARS, DIDN'T STAY VERY LONG AT CATELLUS. IT WAS "UPSTREAMED" TO SANTA FE. UPSTREAMED IS WALL STREET TALK FOR SENDING IT TO THE HOME OFFICE. IN THIS CASE, CHICAGO AND TORONTO. IT WENT TO HELP SANTA FE UNLOAD THE DEBT IT HAD INCURRED IN PAYING THE DIVIDEND, AND IT WENT TO PAY THE DIVIDEND THAT OLYMPIA & YORK, SANTA FE'S BIGGEST SINGLE STOCKHOLDER HAD RECEIVED 2 YEARS EARLIER.

IN A SENSE, SANTA FE-OLYMPIA & YORK HAD FIGURED OUT A WAY TO SELL THE FREE LAND THEY GOT FROM THE GOVERNMENT. THEY SOLD IT FOR APPROXIMATELY \$ 1 BILLION TO CATELLUS.

THE MEMBERS OF CALPERS MAY HAVE THOUGHT THEY WERE IN THE CATELLUS DEVELOPMENT CO. TO DEVELOP REAL ESTATE IN CALIFORNIA, BUT IT LOOKED AS IF THE MONEY THAT THEY HAD INVESTED HAD SOON GONE ELSEWHERE.

NEXT, SANTA FE SPUN OFF CATELLUS. THIS IS MORE WALL STREET JARGON. IT GAVE EVERY SINGLE STOCKHOLDER IN SANTA FE ONE FREE SHARE OF CATELLUS STOCK FOR EVERY FOUR SHARES OF SANTA FE THEY OWNED.

THIS MEANT THAT OLYMPIA & YORK GOT 14 PERCENT OF THIS NEW COMPANY, CATELLUS, AS WELL AS THE \$ 30 DIVIDEND IT ENJOYED AT SANTA FE.

THEN, IN THE FALL OF 1990, CATELLUS STOCK BEGAN TO TRADE PUBLICLY ON THE NEW YORK STOCK EXCHANGE. IT WAS AT THIS MOMENT THAT NEARLY 1 MILLION CALIFORNIA PUBLIC EMPLOYEES RELYING ON CALPERS GOT A RUDE SHOCK, THAT IS, IF THEY WERE PAYING ATTENTION. THE CATELLUS SHARES BEGAN TO TRADE NOT AT THE \$ 38 A SHARE, THE PRICE PAID BY CALPERS, BUT AT \$ 11 A SHARE, LESS THAN ONE THIRD THE PRICE.

OTHER INVESTORS WERE MORE WARY THAN THE PEOPLE WHO RUN CALPERS. CATELLUS STOCK WHICH TRADED BRIEFLY AT \$ 11 A SHARE HAS HARDLY EVER TRADED AT MORE THAN \$ 8 A SHARE AND YET CALPERS HAS HAD \$ 400 MILLION INVESTED IN THIS COMPANY FOR NEARLY 5 YEARS.

HOW WAS SUCH AN INVESTMENT MADE? A MAN NAMED DAVID ELDER, A MEMBER OF THE CALIFORNIA STATE ASSEMBLY, TRIED TO FIND OUT BACK IN DECEMBER 1990. HE HELD A HEARING ON THIS DEAL. I'VE READ THE TRANSCRIPT OF THAT HEARING. IT SHOWS HE COULDN'T GET A STRAIGHT ANSWER.

BUT HE WAS TOLD A COUPLE OF INTERESTING THINGS: A MAJOR REAL ESTATE MANAGEMENT FIRM FROM CHICAGO NAMED JMB REALTY GOT \$ 7.96 MILLION FROM CALPERS TO PUT CALPERS INTO THIS NOT-SO-GOOD INVESTMENT AND JMB GETS NEARLY \$ 2.5 MILLION A YEAR TO WATCH THE INVESTMENT DWINDLE AWAY. TWO OFFICIALS FOR JMB RECEIVED \$ 15,000 APIECE TO SERVE ON THE BOARD AND \$ 1, 000 A BOARD MEETING TO ATTEND.

I'VE TRIED TO GET ANSWERS WITH NO MORE SUCCESS THAN DAVE ELDER. I SENT A LETTER TO CATELLUS RAISING QUESTIONS ABOUT MY CONCERNS. I'VE ENTERED A COPY IN THE RECORD. I'VE ALSO ENTERED THE ANSWER OF JAMES G. O'GARA, A SENIOR VICE PRESIDENT.

BUT I'VE TAKEN ANOTHER STEP.

THE CALPERS DECISION TO INVEST IN CATELLUS SMACKS OF SOMETHING DARKER THAN POOR JUDGMENT. IT SUGGESTS THAT WHOEVER MADE THESE DECISIONS AT CALPERS IN 1988 AND 1989 NEEDS TO EXPLAIN JUST HOW AND WHY THEY DEPARTED FROM CAUTIOUS INVESTMENT POLICY TO ENTER THIS DEAL.

I HAVE SENT A FORMAL REQUEST TO THE CHAIRMAN OF THE BOARD OF CALPERS ASKING FOR A FULL INVESTIGATION. THAT REQUEST IS ATTACHED FOR THE RECORD. IF CALPERS WANTS THE U.S. TAXPAYER TO BAIL CATELLUS OUT BY MAKING AN EXPENSIVE AND EXTRAORDINARY LAND SWAP, I WANT AN EXPLANATION OF WHY CALPERS CAN'T RECOVER ITS LOSSES FROM THE SANTA FE. FROM OLYMPIA & YORK. OR FROM JMB.

MOREOVER, I WANT TO KNOW WHY SENATOR DIANNE FEINSTEIN HAS SEEN FIT TO SPONSOR THIS BILL AS HER MAIDEN PIECE OF LEGISLATION.

I BELIEVE THE PEOPLE OF CALIFORNIA AND THE PEOPLE OF THE UNITED STATES HAVE A RIGHT TO KNOW WHAT HAS HAPPENED HERE.

CATELLUS HAS NOT DONE WELL IN THESE 5 YEARS. ITS MAJOR PROJECTS-LIKE MISSION BAY IN SAN FRANCISCO AND UNION STATION IN LOS ANGELES-ARE STALLED.

EARLIER THIS YEAR, CATELLUS'S BOARD FIRED ITS CHAIRMAN, ANDREW SCHWARTZ. SCHWARTZ, IT WAS SAID IN THE PRESS, HAD BEEN HANDPICKED FOR THIS JOB FROM A FIRM IN SAN DIEGO. IT APPEARS OLYMPIA & YORK THAN BROUGHT HIM TO CANADA TO HEAD ANOTHER BIG PROJECT. I THINK MR. SCHWARTZ HAS SOME EXPLAINING TO DO BEFORE THE U.S. TAXPAYERS BAIL OUT CATELLUS.

BY NOW YOU CAN SEE WHY CATELLUS DESPERATELY, DESPERATELY NEEDS MONEY.

THIS IS WHERE CONGRESS AND THE U.S. TAXPAYER COME IN.

AMONG THE ACRES PASSED DOWN TO CATELLUS, THE RAILROAD'S BABY, ARE 355,000 ACRES THAT WOULD BE COVERED BY THIS BILL.

IN SECTION 609 OF THIS BILL AS THERE WAS IN SECTION 610 OF FEINSTEIN 'S S. 21, THERE IS A VERY UNUSUAL, VERY EXTRAORDINARY, VERY NICE LITTLE DEAL TO HELP RESCUE CATELLUS:

IT WOULD ALLOW CATELLUS TO SWAP ANY PIECE OF ITS LAND FOR ACRES THE SECRETARY OF INTERIOR HOLDS. CATELLUS DOESN'T HAVE TO FIND SOMETHING IN CALIFORNIA, IT CAN CHOOSE LAND ANYWHERE IN 50 STATES.

ORDINARY CITIZENS HAVE TO WAIT IN LINE UNTIL THE DEPARTMENT OF INTERIOR HAS ENOUGH MONEY TO BUY THEM OUT AND THE DEPARTMENT IS \$ 9 BILLION BEHIND. BUT, THROUGH THIS SWAP CATELLUS CAN GO TO THE HEAD OF THE LINE.

AND, THERE'S MORE.

IF CATELLUS DOESN'T LIKE WHAT IT'S OFFERED, THE SECRETARY OF INTERIOR WILL SET UP A BANK AND GIVE CATELLUS CREDIT. CATELLUS CAN USE THIS CREDIT TO BUY ANY KIND OF SURPLUS OR EXCESS REAL ESTATE FROM THE U.S. GOVERNMENT BEING SOLD IN CALIFORNIA.

THIS IS A LICENSE TO GO HUNTING FOR THE SWEETEST INVESTMENTS IN THE COUNTRY.

THERE'S STILL MORE.

IF CATELLUS CAN'T DEVELOP THE SURPLUS PROPERTY OR DOESN'T WANT TO, IT CAN SELL THESE CREDITS TO ANYONE. IT COULD SELL ITS RIGHT TO OLYMPIA & YORK OR ANYONE ELSE, SO THAT THEY COULD BID ON U.S. GOVERNMENT PROPERTY USING CATELLUS'S CREDIT.

WHAT'S THIS GOING TO COST THE AMERICAN TAXPAYER? THE ESTIMATES ARE ALL OVER THE PLACE, BUT I SUGGEST THAT CATELLUS'S MODEST GUESS AT HEARINGS THAT IT COULD RUN AS HIGH AS \$ 189 MILLION IS LOW. I SUSPECT THAT THEY THINK THE AMENDMENT IS WORTH MILLIONS MORE.

MY COLLEAGUES IN THE SENATE DID NOT BUY SENATOR FEINSTEIN 'S CATELLUS AMENDMENT. THEY KNOCKED IT OUT.

BUT CONGRESSMEN LEHMAN AND GEORGE MILLER, THE DEMOCRATS RUNNING THINGS HERE, MANAGED TO KEEP IT. ALL WE COULD DO WAS TRY TO AT LEAST MAKE THE PLAYING FIELD EVEN AND GIVE THE SMALL RANCHER, SMALL LANDOWNER THE SAME ADVANTAGE.

THROUGHOUT MY RESEARCH I KEPT WONDERING HOW SUCH A PREFERENTIAL PIECE OF LEGISLATION ENDED UP IN THESE TWO BILLS. WAS SENATOR FEINSTEIN NOT AWARE OF THE STRANGE MACHINATIONS AT CATELLUS? WAS CONGRESSMAN RICHARD LEHMAN NOT AWARE? WHY DIDN'T THEY TRY TO FIND OUT JUST WHO STOOD TO BENEFIT AT CATELLUS BEFORE THEY OFFERED THIS BAILOUT?

I CONFESS I DON'T KNOW THE ANSWER. BUT, I KNOW WE AND THE AMERICAN TAXPAYER ARE ENTITLED TO AN ANSWER.

IN THE COURSE OF THIS RESEARCH, A VERY DISTURBING PIECE OF EVIDENCE CAME INTO MY HANDS. THIS IS A LETTER FROM A VICE PRESIDENT AT JMB INSTITUTIONAL REALTY ADVISORS, INC., NAMED PATRICK J. MEARA, TO DEWITT BOWMAN, THEN CHIEF INVESTMENT

OFFICER AT CALPERS.

I AM GOING TO PUT THE ENTIRE LETTER INTO THE RECORD , BUT LET ME READ YOU SOME PORTIONS:

IN NOVEMBER, 1991, THE HOUSE PASSED AN AMENDED VERSION OF THE ACT. CATELLUS WAS THE ONLY PRIVATE LANDOWNER "TAKEN CARE OF" IN THE BILL. MANAGEMENT HAS WORKED WITH CONGRESSMAN LEVINE IN DEVELOPING THE AMENDMENT. . . .

CATELLUS PLANNED ON SELLING ITS DESERT LAND OVER AT LEAST THE NEXT TEN YEARS. DESERT SALES WERE \$ 5 MILLION IN THE FIRST THREE QUARTERS OF 1991, REPRESENTING 26 SEPARATE TRANSACTIONS. WITH AN AVERAGE TRANSACTION SIZE OF \$ 200,000, CATELLUS WOULD HAVE TO CLOSE MORE THAN 200 SEPARATE TRANSACTIONS TO SELL THE SAME LAND INCLUDED UNDER ONE TRANSACTION THROUGH THE ACT.

THE ACT CREATES A MARKET FOR LAND WHICH IS VERY DIFFICULT TO SELL IN MEANINGFUL QUANTITIES. THE AREA AFFECTED REPRESENTS NEARLY HALF OF CATELLUS' DESERT LAND.

CATELLUS CAN REALIZE FULL VALUE IN A LARGE TRANSACTION, WHICH OFTEN MIGHT CARRY "BULK DISCOUNT."

CATELLUS GETS FULL BENEFIT OF LAND VALUE APPRECIATION BEFORE 1996.

CATELLUS MANAGEMENT WOULD CERTAINLY BE INTERESTED IN ANY HELP (CAL)PERS MIGHT BE ABLE TO OFFER IN THE SENATE VOTE NEXT MONTH.

AS IT HAPPENED THERE WAS NO SENATE VOTE. BUT, 2 YEARS LATER, SENATOR FEINSTEIN MADE THE INTRODUCTION OF THE DESERT PROTECTION ACT HER FIRST ORDER OF BUSINESS AS A SENATOR. REPRESENTATIVE LEHMAN INTRODUCED IT AT THE SAME TIME.

INTERESTINGLY, THE LANGUAGE THEY PROPOSED WAS ALMOST THE SAME LANGUAGE MR. MEARA REFERRED TO WHEN HE SAID CATELLUS WAS "TAKEN CARE OF" IN THE 1991 BILL.

SO, I ASK AGAIN ON BEHALF OF THE AMERICAN TAXPAYER-WAS THIS LEGISLATION INTENDED TO "TAKE CARE OF" CATELLUS? DID THOSE SPONSORING LEGISLATION INVESTIGATE WHERE THE \$ 400 MILLION OF CALIFORNIA PUBLIC EMPLOYEES MONEY HAD GONE BEFORE THEY TOOK CARE OF CATELLUS? DID THE OFFICIALS OF CALPERS HELP JMB LOBBY THIS BILL?

JMB Institutional

Realty Advisors, Inc.,

San Francisco, CA, December 5, 1991.

Mr. DeWitt Bowman

Chief Investment Officer CalPERS, 400 "P" Street, Sacramento, CA.

Dear DeWitt : Bill Ramseyer asked me to update you on recent developments concerning the California Desert Protection Act of 1991 (the "Act"), formerly referred to as the Cranston Act. This letter will brief you on the Act's history, the amended bill passed by the House in November, and the Act's impact on Catellus.

History of the Act.

Senator Cranston originally introduced the Act more than five years ago, and until this year, the

Act never made it past the Subcommittee level. In previous forms, the Act would have enabled the government to effectively take 200-300,000 acres of Catellus land for use as a **wilderness** area with no means of compensating Catellus. Santa Fe Mineral Company managed lobbying efforts to defeat the bill prior to 1990 on behalf of the parent company.

In 1990, Catellus management began handling the lobbying efforts. Catellus saw opportunity in the Act, in that this created a means of creating liquidity from its desert holdings, which are scheduled for disposition. The challenge was in structuring a means of compensation from the government in a budget-pressured environment.

The 1991 House Bill.

In November 1991, the House passed an amended version of the Act. Catellus was the only private landowner "taken care of" in the bill. Management has worked with Congressman Levine [\*H6294] in developing the amendment. The amount of Catellus land included in the **wilderness** area was increased to 400,000 acres out of the company's 875,000 acres owned in the desert. The bill provided for compensation to Catellus in a somewhat complicated manner, as follows:

Through 1995, Catellus could in effect exchange its land for developable land under the control of the U.S. Department of Interior. Certain conditions make it unlikely any land will be exchanged in this manner before 1996. In 1996, a current law will expire which requires a "pay as you go" concept for government expenditures.

Beginning in 1996, the government will establish a "credit account" for Catellus in an amount equal to Catellus' land's then-current value, as determined through an appraisal process. Catellus would then have the right to use its credit account to bid for government property, using the account just as cash. Catellus could sell its account to an outside party if desired.

The amended bill will be introduced in the Senate in January 1992. I have enclosed a copy of the Congressional Record, which includes a text of the bill before amendments and a copy of the Catellus Amendment, which did pass.

Impact on Catellus-

In analyzing the impact of the Act on Catellus, it is helpful to keep the following points in mind.

As you may recall, Catellus' strategic plan envisions the sale of its excess (i.e., agricultural, surplus, mountain and desert) land, which represents 17% of the Company's real estate value. Sales proceeds will be invested into new development opportunities, thus creating appreciation in Catellus' value.

The pure land value today of Catellus holdings affected by the Act is \$ 40-50 million (less than 2% of the Company's real estate value). By 1996, Catellus believes the land plus underlying mineral value could be worth \$ 100 to \$ 200 million. Catellus planned on selling its desert land over at least the next ten years. Desert sales were \$ 5 million in the first three quarters of 1991, representing 26 separate transactions. With an average transaction size of \$ 200,000. Catellus would have to close more than 200 separate transactions to sell the same land included under one transaction through the Act. JMB believes the amended bill passed by the House is extremely positive for Catellus based on the following:

The Act creates a market for land which is very difficult to sell in meaningful quantities. The area affected represents nearly half of Catellus' desert land. Catellus can realize full value in a large transaction, which often might carry a "bulk discount".

A realistic means of creating liquidity in the investment has been established by the Act, either

through the acquisition of developable land or by selling the credit account. Catellus gets the full benefit of land value appreciation before 1996. Catellus management would certainly be interested in any help PERS might be able to offer in the Senate vote next month. Please let me know of any thoughts you may have in that regard. Also, feel free to call Darla Flanagan or me at (415) 772-3500 if you need anything further.

Sincerely,

Patrick J. Meara,

Vice President.

Congress of the United States,

House of Representatives,

Washington, DC, June 22, 1994.

Mr. James G. O'Gara,

Senior Vice President, Catellus Development Corporation, San Francisco, CA. Dear Mr. O'Gara: I appreciate the opportunity of being able to meet with you on the issue of the Desert Protection Act and the specific language regarding Catellus Development Corporation.

There are several questions that I would like to have answered by noon next Monday, June 27, as we will probably be voting on the bill next week. If your office could provide the requested information by then, I would be most appreciative.

#### FINANCIAL STATUS OF CATELLUS

How many acres of land under the Desert Protection Act are currently owned by Catellus?

How many acres are being developed, able to be developed, or cannot be developed?

What is the value of the land, using the same breakdown as question number two?

How much revenue was generated by your desert holdings in 1993?

Are there any appraisals of the land held by Catellus? If so please provide my office with copies of them. Who conducted them and per whose authority?

Were there appraisals made when Santa Fe decided to spin off its real estate into a separate company?

Please provide my office with the appraisals conducted by JMB in evaluating Catellus as an investment opportunity for CALPERS.

Do you have appraisals conducted by others which were used in evaluating Catellus as an investment opportunity for CALPERS?

Do you have a report of the analysis conducted by the Stephan Roulac Consulting Group? If so, please provide my office with a copy of it.

What other information was provided to CALPERS by Catellus prior to the fund making its investment in Catellus? Please provide my office with any relevant material.



Does Catellus retain Roulac in any function?

Did Catellus retain Roulac before it handled the assessment for CALPERS and have you retained it since?

HOW DID CALPERS COME TO INVEST IN CATELLUS?

Who first suggested Catellus as an investment opportunity for CALPERS?

Who was involved from Catellus/Santa Fe?

Who represented CALPERS?

Who represented JMB?

Who represented Roulac?

Did officials of Olympia & York take part in the CALPERS investment process? If so, in what capacity?

Did officials from Intel become involved? If so, who and when?

Were there any other entities, consultants, or individuals involved with CALPERS' decision to invest in Catellus? If so, please supply their names and roles.

Did Santa Fe have any business dealings with JMB prior to its being chosen as managing partner of the CALPERS investment? Does JMB receive any fees, payments, rents, or other financial remuneration from Catellus?

DESERT PROTECTION ACT

Why did Santa Fe oppose the California Desert Protection Act when it was first introduced in 1986?

Why did Santa Fe continue to oppose the bill until 1990?

What caused Catellus to support the bill?

CATELLUS AND OLYMPIA & YORK

Does Catellus share any projects with Olympia & York? Are you planning any?

As the second largest shareholder, does Olympia & York become involved in the management of Catellus?

Why did Vernon Schwartz choose to join Olympia & York when he stepped down from Catellus? Was his selection as chief executive officer in 1988 directed or suggested by Olympia & York? [\*H6295]

FUNDS PAID TO SANTA FE

Who decided to spin off Catellus from Santa Fe?

Who decided how much money Catellus had to pay Santa Fe in 1988 and 1989? What was the process?

How much money did Catellus pay to Santa Fe in 1988 and 1989?

How much has been paid to Santa Fe since 1989?

What was the tax sharing arrangement Catellus had with Santa Fe?

Why did Catellus pay approximately \$ 7.6 million and \$ 18.9 million to Santa Fe in 1991 and 1990, respectively, as part of that tax sharing agreement?

Is Catellus still encumbered by debt assumed in 1988 and 1989 and used to pay Santa Fe?

#### GENERAL QUESTIONS

What agents, representatives, etc. did Catellus retain to draft and research language pertaining to Catellus in the Desert Protection Act? Who directed the lobbying effort on behalf of Catellus?

Please provide any copies of drafts of Catellus language in the bill and the correspondence by Catellus with any member of Congress, staff aide, or California State officials and legislators pertaining to the Catellus land swap.

#### SPECIFIC QUESTIONS

Are any major shareholders of Catellus lobbying for the bill? If so, who and through what mechanism?

Has Catellus asked CALPERS to use its political influence in California or in Washington, D.C. to gain support for the bill?

Has Catellus coordinated its political contributions with Olympia & York, JMB, or any other investor in Catellus?

How much money did Catellus direct to the campaigns of former Representative Mel Levine, Senator Dianne Feinstein, Representative Richard Lehman, and Representative George Miller?

Who from Catellus worked with Senator Alan Cranston's office when the bill was first drafted? With Levine? Lehman? Feinstein?

The language in Senator Feinstein's bill is almost word for word like an amendment to the 1991 bill proposed by Representative Levine. Did Catellus prepare this language?

Your company retains Assemblyman Willie Brown, the Speaker of the California State Assembly. What work has he performed for Catellus and its predecessors during the last 13 years? How much did Catellus pay him in the years the Desert Protection Act has been before the U.S. Congress (1986 through 1994)? Did he lobby members of Congress on behalf of the Desert Protection Act? If so, please provide the dates, times, and names.

Is anyone else, including outside parties, working with Senator Feinstein's or Representative Lehman's office on the bill on Catellus' behalf?

Who are your paid lobbyists on Capitol Hill and what was their yearly remuneration for the years 1988, 1989, 1990, 1991, 1992, 1993, and 1994?

Thank you for your assistance.

Sincerely,

Michael Huffington,

Member of Congress.

Catellus,

June 27, 1994.

By messenger.

Hon. Michael Huffington,

U.S. House of Representatives, Washington, DC. Dear Congressman Huffington: It was a pleasure to meet with you last Tuesday to discuss Catellus' support for Section 609 of the California Desert Protection bill, H.R. 518. This provision makes it possible to manage and protect nearly 10% of the bill's **wilderness** and park areas, while protecting the economic interests of the owner of the areas' private lands and of its major shareholder, the California Public Employees Retirement System ("CalPERS"). I am optimistic that after you have had a chance to study the provision, you will conclude that it deserves your support. Your vote for the provision would not only be a vote for private property rights but also a vote for California's 970,000 public employees.

The letter which you gave me at the conclusion of our meeting contains a number of questions relevant to Catellus' land ownership in the California Desert, the impact of H.R. 518 and earlier Desert protection proposals on its ownership and the position taken by Catellus and its former parent company, Santa Fe Pacific Corporation, with respect to these proposals. I am pleased to provide you the following information in response to these questions. You will find attached to this letter statements given by Santa Fe Pacific Corporation and by Catellus before Congressional committees on H.R. 518 and earlier Desert protection proposals in 1987, 1989, 1991, 1992 and 1993.

#### CATELLUS LAND OWNERSHIP IN THE CALIFORNIA DESERT

Catellus owns about 850,000 acres of land in the California Desert. These lands were originally granted by the United States to the Southern Pacific Railroad in the latter half of the nineteenth century as an incentive to help finance the construction of a transcontinental railroad. More recently, the lands were held by Santa Fe Pacific Realty Corporation, which had been a subsidiary of Santa Fe Pacific Corporation. In 1989, Santa Fe Pacific Corporation sold nearly 20% of its interest in Santa Fe Pacific Realty to CalPERS and in 1990 spun the remaining shares of the subsidiary off to its stockholders. The company changed its name to "Catellus Development Corporation" and it is now an independent, publicly-held corporation traded on the New York Stock Exchange. CalPERS has since increased its stock ownership in Catellus to 41%.

Catellus' California Desert lands have historically supported a wide variety of development activities providing income to Catellus. These include:

Precious metal exploration and development,

Oil and gas exploration and development,

Geothermal development,

Sand and gravel extraction for the construction of homes, highways and office buildings, etc.,

Solar power generation,

Placement of rights-of-way for fiber optic cables, pipelines, power lines, telephone lines and other utilities,

Placement of communication sites for television and transmitters with access roads in remote locations surrounded by vacant lands free of electro-magnetic fields,

Secret weapons testing,

Grazing and forage for cattle and sheep,

Agriculture, such as the growing of table grapes and

Providing areas for off-road, recreational vehicles.

#### THE EFFECT OF CALIFORNIA DESERT PROTECTION PROPOSALS ON CATELLUS LANDHOLDINGS

The California Desert protection proposals pending in this Congress, S. 21 and H.R. 518, place about 330,000 acres of Catellus' Desert lands within the boundaries of the bill's **wilderness** and national park units. This amounts to more than 65% of all of the private lands encompassed by the bill's **wilderness** and park boundaries. California Desert protection proposals introduced in earlier Congresses affected approximately the same

number of Catellus acres.

Most of the Catellus acreage affected by these designations is intermingled with federal lands in a checkerboard pattern of ownership within which Catellus and the federal government own every other section. This pattern of ownership results in the placement of Catellus lands in **wilderness** or park whenever the alternating federal sections are included within the boundaries of these units.

The practical effect of including Catellus's lands in the Desert **wilderness** and park areas is to make it virtually impossible to exercise the existing development rights in those lands. This occurs for two reasons. First, federal **wilderness** or park designation will subject development activities within the areas to additional stringent regulatory requirements designed to afford maximum protection to **wilderness** and park values. These restrictions will make development activities uneconomic. Second, should Catellus attempt to conduct any development on these lands-notwithstanding these restrictions-it would be exposed to costly litigation intended to frustrate any development and stimulate adverse public reaction. The result will be that the affected Catellus lands will suffer significant diminution in value.

#### CATELLUS' POSITION

Since 1987, when Catellus's former parent company, Santa Fe Pacific Corporation, first submitted a statement on Senator Cranston's S. 7, Santa Fe Pacific Corporation and then Catellus have consistently taken the position that if Congress places private lands in restrictive status, it should ensure that the landowner is appropriately compensated for the loss of use of the land. As Senator Bennett stated in his additional views accompanying the Senate Energy and Natural Resources Committee report on S. 21 in this Congress:

(I)t is unfair to individual citizens for their government to enact restrictive legislation and not compensate them for the effect of those restrictions on their property.

I am of the view that if we are prepared to impose those restrictions in the "national interest", then the national interest should demand that the landowner be compensated and his land purchased if he wants to sell.

S. Rept. No. 165, 103rd Congress, 1st Session, at 68-69 (1993).

Both Santa Fe Pacific Corporation and Catellus suggested a number of ways by which the Federal government could acquire its Desert inholdings. Acquisition would not only provide compensation to the landowner, but would also allow the federal land managers to manage more efficiently its checkerboarded federal lands and the intermingled private lands for their **wilderness** and park values. Because the Bureau of Land Management doubted it had enough land classified for disposal under its jurisdiction in California to exchange, we proposed that the Federal Land Policy and Management Act's ("FLPMA") prohibition on interstate exchanges be relaxed and that surplus federal lands under the jurisdiction of the General Services Administration be made available for exchange.

Catellus objected to the earlier Desert protection bills because they failed to provide a realistic means by which Catellus's lands could be acquired and Catellus could be compensated.

#### THE HOUSE NATURAL RESOURCES COMMITTEE SOLUTION

In the previous Congress, the House Natural Resources Committee added a provision to the then pending Desert protection bill, H.R. 2929, designed to enable the Secretary of [\*H6296] the Interior to acquire the State of California lands included in the bill's **wilderness** and park designations. The State of California Lands Commission manages these lands on behalf of the State Teachers Retirement System. By a floor amendment adopted without opposition, a similar provision applicable to the Catellus lands was added to the bill when the House passed the Desert protection bill in 1991.

We believe that it is appropriate to treat the Catellus lands in the same manner as the State lands. Just as the State Lands Commission acts as a trustee for the benefit of the State teachers in the management of the State land, Catellus has a fiduciary responsibility to its largest stockholder, the California public employees, in its management of Catellus lands. Representative Jerry Lewis drew this parallel during the House's consideration in 1991 of the Catellus amendment:

The Members should know that in this case the California Teacher's Association has very sizable investments in thousands of acres of

land. The teachers have investments by way of their retirement funds in thousands of acres of lands, invested because they hoped they would be kept for various natural resources to benefit their retirees. \* \* \*

As I understand, this amendment deals with public employees who have a similar investment in acres of land. They invested those retirement dollars in order to hope for future potential resources that might be discovered. \* \* \*

Cong. Rec. H11396 (daily ed. Nov. 26, 1991).

Section 609 of H.R. 518 reported by the House Natural Resources Committee earlier this year is essentially the same as the amendment adopted by the House in 1991. The provision is two-pronged. First, it sets up a procedure which is intended to facilitate an agreement or series of agreements between Catellus and the Secretary of the Interior on land exchanges. These land exchanges would permit the United States to acquire Catellus landholdings included in the bill's **wilderness** areas and parks and to compensate Catellus by the transfer of federal lands under the jurisdiction of the Secretary of the Interior. Exchanges would be governed by FLPMA which requires that the fair market value of the land to be transferred out of federal ownership equal the fair market value of the private land to be acquired. Values would be determined in accordance with standard appraisal practices.

To the extent that not all of Catellus' lands have been acquired by exchange by 2004, the second prong of the amendment directs the Secretary of the Interior to establish an exchange account to acquire Catellus land. Under this procedure, Catellus would transfer its lands to the United States, just as it would in a land-for-land exchange, but instead of receiving federal lands in return, it would obtain exchange credits usable as payment for surplus federal properties in the State of California offered in public sales. These sales are designed according to existing law and regulations to realize for the federal government the fair market value of the property. The exchange account gives Catellus no right to federal monies in payment for its lands.

An important feature of section 609 of H.R. 518 is that it directs the Secretary to consider lands outside the State of California for possible exchange. Section 609 would allow the Secretary of the Interior to negotiate an interstate land exchange agreement with Catellus but would require that the exchange be approved by a joint resolution of Congress before it may take effect.

The exchange account is patterned after similar accounts established for the Cook Inlet Region, Incorporated (Sec. 12 of Public Law No. 94-204, 89 Stat. 1150 (January 2, 1976), 43 U.S.C. Sec. 1611 note) for the Haida Corporation (Sec. 15 of Public Law No. 102-415, 106 Stat. 2123 (October 14, 1992)), the Gold Creek Susitna Association, Incorporated (Sec. 20 of Public Law No. 102-415, 106 Stat. 2127 (October 14, 1992)), and for the private landowners within the Kaloko Honokohau National Historical Park (Public Law No. 98-146, 97 Stat. 954 (November 4, 1983), 16 U.S.C. Sec. 396f). Our research indicates that in all these instances, the exchange account has proven to be an efficient and effective mechanism for acquiring non-federal lands for national purposes and for compensating the owners for the lands' value.

#### ACTIONS TAKEN IN THIS CONGRESS

Senator Feinstein's Desert Protection bill introduced in 1993 included a provision identical to the Catellus provision adopted by the House in 1991. However, in order to obtain the votes needed to report the bill out of the Senate Energy and Natural Resources Committee, Senator Feinstein agreed to the deletion of the Catellus provision. Senator Hatfield had opposed the provision because of his concern that it could result in federal lands in his state of Oregon being exchanged for Catellus' Desert inholdings. After the provision was dropped, Senator Hatfield voted to report the bill. Unfortunately, the Senate did not restore the provision when it passed S. 21 last year.

Congressman Lehman also included the Catellus provision in H.R. 518 introduced in this Congress. The House Natural Resources Committee amended the provision by limiting the use of exchange credits to surplus federal property located in the State of California.

#### CONGRESSMAN LEWIS' AMENDMENTS

Representative Jerry Lewis has proposed two amendments to the Catellus provision contained in section 609 of H.R. 518. The first would delete the provision altogether. By doing so, his amendment would eliminate the only provision in the bill which would compensate Catellus for making it possible to create nearly 10% of the bill's **wilderness** and parks. We are unable to understand Congressman Lewis' motivation. The amendment is inimical to the

interests of the public employees and is clearly inconsistent with the concern he expressed in 1991 for their investment in Catellus. It is also detrimental to the interests of other private property owners seeking the appropriation of scarce funds for land acquisition, in that it increases the likelihood that appropriated funds will eventually have to be used to acquire the Catellus inholdings. We therefore urge you to oppose the amendment.

Mr. Lewis's second amendment extends the Catellus provision to provide the same treatment to all other private inholders in the designated areas. We have no objection to this amendment, although we question whether the provision works for the smaller inholders or whether they actually desire the same treatment. As far as we know, none of those private landowners has

suggested that the provisions of FLPMA are inadequate for the Secretary to negotiate an exchange or purchase with them.

Again, I appreciate the opportunity to have met with you to explain the importance of section 609 to Catellus and to the 970,000 public employees who invested in Catellus.

Sincerely,

James G. O'Gara,

Senior Vice President.

Congress of the United States,

House of Representatives,

Washington, DC, June 27, 1994. James G. O'Gara,

Senior Vice President, Catellus Development Corporation, San Francisco, CA. Dear Mr. O'Gara: Thank you for your letter of June 25, which briefly addresses a few of the questions included in my recent letter to you. Unfortunately, the vast majority of my questions remain unanswered, and I would appreciate your complete response to them as soon as possible.

As this information is directly relevant to legislation which the House of Representatives is currently considering, I look forward to hearing from you soon.

Sincerely,

Michael Huffington,

Member of Congress.

Congress of the United States,

House of Representatives,

Washington, DC, July 19, 1994.

Dr. William Crist,

President of the Board, California Public Employees Retirement System, Sacramento, CA. Dear Dr. Crist: As the Congressman from the 22nd District of California, I have taken a great interest in the various issues pertaining to the Desert Protection Act, currently pending before the Congress. As you may be aware, the Desert Protection Act contains a special interest provision for the Catellus Corporation, in which the California Public Employees Retirement System (CALPERS) has a major stake. I have strongly opposed passage of that provision.

As a result of my inquiries, certain information has come to my attention that I feel compelled to share with CALPERS as it relates to the vital interests of your members—a subject of concern to me, as it is, of course, to CALPERS. I would appreciate your careful and immediate review of these disturbing facts as outlined below.

As you know, in 1989 CALPERS initially invested \$ 398 million for 20 percent of the common stock of the Catellus Corporation, then a private real estate corporation owned by the Santa Fe Pacific Corporation (Santa Fe). Indeed, through purchases of preferred stock and the conversion of bonds, the total amount invested to date in Catellus has risen to \$ 544 million. The amount

invested in common stock, \$ 473 million for 40 percent, is apparently one of the larger common stock investments ever made by CALPERS.

It appears that CALPERS first purchased Catellus stock for \$ 37.75 per share when the company was still private. Because there was no public in market, CALPERS was limited in its ability to sell its Catellus stock which, as a result, increased the investment risk. This risk became painfully evident when, less than one year later, Catellus became a publicly traded corporation. Its stock first sold at only \$ 11 a share and quickly dropped to \$ 9, representing a 70 percent decline from the price paid by CALPERS.

In 1989, Catellus valued its developable and income producing properties at \$ 2.4 billion. At the end of 1993, despite increasing its holdings, Catellus's properties were worth only \$ 1.4 billion. Even in 1989 when CALPERS invested \$ 398 million for 20 percent of Catellus's equity, the company's book value was only \$ 118.4 million.

However, as an investment in Catellus was somewhat speculative at best, that investment appears to differ markedly from the sizable interests CALPERS has held in well-known American companies. At the end of each fiscal year from 1989 to 1993, the initial CALPERS investment in Catellus of \$ 398 million was only exceeded by equity investments in IBM, Exxon Corporation, General Electric and AT&T. While CALPERS's investment [\*H6297] in publicly-traded companies appears prudent, its investment in Catellus, a relatively unknown and financially speculative real estate company, appears questionable at best and underscores the need for review of the process by which the pension fund came to invest so heavily in Catellus.

It appears that CALPERS had at least two outside consultants: Chicago-based JMB Realty Company, and the San Francisco-based Roulac Consulting Group. As I understand it, the JMB Realty Company received a fee of \$ 8 million for referring Catellus to CALPERS and continues to receive a yearly management fee of \$ 2.4 million from the pension fund although its duties are not clear. It also appears unclear what services were in fact provided by the Roulac Group and what compensation was received.

The facts detailed above raise serious questions concerning the judgment of CALPERS in making the Catellus investment and its impact on millions of California pensioners. I believe therefore, that there is a need for an internal inquiry into the process by which the decision to invest in Catellus was taken. In such an inquiry, I suggest that one look into circumstances of the sale of land by Santa Fe to Catellus which was originally given to the railroad by the Federal Government and the fees paid to JMB and others involved in this investment, with a view to determining whether funds could be recovered from the various corporate entities that may have benefited at CALPERS's expense.

I thank you for your attention to this matter and you have my assurance of continued involvement to see that the interests of the California retirees are not prejudiced.

Sincerely,

Michael Huffington,

Member of Congress.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Lewis of California amendment. This amendment-we have been working on this bill for a while, Mr. Chairman, as most Members know, and I think we are at the conclusion of it-the fact is that this amendment would really undo, disassemble the entire legislative proposal that we now have before us. It would eliminate the expansion of the parks that are in here, the designation of the new park; obviously, it would



substantially reduce the amount of **wilderness** that is in the bill and which has been in the bills that have passed the House by a previous Congress. The fact is we spent a lot of time on this measure over the last 6 to 8 years.

The commission that the gentleman refers to, which was set up in the early 1970's, obviously, events and circumstances have eclipsed whatever benefit and whatever judgments were made by that particular commission. It was probably a good intention on the part of Congress in the early seventies to set up the commission, but it did not work, it did not come together, it did not build the type of consensus and support that is necessary to in fact designate this California **wilderness** area, the California desert lands. It did not build up the type of legislative action. That is not unusual, but I think that is a failed model, that type of commission.

We ought to think about that before we set up commissions, that expensive type of commission, and take it out of the hands of the BLM managers, the Park Service or the Forest Service, usually charged with the responsibilities to carry out studies. It was expensive and did not work. I think that is what is really at stake and what the gentleman's comments were here with regard to the commission.

But this bill, to go back now and pick up a 15-year-old report that was controversial and unworkable at the time, and try to suggest that was going to be implemented in the law, especially after the Congress acted on more progressive measures and has a very progressive measure before them today, one that has been perfected. Some of the modifications, of course, Mr. Chairman, you realize and other Members, that I did not agree with, but nevertheless we are marching forward with that today, to see it enacted eventually into law after modifications with the Senate conferees.

So I would hope we would reject this amendment. It fails to deal with many of the issues that we have. It is not responsive. It takes us back to the thrilling days of yesterday and not addressing where we are in 1994.

I think that the amendment simply does not do the job and deserves to be defeated, because of the tremendous work that has been done on this and the fact that it is a flawed amendment.

MR. CHAIRMAN, I RISE IN OPPOSITION TO THE LEWIS AMENDMENT IN THE NATURE OF A SUBSTITUTE.

THIS IS A VERY SIMILAR TO A SUBSTITUTE OFFERED BY THE GENTLEMAN FROM CALIFORNIA, (MR. LEWIS ) WHEN THE HOUSE CONSIDERED THE CALIFORNIA DESERT LEGISLATION IN THE LAST CONGRESS. THAT SUBSTITUTE WAS REJECTED BY A WIDE MARGIN, AND THIS SUBSTITUTE SHOULD ALSO BE REJECTED.

THE SUBSTITUTE WOULD DESIGNATE SOME **WILDERNESS** AREAS ON BLM-MANAGED PUBLIC LANDS IN THE CALIFORNIA DESERT AND IT WOULD ADD SOME LANDS TO THE EXISTING DEATH VALLEY AND JOSHUA TREE NATIONAL MONUMENTS. HOWEVER, IT WOULD OMIT FROM **WILDERNESS** MANY IMPORTANT AREAS THAT WOULD BE PROTECTED UNDER EITHER THE SENATE-PASSED BILL OR THE VERSION ADOPTED BY THE NATURAL RESOURCES COMMITTEE. IN ADDITION, IT TOTALLY OMITTS THE DESIGNATION OF A NATIONAL PARK SYSTEM UNIT IN THE EAST MOJAVE AREA.

EARLIER DURING OUR CONSIDERATION OF THIS BILL THERE WAS CONSIDERABLE DEBATE ABOUT THE FUTURE MANAGEMENT OF THE EAST MOJAVE. IN PARTICULAR, THE LAROCCO-LEWIS AMENDMENT ADDRESSED THE QUESTION OF WHETHER SPORT HUNTING SHOULD CONTINUE TO BE PERMITTED ON THOSE LANDS.

I DID NOT SUPPORT THAT AMENDMENT, MR. CHAIRMAN. BUT ON ONE POINT I WAS IN COMPLETE AGREEMENT WITH THE AMENDMENT'S SUPPORTERS. THAT POINT WAS THAT THIS

IS AN AREA THAT SHOULD BE UNDER THE MANAGEMENT OF THE NATIONAL PARK SERVICE.

BY ADOPTION OF THE LAROCCO AMENDMENT, THE HOUSE, INCLUDING THE GENTLEMAN FROM CALIFORNIA, (MR. LEWIS ) HAS ALREADY SHOWN CLEAR SUPPORT FOR PLACING THOSE LANDS UNDER THE MANAGEMENT OF THE NATIONAL PARK SYSTEM. BUT THIS SUBSTITUTE WOULD REVERSE THAT DECISION.

THE SUBSTITUTE ALSO WOULD UNDERCUT AGREEMENTS THAT HAVE BEEN WORKED OUT ON OTHER ASPECTS OF THE BILL, INCLUDING THE ONE DEVELOPED BY CHAIRMAN MILLER AND MR. CUNNINGHAM.

THE SUBSTITUTE ALSO LACKS MANY OTHER IMPORTANT FEATURES OF THE SENATE BILL AND THE VERSION REPORTED BY OUR COMMITTEE;

IT FAILS TO TRANSFER LANDS TO THE STATE OF CALIFORNIA FOR EXPANSION OF THE RED ROCK CANYON STATE PARK;

IT FAILS TO ESTABLISH A DESERT LILY SANCTUARY, AS WOULD BE DONE BY THE SENATE BILL AND THE VERSION REPORTED BY THE COMMITTEE.

IT DOES NOT ADDRESS THE DESIRE OF THE STATE OF CALIFORNIA TO EXCHANGE ITS STATE SCHOOL LANDS IN THE DESERT AREA FOR MORE DEVELOPABLE LANDS, UNLIKE THE SENATE BILL AND THE VERSION REPORTED BY THE COMMITTEE;

MR. CHAIRMAN, THE LEWIS SUBSTITUTE IS AN INCOMPLETE AND INADEQUATE PRODUCT. AFTER NEARLY A DECADE OF HEARINGS, DISCUSSION, AND DEBATE, THE TIME HAS COME FOR CONGRESS TO RESOLVE THE OUTSTANDING QUESTIONS ABOUT THE FUTURE MANAGEMENT OF THE PUBLIC LANDS IN THE CALIFORNIA DESERT. THE SENATE BILL AND THE BILL REPORTED BY THE NATURAL RESOURCES COMMITTEE ARE COMPREHENSIVE MEASURES THAT WOULD ACCOMPLISH WHAT NEEDS TO BE DONE. THIS SUBSTITUTE FALLS FAR SHORT, AND IT SHOULD BE REJECTED.

Mr. McCANDLESS . Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have reached the final mile of the road on this long and arduous activity which I started with in 1975 as a Riverside County supervisor and as a person who has been born in and spent a great deal of his younger life in and most of his adult life in the desert. I must say in all candidness that those who are here and debating have characterized the current status of the desert as some type of a loose cannon in which everyone is taking advantage of a situation to the detriment of the desert and the environment surrounding it.

Many of my friends belong to 4-wheel-drive recreational activity clubs and spend a great deal of time in the desert. These people are not wealthy people. They are just working people, businessmen who enjoy the desert and in so doing take along their families, spend the weekend camping.

On many occasions they will handle in the desert some type of a project which actually results in the betterment of the desert.

When we get involved with the desert plan, I was very appreciative that this came along, and those who took the many years that they did, Bob Mathias, Jerry Pettis, Shirley Pettis, others who were Members of Congress during that time, because they were addressing what I consider to be some of the needs of the desert properly.

During that time I watched the activities of the formation of the Desert Protection Act and I then followed it very closely as a county board member of Riverside County, I monitored its evolution.

If there ever was an activity which had a public forum, an input, better or more progressive or of more wide range than this particular activity, [\*H6298] then I have yet to see such a thing take place.

We have been led to believe here that if we do not pass the bill before us, that the desert is going to go to hell in a handbasket-excuse the word, Mr. Chairman-and that it will degrade, become some type of a zoo for anybody who wishes to use it.

I must take exception to that because we already have under the desert protection plan an activity that is in place, that has designated **wilderness** areas, that has designated this type of land use, that last designated that type of land use and, further, is patrolled by some 40-odd rangers under the jurisdiction of the BLM to enforce, when and where they can, over this vast area, the rules and regulations of the desert plan.

Mr. Chairman, it is in force, it is there, it is on the ground, it is active. Not a bunch of people running across the desert with motorcycles, as many people would like you to picture.

So when we talk about the extremes here, I have to relate to you a personal experience in that I took 2 full days by helicopter and toured the area with the then regional director of the BLM. In this helicopter we had our maps spread out and we went all through all the area in question, every cotton-picking square mile, almost. We looked at the **wilderness** area designation for this location, and I said to this gentleman, "Let me understand, right down there is where we have a **wilderness** designation? And we have it on the maps," as Mr. Hansen said, "a designation of **wilderness**." Well, then I said, "I don't understand because you are telling me that **wilderness** is defined as a certain type of area which man has certain restrictive types of use in?" Yes. I said, "Well, there is a little house in that small canyon with a road leading off another road which leads off a larger road, and this area is going to be **wilderness**?" Yes.

That certainly does not fit the definition of **wilderness** as currently on the books.

We found other areas all through the desert protection plan's locations, this same type of configuration. We no longer had **wilderness**, that man had been there, he had already gone through.

These are the kind of things that kind of riled my blood a little bit because what we have in the way of an interpretation of ongoing and existing activity and those who use the desert as they have been outlined here by the opponents of our substitute amendment and the proponents of what we have in the way of a bill before us.

Mr. Chairman, my time is limited, it has been limited, and so be it. I wanted to conclude by simply saying the desert is well, the desert is satisfied with what it has. The people who use it respect it. We are not a bunch of tramps running around like chickens with our heads cut off.

I would suggest and certainly support the substitute offered by Mr. Lewis .

Mr. LEHMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment and, hopefully, to bring the Members up to date on where we are right now in this process.

The bill we have before us that, hopefully, we will be voting on very soon is similar to the bill that passed the House in 1991 and more recently the one that passed the Senate by a vote of 69 to 29.

H.R. 518 is the product of a 18-year process that has been anything but exclusive. That process has included literally thousands of individual public comments and hundreds of changes to the original Desert Protection Act of 1987. We have held many hearings in Washington and in

California on this bill. We have had 2 in 1987, one in 1989, 3 in 1992 and 2 more in 1993.

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The Committee on Rules granted an open rule on May 11, and there were 45 amendments proposed to the bill, and during the 21/2 months since then, Mr. Chairman, Members and their constituents have been treated to 20 hours of lively debate. During that debate 22 amendments have been added to the bill. Some of them were in the Senate bill, and some of them were not.

Looking at this bill today and the one that was originally introduced, we have eliminated 271,000 acres from **wilderness**. We eliminated 63,000 this year in committee. We have taken thousands more out here on the floor. We delete an additional 125 miles that was previously closed to off-road vehicle use, and I think we have aggressively tried to pursue the legitimate concerns regarding access to **wilderness** and park areas that are established by this legislation, and I suspect, as this bill goes to conference and individual problems come up, we will attempt to deal with them in the same vein.

With respect to private property, Mr. Chairman, we have eliminated more than 90,000 acres of private lands from the boundaries of park and **wilderness** areas, provided assurances for reasonable access to private property, and provided protection for inholders from unreasonable treatment by the Park Service. We have also via amendment here on the floor assured landowners that the value of their land for purchase by the Federal Government will not be diminished by presence of an endangered species. We have given to individual landowners exchange mechanisms that apply to large landowners in the development bill, namely the Catellus Development Corp. and the State Lands Commission. We have also sent a clear message to inholders, especially those with land in the East Mojave: This bill will not prohibit you from building a house or adding an addition to your home if this is what you choose to do with your land. Activities on your lands will primarily be governed by State and county zoning laws.

My colleagues, there can be no question that the desert is not the untouched, unspoiled land which was Yosemite or Yellowstone in the late 1800s. The wheels of progress have churned forward and the region has been subject to a variety of multiple uses. However, the California desert remains one of the few oases of calm in a zone of urbanization and metropolitan sprawl. It is not the wasteland or giant mining pit as some would have us believe. It is an area inhabited by only the most hearty, some, including ranchers and homesteaders whose families have been there for generations. It is home to diverse people and species of animal and plant life as well as unique cultural and geographical features.

Science dictates that the best way to protect this area for future generations to enjoy is to reduce certain extractive uses like mining and limit other heavy impacts. This management scheme contrasts with the requirements of other areas like the Sierra Nevada where active management is a necessity to sustain healthy forests and reduce threats of fire.

According to economic figures developed by the National Park Service, this bill will total tax benefits of over \$ 30 million per year. In addition, it will generate some 3,000 jobs and tremendous secondary economic benefits. H.R. 518 is a net job creator and will contribute to Federal, State and local treasuries. As one whose district includes two national parks, I can freely say that parks are priceless resources of which we need more, where warranted and properly and honestly debated here on the floor. I think it is high time we provided solid protection for this area.

The substitute falls far short of this goal, and I want to say that the gentleman from California (Mr. Lewis ) has fought hard here, and so have his allies. He has won some; he has lost some. I salute him for his efforts and certainly do not question his sincerity or dedication to his district and the values that he thinks ought to be maintained. But I suggest that years from now, when the history is written, it is going to be remembered that we at this moment had the foresight and

the vision to act boldly to protect this vital area, this majestic and fragile area of our American landscape. The real beneficiaries of this bill are not the people that are in this room or not the people who are listening at home today. The real beneficiaries of this bill are people who are not yet born, who decades from now are going to enjoy the California desert and say, "Thank God that Congress back then had the wisdom to protect this for us."

Mr. Chairman, I urge rejection of the substitute and passage of the bill.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words. [\*H6299]

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California, my friend who has been our leader in opposing what we call the desert lockout bill.

Mr. LEWIS of California. Mr. Chairman, indeed it has been suggested throughout this debate by my colleague, the chairman, that somewhere near 75 percent of the people in California want this bill, that the reality is that that entire discussion has flowed around a question of:

"Do you want to have protection for the California desert?"

Clearly, Mr. Chairman, 75 percent of the people want protection for our desert, but this bill, the question about this bill was asked of the people who live in, who work, who understand and love the desert the most, the people who were there, and this chart reflects their reaction to this specific piece of legislation, which, to say the least, is in excess well beyond anything that is needed regarding those who are concerned about the future of the desert. The substitute that we are considering here would, if passed, create the largest **wilderness** designation in the continental United States.

I mean it is no small matter. It is well beyond that which is available in the continental United States at this point in terms of individual designation.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, for 1 second, just to reflect on what the gentleman has talked about with his chart up here that talks about 74 percent of the people in San Bernardino County objecting to the so-called Desert Protection Act. Now why would they do that? As my colleagues know, I think it is because the gentleman's constituents understand something that most Americans understand, and that is that the quality of our lives is largely a function of how much control we have over our lives, and they see this bill, not as something that protects the desert, but they see it as a function of the Federal Government taking away control from their lives.

Over the last several weeks, Mr. Chairman, we have been debating this bill, I think with some pretty serious amendments, and we have talked about the freedom that is taken away from the gentleman's offroaders, those families who leave their work, mostly blue collar people, and drive every Sunday or Saturday out to their favorite place in the desert where they have spent literally years and years enjoying the desert in their particular place. Whether we are talking about the amendment offered by the gentlewoman from Nevada (Mrs. Vucanovich ) that speaks to the fact that we are taking away the rights of our mining people, the people who have carried on our mining and mineral exploration heritage in the West, they are getting their rights taken away under this bill. The hunters who are getting their rights taken away under this bill, the people in the West understand this is part of President Clinton's war on the West. It is a war that is imposed by Government, and, like most of the artifices that the President and those who support him strongly use to take away power that Americans have and control that Americans have over their own lives, it is all done on the basis of giving them something, whether it is health care, where we give them security by taking away their choices with respect to medical care, or whether it is taking away their right to use the desert as they have used it for 100 years, doing it

under the guise of protecting the desert, and I guess the people from San Bernardino County asked themselves a question: Protecting the desert from whom? And then they realize that President Clinton and the people who are proposing this bill are protecting the desert from them, the people of that county and the rest of the people of the United States who want to use this area.

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So I thank the gentleman for his leadership on this debate we have had for a couple of weeks, and all the gentlemen who have participated in this debate, the gentlemen from California (Mr. McCandless ), the gentleman from California (Mr. Thomas ), the gentleman from California (Mr. McKeon ), and the gentleman from Utah (Mr. Hansen ) who has helped to run the debate. Thank you for making this strong point with the American people.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield further, I asked for essentially additional time to make the point one more time; that is, the House has been extremely responsive to the interests and concerns of the Members who are elected to represent the desert by way of the debate that has gone before us. Several amendments have been passed by them as a result of their listening and participating that radically changed this legislation as it came from the committee, in broadly based bipartisan votes. The last major amendment passed involved a majority on both sides of the aisle, reflecting the reality that we needed to take steps to protect private property rights. The committee was not even willing to begin to listen to those concerns. The committee was extremely arbitrary with the Members from the desert, not willing to discuss this in any depth with us at all, despite the fact that 14 Members are freshmen Members and had never been through this debate before.

In return, I want to express my deep appreciation to the House. The House has been responsive to all of us, and they shaped a better bill as a result of it. We are, as the chairman has suggested, well beyond this amendment at this point in time. The substitute is now a thing of the past.

The CHAIRMAN. The time of the gentleman from California (Mr. Lewis ) has expired.

Mr. EVERETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. EVERETT. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would say to the chairman, we are well beyond this substitute, which was the work of a commission that spent a number of years evaluating the complexity of the problems in the desert and the west. There is little doubt that this legislation comes nowhere near reflecting the needs of those who would want to truly protect all of the resources of the desert. It is my view that in this process, I am hesitant to do what I was going to do, and I suggest that we are well beyond that commission report.

I also suggest to the chairman that any communication at all, even today, would have had you know that no one was attempting to use up all kinds of extra time today. I do not remember on the floor when we had a motion to limit debate. It may have occurred sometime in the last 15 years. But this is an outrageous exercise one more time of the kind of control that this committee likes to exercise.

But, having said that, as we are beyond this amendment, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. Lewis )?

There was no objection.

The CHAIRMAN. Are there further amendments to the bill?

MRS. VUCANOVICH. MR. CHAIRMAN, I RISE IN STRONG SUPPORT OF THE SUBSTITUTE OF OUR COLLEAGUE FROM CALIFORNIA AND A REPRESENTATIVE OF THE CALIFORNIA DESERT AREA, MR. LEWIS.

THE LEWIS SUBSTITUTE BEFORE US IS THE PAINSTAKINGLY FORMULATED COMPROMISE PLAN FOR THE MANAGEMENT OF THE CALIFORNIA DESERT CONSERVATION AREA WHICH THE 94TH CONGRESS DICTATED THE BUREAU OF LAND MANAGEMENT PREPARE IN SECTION 601 OF THE FEDERAL LAND MANAGEMENT AND POLICY ACT OF 1976.

MR. CHAIRMAN, FLPMA, THE ORGANIC ACT FOR THE BLM, IS THE PUBLIC LANDS MANAGEMENT BIBLE FOR MANY MEMBERS FROM THE OTHER SIDE OF THE AISLE. FLPMA STANDS FOR RETENTION OF PUBLIC LANDS RATHER THAN DISPOSAL AS WAS THE CASE GENERALLY PRIOR TO ITS PASSAGE. YET, IT IS THESE VERY SAME MEMBERS THAT NOW WISH TO TRASH THE MANDATE OF SECTION 601 BECAUSE THEIR ENVIRONMENTALIST FRIENDS DIDN'T GET EVERYTHING THEY WANTED IN THE BLM'S CDCA PLAN WHICH WAS OVER A DECADE IN THE MAKING.

MR. CHAIRMAN, THE ENVIRONMENTAL COMMUNITY AND MINERS, GRAZERS, MOTORIZED RECREATIONISTS, AND OTHER ALL HAD TO COMPROMISE THEIR DESIRES IN THE BLM'S PLAN. BUT THE ENVIRONMENTAL SPECIAL INTEREST GROUPS KNEW THAT IF THEY DIDN'T GET EVERYTHING THEY SOUGHT IN THE BLM PLAN, WELL, THEY WOULD JUST GO TO THEIR FRIENDS IN THE CALIFORNIA DELEGATION AND WIN IT BACK. THAT'S WHAT H.R. 518 IS REALLY ALL ABOUT. THE LEWIS SUBSTITUTE WOULD SAY "NO" TO ALL INTEREST GROUPS. YOU HAD YOUR SHOT TO BE PERSUASIVE IN THE ADMINISTRATIVE PROCESS THAT WAS MANY YEARS IN THE MAKING. THE LEWIS SUBSTITUTE IS THE CONGRESSIONAL [\*H6300] RATIFICATION OF THAT PROCESS, AND I SUPPORT IT FULLY.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the House for its persistence in sticking with us on this legislation. I deeply regret that this legislation had to be the subject of personal attacks on the chair of this committee, namely, me, because throughout the history of this legislation and the history of the Committee on Natural Resources, I have continued to run a very open committee, and any member of that committee could have offered any one of these amendments in committee and yet chose not to do that.

The gentleman from California (Mr. Lehman ) and the gentleman from Minnesota (Mr. Vento ) have spent hours with their subcommittees on this legislation, as have the members of this committee. The gentleman from California (Mr. Dreier ) likes to refer to me as Mr. Open Rule, because I continue to insist that these bills come before the House under an open rule. Clearly this bill has worn out its welcome on the floor, and that is why we put a time limitation on it.

But I think we have developed the fact that this bill is necessary. As the gentleman who just spoke in the well said, we are way beyond the substitute that he was offering, way beyond the commission report, because when that commission report was issued, the difference between that and today is that California has 15 million more people. Open spaces and the utilization of those open spaces and the protection of those open spaces for the multiple uses that are in this bill is more and more difficult, but more and more urgent.

Our colleague, the gentleman from California (Mr. Lehman ), said it quite correctly. This bill, as all other bills that protect the **wilderness** of this country, that protect the national parks and

create the national parks, will in the future again be recognized for what it did. It passed on as part of the heritage of this country the great natural assets to the next generation. We have the possibility with the designation of these areas as parks, with upgrading, if you will, the status of these lands, to start some rehabilitation where the lands have been abused, to change some uses from one area to another so the more sensitive areas can be protected, so that habitat can be protected, and so that the right of the public to access can be protected. Those who seek to use this for off-the-road vehicles, we have some 33,000 miles that they can use. We have to recognize mining. We must take some of these lands as we find them in 1994. This is not 1894. We have had to grandfather existing mining operations in. It is good for the local economy. These people were there before. They have a right to continue those activities, and we have a right to preserve the lands around those to the best that we can.

But what we could not allow is the continued unbridled misuse of many of these lands, and some are more critical than others. The misuse only comes by comparison to those lands and how frail they are. That is what the Committee on Natural Resources struggled with, that is what this House has struggled with, and I believe that when we pass this legislation, we will have done so successfully.

It has been said time and again in this debate, and it is a fact, that the people of California overwhelmingly support the creation of these national parks. It has been said time and again that the people in the area do not exactly support the creation of these national parks. That would have been true when we created the Olympic National Park. That would have been true when we created Yellowstone, when we created the Everglades, when we created the Mojave, when we created the Grand Canyon, and, of course, when we created Yosemite.

The people in the area kind of liked it the way it was. But we recognize that these were unique natural assets that are part of the heritage of this country, and they could not be squandered for timber interests, they could not be squandered for mineral interests, for oil interests, or for any single interest. They must be tried and preserved for the people of this Nation to enjoy. Whether those people come to these deserts or they come to our mountains or they come to the great canyons of this Nation, whether they come from the west coast or from the east coast or from the heartland of this country, they are entitled to have that heritage passed on, so that they can show it to their children and to their grandchildren, so that their grandchildren can show it to their grandchildren. And what the Desert Act points out is that unless we act now, we will not have that opportunity for the next generations.

California is a very crowded place. If these deserts were not on the edge, on the virtual edge of massive populations, we might take a different approach.

The CHAIRMAN. The time of the gentleman from California (Mr. Miller ) has expired.

(By unanimous consent, Mr. Miller of California was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, but the fact is that these lands are on the edge of this huge, huge metropolitan population that seeks to use these lands, and rightfully so, as an outlet for their family activities, for their hobbies, for their exercise, for their own education, and for all of the other uses. That is what this act preserves. It preserves it in multiple uses, in multiple classifications, and for multiple access by the people of this Nation and the people of California.

Let us also know that this bill has been under study for a considerable period of time, since the first recommendations in 1978 and 1980, and during that time it has garnered the support of almost every newspaper in the State of California, suburban newspapers and urban newspapers, from San Bernardino County, from Inyo County, from San Diego, from Los Angeles, Santa Barbara, across the State.



Out of that opinion, out of that consensus, out of that support we have tried to put together a bill that would serve us well today and far, far into the future. It has been difficult. We have had to contend with these different uses.

We had to contend with the fact that there are large landowners in the area that would like to get out of the area, that would like to move on. We had to contend with the fact that one of those cases, the Catellus Corp., the State's lands commission represented the investment, the savings, the future, the retirement of California's public employees, of its retired teachers. And we tried to find a way so that we could get them out of these areas should they decide to sell those lands.

Somehow the gentleman from California (Mr. Huffington ) sees those people as a special interest, people who should not be considered in this legislation, so that we cannot consider a means by which their retirement, their investments, their savings and their future can be considered as we transition the uses of these lands from one to another on a willing seller, a willing buyer basis. The same privilege that we have given to savings and loans and to corporations, somehow we were not going to give to the retired individuals in California.

That is not a special interest. That is an interest that deserves to be taken care of and to be considered, at least, in this legislation as was the mining interest, as were the off-the-road vehicles, as were the campers, the rock hounds, the naturalists and everybody else, the military, all of those were the interests that make up the California desert.

I would hope that my colleagues would support this legislation. It has been a lively debate, as the gentleman from California (Mr. Lehman ) said, but I think we are right. I think we will create a product that not only has the overwhelming support of the House but of the Nation. It is compatible with the hard work, the stewardship and the effort that Senator Feinstein put into this legislation.

The CHAIRMAN. The time of the gentleman from California (Mr. Miller ) has again expired.

(On request of Mr. Lewis of California and by unanimous consent, Mr. Miller of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Many said, after they threw out a Senator who built his career on rejecting this legislation, after the voters of California threw out a Senator that made the [\*H6301] hallmark of his career his resistance to the Desert Act, she took this up. She took this up as a cause. And they said it would never come out of the Senate.

The fact is, she was able to navigate this legislation through the Senate, to put it before us, and we are now acting in response to that.

Over 69 Members of the Senate supported this on a bipartisan basis. We should do the same in this House. We should support this legislation on a bipartisan basis.

MR. CHAIRMAN, THE CALIFORNIA DESERT PROTECTION ACT MERITS OUR SUPPORT. NEARLY IDENTICAL TO LEGISLATION WHICH PASSED THE HOUSE IN THE 102D CONGRESS, THIS BILL DESIGNATES ALMOST 4 MILLION ACRES AS **WILDERNESS** AND TRANSFERS THE EXISTING 1.5 MILLION ACRE EAST MOJAVE NATIONAL SCENIC AREA FROM THE BUREAU OF LAND MANAGEMENT TO THE NATIONAL PARK SYSTEM. IN ADDITION, THE BILL EXPANDS THE EXISTING JOSHUA TREE AND DEATH VALLEY NATIONAL MONUMENTS BY 234,000 ACRES AND 1.3 MILLION ACRES RESPECTIVELY, AND REDESIGNATES THE MONUMENTS AS NATIONAL PARKS.

The California Desert Protection Act overwhelmingly passed the House in 1991 by a vote of 297

to 136. Since 1987, there have been approximately 15 hearings in Washington, DC and California on desert protection legislation. In this Congress, the Subcommittee on National Parks, Forests and Public Lands held a hearing June 15, 1993 on the bill we are considering today. The hearings have demonstrated the widespread support for desert protection from environmental organizations, cities, utilities, and scientists. A field poll taken last year showed that 71 percent of Californians favor National Park Service management in the existing East Mojave National Scenic Area.

If the California Desert Protection Act is adopted, all existing uses of the desert will continue, sometimes in different areas under different management prescriptions. But there is no use of the desert land permitted today that will be precluded by enactment of this legislation.

For those who like to backpack, the bill designates nearly 4 million acres of **wilderness**, and there are thousands of trail miles to walk along. All of the areas to be designated **wilderness** were classified as roadless by the Bureau of Land Management in its desert plan, and all of the areas qualify for **wilderness**, according to the BLM.

For those who like to ride motorcycles and dune buggies, the legislation leaves open approximately 33,000 miles of roads, including 18,000 miles of primitive routes and 15,000 miles of paved and unmentioned dirt roads. Approximately 430,000 acres of public land—an area approximately 10 times the size of Washington, DC—will remain open primarily for use as off-road play areas for trail bike and all-terrain vehicle users.

Of special interest to off-road vehicle users is the 61,630-acre South Algodones (pronounced "Owl Go Dough Nays") Dunes area which will remain open for motorcycle and other vehicle users. The previously passed House bill did not leave this area open.

For those who presently enjoy the privilege of mining on public land, the legislation allows anyone with valid existing rights to continue operating. In addition, we exclude all known active mines within the park and **wilderness** areas designated by this bill.

The privilege of grazing on public lands also will be permitted subject to existing laws and National Park Service regulations in Death Valley and Mojave National Parks.

H.R. 518 also satisfies the concerns initially raised by utilities operating in the California Desert, including the Los Angeles Department of Water and Power, Southern California Edison, Southern California Gas Co., and the Metropolitan Water District. In addition, the Pacific Gas and Electric Co. owns and operates a natural gas pipeline known as line 300 on existing rights-of-way adjacent to but outside areas designated as **wilderness**. Since the right-of-way is outside any specific **wilderness** designation, statutory language with respect to its continued operation such as that included in the bill for other utility activities is unnecessary. It is our intent that the legislation will not affect the utility's operations, or the customary use and maintenance of the existing right-of-way.

Mr. Chairman, the California Desert Protection Act has been debated in each successive Congress since 1986. And the debate existed as early as 1976 when Congress ordered the first study about future uses of the California desert. It is time to enact legislation so that all desert users—miners, hikers, educators, recreational vehicle users and others—will have some certainty about the future of the desert. At the same time as this legislation will preserve natural and scenic areas for the health, enjoyment and education of future generations, this legislation also maintains off-road vehicle recreational opportunities, and allows mining, grazing, and other activities to continue in specific areas.

Mr. Chairman, the California desert encompasses 25 million acres—approximately one-quarter the size of the State of California. Within the 25 million acres, there are three desert ecosystems known as the Sonoran, Mojave, and Great Basin, 90 mountain ranges, sand dunes as high as

700 feet, more than 2,000 species of plants and wildlife, and a wealth of archaeological sites.

Every major newspaper in California including the Los Angeles Times, San Francisco Chronicle, San Bernardino Sun, Sacramento Bee and San Diego Tribune have expressed their support for the entire bill in general, or the Mojave National Park in particular.

I commend Congressman Richard Lehman, the author of this legislation, as well as Subcommittee Chairman Bruce Vento who played a key role in crafting this legislation. In addition, former Senator Alan Cranston was instrumental in this effort as well.

I encourage my colleagues to support this legislation.

MR. FAZIO. MR. CHAIRMAN, I RISE IN STRONG SUPPORT OF [\*H6302] H.R. 518, THE CALIFORNIA DESERT PROTECTION ACT. I BELIEVE THAT THIS LEGISLATION OFFERS A COMPROMISE THAT RESPECTS THE INTERESTS AND THE INTEGRITY OF ALL THOSE THAT USE THE CALIFORNIA DESERT WHILE CONTINUING TO PROTECT THE DESERT'S UNIQUE NATURAL RESOURCES.

THE BILL WE ARE DEBATING HERE TODAY IS PRODUCT OF A PEACEFUL ACCORD-NOT A LINE DRAWN IN THE SAND. THIS BILL REPRESENTS LITERALLY YEARS OF DEBATE AND COMPROMISE.

IN THE LAST CONGRESS, WE DEBATED AT LENGTH A SIMILAR MEASURE. IN THIS CONGRESS, THE CAREFUL CONSIDERATION OF THIS IMPORTANT PIECE OF LEGISLATION CONTINUES. THE BILL HAS BEEN DEBATED AT LENGTH. I WANT TO PRAISE THE SUCCESS OF THE MEMBERS OF THE FULL COMMITTEE AND THE SUBCOMMITTEE IN PROVIDING AN OPEN FORUM FOR DEBATE OF THE RELEVANT ISSUES. IN ADDITION, THE RULES COMMITTEE HAS BEEN EXTREMELY DILIGENT IN MAKING SURE THAT THE DEBATE TODAY IS AMPLE YET FOCUSED.

MR. SPEAKER, THIS LEGISLATION WILL PROVIDE PERMANENT PROTECTION AND CONTINUED ENHANCEMENT FOR A UNIQUE NATURAL RESOURCE-THE CALIFORNIA DESERT. THE BILL DESIGNATES **WILDERNESS** AREAS ON THE BUREAU OF LAND MANAGEMENT LANDS IN THE CALIFORNIA DESERT, ESTABLISHES THREE NEW NATIONAL PARKS, AND DESIGNATES **WILDERNESS** AREAS WITHIN THOSE NEW PARKS. IN ALL, THE MEASURE DESIGNATES ABOUT 8 MILLION ACRES OF **WILDERNESS**, MAKING IT THE LARGEST LAND CONSERVATION AND PROTECTION MEASURE SINCE THE 1980 ALASKA LANDS ACT.

BEFORE WE VOTE ON FINAL PASSAGE OF THIS MEASURE WE WILL DEBATE AND VOTE ON A HOST OF AMENDMENTS THAT COVER THE COMPLETE SPECTRUM OF INTERESTS AT STAKE. WE WILL LOOK AT THE ISSUE OF ROADS AND ROADLESS AREAS. WE WILL HEAR ABOUT MILITARY MATTERS, ESPECIALLY THE CONTINUING USE OF MILITARY FACILITIES AND THE IMPACTS ON MILITARY OVERFLIGHTS. THE CONTRIBUTIONS OF MR. LEHMAN AND OTHERS ENSURE THAT LAW ENFORCEMENT IS NOT IMPAIRED BY THE LEGISLATION. WE ALSO ENSURE THAT THE LEGISLATION IS CONSISTENT WITH THE NEEDS OF THE DRUG ENFORCEMENT AGENCY, THE IMMIGRATION AND NATURALIZATION SERVICE, THE CUSTOMS SERVICE, AND OTHER FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES.

THE BILL AND THE AMENDMENTS STRIVE TO FIND THE PROPER MIXTURE OF CONTINUING AND NEW GRAZING ARRANGEMENTS THAT CONSIDER THE SUITABILITY OF GRAZING BASED ON THE SITE-SPECIFIC ANALYSIS. HUNTERS AND OFF-ROAD ENTHUSIASTS HAVE HAD AND WILL HAVE THEIR CONCERNS DEBATED AND ADDRESSED AS WELL. WATER RIGHTS, LAND EXCHANGES, MINING, AND OTHER MANAGEMENT ISSUES HAVE ALL BEEN THOROUGHLY DEBATED.

IN SHORT, THERE ARE MANY ISSUES IN SUCH AN IMPORTANT PIECE OF LEGISLATION. THESE ISSUES HAVE BEEN THOROUGHLY DEBATED IN SUBCOMMITTEE, IN THE FULL COMMITTEE, AND HERE TODAY ON THE FLOOR. I AM IMPRESSED WITH THE THOROUGHNESS OF THE

DISCUSSION. WHILE NOT EVERYONE WILL BE HAPPY WITH THE ULTIMATE OUTCOME, EVERYONE HAS HAD THE OPPORTUNITY TO MAKE THEIR CASE IN AN OPEN AND FAIR FORUM.

THIS BALANCED LEGISLATION IS THE RESULT ON A REASONABLE PROCESS. WHILE SOME SEEK CONFRONTATION BY DRAWING A LINE IN THE SAND, I BELIEVE THAT THE PROCESS HAS PRODUCED A SOUND AND PRINCIPLED PIECE OF LEGISLATION.

MR. BROWN OF CALIFORNIA. MR. CHAIRMAN, I AM PLEASED ONCE AGAIN TO OFFER MY SUPPORT FOR H.R. 518, THE CALIFORNIA DESERT PROTECTION ACT. AFTER MANY YEARS OF EFFORT ON THE PART OF THOSE WHO APPRECIATE THE SPECIAL QUALITIES OF THE CALIFORNIA DESERT WE HAVE THE OPPORTUNITY TO GRANT TO PRESENT AND FUTURE GENERATIONS OF OUR CITIZENS A UNIQUE AND BEAUTIFUL ECOSYSTEM FOR THEIR BENEFIT AND ENJOYMENT. THE DESERT IS A FRAGILE SYSTEM. IT REQUIRES AND IT DESERVES OUR PROTECTION.

OVER THE YEARS, THE EXPANSION OF COMMUNITIES IN SOUTHERN CALIFORNIA HAS BROUGHT MANY BENEFITS, BUT AS A RESULT THE FRAGILE DESERT ECOSYSTEM IN THIS REGION HAS COME UNDER INCREASING PRESSURE. I HAVE LONG BELIEVED THAT UNLESS WE ACTED TO PROTECT THIS SPECIAL RESOURCE THAT IT WOULD BE DESTROYED. ASSERTIONS HAVE BEEN MADE ON THE HOUSE FLOOR DURING THE VARIOUS DEBATES THAT THIS LEGISLATION IS SOLELY SUPPORTED BY NON-CALIFORNIANS AND CALIFORNIANS WHO ARE FROM AREAS OUTSIDE THE DESERT REGION. THIS IS NOT TRUE. AS A NATIVE OF SOUTHERN CALIFORNIA, I GREW UP IN THE DESERT, AND I FULLY SUPPORT THE CALIFORNIA DESERT PROTECTION ACT.

IN 1978 I HAD THE HONOR OF SPONSORING THE ORIGINAL BILL IN CONGRESS THAT SOUGHT TO ESTABLISH THE EAST MOJAVE AS A NATIONAL SCENIC AREA. WHILE THIS BILL WAS NOT ENACTED, IN 1980 THIS REGION OF THE CALIFORNIA DESERT WAS DESIGNATED THE NATION'S FIRST NATIONAL SCENIC AREA BY THE SECRETARY OF THE INTERIOR.

I FEEL A SPECIAL ATTACHMENT TO THESE LANDS AS A NATIVE CALIFORNIAN, BORN AND RAISED IN THE DESERT OF IMPERIAL COUNTY. I THINK THAT ALL PEOPLE TO SOME DEGREE FEEL THAT THEY BELONG TO THE LAND AND THAT THE LAND BELONGS TO THEM. ESPECIALLY THE LAND OF THE REGION IN WHICH THEY LIVE. BUT WE MUST REMEMBER THAT THE LAND WHICH IS THE SUBJECT OF THIS DEBATE IS LAND THAT IS OWNED BY ALL OF THE AMERICAN PEOPLE AND NOT ONLY BY THE CITIZENS OF CALIFORNIA. I REALIZE THAT NOT ALL OF US WILL BE ABLE TO ENJOY A COMPLETELY FREE RANGE OF ACTIVITIES ON THESE LANDS. SOME OF US WILL BEAR A DISPROPORTIONATE PART OF THE IMMEDIATE COSTS OF THESE RESTRICTIONS. BUT, I BELIEVE THAT THE PRESERVATION OF THIS DELICATE SYSTEM, COMPLETE WITH ITS SPECIALIZED ARRAY OF PLANT AND ANIMAL LIFE WILL IN THE LONG RUN PROVIDE AN IMMEASURABLE BENEFIT TO THE MAJORITY OF US. THIS DEBATE AND THE PASSAGE OF THIS LEGISLATION CAN SERVE AS A FIRST STEP IN THE CREATION OF ALTERNATIVE AND LASTING POSSIBILITIES IN THIS REGION. AS THE POPULATIONS OF SOUTHERN CALIFORNIA GROWS AND OUR COMMUNITIES EXPAND WE NEED TO EXPLICITLY RESERVE AREAS FOR CONTEMPLATION, REFLECTION, AND RECREATION. WE NEED THESE NATIONAL PARKS AND **WILDERNESS** AREAS.

THERE ARE THOSE WHO SUGGEST THAT WE MAY BE THE LAST GENERATION TO HAVE THE PRIVILEGE TO MAKE CHOICES ABOUT RESOURCE USE AND PROTECTION. LET US CHOOSE TO PASS ON THE MYSTERY AND BEAUTY OF THE CALIFORNIA DESERT TO OUR CHILDREN AND THEIRS BY PASSING THE CALIFORNIA DESERT PROTECTION ACT.

MR. THOMAS OF CALIFORNIA. MR. CHAIRMAN, I APPRECIATE THIS OPPORTUNITY TO SPEAK ON THE CALIFORNIA DESERT PROPOSAL, H.R. 518. THOUGH THE NUMBER OF THE BILL HAS CHANGED, UNFORTUNATELY, ITS CONTENT IS SUBSTANTIALLY THE SAME AS THAT OF H.R. 2929 FROM THE 102D CONGRESS. AS A RESULT, I MUST ONCE AGAIN EXPRESS MY

OPPOSITION TO THIS LEGISLATION AND URGE ALL MEMBERS TO INSTEAD SUPPORT H.R. 2379, THE LEWIS SUBSTITUTE.

CONTRARY TO WHAT THE SPONSORS OF H.R. 518 WOULD HAVE EVERYONE BELIEVE, THEIR BILL DOES NOT REPRESENT A COMPROMISE, NOR DOES IT REPRESENT HOW LAND MANAGEMENT DECISIONS SHOULD BE MADE. CERTAINLY THE CONCERNS OF MY CONSTITUENTS, AND OF OTHERS WHO ACTUALLY LIVE, WORK AND RECREATE IN THE DESERT, HAVE NOT BEEN GIVEN ADEQUATE CONSIDERATION IN THE DEVELOPMENT OF THIS LEGISLATION. IN FACT, ALL FOUR OF THE MEMBERS OF THE CALIFORNIA DELEGATION WHO REPRESENT AREAS DIRECTLY AFFECTED IN H.R. 518 ARE OPPOSED TO THE BILL.

THE REAL COMPROMISE IS THE BILL I AM SUPPORTING, H.R. 2379, WHICH PROTECTS NOT ONLY THE CALIFORNIA DESERT, BUT THE JOBS OF MANY WHO RELY ON THE DESERT FOR THEIR LIVELIHOOD. THE DRAFTING OF H.R. 2379 INVOLVED THE KIND OF PUBLIC INPUT DECISIONMAKING PROCESS THAT SHOULD BE EMPLOYED WHEN MAJOR LAND USE DECISIONS ARE MADE. IT REPRESENTS THE CULMINATION OF 15 YEARS' EFFORT TO IDENTIFY AREAS SUITABLE FOR **WILDERNESS** DESIGNATION IN ACCORDANCE WITH A CONGRESSIONALLY MANDATED PLAN, AND TAKES INTO ACCOUNT THE CONCERNS OF ALL GROUPS INTERESTED IN THE DESERT'S FUTURE.

H.R. 2379 IS THE RESULT OF 100 PUBLIC HEARINGS, 16 ENVIRONMENTAL IMPACT STATEMENTS, MINERAL SURVEYS AND 40,000 COMMENTS REFLECTING THE VIEWS OF ALL WHO USE THE DESERT. THIS STUDY SURVEYED 7.1 MILLION ACRES OF PUBLIC LAND THROUGHOUT CALIFORNIA, AND CONCLUDED THAT 4.8 MILLION OF THOSE ACRES DID NOT QUALIFY FOR DESIGNATION AS **WILDERNESS** BECAUSE OF EXISTING ROADS AND OTHER FACTORS. THEREFORE, THROUGH THIS PROCESS AND AS A RESULT OF PUBLIC INPUT, H.R. 2379 PROVIDES FOR THE APPROPRIATE USE AND PROTECTION OF PUBLIC LAND IN CALIFORNIA, AND DESIGNATE 2.3 MILLION ACRES OF TRUE **WILDERNESS**.

IN MARKED CONTRAST, H.R. 518 APPEARS TO MAKE RAW ACREAGE FIGURES, NOT **WILDERNESS** VALUES OR CONSIDERATION OF OTHER INTERESTS, THE PRIMARY DETERMINANT FOR DECIDING ON **WILDERNESS**. THERE ARE NUMEROUS SECTIONS OF THIS BILL THAT DEMONSTRATE HOW A PUBLIC PROCESS WOULD BETTER SERVE OUR NEEDS. I WANT TO MENTION SOME OF THESE PROBLEMS TO SHOW WHAT HAPPENS WHEN THE BALANCED APPROACH IS IGNORED.

THE LEGISLATION CREATES **WILDERNESS** AND PARK LAND OUT OF AREAS I NEVER DREAMED WOULD BE CONSIDERED **WILDERNESS** BECAUSE THEY INCLUDE SEWAGE PONDS, THE COACHELLA WATER CANAL, PRIVATE HOMES, ABANDONED TRAILER PARKS AND AREAS WITH FREQUENTLY USED ROADS. WHEN I HELPED PRODUCE THE CURRENT GOLDEN TROUT, MACHESNA MOUNTAIN AND LOS PADRES **WILDERNESS** AREAS, I NEVER THOUGHT IT APPROPRIATE TO INCLUDE THESE KINDS OF THINGS.

THE BILL CREATES HUNDREDS OF THOUSANDS OF ACRES OF INHOLDINGS-PARCELS OF PRIVATE AND/OR STATE PROPERTY WITHIN THE NEW **WILDERNESS** AND PARK AREAS. INHOLDINGS, AS ANYONE EXPERIENCED WITH LAND USE LEGISLATION KNOWS, ARE A NIGHTMARE FOR THE PROPERTY OWNER AND THE GOVERNMENT. IT WILL COST HUNDREDS OF MILLIONS OF DOLLARS TO BUY THESE PEOPLE OUT. IN MANY INSTANCES WE DO NOT HAVE FEDERAL LAND WE CAN EXCHANGE FOR THESE PROPERTIES.

THIS BILL ALSO IGNORES THE MINERAL POTENTIAL OF THE CALIFORNIA DESERT. EIGHTY-ONE DIFFERENT MINERALS CAN BE RECOVERED FROM THE DESERT. THE BILL'S AUTHORS DO NOT EVEN KNOW WHAT THEY ARE ASKING YOU TO GIVE UP. OF THE 7 MILLION ACRES COVERED BY H.R. 518, FOR EXAMPLE, 5 MILLION ACRES HAVE NEVER BEEN SURVEYED FOR MINERALS. DOMESTIC INDUSTRIES THAT RELY ON MINERALS FOUND IN ABUNDANCE IN THE CALIFORNIA DESERT WILL HAVE TO SEEK OTHER SOURCES OF SUPPLY BOTH IN THE UNITED STATES AND

ABROAD.

FOR SUCH REASONS, H.R. 581 IS NOT A COMPROMISE. IT IS CLEARLY BASED ON ACREAGE RATHER THAN A THOROUGH EXAMINATION OF THE VARIOUS INTERESTS AND USES INVOLVED IN THE CALIFORNIA DESERT. THE WISDOM OF CONGRESS' DECISION TO MANDATE THE PROCESS BY WHICH BUREAU OF LAND MANAGEMENT CONDUCTED AN EXHAUSTIVE, THOROUGH STUDY OF THE CALIFORNIA DESERT CLEARLY SHOWS THAT LISTENING TO ALL THE PUBLIC'S INTERESTS AND BLENDING ALL OF THE FACTORS INCLUDED IN THE DESERT'S FUTURE IS THE BEST WAY TO REACH A LASTING AGREEMENT.

LIKE THE AUTHORS OF H.R. 518, WE ARE ALL SEEKING TO ACHIEVE THE SAME GOAL: PROTECTION OF A UNIQUE AND REMARKABLE RESOURCE. MILLIONS OF AMERICANS USE THE CALIFORNIA DESERT EVERY YEAR UNDER CURRENT CONDITIONS. IN ORDER TO ENSURE THAT ALL AMERICANS AND THEIR CHILDREN HAVE A CHANCE TO ENJOY AND BENEFIT FROM THIS RESOURCE IN THE FUTURE, WE NEED TO ENACT TRULY BALANCED LEGISLATION, THE KIND OF PRODUCT THAT H.R. 518 CLEARLY DOES NOT REPRESENT.

THOSE OF US WHO REPRESENT THE CALIFORNIA DESERT DO NOT ACCEPT H.R. 518 AND AS A RESULT I URGE ALL MEMBERS TO SUPPORT H.R. 2379, WHICH DOES REPRESENT THE REAL COMPROMISE DEVELOPED OVER YEARS OF EFFORT.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Swift ) having assumed the chair, Mr. Peterson of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 518) to designate certain lands in the California Desert as **wilderness**, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, pursuant to House Resolution 422, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VENTO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members. [\*H6303]

The vote was taken by electronic device, and there were yeas 298, nays 128, not voting 8, as follows:

(Roll No. 357)

YEAS-298

|                |              |              |  |
|----------------|--------------|--------------|--|
| Abercrombie    | Ackerman     |              |  |
| Andrews (ME)   | Andrews (NJ) | Andrews (TX) |  |
| Applegate      | Bacchus (FL) | Baesler      |  |
| Barca          | Barcia       | Barlow       |  |
| Barrett (WI)   | Becerra      | Beilenson    |  |
| Bereuter       | Berman       | Bevill       |  |
| Bilbray        | Bishop       | Blackwell    |  |
| Blute          | Boehlert     | Bonior       |  |
| Borski         | Boucher      | Brewster     |  |
| Browder        | Brown (CA)   | Brown (FL)   |  |
| Brown (OH)     | Bryant       | Byrne        |  |
| Cantwell       | Cardin       | Carr         |  |
| Castle         | Clay         | Clayton      |  |
| Clement        | Clyburn      | Coleman      |  |
| Collins (IL)   | Collins (MI) | Condit       |  |
| Conyers        | Cooper       | Coppersmith  |  |
| Costello       | Coyne        | Cramer       |  |
| Danner         | Darden       | de la Garza  |  |
| Deal           | DeFazio      | DeLauro      |  |
| Dellums        | Derrick      | Deutsch      |  |
| Diaz-Balart    | Dicks        | Dingell      |  |
| Dixon          | Dooley       | Dunn         |  |
| Durbin         | Edwards (CA) | Ehlers       |  |
| Engel          | English      | Eshoo        |  |
| Evans          | Farr         | Fawell       |  |
| Fazio          | Fields (LA)  | Filner       |  |
| Fingerhut      | Fish         | Flake        |  |
| Foglietta      | Ford (MI)    | Ford (TN)    |  |
| Frank (MA)     | Franks (CT)  | Franks (NJ)  |  |
| Frost          | Furse        | Gejdenson    |  |
| Gephardt       | Geren        | Gibbons      |  |
| Gilchrest      | Gillmor      | Gilman       |  |
| Glickman       | Gonzalez     | Gordon       |  |
| Goss           | Green        | Greenwood    |  |
| Gutierrez      | Hall (OH)    | Hamburg      |  |
| Hamilton       | Harman       | Hastings     |  |
| Hayes          | Hefner       | Hilliard     |  |
| Hinchey        | Hoagland     | Hobson       |  |
| Hochbrueckner  | Holden       | Horn         |  |
| Hoyer          | Hughes       | Hutto        |  |
| Inslee         | Jacobs       | Jefferson    |  |
| Johnson (CT)   | Johnson (GA) | Johnson (SD) |  |
| Johnson, E. B. | Johnston     | Kanjorski    |  |
| Kaptur         | Kennedy      | Kennelly     |  |
| Kildee         | Kleczka      | Klein        |  |

|                     |               |               |
|---------------------|---------------|---------------|
| Klink               | Klug          | Kopetski      |
| Kreidler            | LaFalce       | Lambert       |
| Lancaster           | Lantos        | LaRocco       |
| Laughlin            | Lazio         | Leach         |
| Lehman              | Levin         | Lewis (GA)    |
| Lipinski            | Livingston    | Lloyd         |
| Long                | Lowey         | Machtley      |
| Maloney             | Mann          | Manton        |
| Margolies-Mezvinsky | Markey        | Martinez      |
| Mazzoli             | McCloskey     | McCrery       |
| McCurdy             | McDade        | McDermott     |
| McHale              | McKinney      | McNulty       |
| Meehan              | Meek          | Menendez      |
| Meyers              | Mfume         | Miller (CA)   |
| Mineta              | Minge         | Mink          |
| Moakley             | Mollohan      | Montgomery    |
| Moran               | Morella       | Murphy        |
| Murtha              | Nadler        | Neal (MA)     |
| Neal (NC)           | Oberstar      | Obey          |
| Olver               | Ortiz         | Owens         |
| Pallone             | Parker        | Pastor        |
| Payne (NJ)          | Payne (VA)    | Pelosi        |
| Penny               | Peterson (FL) | Peterson (MN) |
| Petri               | Pickett       | Pickle        |
| Pomeroy             | Porter        | Portman       |
| Poshard             | Price (NC)    | Pryce (OH)    |
| Quillen             | Rahall        | Ramstad       |
| Rangel              | Ravenel       | Reed          |
| Regula              | Reynolds      | Richardson    |
| Ridge               | Roemer        | Ros-Lehtinen  |
| Rose                | Rostenkowski  | Roukema       |
| Rowland             | Roybal-Allard | Rush          |
| Sabo                | Sanders       | Sangmeister   |
| Santorum            | Sawyer        | Saxton        |
| Schaefer            | Schenk        | Schiff        |
| Schroeder           | Schumer       | Scott         |
| Serrano             | Shays         | Shepherd      |
| Sisisky             | Skaggs        | Skelton       |
| Slaughter           | Smith (IA)    | Smith (NJ)    |
| Snowe               | Spratt        | Stark         |
| Stokes              | Strickland    | Studds        |
| Stupak              | Sundquist     | Swett         |
| Swift               | Synar         | Tanner        |
| Tauzin              | Taylor (MS)   | Tejeda        |
| Thompson            | Thornton      | Thurman       |
| Torkildsen          | Torres        | Torricelli    |
| Towns               | Traficant     | Tucker        |
| Unsoeld             | Upton         | Valentine     |
| Velazquez           | Vento         | Visclosky     |
| Volkmer             | Walsh         | Washington    |
| Waters              | Watt          | Waxman        |
| Weldon              | Whitten       | Williams      |
| Wilson              | Wise          | Wolf          |
| Woolsey             | Wyden         | Wynn          |
| Yates               | Zimmer        |               |



NAYS-128

|               |             |              |
|---------------|-------------|--------------|
| Allard Archer |             |              |
| Armey         | Bachus (AL) | Baker (CA)   |
| Baker (LA)    | Ballenger   | Barrett (NE) |
| Bartlett      | Barton      | Bateman      |
| Bentley       | Bilirakis   | Bliley       |
| Boehner       | Bonilla     | Bunning      |
| Burton        | Buyer       | Callahan     |
| Calvert       | Camp        | Canady       |
| Chapman       | Clinger     | Coble        |
| Collins (GA)  | Combest     | Cox          |
| Crane         | Crapo       | Cunningham   |
| DeLay         | Dickey      | Doolittle    |
| Dornan        | Dreier      | Duncan       |
| Edwards (TX)  | Emerson     | Everett      |
| Ewing         | Fields (TX) | Fowler       |
| Galleghy      | Gekas       | Gingrich     |
| Goodlatte     | Goodling    | Grams        |
| Grandy        | Gunderson   | Hall (TX)    |
| Hancock       | Hansen      | Hastert      |
| Hefley        | Henger      | Hoekstra     |
| Houghton      | Huffington  | Hunter       |
| Hutchinson    | Hyde        | Inglis       |
| Inhofe        | Istook      | Johnson, Sam |
| Kasich        | Kim         | King         |
| Kingston      | Knollenberg | Kolbe        |
| Kyl           | Levy        | Lewis (CA)   |
| Lewis (FL)    | Lewis (KY)  | Lightfoot    |
| Linder        | Lucas       | Manzullo     |
| McCandless    | McCollum    | McHugh       |
| McInnis       | McKeon      | McMillan     |
| Mica          | Michel      | Miller (FL)  |
| Molinari      | Moorhead    | Myers        |
| Orton         | Oxley       | Packard      |
| Paxon         | Pombo       | Quinn        |
| Roberts       | Rogers      | Rohrabacher  |
| Roth          | Royce       | Sarpalius    |
| Sensenbrenner | Shaw        | Shuster      |
| Skeen         | Smith (MI)  | Smith (OR)   |
| Smith (TX)    | Solomon     | Spence       |
| Stearns       | Stenholm    | Stump        |
| Talent        | Taylor (NC) | Thomas (CA)  |
| Thomas (WY)   | Vucanovich  | Walker       |
| Young (AK)    | Young (FL)  | Zeliff       |

NOT VOTING-8

|              |       |          |
|--------------|-------|----------|
| Brooks Gallo | Hoke  | Matsui   |
| Nussle       | Sharp | Slattery |
| Wheat        |       |          |

1355

Mr. SARPALIUS changed his vote from "yea" to "nay."

Mr. QUILLEN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MILLER of California. Mr. Speaker, pursuant to House Resolution 422, I call up from the Speaker's table the Senate bill, S. 21, to designate certain lands in the California desert as **wilderness**, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 21 is as follows:

S. 21

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "California Desert Protection Act of 1994".

SEC. 2. FINDINGS AND POLICY.

(a) The Congress finds and declares that-

(1) the federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing **wilderness** lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges; (5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of **wilderness**, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that-

(1) appropriate public lands in the California desert shall be included within the National Park System and the National **Wilderness** Preservation System, in order to-

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain **wilderness** resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

#### TITLE I-DESIGNATION OF **WILDERNESS** AREAS TO BE ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT

##### SEC. 101. FINDINGS.

The Congress finds and declares that-

(1) **wilderness** is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the **wilderness** values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and [\*H6304] destruction by activities and intrusions associated with incompatible use and development; and

(3) preservation of desert **wilderness** necessarily requires the highest forms of protective designation and management.

##### SEC. 102. DESIGNATION OF **WILDERNESS**.

In furtherance of the purpose of the **Wilderness** Act (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps referenced herein, are hereby designated as **wilderness**, and therefore, as components of the National **Wilderness** Preservation System:

(1) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred and ninety acres, as generally depicted on a map entitled "Argus Range **Wilderness**-Proposed 1", dated May 1991, and two maps entitled "Argus Range **Wilderness**-Proposed 2" and "Argus Range **Wilderness**-Proposed 3" dated January 1989, and which shall be known as the Argus Range **Wilderness**.

(2) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand three hundred and eighty acres, as generally depicted on a map entitled "Bigelow Cholla Garden **Wilderness**-Proposed", dated July 1993, and

which shall be known as the Bigelow Cholla Garden **Wilderness**.

(3) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and within the San Bernardino National Forest, which comprise approximately thirty-nine thousand one hundred and eighty-five acres, as generally depicted on a map entitled "Bighorn Mountain **Wilderness-Proposed**", dated July 1993, and which shall be known as the Bighorn Mountain **Wilderness**.

(4) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred and seventy acres, as generally depicted on a map entitled "Big Maria Mountains **Wilderness-Proposed**", dated February 1986, and which shall be known as the Big Maria Mountains **Wilderness**.

(5) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirteen thousand nine hundred and forty acres, as generally depicted on a map entitled "Black Mountain **Wilderness-Proposed**", dated July 1993, and which shall be known as the Black Mountain **Wilderness**.

(6) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred and twenty acres, as generally depicted on a map entitled "Bright Star **Wilderness-Proposed**", dated October 1993, and which shall be known as the Bright Star **Wilderness**.

(7) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-eight thousand five hundred and fifteen acres, as generally depicted on two maps entitled "Bristol Mountains **Wilderness-Proposed 1**", and "Bristol Mountains **Wilderness-Proposed 2**", dated September 1991, and which shall be known as Bristol Mountains **Wilderness**.

(8) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-nine thousand seven hundred and forty acres, as generally depicted on a map entitled "Cadiz Dunes **Wilderness-Proposed**", dated July 1993, and which shall be known as the Cadiz Dunes **Wilderness**.

(9) Certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge **Wilderness-Proposed**", dated February 1986, and which shall be known as the Carrizo Gorge **Wilderness**.

(10) Certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and twenty acres, as generally depicted on a map entitled "Chemehuevi Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the Chemehuevi Mountains **Wilderness**.

(11) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Park **Wilderness-Proposed 1**" and "Chimney Peak **Wilderness-Proposed 2**", dated May 1991, and which shall be known as the Chimney Peak **Wilderness**.

(12) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty thousand seven hundred and seventy acres, as generally depicted on two maps entitled "Chuckwalla Mountains **Wilderness-Proposed 1**" and "Chuckwalla Mountains **Wilderness-Proposed 2**", dated July 1992, and which shall be known as the Chuckwalla Mountains **Wilderness**.

(13) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirty-three thousand nine hundred and eighty acres, as generally depicted on a map entitled "Cleghorn Lakes **Wilderness-Proposed**", dated July 1993, and which shall be known as the Cleghorn Lakes **Wilderness**. The Secretary may, pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road within the area depicted as "nonwilderness road corridor" on such map.

(14) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand acres, as generally depicted on a map entitled "Clipper Mountain **Wilderness-Proposed**", dated July 1993, and which shall be known as Clipper Mountain **Wilderness**.

(15) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand five hundred and twenty acres, as generally depicted on a map entitled "Coso Range **Wilderness-Proposed**", dated May 1991, and which shall be known as Coso Range **Wilderness**.

(16) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand acres, as generally depicted on a map entitled "Coyote Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as Coyote Mountains **Wilderness**.

(17) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred acres, as generally depicted on a map entitled "Darwin Falls **Wilderness-Proposed**", dated May 1991, and which shall be known as Darwin Falls **Wilderness**.

(18) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-eight thousand eight hundred and fifty acres, as generally depicted on a map entitled "Dead Mountains **Wilderness-Proposed**", dated October 1991, and which shall be known as Dead Mountains **Wilderness**.

(19) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on two maps entitled "Domeland **Wilderness Additions-Proposed 1**" and "Domeland **Wilderness Additions-Proposed 2**", and which are hereby incorporated in, and which shall be deemed to be a part of, the Domeland **Wilderness** as designated by Public Laws 93-632 and 98-425.

(20) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-three thousand seven hundred and eighty acres, as generally depicted on a map entitled "El Paso Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the El Paso Mountains **Wilderness**.

(21) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand nine hundred and forty acres, as generally depicted on a map entitled "Fish Creek Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as Fish Creek Mountains **Wilderness**.

(22) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand one hundred and ten acres, as generally depicted on a map entitled "Funeral Mountains **Wilderness-Proposed**", dated May 1991, and which shall be known as Funeral Mountains **Wilderness**.

(23) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley **Wilderness-Proposed**", dated February

1986, and which shall be known as Golden Valley **Wilderness**.

(24) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand six hundred and ninety-five acres, as generally depicted on a map entitled "Grass Valley **Wilderness-Proposed**", dated July 1993, and which shall be known as the Grass Valley **Wilderness**.

(25) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand two hundred and forty acres, as generally depicted on a map entitled "Hollow Hills **Wilderness-Proposed**", dated May 1991, and which shall be known as the Hollow Hills **Wilderness**.

(26) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Ibex **Wilderness-Proposed**", dated May 1991, and which shall be known as the Ibex **Wilderness**.

(27) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand eight hundred and fifty-five acres, as generally depicted on a map entitled "Indian Pass **Wilderness-Proposed**", dated July 1993, and which shall be known as the Indian Pass **Wilderness**.

(28) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, and within the Inyo National Forest, which comprise approximately two hundred and [\*H6305] five thousand and twenty acres, as generally depicted on three maps entitled "Inyo Mountains **Wilderness-Proposed 1**", "Inyo Mountains **Wilderness-Proposed 2**", "Inyo Mountains **Wilderness-Proposed 3**", dated May 1991, and which shall be known as the Inyo Mountains **Wilderness**.

(29) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred and seventy acres, as generally depicted on a map entitled "Jacumba **Wilderness-Proposed**", dated July 1993, and which shall be known as the Jacumba **Wilderness**.

(30) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and twenty-nine thousand five hundred and eighty acres, as generally depicted on a map entitled "Kelso Dunes **Wilderness-Proposed 1**", dated October 1991, a map entitled "Kelso Dunes **Wilderness-Proposed 2**", dated May 1991, and a map entitled "Kelso Dunes **Wilderness-Proposed 3**", dated September 1991, and which shall be known as the Kelso Dunes **Wilderness**.

(31) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred and ninety acres, as generally depicted on a map entitled "Kiavah **Wilderness-Proposed 1**", dated February 1986, and a map entitled "Kiavah **Wilderness-Proposed 2**", dated October 1993, and which shall be known as the Kiavah **Wilderness**.

(32) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred nine thousand, six hundred and eight acres, as generally depicted on four maps entitled "Kingston Range **Wilderness-Proposed 1**", "Kingston Range **Wilderness-Proposed 2**", "Kingston Range **Wilderness-Proposed 3**", "Kingston Range **Wilderness-Proposed 4**", dated July 1993, and which shall be known as the Kingston Range **Wilderness**.

(33) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand eight hundred and eighty

acres, as generally depicted on a map entitled "Little Chuckwalla Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the Little Chuckwalla Mountains **Wilderness**.

(34) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred acres, as generally depicted on a map entitled "Little Picacho **Wilderness-Proposed**", dated July 1993, and which shall be known as the Little Picacho **Wilderness**.

(35) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and sixty acres, as generally depicted on a map entitled "Malpais Mesa **Wilderness-Proposed**", dated September 1991, and which shall be known as the Malpais Mesa **Wilderness**.

(36) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred and five acres, as generally depicted on a map entitled "Manly Peak **Wilderness-Proposed**", dated October 1991, and which shall be known as the Manly Peak **Wilderness**.

(37) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-four thousand two hundred acres, as generally depicted on a map entitled "Mecca Hills **Wilderness-Proposed**", dated July 1993, and which shall be known as the Mecca Hills **Wilderness**.

(38) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand three hundred and thirty acres, as generally depicted on a map entitled "Mesquite **Wilderness-Proposed**", dated May 1991, and which shall be known as the Mesquite **Wilderness**.

(39) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains **Wilderness-Proposed**", dated February 1986, and which shall be known as the Newberry Mountains **Wilderness**.

(40) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred and sixty acres, as generally depicted on a map entitled "Nopah Range **Wilderness-Proposed**", dated July 1993, and which shall be known as the Nopah Range **Wilderness**.

(41) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand two hundred and forty acres, as generally depicted on a map entitled "North Algodones Dunes **Wilderness-Proposed**", dated October 1991, and which shall be known as the North Algodones Dunes **Wilderness**.

(42) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand five hundred and forty acres, as generally depicted on a map entitled "North Mesquite Mountains **Wilderness-Proposed**", dated May 1991, and which shall be known as the North Mesquite Mountains **Wilderness**.

(43) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand and twenty acres, as generally depicted on a map entitled "Old Woman Mountains **Wilderness-Proposed 1**", dated July 1993 and a map entitled "Old Woman Mountains **Wilderness-Proposed 2**", dated July 1993, and which shall be known as the Old Woman Mountains **Wilderness**.

(44) Certain lands in the California Desert Conservation Area, of the Bureau of Land

Management, which comprise approximately forty thousand seven hundred and thirty-five acres, as generally depicted on a map entitled "Orocopia Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the Orocopia Mountains **Wilderness**.

(45) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand and sixty acres, as generally depicted on a map entitled "Owens Peak **Wilderness-Proposed 1**", dated February 1986, a map entitled "Owens Peak **Wilderness-Proposed 2**", dated March 1994, and a map entitled "Owens Peak **Wilderness-Proposed 3**", dated May 1991, and which shall be known as the Owens Peak **Wilderness**.

(46) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley **Wilderness-Proposed**", dated February 1986, and which shall be known as the Pahrump Valley **Wilderness**.

(47) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred seventy thousand six hundred and twenty-nine acres, as generally depicted on a map entitled "Palen/McCoy **Wilderness-Proposed 1**", dated July 1993, and a map entitled "Palen/McCoy **Wilderness-Proposed 2**", dated July 1993, and which shall be known as the Palen/McCoy **Wilderness**.

(48) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and ten acres, as generally depicted on a map entitled "Palo Verde Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the Palo Verde Mountains **Wilderness**.

(49) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand seven hundred acres, as generally depicted on a map entitled "Picacho Peak **Wilderness-Proposed**", dated May 1991, and which shall be known as the Picacho Peak **Wilderness**.

(50) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-two thousand five hundred and seventy-five acres, as generally depicted on a map entitled "Piper Mountain **Wilderness-Proposed**", dated October 1993, and which shall be known as the Piper Mountain **Wilderness**.

(51) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-six thousand eight hundred and forty acres, as generally depicted on a map entitled "Piute Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the Piute Mountains **Wilderness**.

(52) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Resting Spring Range **Wilderness-Proposed**", dated May 1991, and which shall be known as the Resting Spring Range **Wilderness**.

(53) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Rice Valley **Wilderness-Proposed**", dated May 1991, and which shall be known as the Rice Valley **Wilderness**.

(54) Certain lands in the California Desert Conservation area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-two thousand three hundred eighty acres, as generally depicted on a map entitled "Riverside Mountains **Wilderness-Proposed**", dated May 1991, and which shall be known as the Riverside Mountains **Wilderness**.



(55) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-one thousand three hundred acres, as generally depicted on a map entitled "Rodman Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the Rodman Mountains **Wilderness**.

(56) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-one thousand nine hundred acres, as generally depicted on two maps entitled "Sacatar Trail **Wilderness-Proposed 1**" and "Sacatar Trail **Wilderness-Proposed 2**", dated May 1991, and which shall be known as the Sacatar Trail **Wilderness**.

(57) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one thousand four hundred and forty acres, as generally depicted on a map entitled "Saddle Peak Hills **Wilderness-Proposed**", dated July 1993, and which shall be known as the Saddle Peak Hills **Wilderness**. [\*H6306]

(58) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand nine hundred and eighty acres, as generally depicted on a map entitled "San Geronio **Wilderness Additions-Proposed**", dated July 1993, and which are hereby incorporated in, and which shall be deemed to be a part of, the San Geronio **Wilderness** as designated by Public Laws 88-577 and 98-425.

(59) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and forty acres, as generally depicted on a map entitled "Santa Rosa **Wilderness Additions-Proposed**", dated March 1994, and which are hereby incorporated in, and which shall be deemed to be part of, the Santa Rosa **Wilderness** designated by Public Law 98-425.

(60) Certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand and eighty acres, as generally depicted on a map entitled "Sawtooth Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the Sawtooth Mountains **Wilderness**.

(61) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-four thousand eight hundred acres, as generally depicted on two maps entitled "Sheephole Valley **Wilderness-Proposed 1**", dated July 1993, and "Sheephole Valley **Wilderness-Proposed 2**", dated July 1993, and which shall be known as the Sheephole Valley **Wilderness**.

(62) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred and eighty acres, as generally depicted on a map entitled "South Nopah Range **Wilderness-Proposed**", dated February 1986, and which shall be known as the South Nopah Range **Wilderness**.

(63) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand and fifty acres, as generally depicted on a map entitled "Stateline **Wilderness-Proposed**", dated May 1991, and which shall be known as the Stateline **Wilderness**.

(64) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stepladder Mountains **Wilderness-Proposed**", dated February 1986, and which shall be known as the Stepladder Mountains **Wilderness**.

(65) Certain lands in the California Desert Conservation Area, of the Bureau of Land

Management, which comprise approximately twenty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Surprise Canyon **Wilderness**-Proposed", dated September 1991, and which shall be known as the Surprise Canyon **Wilderness**.

(66) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred and twenty acres, as generally depicted on a map entitled "Sylvania Mountains **Wilderness**-Proposed", dated February 1986, and which shall be known as the Sylvania Mountains **Wilderness**.

(67) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand one hundred and sixty acres, as generally depicted on a map entitled "Trilobite **Wilderness**-Proposed", dated July 1993, and which shall be known as the Trilobite **Wilderness**.

(68) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains **Wilderness**-Proposed 1", dated February 1986 and a map entitled "Turtle Mountains **Wilderness**-Proposed 2", dated May 1991, and which shall be known as the Turtle Mountains **Wilderness**.

(69) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-seven thousand five hundred and twenty acres, as generally depicted on a map entitled "Whipple Mountains **Wilderness**-Proposed", dated July 1993, and which shall be known as the Whipple Mountains **Wilderness**.

#### SEC. 103. ADMINISTRATION OF **WILDERNESS** AREAS.

(a) Management .-Subject to valid existing rights, each **wilderness** area designated under section 102 shall be administered by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") or the Secretary of Agriculture, as appropriate, in accordance with the provisions of the **Wilderness** Act, except that any reference in such provisions to the effective date of the **Wilderness** Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

(b) Map and Legal Descriptions .-As soon as practicable after the date of enactment of section 102, the Secretary concerned shall file a map and legal description for each **wilderness** area designated under this title with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Each such map and description shall have the same force and effect as if included in this title, except that the Secretary or the Secretary of Agriculture, as appropriate, may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as appropriate.

(c) Livestock .-Within the **wilderness** areas designated under section 102, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the **Wilderness** Act and section 101(f) of Public Law 101-628.

(d) No Buffer Zones .-The Congress does not intend for the designation of **wilderness** areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any

such **wilderness** area. The fact that nonwilderness activities or uses can be seen or heard from areas within a **wilderness** area shall not, of itself, preclude such activities or uses up to the boundary of the **wilderness** area.

(e) Fish and Wildlife .-As provided in section 4(d)(7) of the **Wilderness** Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to wildlife and fish on the public lands located in that State.

(f) Wildlife Management .-In furtherance of the purposes of the **Wilderness** Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within **wilderness** areas designated by this title, where consistent with relevant **wilderness** management plans, in accordance with appropriate policies and guidelines, as set forth in section 101(h) of Public Law 101-628.

(g) Law Enforcement Border Activities. -Nothing in this Act, including the designation as **wilderness** of lands within the Coyote, Fish Creek Mountains, and Jacumba **wilderness** areas designated in section 102 of this Act, the **Wilderness** Act, or other land management laws generally applicable to such areas, shall restrict or preclude continued law enforcement and border operations within such areas, including the use of motor vehicles and aircraft by the Immigration and Naturalization Service, the Drug Enforcement Administration, the United States Customs Service, or State and local law enforcement agencies in such manner and subject to such restrictions as may be determined by the Attorney General of the United States or Secretary of the Treasury, as appropriate, in consultation with the Secretary.

#### SEC. 104. **WILDERNESS** REVIEW.

(a) In General. -Except as provided in subsection (b), the Congress hereby finds and directs that lands in the California Desert Conservation Area, of the Bureau of Land Management, not designated as **wilderness or wilderness** study areas by this Act have been adequately studied for **wilderness** designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of **wilderness** study areas in a manner that does not impair the suitability of such areas for preservation as **wilderness**.

(b) Areas Not Released.- The following areas shall continue to be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976, pertaining to the management of **wilderness** study areas in a manner that does not impair the suitability of such areas for preservation as **wilderness**-

(1) certain lands which comprise approximately sixty-one thousand three hundred and twenty, as generally depicted on a map entitled "Avawatz Mountains **Wilderness**-Proposed", dated May 1991;

(2) certain lands which comprise approximately thirty-nine thousand seven hundred and fifty acres, as generally depicted on a map entitled "Kingston Range **Wilderness**-Proposed 4", dated July 1993;

(3) certain lands which comprise approximately eighty thousand four hundred and thirty acres, as generally depicted on two maps entitled "Soda Mountains **Wilderness**-Proposed 1", dated May 1991, and "Soda Mountains **Wilderness**-Proposed 2", dated January 1989;

(4) certain lands which compromise approximately twenty-three thousand two hundred and fifty acres, as generally depicted on a map entitled "South Avawatz Mountains-Proposed", dated May 1991;

(5) certain lands which comprise approximately seventeen thousand two hundred and [\*H6307] eighty acres, as generally depicted on a map entitled "Death Valley National Park Boundary and **Wilderness** 17-Proposed", dated July 1993;

(6) certain lands which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin **Wilderness**-Proposed", dated February 1986; and

(7) certain lands which comprise approximately eighty-four thousand four hundred acres, as generally depicted on a map entitled "Cady Mountains **Wilderness**-Proposed", dated July 1993.

(c) **Withdrawal.**- Subject to valid existing rights, the Federal lands referred to in subsection (b) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

#### SEC. 105. DESIGNATION OF **WILDERNESS** STUDY AREA.

In furtherance of the provisions of the **Wilderness** Act, certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eleven thousand two hundred acres as generally depicted on a map entitled "White Mountains **Wilderness** Study Area-Proposed", dated May 1991, are hereby designated as the White Mountains **Wilderness** Study Area and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

#### SEC. 106. SUITABILITY REPORT.

The Secretary is required, ten years after the date of enactment of this Act, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future **wilderness** designation of, the lands as generally depicted on maps entitled "Surprise Canyon **Wilderness**-Proposed", "Middle Park Canyon **Wilderness**-Proposed", and "Death Valley National Park Boundary and **Wilderness** 15", dated September 1991 and a map entitled "Manly Peak **Wilderness**-Proposed", dated October 1991.

#### SEC. 107. DESERT LILY SANCTUARY.

(a) **Designation .**-There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary shall administer the area to provide maximum protection to the desert lily.

(b) **Withdrawal.**- Subject to valid existing rights, all Federal lands within the Desert Lily Sanctuary are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

#### SEC. 108. DINOSAUR TRACKWAY AREA OF CRITICAL ENVIRONMENTAL CONCERN.

(a) **Designation .**-There is hereby established the Dinosaur Trackway Area of Critical Environmental Concern within the California Desert Conservation Area, of the Bureau of Land Management, comprising approximately five hundred and ninety acres as generally depicted on a map entitled "Dinosaur Trackway Area of Critical Environmental Concern", dated July 1993. The Secretary shall administer the area to preserve the paleontological resources within the area.

(b) **Withdrawal** .-Subject to valid existing rights, the Federal lands within and adjacent to the Dinosaur Trackway Area of Critical Environmental Concern, as generally depicted on a map entitled "Dinosaur Trackway Mineral Withdrawal Area", dated July 1993, are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

## TITLE II-DESIGNATION OF **WILDERNESS** AREAS TO BE ADMINISTERED BY THE UNITED STATES FISH AND WILDLIFE SERVICE

### SEC. 201. DESIGNATION AND MANAGEMENT.

(a) **Designation** .-In furtherance of the purposes of the **Wilderness** Act, the following lands are hereby designated as **wilderness** and therefore, as components of the National **Wilderness** Preservation System:

(1) Certain lands in the Havasu National Wildlife Refuge, California, which comprise approximately three thousand one hundred and ninety-five acres, as generally depicted on a map entitled "Havasu **Wilderness**-Proposed", and dated October 1991, and which shall be known as the Havasu **Wilderness**.

(2) Certain lands in the Imperial National Wildlife Refuge, California, which comprise approximately five thousand eight hundred and thirty-six acres, as generally depicted on two maps entitled "Imperial Refuge **Wilderness**-Proposed 1" and "Imperial Refuge **Wilderness**-Proposed 2", and dated October 1991, and which shall be known as the Imperial Refuge **Wilderness**.

(b) **Management** .-Subject to valid existing rights, the **wilderness** areas designated under this title shall be administered by the Secretary in accordance with the provisions of the **Wilderness** Act governing areas designated by that Act as **wilderness**, except that any reference in such provisions to the effective date of the **Wilderness** Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

(c) **Maps and Legal Description** .-As soon as practicable after enactment of this title, the Secretary shall file a map and a legal description of each **wilderness** area designated under this section with the Committees on Energy and Natural Resources and Environment and Public Works of the United States Senate and Natural Resources and Merchant Marine and Fisheries of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, Department of the Interior.

### SEC. 202. NO EFFECT ON COLORADO RIVER DAMS.

Nothing in this title shall be construed to affect the operation of federally owned dams located on the Colorado River in the Lower Basin.

### SEC. 203. NO EFFECT ON UPPER BASIN.

Nothing in this Act shall amend, construe, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.

## SEC. 204. COLORADO RIVER.

With respect to the Havasu and Imperial **wilderness** areas designated by subsection 201(a) of this title, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.

## TITLE III-DEATH VALLEY NATIONAL PARK

### SEC. 301. FINDINGS.

The Congress hereby finds that-

- (1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;
- (2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;
- (3) the monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and **wilderness** values;
- (4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a National Park; and
- (5) the **wilderness** within Death Valley should receive maximum statutory protection by designation pursuant to the **Wilderness Act**.

### SEC. 302. ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK.

There is hereby established the Death Valley National Park, (hereinafter in this title referred to as the "park") as generally depicted on twenty-three maps entitled "Death Valley National Park Boundary and **Wilderness-Proposed**", numbered in the title one through twenty-three, and dated July 1993 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

### SEC. 303. TRANSFER AND ADMINISTRATION OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted in the maps described in section 302 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System, and the boundary of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

### SEC. 304. MAPS AND LEGAL DESCRIPTION.

Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. [\*H6308] Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior.

#### SEC. 305. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

#### SEC. 306. GRAZING.

(a) In General. -The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) Sale of Property. - If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

### TITLE IV-JOSHUA TREE NATIONAL PARK

#### SEC. 401. FINDINGS.

The Congress hereby finds that-

(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical, and **wilderness** values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the nondesignated **wilderness** within Joshua Tree should receive statutory protection by

designation pursuant to the **Wilderness Act**.

#### SEC. 402. ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK.

There is hereby established the Joshua Tree National Park, (hereinafter in this section referred to as the "park"), as generally depicted on a map entitled "Joshua Tree National Park Boundary-Proposed", dated May 1991, and four maps entitled "Joshua Tree National Park Boundary and **Wilderness**", numbered in the title one through four, and dated October 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

#### SEC. 403. TRANSFER AND ADMINISTRATION OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 402 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System. The boundaries of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

#### SEC. 404. MAPS AND LEGAL DESCRIPTION.

Within six months after the date of enactment of this title, the Secretary shall file maps and legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

#### SEC. 405. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

#### SEC. 406. UTILITY RIGHTS-OF-WAY.

Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to the Metropolitan Water District pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b), which is located on lands included in the Joshua Tree National Park, but outside lands designated as **wilderness** under section 601(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. Nothing in this title shall have the effect of terminating the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to the Metropolitan Water District pursuant to the Act on June 18, 1932 (47 Stat. 324), which are located on lands included in the Joshua Tree National Park, but outside lands designated as **wilderness** under section 601(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. The Secretary shall prepare within one hundred and eighty days after the date of



enactment of this Act, in consultation with the Metropolitan Water District, plans for emergency access by the Metropolitan Water District to its lands and rights-of-way.

#### TITLE V-MOJAVE NATIONAL PARK

##### SEC. 501. FINDINGS.

The Congress hereby finds that-

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave desert possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) portions of the Mojave desert should be afforded full recognition and statutory protection as a National Park;

(4) the **wilderness** within the Mojave desert should receive maximum statutory protection by designation pursuant to the **Wilderness Act**; and

(5) the Mojave desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101-336, the Americans With Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

##### SEC. 502. ESTABLISHMENT OF MOJAVE NATIONAL PARK.

There is hereby established the Mojave National Park (hereinafter in this title referred to as the "park") comprising approximately one million one hundred eighty-one thousand three hundred and fifty acres, as generally depicted on a map entitled "Mojave National Park Boundary-Proposed", dated March 1994, which shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

##### SEC. 503. TRANSFER OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 502 of this title, without consideration, to the administrative jurisdiction of the National Park Service.

##### SEC. 504. MAPS AND LEGAL DESCRIPTION.

Within six months after the date of enactment of this title, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal descriptions and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

##### SEC. 505. ABOLISHMENT OF SCENIC AREA.

The East Mojave Scenic Area, designated on January 13, 1981 (46 FR 3994), and modified on August 9, 1983 (48 FR 36210), is hereby abolished.

#### SEC. 506. ADMINISTRATION OF PARK.

The Secretary shall administer the park in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4). [\*H6309]

#### SEC. 507. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

#### SEC. 508. REGULATION OF MINING.

Subject to valid existing rights, all mining claims located within the park shall be subject to all applicable laws and regulations applicable to mining within units of the National Park System, including the Mining in the Parks Act (16 U.S.C. 1901 et seq.), and any patent issued after the date of enactment of this title shall convey title only to the minerals together with the right to use the surface of lands for mining purposes, subject to such laws and regulations.

#### SEC. 509. GRAZING.

(a) In General. -The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) Offers to Sell. -If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which the permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

#### SEC. 510. UTILITY RIGHTS OF WAY.

(a)(1) Nothing in this title shall have the effect of terminating any validly issued rights-of-way or customary operation, maintenance, repair, and replacement activities in such rights-of-way, issued, granted, or permitted to Southern California Edison Company, its successors or assigns, which is located on lands included in the Mojave National Park, but outside lands designated as **wilderness** under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(2) Nothing in this title shall have the effect of prohibiting the upgrading of an existing electrical transmission line for the purpose of increasing the capacity of such transmission line in the Southern California Edison Company validly issued Eldorado-Lugo Transmission Line right-of-way and Mojave-Lugo Transmission Line right-of-way, or in a right-of-way if issued, granted, or permitted by the Secretary adjacent to the existing Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as "adjacent right-of-way"), including construction of a

replacement transmission line: Provided, That-

(A) in the Eldorado-Lugo Transmission Line rights-of-way (hereafter in this section referred to as the "Eldorado-Lugo right-of-way") at no time shall there be more than 3 electrical transmission lines,

(B) in the Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as the "Mojave right-of-way") and adjacent right-of-way, removal of the existing electrical transmission line and reclamation of the site shall be completed no later than three years after the date on which construction of the upgraded transmission line begins, after which time there may be only one electrical transmission line in the lands encompassed by Mojave right-of-way and adjacent right-of-way,

(C) if there are no more than two electrical transmission lines in the Eldorado rights-of-way, two electrical transmission lines in the lands encompassed by the Mojave right-of-way and adjacent right-of-way may be allowed,

(D) in the Eldorado rights-of-way and Mojave right-of-way no additional land shall be issued, granted, or permitted for such upgrade unless an addition would reduce the impacts to park resources,

(E) no more than three hundred and fifty feet of additional land shall be issued, granted, or permitted for an adjacent right-of-way to the south of the Mojave right-of-way unless a greater addition would reduce the impacts to park resources, and

(F) such upgrade activities, including helicopter aided construction, shall be conducted in a manner which will minimize the impact on park resources.

(3) The Secretary shall prepare within one hundred and eighty days after the date of enactment of this title, in consultation with the Southern California Edison Company, plans for emergency access by the Southern California Edison Company to its rights-of-way.

(b)(1) Nothing in this title shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing the capacity of the existing pipeline; or prohibiting the renewal of such right-of-way; issued, granted, or permitted to the Southern California Gas Company, its successors or assigns, which is located on lands included in the Mojave National Park, but outside lands designated as **wilderness** under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(2) The Secretary shall prepare within one hundred and eighty days after the date of enactment of this title, in consultation with the Southern California Gas Company, plans for emergency access by the Southern California Gas Company to its rights-of-way.

(c) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted for communications cables or lines, which are located on lands included in the Mojave National Park, but outside lands designated as **wilderness** under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(d) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted to Molybdenum Corporation of America; Molycorp, Incorporated; or Union Oil Company of California (d/b/a Unocal Corporation); or its successors or assigns, or prohibiting renewal of such right-of-way, which is located on lands included in the Mojave National Park, but

outside lands designated as **wilderness** under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

#### SEC. 511. GENERAL MANAGEMENT PLAN.

(a) In General .-Within three years of the date of enactment of this title, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a detailed and comprehensive management plan for the park.

(b) Kelso Depot .-Such plan shall place emphasis on historical and cultural sites and ecological and **wilderness** values within the boundaries of the park, and shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational, and scientific programs within the park.

(c) Needs of Individuals With Disabilities .-Such plan shall specifically address the needs of individuals with disabilities in the design of services, programs, accommodations and facilities consistent with section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

#### SEC. 512. GRANITE MOUNTAINS NATURAL RESERVE.

(a) Establishment .-There is hereby designated the Granite Mountains Natural Reserve within the park comprising approximately nine thousand acres as generally depicted on a map entitled "Mojave National Park Boundary and **Wilderness**-Proposed 6", dated May 1991.

(b) Cooperative Management Agreement .-Upon enactment of this title, the Secretary shall enter into a cooperative management agreement with the University of California for the purposes of managing the lands within the Granite Mountains Natural Reserve. Such cooperative agreement shall ensure continuation of arid lands research and educational activities of the University of California, consistent with the provisions of this title and laws generally applicable to units of the National Park System.

#### SEC. 513. SODA SPRINGS DESERT STUDY CENTER.

Upon enactment of this title, the Secretary shall enter into a cooperative management agreement with California State University for the purposes of managing facilities at the Soda Springs Desert Study Center. Such cooperative agreement shall ensure continuation of the desert research and educational activities of California State University, consistent with the provisions of this title and laws generally applicable to units of the National Park System.

#### SEC. 514. CONSTRUCTION OF VISITOR CENTER.

The Secretary is authorized to construct a visitor center in the park for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the park.

SEC. 515. ACQUISITION OF LANDS In General .-The Secretary is authorized to acquire all lands and interests therein within the boundary of the park by donation, purchase, or exchange, except that-

(1) any lands or interests therein within the boundary of the park which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange except for lands managed by California State Lands Commission; and

(2) lands or interests therein within the boundary of the park which are not owned by the State

of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the park or which is otherwise incompatible with the purposes of this title: Provided, however, That the construction, modification, repair, [\*H6310] improvement, or replacement of a single-family residence shall not be determined to be detrimental to the integrity of the park or incompatible with the purposes of this title.

#### SEC. 516. SUITABILITY REPORT.

The Secretary is required, twenty years after the date of enactment of this title, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future park designation of, the lands as generally depicted on a map entitled "Mojave National Park Study Area- Proposed", dated July 1992.

#### SEC. 517. ADVISORY COMMISSION.

(a) There is hereby established the Mojave National Park Advisory Commission (hereinafter in this section referred to as the "Advisory Commission").

(b) The Advisory Commission shall be composed of fifteen members appointed by the Secretary for terms of three years each.

(c) Any vacancy in the Advisory Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time, but at least annually, meet and consult with the Advisory Commission on general policies and specific matters related to planning, administration and development affecting the park.

(f) The Advisory Commission shall act and advise by affirmative vote of the majority of the members thereof.

(g) The Advisory Commission shall cease to exist ten years after the enactment of this Act.

### TITLE VI-NATIONAL PARK **WILDERNESS**

#### SEC. 601. DESIGNATION OF **WILDERNESS**.

(a) In furtherance of the purposes of the **Wilderness** Act (78 Stat. 890; 16 U.S.C. 1311 et seq.), the following lands within the units of the National Park System designated by this Act are hereby designated as **wilderness**, and therefore, as components of the National **Wilderness** Preservation System:

(1) Death Valley National Park **Wilderness**, comprising approximately three million one hundred fifty-eight thousand thirty-eight acres, as generally depicted on twenty-three maps entitled "Death Valley National Park Boundary and **Wilderness**", numbered in the title one through twenty-three, and dated October 1993 or prior, and three maps entitled "Death Valley National Park **Wilderness**", numbered in the title one through three, and dated July 1993 or prior, and which shall be known as the Death Valley **Wilderness**.

(2) Joshua Tree National Park **Wilderness** Additions, comprising approximately one hundred

thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and **Wilderness-Proposed**", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree **Wilderness** as designated by Public Law 94-567.

(3) Mojave National Park **Wilderness**, comprising approximately six hundred ninety-five thousand two hundred acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and **Wilderness-Proposed**", and numbered in the title one through ten, and dated March 1994 or prior, and seven maps entitled "Mojave National Park **Wilderness-Proposed**", numbered in the title one through seven, and dated March 1994 or prior, and which shall be known as the Mojave **Wilderness**.

(b) Potential **Wilderness** .-Upon cessation of all uses prohibited by the **Wilderness** Act and publication by the Secretary in the Federal Register of notice of such cessation, potential **wilderness**, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on map in the Draft Plan entitled "**Wilderness** Plan Death Valley National Monument", dated January 1988, and which shall be deemed to be a part of the Death Valley **Wilderness** as designated in paragraph (1). Lands identified in the Draft Plan as potential **wilderness** shall be managed by the Secretary insofar as practicable as **wilderness** until such time as said lands are designated as **wilderness**.

#### SEC. 602. FILING OF MAPS AND DESCRIPTIONS.

Maps and a legal description of the boundaries of the areas designated in section 601 of this title shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior. As soon as practicable after the date of enactment of this title takes effect, maps and legal descriptions of the **wilderness** areas shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, and such maps and legal descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

#### SEC. 603. ADMINISTRATION OF **WILDERNESS** AREAS.

The areas designated by section 601 of this title as **wilderness** shall be administered by the Secretary in accordance with the applicable provisions of the **Wilderness** Act governing areas designated by that title as **wilderness**, except that any reference in such provision to the effective date of the **Wilderness** Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

### TITLE VII-MISCELLANEOUS PROVISIONS

#### SEC. 701. TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK.

Upon enactment of this title, the Secretary shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of California Desert Conservation Area to provide maximum protection for the area's scenic and scientific

values.

#### SEC. 702. LAND TENURE ADJUSTMENTS.

In preparing land tenure adjustment decisions with the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and **wilderness** areas designated by this Act.

#### SEC. 703. LAND DISPOSAL.

Except as provided in section 406, none of the lands within the boundaries of the **wilderness** or park areas designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District or any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar acts.

#### SEC. 704. MANAGEMENT OF NEWLY ACQUIRED LANDS.

Any lands within the boundaries of a **wilderness** area designated under this Act which are acquired by the Federal Government, shall become part of the **wilderness** area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such **wilderness** area.

#### SEC. 705. NATIVE AMERICAN USES AND INTERESTS.

(a) Access.- In recognition of the past use of the parks and **wilderness** areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks and **wilderness** areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park or **wilderness** in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as **wilderness**, the **Wilderness Act** (78 Stat. 890; 16 U.S.C. 1131).

(b) Cook Inlet Regional Corporation.- Section 12 of the Act of January 2, 1976 (Public Law 94-204; 38 U.S.C. 1611 note), as amended, is further amended-

(1) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively;

(2) by inserting after subsection (b) the following new subsection:

"(c) The Native landowner shall be required to determine the fair value of subsurface interests conveyed to it pursuant to subsection (b) utilizing the appraisal methodology customarily used by the Minerals Management Service for valuing similar interests (such as discounted cash flow based methodology). The fair value of any subsurface interests in land determined by a qualified independent appraiser designated by the Region utilizing the methodology described above shall be binding for all purposes, except for Federal tax matters, and provided that this exception shall create no inference about the appropriate methodology for establishing fair value in such matters."; and

(3) in paragraph (9) of subsection (b), by striking "section 12(h)" and inserting in lieu thereof "section 12(i)".

(c) Study .-

(1) In general .-The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monument and the Death Valley National Park, as described in title III of the California Desert [\*H6311] Protection Act of 1993.

(2) Report .-Not later than 1 year after the date of enactment of the California Desert Protection Act of 1993, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

#### SEC. 706. FEDERAL RESERVE WATER RIGHTS.

(a) Except as otherwise provided in section 204, with respect to each **wilderness** area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 44 U.S.C. 666), commonly referred to as the McCarran Amendment.

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the **wilderness** area located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

#### SEC. 707. CALIFORNIA STATE SCHOOL LANDS.

(a) Negotiations to Exchange.- Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b) (2) for California State School lands or interests therein which are located within the boundaries of one or more of the **wilderness** areas or park units designated by this Act (hereinafter in this section referred to as "State School lands."). The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) Preparation of List.- Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a list of the following:

(1) State School lands or interests therein (including mineral interests) which are located within the boundaries of the **wilderness** areas or park units designated by this Act.



(2) Lands within the State of California under the jurisdiction of the Secretary that the Secretary determines to be suitable for disposal for exchange, identified in the following priority-

(A) lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues;

(B) Federal claims in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project; and

(C) any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

(4) The Secretary shall maintain such list and shall annually transmit such list to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives until all of the State School lands identified in paragraph (1) have been acquired.

(c) Disposal of Surplus Federal Property. -(1) Effective upon the date of enactment of this Act and until all State School lands identified in paragraph (b)(1) of this section are acquired, no Federal lands or interests therein within the State of California may be disposed of from Federal ownership unless-

(A) the Secretary is notified of the availability of such lands or interest therein;

(B) the Secretary has notified the Commission of the availability of such lands or interests therein for exchange; and

(C) the Commission has not notified the Secretary within six months that it wishes to consider entering into an exchange for such lands or interests therein.

(2) If the Commission notifies the Secretary that it wishes to consider an exchange for such lands or interests therein, the Secretary shall attempt to conclude such exchange in accordance with the provisions of this section as quickly as possible.

(3) If an agreement is reached and executed with the Commission, then upon notice to the head of the agency having administrative jurisdiction over such lands or interests therein, the Secretary shall be vested with administrative jurisdiction over such lands or interests therein for the purpose of concluding such exchange.

(4) Upon the acquisition of all State School lands or upon notice by the Commission to the Secretary that it no longer has an interest in such lands or interests therein, such lands or interests shall be released to the agency that originally had jurisdiction over such lands or interests for disposal in accordance with the laws otherwise applicable to such lands or interests.

(d) No Effect on Military Base Closures. -The provisions of this section shall not apply to the disposal of property under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

#### SEC. 708. ACCESS TO PRIVATE PROPERTY.

The Secretary shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the conservation units and **wilderness** areas designated by this Act which will provide the owner of such land or interest the reasonable use and enjoyment thereof.

#### SEC. 709. FEDERAL FACILITIES FEE EQUITY.

(a) Policy Statement.- It is the intent of Congress that entrance, tourism or recreational use fees for use of Federal lands and facilities not discriminate against any State or any region of the country.

(b) Fee Study. -The Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the appropriate committees of the House of Representatives and the Senate Committee on Energy and Natural Resources of the United States Senate and any other relevant committees by May 1, 1996, which shall-

(1) identify all Federal lands and facilities that provide recreational or tourism use; and

(2) analyze by State and region any fees charged for entrance, recreational or tourism use, if any, on Federal lands or facilities in a State or region, individually and collectively.

(c) Recommendations. -Following completion of the report in subsection (b), the Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the appropriate committees of the House and the Energy and Natural Resource Committee of the United States Senate and any other relevant committees by May 1, 1997, which shall contain recommendations which the Secretary deems appropriate for implementing the congressional intent outlined in subsection (a).

#### TITLE VIII-MILITARY LANDS AND OVERFLIGHTS

#### SEC. 801. SHORT TITLE AND FINDINGS.

(a) Short Title. -This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) Findings. -The Congress finds that-

(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

(2) the National Parks and **wilderness** areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

(3) there is a lack of alternative sites available for these military training, testing, and research activities;

(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural,

and other resources and values of the Federal lands in the California desert area.

#### SEC. 802. MILITARY OVERFLIGHTS.

(a) Overflights. -Nothing in this Act, the **Wilderness Act**, or other land management laws generally applicable to the new units of the National Park or **Wilderness Preservation Systems** (or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

(b) Special Airspace. -Nothing in this Act, the **Wilderness Act**, or other land management laws generally applicable to the new units of the National Park or **Wilderness Preservation Systems** (or any additions to existing units) designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park or **wilderness** units.

(c) No Effect on Other Laws. - Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

#### SEC. 803. WITHDRAWALS.

(a) China Lake.- (1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in [\*H6312] paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for-

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support;

(D) geothermal leasing and development and related power production activities; and

(E) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands located within the boundaries of the China Lake Naval Weapons Center, comprising approximately one million one hundred thousand acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal-Proposed", dated January 1985.

(b) Chocolate Mountain.- (1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for-

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with

the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately two hundred twenty-six thousand seven hundred and eleven acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed-Withdrawal" dated July 1993.

#### SEC. 804. MAPS AND LEGAL DESCRIPTIONS.

(a) Publication and Filing Requirement.- As soon as practicable after the date of enactment of this title, the Secretary shall-

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) Technical Corrections.- Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) Availability for Public Inspection.- Copies of such maps and legal descriptions shall be available for public inspection in the appropriate offices of the Bureau of Land Management; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) Reimbursement.- The Secretary of Defense shall reimburse the Secretary for the cost of implementing this section.

#### SEC. 805. MANAGEMENT OF WITHDRAWN LANDS.

(a) Management by the Secretary of the Interior.- (1) Except as provided in subsection (g), during the period of the withdrawal the Secretary shall manage the lands withdrawn under section 802 of this title pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this title.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting-

(A) the continuation of grazing pursuant to applicable law and Executive orders were permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) Closure to Public.- (1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall-

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) Management Plan.- The Secretary (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 of this title during the period of such withdrawal. Each plan shall-

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) Brush and Range Fires.- The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) Memorandum of Understanding.- (1) The Secretary and the Secretary of the Navy shall (with respect to each land withdrawal under section 802 of this title) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) Additional Military Uses.- Lands withdrawn under section 802 of this title may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall

promptly notify the Secretary in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) Management of China Lake.- (1) The Secretary may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary and the Secretary of the Navy: Provided, That nothing in this subsection shall affect geothermal leases issued by the Secretary prior to the date of enactment of this title, or the responsibility of the Secretary to administer and manage such leases, consistent with the provisions of this section. In the case that the Secretary assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary) shall develop such management plan.

(2) The Secretary shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary shall transmit such report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. [\*H6313]

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary and the Secretary of the Navy.

(5) Neither this title nor any other provision of law shall be construed to prohibit the Secretary from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal or relinquishment of China Lake, Navy contracts for the development of geothermal resources at China Lake then in effect (as amended or renewed by the Navy after the date of enactment of this title) shall remain in effect: Provided, That the Secretary, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

#### SEC. 806. DURATION OF WITHDRAWALS.

(a) Duration. -The withdrawals and reservations established by this title shall terminate twenty-

five years after the date of enactment of this title.

(b) Draft Environmental Impact Statement. -No later than twenty-two years after the date of enactment of this title, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this section. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) Extensions or Renewals. -The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution of Congress.

#### SEC. 807. ONGOING DECONTAMINATION.

(a) Program. -Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) Reports. -At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this title and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the United States Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the United States House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including-

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full contamination of such lands and the estimate of the time to complete such decontamination.

#### SEC. 808. REQUIREMENTS FOR RENEWAL.

(a) Notice and Filing. -(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary of the Navy shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of

withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary of the Navy shall file a notice of intention to relinquish with the Secretary.

(b) Contamination. -(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of the Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) Decontamination. -If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) Alternatives. -If the Secretary, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary shall not be required to accept the land proposed for relinquishment.

(e) Status of Contaminated Lands. -If, because of their contaminated state, the Secretary declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws-

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) Revocation Authority. -Notwithstanding any other provision of law, the Secretary, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order which shall-

(1) terminate the withdrawal and reservation;



(2) constitute official acceptance of full jurisdiction over the lands by the Secretary; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands law, including the mining laws.

#### SEC. 809. DELEGABILITY.

(a) Department of Defense. -The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) Department of the Interior. -The functions of the Secretary under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

#### SEC. 810. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

#### SEC. 811. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

#### SEC. 812. EL CENTRO RANGES.

The Secretary is authorized to permit the Secretary of the Navy to use until January 1, 1997, the approximately forty-four thousand eight hundred and seventy acres of public lands in Imperial County, California, known as the East Mesa and West Mesa ranges, in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of [\*H6314] Reclamation, and the Department of the Navy. All military uses of such lands shall cease on January 1, 1997, unless authorized by a subsequent Act of Congress.

### TITLE IX-INITIATIVES PERTAINING TO THE LOWER MISSISSIPPI DELTA REGION

#### SEC. 901. FINDINGS.

(a) The Congress finds that-

(1) in 1988, Congress enacted Public Law 100-460, establishing the Lower Mississippi Delta Development Commission, to assess the needs, problems, and opportunities of people living in the Lower Mississippi Delta Region that includes 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee;

(2) the Commission conducted a thorough investigation to assess these needs, problems, and opportunities, and held several public hearings throughout the Delta Region;

(3) on the basis of these investigations, the Commission issued the Delta Initiatives Report, which included recommendations on natural resource protection, historic preservation, and the enhancement of educational and other opportunities for Delta residents;

(4) the Delta Initiatives Report recommended-

(A) designating the Great River Road as a scenic byway, and designating other hiking and motorized trails throughout the Delta Region;

(B) that the Federal Government identify sites and structures of historic and prehistoric importance throughout the Delta Region;

(C) the further study of potential new units of the National Park System within the Delta Region; and

(D) that Federal agencies target more monies in selected areas to institutions of higher education in the Delta Region, especially Historically Black Colleges and Universities.

#### SEC. 902. DEFINITIONS.

As used in this title, the term-

(1) "Commission" means the Lower Mississippi Delta Development Commission established pursuant to Public Law 100-460;

(2) "Delta Initiatives Report" means the May 14, 1990 Final Report of the Commission entitled "The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential";

(3) "Delta Region" means the Lower Mississippi Delta Region including the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the Delta Initiatives Report, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered part of the Delta Region for purposes of this title;

(4) "Historically Black College or University" means a college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); and

(5) "minority college or university" means a Historically Black College or University that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a "minority institution" as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)).

#### SEC. 903. DEFINITIONS.

As used in this title, the term-

(1) "Department" means the United States Department of the Interior, unless otherwise specifically stated; and

(2) "Secretary" means the Secretary of the Interior, unless otherwise specifically stated.

SEC. 904. NATURAL RESOURCES AND ENVIRONMENTAL EDUCATIONAL INITIATIVES. (a) Office of Education.- (1) There shall be established within the Department an Office of Education to encourage, support, and coordinate education programs of the Department at the elementary, secondary, college and university, and graduate levels.

(2) The goals of the Office of Education shall be to-

(A) enhance the quality of education in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(B) establish initiatives at minority colleges or universities;

(C) encourage the consideration of careers in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(D) enhance teacher development and recruitment;

(E) increase research opportunities for teachers and students;

(F) enhance curriculum development; and

(G) improve laboratory instrumentation and equipment through purchase, loan, or other transfer mechanisms.

(b) Duties.- The duties of the Secretary, through the Office of Education, shall be to-

(1) coordinate the educational programs within the Department, including implementation of programs established under this title, in order to ensure the goals of the Office of Education are met; and

(2) inventory existing education programs within the Department.

(c) The Secretary shall report to Congress, within one year after the date of the enactment of this Act and annually thereafter, on an inventory of existing education programs of the Department, the status of such programs, and progress toward meeting the goals of the Office of Education as established in this Act.

(d) Minority College and University Initiative.- (1) Within one year after the date of the enactment of this Act, and annually thereafter, the Secretary, through the Office of Education, shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report identifying opportunities for minority colleges or universities to participate in programs and activities carried out by the Department. The Secretary, through the Office of Education, shall consult with representatives of minority colleges or universities in preparing the report. Such report shall-

(A) describe ongoing education and training programs carried out by the Department with respect to, or in conjunction with, minority colleges or universities in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(B) describe ongoing research, development or demonstration programs involving the Department and minority colleges or universities;

(C) describe funding levels for the programs referred to in subparagraphs (A) and (B);

(D) include specific proposals and recommendations for providing assistance to minority colleges and universities to enter into memoranda of understanding and other appropriate forms of agreement with the Department in order to plan and develop programs to foster greater involvement of these schools in the contract, research, education, training, and recruitment activities of the Department;

(E) address the need for, and potential role of, the Department in providing minority colleges or universities with the following-

(i) increased research opportunities for faculty and students;

(ii) assistance in faculty development and recruitment;

(iii) curriculum enhancement and development; and

(iv) improved laboratory instrumentation and equipment, through purchase, loan, or other transfer mechanisms;

(F) address the need for, and potential role of, the Department in providing financial and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities, at minority colleges or universities; and

(G) include specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department in order to assist minority colleges or universities in providing education and training in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects.

(2) The Secretary, through the Office of Education, shall encourage memoranda of understanding and other appropriate forms of agreement between the Department and minority colleges or universities directed at jointly planning and developing programs to foster greater involvement of minority colleges or universities in the research, education, training, and recruitment activities of the Department.

(e) Scholarship Program.- The Secretary, through the Office of Education, shall establish a scholarship program for students pursuing undergraduate or graduate degrees in natural resource and environmental related fields including, but not limited to: biology, wildlife biology, forestry, botany, horticulture, historic preservation, cultural resource management, archeology, anthropology, aquaculture, geology, engineering, the environment, the sciences, and ecology at minority colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance; and (2) academic potential in the particular area of study.

(f) Pre-College Education.- The Secretary, through the Office of Education, shall undertake activities to encourage pre-college education programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects, for students in the Delta Region. Such activities shall include, but not be limited to, the following-

(1) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer education programs for elementary, middle, and secondary school students;

(2) cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college education programs for elementary, middle, and secondary school students;

(3) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region in the development and use of curriculum and educational materials; and

(4) the establishment of education programs for elementary, middle, and secondary school teachers in the Delta Region at research facilities of the Department.

(g) Volunteer Program.- The Secretary, through the Office of Education, shall establish

[\*H6315] and carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in educational enrichment programs relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects, in cooperation with State departments of education and local school districts in the Delta Region.

(h) Women and Minorities in the Sciences.- The Secretary, through the Office of Education, shall establish a Center for Excellence in the Sciences at Alcorn State in Lorman, Mississippi, in cooperation with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the sciences. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges and universities in the Delta Region, to carry out affiliated programs and coordinate program activities at such colleges and universities. The Secretary is authorized to provide grants and other forms of financial assistance to the Center.

(i) Center for Aquaculture Studies .-The Secretary, through the Office of Education, shall establish a Center for Aquaculture Studies at the University of Arkansas at Pine Bluff, Arkansas, in cooperation with Southern University in Baton Rouge, Louisiana, and Alcorn State in Lorman, Mississippi, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the field of aquaculture. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and Alcorn State in Lorman, Mississippi, and other minority colleges or universities in the Delta Region to carry out affiliated programs and coordinate program activities at such colleges or universities.

(j) Coordination With Other Federal Agencies .-The Secretary, through the Office of Education, shall ensure that the programs authorized in this section are coordinated with, and complimentary to, educational assistance programs administered by other Federal agencies. These agencies include, but are not limited to, the Department of Energy, the Department of Agriculture, the Department of Education, the Department of Defense, the National Science Foundation, and the National Aeronautics and Space Administration.

#### SEC. 905. LOWER MISSISSIPPI DELTA REGION HERITAGE STUDY.

(a) In General .-The Secretary, in consultation with the States of the Delta Region, the Lower Mississippi Delta Development Center, and other appropriate Delta Region institutions, is directed to prepare and transmit to the Congress within three years after the date of the enactment of this Act, a study of significant natural, recreational, historical or prehistorical, and cultural lands, waters, sites, and structures located within the Delta Region. This study shall take into consideration the research and inventory of resources conducted by the Mississippi River Heritage Corridor Study Commission.

(b) Transportation Routes .-(1) The study shall include recommendations on appropriate designation and interpretation of historically significant roads, trails, byways, waterways, or other routes within the Delta Region.

(2) In order to provide for public appreciation, education, understanding, interpretation, and enjoyment of the significant sites identified pursuant to subsection (a), which are accessible by public roads, the Secretary shall recommend in the study vehicular tour routes along existing public roads linking such sites within the Delta Region.

(3) Such recommendations shall include an analysis of designating the Great River Road (as depicted on the map entitled "Proposed Delta Transportation Network" on pages 102-103 of the Delta Initiatives Report) and other sections of the Great River Road between Baton Rouge and

New Orleans, Louisiana and an analysis of designating that portion of the Old Antonio Road and the Louisiana Natchez Trace which extends generally along Highway 84 from Vidalia, Louisiana, to Clarence, Louisiana, and Louisiana Highway 6 from Clarence, Louisiana, to the Toledo Bend Reservoir, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(4) The Secretary shall also recommend in the study an appropriate route along existing public roads to commemorate the importance of timber production and trade to the economic development of the Delta Region in the early twentieth century, and to highlight the continuing importance of timber production and trade to the economic life of the Delta Region. Recommendations shall include an analysis of designating that portion of US 165 which extends from Alexandria, Louisiana, to Monroe, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(5) The study shall also include a comprehensive recreation, interpretive, and visitor use plan for the routes described in the above paragraphs, including bicycle and hiking paths, and make specific recommendations for the acquisition and construction or related interpretive and visitor information facilities at selected sites along such routes.

(6) The Secretary is authorized to make grants to States for work necessary to stabilize, maintain, and widen public roads to allow for adequate access to the nationally significant sites and structures identified by the study, to allow for proper use of the vehicular tour route, trails, byways, including the routes defined in paragraphs (3) and (4) or other public roads within the Delta Region and to implement the comprehensive recreation, interpretive, and visitor use plan required in paragraph (5).

(c) Listing. -On the basis of the study, and in consultation with the National Trust for Historic Preservation, the Secretary shall inventory significant structures and sites in the Delta Region. The Secretary shall further recommend and encourage cooperative preservation and economic development efforts such as the establishment of preservation districts linking groups of contiguous counties or parishes, especially those that lie along the aforementioned designated routes. The Secretary shall prepare a list of the sites and structures for possible inclusion by the National Park Service as National Historic Landmarks or such other designation as the Secretary deems appropriate.

#### SEC. 906. DELTA REGION HERITAGE CORRIDORS AND HERITAGE AND CULTURAL CENTERS.

(a) Findings. -The Congress finds that-

(1) in 1990, the Congress authorized the Institute of Museum Services to prepare a report assessing the needs of small, emerging, minority, and rural museums in order to identify the resources such museums needed to meet their educational mission, to identify the areas of museum operation in which the needs were greatest, and to make recommendations on how these needs could best be met;

(2) the Institute of Museum Services undertook a comprehensive eighteen month study of such needs with the assistance of two advisory groups, surveyed 524 museums from throughout the Nation, held discussion groups in which representatives of 25 museum groups participated, and conducted case studies of 12 museum facilities around the Nation;

(3) on the basis of this assessment, the Institute of Museum Services issued a report in September, 1992, entitled, "National Needs Assessment of Small, Emerging, Minority and Rural Museums in the United States" (hereinafter "National Needs Assessment") which found that small, emerging, minority, and rural museums provide valuable educational and cultural resources for their communities and contain a reservoir of the Nation's material, cultural and historical heritage, but due to inadequate resources are unable to meet their full potential or the

demands of the surrounding communities;

(4) the needs of these institutions are not being met through existing Federal programs;

(5) fewer than half of the participants in the survey had applied for Federal assistance in the past two years and that many small, emerging, minority and rural museums believe existing Federal programs do not meet their needs;

(6) based on the National Needs Assessment, that funding agencies should increase support available to small, emerging, minority, and rural museums and make specific recommendations for increasing technical assistance in order to identify such institutions and provide assistance to facilitate their participation in Federal programs;

(7) the Delta Initiatives Report made specific recommendations for the creation and development of centers for the preservation of the cultural, historical, and literary heritage of the Delta Region, including recommendations for the establishment of a Delta Region Native American Heritage and Cultural Center and a Delta Region African American Heritage and Cultural Center with additional satellite centers or museums linked throughout the Delta Region;

(8) the Delta Initiatives Report stated that new ways of coordinating, preserving, and promoting the Delta Region's literature, art, and music should be established including the creation of a network to promote the Delta Region's literary, artistic, and musical heritage; and

(9) wholesale destruction and attrition of archeological sites and structures has eliminated a significant portion of Native American heritage as well as the interpretive potential of the Delta Region's parks and museums. Furthermore, site and structure destruction is so severe that an ambitious program of site and structure acquisition in the Delta Region is necessary.

(b) General. -The Secretary, in consultation with the States of the Delta Region, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the Director of the Smithsonian Institution, the Lower Mississippi Delta Development Center, Historically Black Colleges and Universities, and appropriate African American, Native American and other relevant institutions or organizations in the Delta Region, is further directed to prepare and transmit to the Congress a plan outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Delta Region Native American Heritage [\*H6316] Corridor and Heritage and Cultural Center and a Delta Region African American Heritage Corridor and Heritage and Cultural Center with a network of satellite or cooperative units.

(c) Delta Region Native American Heritage Corridor and Cultural Center. -(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a network of parks, museums, and other centers to interpret Native American culture and heritage in the Delta Region, including a ten year development strategy for such a network.

(2) Such plan shall include specific proposals for the development of a Native American Heritage Corridor and Heritage and Cultural Center in the Delta Region, along with recommendations for the appropriate Federal role in such a center including matching grants, technical and interpretive assistance.

(3) Such plan shall be conducted in consultation with tribal leaders in the Delta Region.

(4) Such plan shall also include specific proposals for educational and training assistance for Delta Region Native Americans to carry out the recommendations provided in the study.

(d) Delta Region African American Heritage Corridor and Heritage and Cultural Center. -(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a

heritage corridor or trail system, consisting of one or two major north-south routes and several east-west-spur loops to preserve, interpret and commemorate the African American heritage and culture in the Delta Region during all significant historical periods.

(2) Such plan shall make specific recommendations for representing all forms of expensive culture including the musical, folklore, literary, artistic, scientific, historical, educational, and political contributions and accomplishments of African Americans in the Delta Region.

(3) Such plan shall make specific recommendations for implementing the findings of the Delta Initiatives Report with respect to establishing an African American Heritage Corridor and Heritage and Cultural Center and related satellite museums in the Delta Region, together with specific funding levels necessary to carry out these recommendations and shall also include recommendations for improving access of small, emerging, minority or rural museums to technical and financial assistance.

(4) Such plan shall be conducted in consultation with institutions of higher education in the Delta Region with expertise in African American studies, Southern studies, archeology, anthropology, history and other relevant fields.

(5) Such plan shall make specific recommendations for improving educational programs offered by existing cultural facilities and museums as well as establishing new outreach programs for elementary, middle and secondary schools, including summer programs for youth in the Delta Region.

(e)(1) In furtherance of the purposes of this section, the Secretary is authorized to make planning grants to State Humanities Councils in the Delta Region to assist small, emerging, minority and rural museums selected on a financial needs basis in the development of a comprehensive long term plan for these institutions. The Secretary is also authorized to make implementation grants to State Humanities Councils in the Delta Region who, in consultations with State Museum Associations, shall make grants to small, emerging, minority or rural museums for the purpose of carrying out an approved plan for training personnel, improving exhibits or other steps necessary to assure the integrity of collections in their facilities, for educational outreach programs, or for other activities the Secretary deems appropriate including the promotion of tourism in the region. Such institutions shall be selected competitively and on the basis of demonstrated financial need. The Secretary is also authorized to make grants to State Humanities Councils to update, simplify and coordinate the respective State Works Progress Administration guides and to develop a single comprehensive guide for the Delta Region.

(2) The Secretary is authorized to provide grants and other appropriate technical assistance to State Humanities Councils, State museum Associations, and State Arts Councils in the Delta Region for the purpose of assessing the needs of such institutions. Such grants may be used by these institutions to undertake such an assessment and to provide other technical, administrative and planning assistance to small, emerging, minority or rural institutions seeking to preserve the Delta Region's literary, artistic, and musical heritage.

(f) Music Heritage Program.- (1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a Music Heritage Program, with specific emphasis on the Mississippi Delta Blues. The plan shall include specific recommendations for developing a network of heritage sites, structures, small museums, and festivals in the Delta Region.

(2) The plan shall include an economic strategy for the promotion of the Delta Region's music, through the participation of musicians, festival developers, museum operators, universities, and other relevant individuals and organizations.

(g) Completion Date .-The plan authorized in this section shall be completed not later than three



years after the date funds are made available for such plan.

#### SEC. 907. HISTORIC AND PREHISTORIC STRUCTURES AND SITES SURVEY.

(a) Assistance .-The Secretary is authorized to provide technical and financial assistance to Historically Black Colleges and Universities to undertake a comprehensive survey of historic and prehistoric structures and sites located on their campuses, including recommendations as to the inclusion of appropriate structures and sites on the National Register of Historic Places, designation as National Historic Landmarks, or other appropriate designation as determined by the Secretary. The Secretary shall also make specific proposals and recommendations, together with estimates of necessary funding levels, for a comprehensive plan to be carried out by the Department to assist Historically Black Colleges and Universities in the preservation and interpretation of such sites and structures.

(b) Grants .-In furtherance of the purposes of this section, the Secretary is authorized to provide technical and financial assistance to Historically Black Colleges and Universities for stabilization, preservation and interpretation of such sites and structures.

#### SEC. 908. DELTA ANTIQUITIES SURVEY.

(a) General .-(1) The Secretary is directed to prepare and transmit to the Congress, in cooperation with the States of the Delta Region, State Archaeological Surveys and Regional Archeological Centers, a study of the feasibility of establishing a Delta Antiquities Trail or Delta Antiquities Heritage Corridor in the Delta Region.

(2) Such study shall, to the extent practicable, use nonintrusive methods of identifying, surveying, inventorying, and stabilizing ancient archeological sites and structures.

(3) In undertaking this study, the Secretary is directed to enter into cooperative agreements with the States of the Delta Region, the State Archeological Surveys, and Regional Archeological Centers located in Delta Region institutions of higher education for on-site activities including surveys, inventories, and stabilization and other activities which the Secretary deems appropriate.

(4) In addition to the over 100 known ancient archeological sites located in the Delta Region including Watson's Brake, Frenchman's Bend, Hedgepeth, Monte Sano, Banana Bayou, Hornsby, Parkin, Toltec, Menard-Hodges, Eaker, Blytheville Mound, Nodena, Taylor Mounds, DeSoto Mound and others, such study shall also employ every practical means possible, including assistance from the National Aeronautics and Space Administration, the Forest Service and Soil Conservation Service of the Department of Agriculture, the Army Corps of Engineers of the Department of Defense, and other appropriate Federal agencies, to locate and confirm the existence of a site known as Balbansha in southern Louisiana and a site known as Autiamque in Arkansas. The heads of these Federal agencies shall cooperate with the Secretary as the Secretary requires on a non-reimbursable basis.

(b) In furtherance of the purposes of this section, the Secretary is authorized to provide technical assistance and grants to private landowners for necessary stabilization activities of identified sites and for preparing recommendations for designating such sites as National Landmarks or other appropriate designations as the Secretary, with the concurrence of the landowners, determines to be appropriate.

(c) The Secretary is authorized to enter into cooperative agreements with the States, State Archeological Surveys, and Regional Archeological Centers of the Delta Region to develop a ten-year plan for the stabilization, preservation and interpretation of those sites and structures as may be identified by the Secretary.

## SEC. 909. HISTORIC AND ARCHEOLOGICAL RESOURCES PROGRAM.

(a) Program.- The Secretary shall conduct a comprehensive program for the research, interpretation, and preservation of significant historic and archeological resources in the Delta Region.

(b) Elements of the Program. -The program shall include, but not be limited to-

(1) identification of research projects related to historic and archeological resources in the Delta Region and a proposal for the regular publication of related research materials and publications;

(2) the development of a survey program to investigate, inventory and further evaluate known historic and archeological sites and structures and identify those sites and structures that require additional study;

(3) identification of a core system of interpretive sites and structures that would provide a comprehensive overview of historic and archeological resources of the Delta Region;

(4) preparation of educational materials to interpret the historical and archeological resources of the Delta Region;

(5) preparation of surveys and archeological and historical investigations of sites, structures, and artifacts relating to the Delta Region, including the preparation of reports, maps, and other related activities.

(c) Grants and Technical Assistance. -(1) The Secretary is authorized to award grants to qualified tribal, governmental and non-governmental entities and individuals to assist the Secretary in carrying out those elements of the program which the Secretary deems appropriate.

(2) The Secretary is further authorized to award grants and provide other types of technical and financial assistance to such entities and individuals to conserve and protect historic and archeological sites and structures in the Delta Region identified in the program prepared pursuant to this section. [\*H6317]

(d) The Secretary shall establish a national demonstration project for the conservation and curation of the archeological records and collections of Federal and State management agencies in the Delta Region.

## TITLE X-AUTHORIZATION OF APPROPRIATIONS

### SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

## TITLE XI-NEW ORLEANS JAZZ NATIONAL HISTORICAL PARK

### SEC. 1101. SHORT TITLE.

This title may be cited as the "New Orleans Jazz National Historical Park Act of 1994".

### SEC. 1102. FINDINGS AND PURPOSE.

(a) Findings.- The Congress finds that:

(1) Jazz is the United States' most widely recognized indigenous music and art form. Congress

previously recognized jazz in 1987 through Senate Concurrent Resolution 57 as a rare and valuable national treasure of international importance.

(2) The city of New Orleans is widely recognized as the birthplace of jazz. In and around this city, cultural and musical elements blended to form the unique American music that is known as New Orleans jazz, which is an expression of the cultural diversity of the lower Mississippi Delta Region.

(3) Jean Lafitte National Historical Park and Preserve was established to commemorate the cultural diversity of the lower Mississippi Delta Region including a range of cultural expressions like jazz.

(b) Purpose.- In furtherance of the need to recognize the value and importance of jazz, it is the purpose of this title to establish a New Orleans Jazz National Historical Park to preserve the origins, early history, development and progression of jazz; provide visitors with opportunities to experience the sights, sounds, and places where jazz evolved; and implement innovative ways of establishing jazz educational partnerships that will help to ensure that jazz continues as a vital element of the culture of New Orleans and our Nation.

#### SEC. 1103. ESTABLISHMENT.

(a) In General .-In order to assist in the preservation, education, and interpretation of jazz as it has evolved in New Orleans, and to provide technical assistance to a broad range of organizations involved with jazz music and its history, there is hereby established the New Orleans Jazz National Historical Park (hereinafter referred to as the "historical park"). The historical park shall be administered in conjunction with the Jean Lafitte National Historical Park and Preserve, which was established to preserve and interpret the cultural and natural resources of the lower Mississippi Delta Region.

(b) Area Included .-The historical park shall consist of lands and interests therein as follows:

(1) Lands which the Secretary of the Interior (hereinafter referred to as "the Secretary") may designate for an interpretive visitor center complex.

(2) Sites that are the subject of cooperative agreements with the National Park Service for the purposes of interpretive demonstrations and programs associated with the purposes of this title.

(3)(A) Sites designated by the Secretary as provided in subparagraph (B).

(B)(i) No later than 18 months after the date of enactment of this title, the Secretary is directed to complete a national historic landmark evaluation of sites associated with jazz in and around New Orleans as identified in the document entitled "New Orleans Jazz Special Resource Study", prepared by the National Park Service pursuant to Public Law 101-499. In undertaking the evaluation, the Secretary shall, to the extent practicable, utilize existing information relating to such sites.

(ii) If any of the sites evaluated are found to meet the standards of the National Historic Landmark program and National Park Service tests of suitability and feasibility, and offer outstanding opportunities to further the purposes of this title, the Secretary may designate such sites as part of the historical park, following consultation with the owners of such sites, the city of New Orleans, the Smithsonian Institution, and the New Orleans Jazz Commission, and notification to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

#### SEC. 1104. ADMINISTRATION.

(a)(1) In General .-The Secretary shall administer the historical park in accordance with this title and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary shall manage the historical park in such a manner as will preserve and perpetuate knowledge and understanding of the history of jazz and its continued evolution as a true American art form.

(2) To minimize operational costs associated with the management and administration of the historical park and to avoid duplication of effort, the Secretary shall, to the maximum extent practicable, utilize the facilities, administrative staff and other services of the Jean Lafitte National Historical Park and Preserve.

(b) Donations .-The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or other public entities for the purposes of providing services, programs, and facilities that further the purposes of this title.

(c) Interpretive Center.- The Secretary is authorized to construct, operate, and maintain an interpretive center in the historical park on lands identified by the Secretary pursuant to section 1103(b)(1). Programs at the center shall include, but need not be limited to, live jazz interpretive and educational programs, and shall provide visitors with information about jazz-related programs, performances, and opportunities.

(d) Jazz Heritage Districts.- The Secretary may provide technical assistance to the city of New Orleans and other appropriate entities for the designation of certain areas in and around New Orleans as jazz heritage districts. Such districts shall include those areas with an exceptional concentration of jazz historical sites and established community traditions of jazz street parades.

(e) Cooperative Agreements, Grants and Technical Assistance.- In furtherance of the purposes of this title-

(1) the Secretary, after consultation with the New Orleans Jazz Commission established pursuant to section 1107, is authorized to enter into cooperative agreements with owners of properties that are designated pursuant to section 1103(b)(3) which provide outstanding educational and interpretive opportunities relating to the evolution of jazz in New Orleans. The Secretary may assist in rehabilitating, restoring, marking, and interpreting and may provide technical assistance for the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the National Park Service will have reasonable rights of access for operational and visitor use needs, that rehabilitation and restoration will meet the Secretary's standards for rehabilitation of historic buildings, and that specify the roles and responsibilities of the Secretary for each site or structure;

(2) the Secretary is authorized to enter into cooperative agreements with the city of New Orleans, the State of Louisiana, and other appropriate public and private organizations under which the other parties to the agreement may contribute to the acquisition, construction, operation, and maintenance of the interpretive center and to the operation of educational and interpretive programs to further the purposes of this title; and

(3) the Secretary, in consultation with the New Orleans Jazz Commission, is authorized to provide grants or technical assistance to public and private organizations.

(f) Jazz Educational Programs. -The Secretary shall, in the administration of the historical park, promote a broad range of educational activities relating to jazz and its history. The Secretary shall cooperate with schools, universities, and organizations supporting jazz education to develop educational programs that provide expanded public understanding of jazz and enhanced opportunities for public appreciation. The Secretary may assist appropriate entities in the

development of an information base including archival material, audiovisual records, and objects that relate to the history of jazz.

#### SEC. 1105. ACQUISITION OF PROPERTY.

(a) General Authority. -The Secretary may acquire lands and interests therein within the sites designated pursuant to section 1103(b)(1) and (3) by donation or purchase with donated or appropriated funds or long term lease: Provided , That sites designated pursuant to section 1103(b)(3) shall only be acquired with the consent of the owner thereof.

(b) State and Local Properties. -Lands and interests in lands which are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation.

#### SEC. 1106. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and concurrent with the national landmark study referenced in section 1103(b)(3), the Secretary, in consultation with the New Orleans Jazz Commission, shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to-

(1) a visitor use plan indicating programs and facilities associated with park programs that will be made available to the public;

(2) preservation and use plans for any structures and sites that are identified through the historic landmark study for inclusion within the historical park;

(3) the location and associated cost of public facilities that are proposed for inclusion within the historical park, including a visitor center;

(4) identification of programs that the Secretary will implement or be associated with through cooperative agreements with other groups and organizations;

(5) a transportation plan that addresses visitor use access needs to sites, facilities, and programs central to the purpose of the historical park;

(6) plans for the implementation of an archival system for materials, objects, and items of [\*H6318] importance relating to the history of jazz; and

(7) guidelines for the application of cooperative agreements that will be used to assist in the management of historical park facilities and programs.

#### SEC. 1107. ESTABLISHMENT OF THE NEW ORLEANS JAZZ COMMISSION.

(a) Establishment. -To assist in implementing the purposes of this title and the document entitled "New Orleans Jazz Special Resource Study", there is established the New Orleans Jazz Commission (hereinafter referred to as the "Commission").

(b) Membership. -The Commission shall consist of 17 members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows:

(1) One member from recommendations submitted by the Mayor of New Orleans.

(2) Two members who have recognized expertise in music education programs that emphasize jazz.

(3) One member, with experience in and knowledge of tourism in the greater New Orleans area, from recommendations submitted by local businesses.

(4) One member from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.

(5) One member, with experience in and knowledge of historic preservation within the New Orleans area.

(6) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Chairman of the National Endowment of the Arts, who are recognized musicians with knowledge and experience in the development of jazz in New Orleans.

(7) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Director of the Louisiana State Museum with recognized expertise in the interpretation of jazz history or traditions related to jazz in New Orleans.

(8) Two members who represent local neighborhood groups or other local associations; from recommendations submitted by the Mayor of New Orleans.

(9) One member representing local mutual aid and benevolent societies as well as local social and pleasure clubs, from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.

(10) One member from recommendations submitted by the Governor of the State of Louisiana, who shall be a member of the Louisiana State Music Commission.

(11) One member representing the New Orleans Jazz Club from recommendations submitted by the club.

(12) One member who is a recognized local expert on the history, development and progression of jazz in New Orleans and is familiar with existing archival materials from recommendations submitted by the Librarian of Congress.

(13) The Director of the National Park Service, or the Director's designee, ex officio.

(c) Duties of the Commission.- The Commission shall-

(1) advise the Secretary in the preparation of the general management plan for the historical park; assist in public discussions of planning proposals; and assist the National Park Service in working with individuals, groups, and organizations including economic and business interests in determining programs in which the Secretary should participate through cooperative agreement;

(2) in consultation and cooperation with the Secretary, develop partnerships with educational groups, schools, universities, and other groups to furtherance of the purposes of this title;

(3) in consultation and cooperation with the Secretary, develop partnerships with city-wide organizations, and raise and disperse funds for programs that assist mutual aid and benevolent societies, social and pleasure clubs and other traditional groups in encouraging the continuation of and enhancement of jazz cultural traditions;

(4) acquire or lease property for jazz education, and advise on hiring brass bands and musical groups to participate in education programs and help train young musicians;

(5) in consultation and cooperation with the Secretary, provide recommendations for the location of the visitor center and other interpretive sites;

(6) assist the Secretary in providing funds to support research on the origins and early history of jazz in New Orleans; and

(7) notwithstanding any other provision of law, seek and accept donations of funds, property, or services from individuals, foundations, corporations, or other public or private entities and expend and use the same for the purposes of providing services, programs, and facilities for jazz education, or assisting in the rehabilitation and restoration of structures identified in the national historic landmark study referenced in section 1103(b)(3) as having outstanding significance to the history of jazz in New Orleans.

(d) Appointment .-Members of the Commission shall be appointed for staggered terms of 3 years, as designated by the Secretary at the time of the initial appointment.

(e) Chairman .-The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(f) Terms .-Any member of the Commission appointed by the Secretary for a 3-year term may serve after the expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(g) Per Diem Expenses .-Members of the Commission shall serve without compensation. Members shall be entitled to travel expenses under section 5703, title 5, United States Code, when engaged in Commission business, including per diem in lieu of subsistence in the same manner as persons employed intermittently.

(h) Administrative Support .-The Secretary shall provide the Commission with assistance in obtaining such personnel, equipment, and facilities as may be needed by the Commission to carry out its duties.

(i) Annual Report .-The Commission shall submit an annual report to the Secretary identifying its expenses and income and the entities to which any grants or technical assistance were made during the year for which the report is made.

#### SEC. 1108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title.

#### MOTION OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Speaker, pursuant to House Resolution 422, I offer a motion.

The Clerk read as follows:

Mr. Miller of California moves to strike all after the enacting clause of S. 21 and insert in lieu thereof the provisions of H.R. 518 as passed by the House, as follows:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "California Desert Protection Act of 1994".

FINDINGS AND POLICY Sec. 2. (a) The Congress finds and declares that-

(1) the federally owned desert lands of Southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing **wilderness** lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of **wilderness**, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that-

(1) appropriate public lands in the California desert shall be included within the National Park System and the National **Wilderness** Preservation System, in order to-

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain **wilderness** resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

#### TITLE I-**WILDERNESS** ADDITIONS

FINDINGS Sec. 101. The Congress finds and declares that-

(1) **wilderness** is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;



(2) the **wilderness** values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and [\*H6319]

(3) preservation of desert **wilderness** necessarily requires the highest forms of protective designation and management.

## DESIGNATION OF **WILDERNESS**

Sec. 102. In furtherance of the purpose of the **Wilderness** Act (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps referenced herein, are hereby designated as **wilderness**, and therefore, as components of the National **Wilderness** Preservation System:

(1) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred and ninety acres, as generally depicted on a map entitled "Argus Range **Wilderness**-Proposed 1", dated May 1991, and two maps entitled "Argus Range **Wilderness**-Proposed 2" and "Argus Range **Wilderness**-Proposed 3", dated January 1989, and which shall be known as the Argus Range **Wilderness**. If at any time within 15 years after the date of enactment of this Act the Secretary of the Navy notifies the Secretary of the Interior that permission has been granted to use lands within the area of the China Lake Naval Air Warfare Center for installation of a space energy laser facility, and that establishment of a right-of-way across lands within the Argus Range **Wilderness** is desirable in order to facilitate access to the lands to be used for such facility, the Secretary of the Interior, pursuant to the Federal Land Policy and Management Act of 1976, may grant a right-of-way for, and authorize construction of, a road to be used solely for that purpose across such lands, notwithstanding the designation of such lands as **wilderness**. So far as practicable, any such road shall be aligned in a manner that takes into account the desirability of minimizing adverse impacts on **wilderness** values.

(2) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand three hundred and eighty acres, as generally depicted on a map entitled "Bigelow Cholla Garden **Wilderness**-Proposed", dated July 1993, and which shall be known as the Bigelow Cholla Garden **Wilderness**.

(3) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and within the San Bernardino National Forest, which comprise approximately thirty-nine thousand two hundred acres, as generally depicted on a map entitled "Bighorn Mountain **Wilderness**-Proposed", dated September 1991, and which shall be known as the Bighorn Mountain **Wilderness**.

(4) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred and seventy acres, as generally depicted on a map entitled "Big Maria Mountains **Wilderness**-Proposed", dated February 1986, and which shall be known as the Big Maria Mountains **Wilderness**.

(5) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirteen thousand nine hundred and forty acres, as generally depicted on a map entitled "Black Mountain **Wilderness**-Proposed", dated July 1993, and which shall be known as the Black Mountain **Wilderness**.

(6) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred and twenty acres, as generally depicted on a map entitled "Bright Star **Wilderness**-Proposed", dated May 1991, and which

shall be known as the Bright Star **Wilderness**.

(7) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-eight thousand five hundred and fifteen acres, as generally depicted on two maps entitled "Bristol Mountains **Wilderness**-Proposed 1", and "Bristol Mountains **Wilderness**-Proposed 2", dated September 1991, and which shall be known as Bristol Mountains **Wilderness**.

(8) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-nine thousand seven hundred and forty acres, as generally depicted on a map entitled "Cadiz Dunes **Wilderness**-Proposed", dated July 1993, and which shall be known as the Cadiz Dunes **Wilderness**.

(9) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-four thousand four hundred acres, as generally depicted on a map entitled "Cady Mountains **Wilderness**-Proposed", dated July 1993, and which shall be known as the Cady Mountains **Wilderness**.

(10) Certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge **Wilderness**-Proposed", dated February 1986, and which shall be known as the Carrizo Gorge **Wilderness**.

(11) Certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and twenty acres, as generally depicted on a map entitled "Chemehuevi Mountains **Wilderness**-Proposed", dated July 1993, and which shall be known as the Chemehuevi Mountains **Wilderness**.

(12) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Peak **Wilderness**-Proposed 1" and "Chimney Peak **Wilderness**-Proposed 2", dated May 1991, and which shall be known as the Chimney Peak **Wilderness**.

(13) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred fifty-eight thousand nine hundred and fifty acres, as generally depicted on two maps entitled "Chuckwalla Mountains **Wilderness**-Proposed 1" and "Chuckwalla Mountains **Wilderness**-Proposed 2", dated January 1989, and which shall be known as the Chuckwalla Mountains **Wilderness**.

(14) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirty-four thousand three hundred and eighty acres, as generally depicted on a map entitled "Cleghorn Lakes **Wilderness**-Proposed", dated September 1991, and which shall be known as the Cleghorn Lakes **Wilderness**. The Secretary may, pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road and utilities within the area depicted as "nonwilderness road corridor" on such map.

(15) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Clipper Mountain **Wilderness**-Proposed", dated May 1991, and which shall be known as Clipper Mountain **Wilderness**.

(16) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand five hundred and twenty acres, as generally depicted on a map entitled "Coso Range **Wilderness**-Proposed", dated May 1991, and which shall be known as Coso Range **Wilderness**.

(17) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand acres, as generally depicted on a map entitled "Coyote Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as Coyote Mountains **Wilderness**.

(18) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred acres, as generally depicted on a map entitled "Darwin Falls **Wilderness-Proposed**", dated May 1991, and which shall be known as Darwin Falls **Wilderness**.

(19) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-eight thousand eight hundred and fifty acres, as generally depicted on a map entitled "Dead Mountains **Wilderness-Proposed**", dated October 1991, and which shall be known as Dead Mountains **Wilderness**.

(20) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on two maps entitled "Domeland **Wilderness** Additions-Proposed 1" and "Domeland **Wilderness** Additions-Proposed 2", dated February 1986 and which are hereby incorporated in, and which shall be deemed to be a part of, the Domeland **Wilderness** as designated by Public Laws 93-632 and 98-425.

(21) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-three thousand seven hundred and eighty acres, as generally depicted on a map entitled "El Paso Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the El Paso Mountains **Wilderness**.

(22) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand nine hundred and forty acres, as generally depicted on a map entitled "Fish Creek Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as Fish Creek Mountains **Wilderness**.

(23) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand one hundred and ten acres, as generally depicted on a map entitled "Funeral Mountains **Wilderness-Proposed**", dated May 1991, and which shall be known as Funeral Mountains **Wilderness**.

(24) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley **Wilderness-Proposed**", dated February 1986 and which shall be known as Golden Valley **Wilderness**.

(25) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand seven hundred and twenty acres, as generally depicted on a map entitled "Grass Valley **Wilderness-Proposed**", dated February 1986 and which shall be known as the Grass Valley **Wilderness**.

(26) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand two hundred and forty acres, as generally depicted on a map entitled "Hollow Hills **Wilderness-Proposed**", dated May 1991, and which shall be known as the Hollow Hills **Wilderness**.

(27) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Ibex **Wilderness-Proposed**", dated May 1991, and

which shall be known as the Ibex **Wilderness**.

(28) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, [\*H6320] which comprise approximately thirty-four thousand and fifty-five acres, as generally depicted on a map entitled "Indian Pass **Wilderness-Proposed**", dated May 1994, and which shall be known as the Indian Pass **Wilderness**.

(29) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, and within the Inyo National Forest, which comprise approximately two hundred five thousand and twenty acres, as generally depicted on three maps entitled "Inyo Mountains **Wilderness-Proposed**", numbered in the title one through three, and dated May 1991, and which shall be known as the Inyo Mountains **Wilderness**.

(30) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred and seventy acres, as generally depicted on a map entitled "Jacumba **Wilderness-Proposed**", dated July 1993, and which shall be known as the Jacumba **Wilderness**.

(31) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and twenty-nine thousand five hundred and eighty acres, as generally depicted on a map entitled "Kelso Dunes **Wilderness-Proposed 1**", dated October 1991, a map entitled "Kelso Dunes **Wilderness-Proposed 2**", dated May 1991, and a map entitled "Kelso Dunes **Wilderness-Proposed 3**", dated September 1991, and which shall be known as the Kelso Dunes **Wilderness**.

(32) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred and ninety acres, as generally depicted on a map entitled "Kiavah **Wilderness-Proposed 1**", dated February 1986, and a map entitled "Kiavah **Wilderness-Proposed 2**", dated May 1991, and which shall be known as the Kiavah **Wilderness**.

(33) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred nine thousand six hundred and eight acres, as generally depicted on four maps entitled "Kingston Range **Wilderness-Proposed**", numbered in the title one through four dated May 1994, and which shall be known as the Kingston Range **Wilderness**.

(34) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand eight hundred and eighty acres, as generally depicted on a map entitled "Little Chuckwalla Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the Little Chuckwalla Mountains **Wilderness**.

(35) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred acres, as generally depicted on a map entitled "Little Picacho **Wilderness-Proposed**", dated July 1993, and which shall be known as the Little Picacho **Wilderness**.

(36) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and sixty acres, as generally depicted on a map entitled "Malpais Mesa **Wilderness-Proposed**", dated September 1991, and which shall be known as the Malpais Mesa **Wilderness**.

(37) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred and five acres, as generally depicted on a map entitled "Manly Peak **Wilderness-Proposed**", dated October 1991,

and which shall be known as the Manly Peak **Wilderness**.

(38) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-four thousand two hundred acres, as generally depicted on a map entitled "Mecca Hills **Wilderness-Proposed**", dated July 1993, and which shall be known as the Mecca Hills **Wilderness**.

(39) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand three hundred and thirty acres, as generally depicted on a map entitled "Mesquite **Wilderness-Proposed**", dated May 1991, and which shall be known as the Mesquite **Wilderness**.

(40) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains **Wilderness-Proposed**", dated February 1986, and which shall be known as the Newberry Mountains **Wilderness**.

(41) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred and sixty acres, as generally depicted on a map entitled "Nopah Range **Wilderness-Proposed**", dated July 1993, and which shall be known as the Nopah Range **Wilderness**.

(42) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand two hundred and forty acres, as generally depicted on a map entitled "North Algodones Dunes **Wilderness-Proposed**", dated October 1991, and which shall be known as the North Algodones Dunes **Wilderness**.

(43) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand five hundred and forty acres, as generally depicted on a map entitled "North Mesquite Mountains **Wilderness-Proposed**", dated May 1991, and which shall be known as the North Mesquite Mountains **Wilderness**.

(44) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand and seventy acres, as generally depicted on a map entitled "Old Woman Mountains **Wilderness-Proposed 1**", dated May 1994 and a map entitled "Old Woman Mountains **Wilderness-Proposed 2**", dated October 1991, and which shall be known as the Old Woman Mountains **Wilderness**.

(45) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-seven thousand four hundred and eighty acres, as generally depicted on a map entitled "Orocopia Mountains **Wilderness-Proposed**", dated May 1994, and which shall be known as the Orocopia Mountains **Wilderness**.

(46) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand six hundred and forty acres, as generally depicted on a map entitled "Owens Peak **Wilderness-Proposed 1**", dated February 1986, and two maps entitled "Owens Peak **Wilderness-Proposed 2**" dated February 1986 and "Owens Peak **Wilderness-Proposed 3**", dated May 1991, and which shall be known as the Owens Peak **Wilderness**.

(47) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley **Wilderness-Proposed**", dated February 1986 and which shall be known as the Pahrump Valley **Wilderness**.

(48) Certain lands in the California Desert Conservation Area, of the Bureau of Land

Management, which comprise approximately two hundred seventy thousand six hundred and twenty-nine acres, as generally depicted on a map entitled "Palen/McCoy **Wilderness-Proposed 1**", dated July 1993, and a map entitled "Palen/McCoy **Wilderness-Proposed 2**", dated July 1993, and which shall be known as the Palen/McCoy **Wilderness**.

(49) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and ten acres, as generally depicted on a map entitled "Palo Verde Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the Palo Verde Mountains **Wilderness**.

(50) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand seven hundred acres, as generally depicted on a map entitled "Picacho Peak **Wilderness-Proposed**", dated May 1991, and which shall be known as the Picacho Peak **Wilderness**.

(51) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-two thousand six hundred acres, as generally depicted on a map entitled "Piper Mountain **Wilderness-Proposed**", dated May 1991, and which shall be known as the Piper Mountain **Wilderness**.

(52) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-six thousand eight hundred and forty acres, as generally depicted on a map entitled "Piute Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the Piute Mountains **Wilderness**.

(53) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Resting Spring Range **Wilderness-Proposed**", dated May 1991, and which shall be known as the Resting Spring Range **Wilderness**.

(54) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Rice Valley **Wilderness-Proposed**", dated May 1991, and which shall be known as the Rice Valley **Wilderness**.

(55) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-two thousand three hundred eighty acres, as generally depicted on a map entitled "Riverside Mountains **Wilderness-Proposed**", dated May 1991, and which shall be known as the Riverside Mountains **Wilderness**.

(56) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand seven hundred acres, as generally depicted on a map entitled "Rodman Mountains **Wilderness-Proposed**", dated January 1989, and which shall be known as the Rodman Mountains **Wilderness**.

(57) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-one thousand nine hundred acres, as generally depicted on two maps entitled "Sacatar Trail **Wilderness-Proposed 1**" and "Sacatar Trail **Wilderness-Proposed 2**", dated May 1991, and which shall be known as the Sacatar Trail **Wilderness**.

(58) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one thousand four hundred and forty acres, as generally depicted on a map entitled "Saddle Peak Hills **Wilderness-Proposed**", dated July 1993, and which shall be known as the Saddle Peak Hills **Wilderness**.

(59) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven [\*H6321] thousand nine hundred and eighty acres, as generally depicted on a map entitled "San Gorgonio **Wilderness** Additions-Proposed", dated July 1993, and which are hereby incorporated in, and which shall be deemed to be a part of, the San Gorgonio **Wilderness** as designated by Public Laws 88-577 and 98-425.

(60) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and forty acres, as generally depicted on a map entitled "Santa Rosa **Wilderness** Additions-Proposed", dated March 1994, and which are hereby incorporated in, and which shall be deemed to be part of, the Santa Rosa **Wilderness** designated by Public Law 98-425.

(61) Certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand and eighty acres, as generally depicted on a map entitled "Sawtooth Mountains **Wilderness**-Proposed", dated July 1993, and which shall be known as the Sawtooth Mountains **Wilderness**.

(62) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-four thousand eight hundred acres, as generally depicted on two maps entitled "Sheep Hole Valley **Wilderness**-Proposed 1", dated July 1993, and "Sheep Hole Valley **Wilderness**-Proposed 2", dated July 1993, and which shall be known as the Sheephole Valley **Wilderness**.

(63) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-four thousand four hundred and ten acres, as generally depicted on a map entitled "Slate Range **Wilderness**-Proposed", dated October 1991, and which shall be known as the Slate Range **Wilderness**.

(64) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred and eighty acres, as generally depicted on a map entitled "South Nopah Range **Wilderness**-Proposed", dated February 1986, and which shall be known as the South Nopah Range **Wilderness**.

(65) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand and fifty acres, as generally depicted on a map entitled "Stateline **Wilderness**-Proposed", dated May 1991, and which shall be known as the Stateline **Wilderness**.

(66) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stepladder Mountains **Wilderness**-Proposed", dated February 1986, and which shall be known as the Stepladder Mountains **Wilderness**.

(67) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Surprise Canyon **Wilderness**-Proposed", dated September 1991, and which shall be known as the Surprise Canyon **Wilderness**.

(68) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred and twenty acres, as generally depicted on a map entitled "Sylvania Mountains **Wilderness**-Proposed", dated February 1986, and which shall be known as the Sylvania Mountains **Wilderness**.

(69) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand seven hundred and twenty acres, as generally depicted on a map entitled "Trilobite **Wilderness**-Proposed", dated May

1991, and which shall be known as the Trilobite **Wilderness**.

(70) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains **Wilderness**-Proposed 1", dated February 1986 and a map entitled "Turtle Mountains **Wilderness**-Proposed 2", dated May 1991, and which shall be known as the Turtle Mountains **Wilderness**.

(71) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-seven thousand five hundred and twenty acres, as generally depicted on a map entitled "Whipple Mountains **Wilderness**-Proposed", dated July 1993, and which shall be known as the Whipple Mountains **Wilderness**.

ADMINISTRATION OF **WILDERNESS** AREAS Sec. 103. Subject to valid existing rights, each **wilderness** area designated under section 102 shall be administered by the appropriate Secretary in accordance with the provisions of the **Wilderness** Act, except that any reference in such provisions to the effective date of the **Wilderness** Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

GRAZING Sec. 104. Within the **wilderness** areas designated under section 102, the grazing of livestock, where established prior to the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the **Wilderness** Act and section 108 of Public Law 96-560 (16 U.S.C. 133 note).

BUFFER ZONES Sec. 105. The Congress does not intend for the designation of **wilderness** areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any such **wilderness** area. The fact that nonwilderness activities or uses can be seen or heard from areas within a **wilderness** shall not, of itself, preclude such activities or uses up to the boundary of the **wilderness** area.

MINING CLAIM VALIDITY REVIEW Sec. 106. The Secretary of the Interior shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within any **wilderness** area designated under section 102, and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

FILING OF MAPS AND DESCRIPTIONS Sec. 107. As soon as practicable after enactment of section 102, a map and a legal description on each **wilderness** area designated under this title shall be filed by the Secretary concerned with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and each such map and description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as is appropriate.

**WILDERNESS** REVIEW Sec. 108. (a) The Congress hereby finds and directs that except for those areas provided for in subsection (b), the public lands in the California Desert Conservation Area, managed by the Bureau of Land Management, not designated as **wilderness** or **wilderness** study areas by this Act, have been adequately studied for **wilderness** designation



pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1782), and are no longer subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of **wilderness** study areas in a manner that does not impair the suitability of such areas for preservation as **wilderness**.

(b) The following areas shall continue to be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976, pertaining to the management of **wilderness** study areas in a manner that does not impair the suitability of such areas for preservation as **wilderness**:

(1) Certain lands which comprise approximately sixty-one thousand three hundred and twenty acres, as generally depicted on a map entitled "Avawatz Mountains **Wilderness-Proposed**", dated May 1991.

(2) Certain lands which comprise approximately eighty thousand four hundred and thirty acres, as generally depicted on two maps entitled "Soda Mountains **Wilderness-Proposed 1**", dated May 1991, and "Soda Mountains **Wilderness-Proposed 2**", dated January 1989.

(3) Certain lands which compromise approximately twenty-three thousand two hundred and fifty acres, as generally depicted on a map entitled "South Avawatz Mountains-Proposed", dated May 1991.

(4) Certain lands which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin **Wilderness-Proposed**", dated February 1986.

(5) Certain lands which comprise approximately thirty-nine thousand seven hundred and sixty acres, as generally depicted on a map entitled "Kingston Range Potential Future **Wilderness**", dated May 1994.

(c) Subject to valid existing rights, the Federal lands referred to in subsection (b) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto, and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

**DESIGNATION OF WILDERNESS STUDY AREA** Sec. 109. In furtherance of the provisions of the **Wilderness Act**, certain public lands in the California Desert Conservation Area of the Bureau of Land Management which comprise eleven thousand two hundred acres as generally depicted on a map entitled "White Mountains **Wilderness Study Area-Proposed**", dated May 1991, are hereby designated the White Mountains **Wilderness Study Area** and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976.

**SUITABILITY REPORT** Sec. 110. The Secretary is required, ten years after the date of enactment of this Act, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future **wilderness** designation of, the lands as generally depicted on maps entitled "Surprise Canyon **Wilderness-Proposed**", "Middle Park Canyon **Wilderness-Proposed**", and [\*H6322] "Death Valley National Park Boundary and **Wilderness 15**", dated September 1991 and a map entitled "Manly Peak **Wilderness-Proposed**", dated October 1991.

#### **WILDERNESS DESIGNATION AND MANAGEMENT IN THE NATIONAL WILDLIFE REFUGE SYSTEM**

Sec. 111. (a) In furtherance of the purposes of the **Wilderness Act**, the following lands are hereby designated as **wilderness** and therefore, as components of the National **Wilderness**

Preservation System:

(1) Certain lands in the Havasu National Wildlife Refuge, California, which comprise approximately three thousand one hundred and ninety-five acres, as generally depicted on a map entitled "Havasu **Wilderness**-Proposed", and dated October 1991, and which shall be known as the Havasu **Wilderness**.

(2) Certain lands in the Imperial National Wildlife Refuge, California, which comprise approximately five thousand eight hundred and thirty-six acres, as generally depicted on two maps entitled "Imperial Refuge **Wilderness**-Proposed 1" and "Imperial Refuge **Wilderness**-Proposed 2", and dated October 1991, and which shall be known as the Imperial Refuge **Wilderness**.

(b) Subject to valid existing rights, the **wilderness** areas designated under this section shall be administered by the Secretary in accordance with the provisions of the **Wilderness Act** governing areas designated by that Act as **wilderness**, except that any reference in such provisions to the effective date of the **Wilderness Act** (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) As soon as practicable after enactment of this section, the Secretary shall file a map and a legal description of each **wilderness** area designated under this section with the Committees on Energy and Natural Resources and Environment and Public Works of the Senate and Natural Resources and Merchant Marine and Fisheries of the House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, Department of the Interior.

Sec. 112. Law Enforcement Access .-Nothing in this Act, including the **wilderness** designations made by this Act, may be construed to preclude Federal, State, and local law enforcement agencies from conducting law enforcement and border operations as permitted before the enactment of this Act, including the use of motor vehicles and aircraft, on any lands designated as **wilderness** by this Act.

Sec. 113. Fish and Wildlife Management .-As provided in section 4(d)(7) of the **Wilderness Act**, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to fish and wildlife on the public lands located in that State. Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within **wilderness** areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies.

## TITLE II-DEATH VALLEY NATIONAL PARK

FINDINGS Sec. 201. The Congress hereby finds that-

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and **wilderness** values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all

contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a national park; and

(5) the **wilderness** within Death Valley should receive maximum statutory protection by designation pursuant to the **Wilderness Act**.

**ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK** Sec. 202. There is hereby established the Death Valley National Park, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and **Wilderness**-Proposed", numbered in the title one through twenty-three, and dated May 1994 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

**TRANSFER AND ADMINISTRATION OF LANDS** Sec. 203. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 202 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

**MAPS AND LEGAL DESCRIPTION** Sec. 204. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 202. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

**WITHDRAWAL** Sec. 205. Subject to valid existing rights, the Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

**STUDY AS TO VALIDITY OF MINING CLAIMS** Sec. 206. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the additions to the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

**GRAZING** Sec. 207. (a) The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the

acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

DEATH VALLEY NATIONAL PARK ADVISORY COMMISSION Sec. 208. (a) The Secretary shall establish an Advisory Commission of no more than 15 Members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Death Valley National Park.

(b)(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the Commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the Commission.

(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

(d) The advisory commission shall cease to exist ten years after the date of its establishment. Sec. 210. Boundary Adjustment.- In preparing the maps and legal descriptions required by sections 204 and 502, the Secretary shall adjust the boundaries of the Death Valley National Park and Death Valley National Park **Wilderness** so as to exclude from such National Park and **Wilderness** the lands generally depicted on the map entitled "Porter Mine (Panamint Range) Exclusion Area" dated June 1994.

### TITLE III-JOSHUA TREE NATIONAL PARK

FINDINGS Sec. 301. The Congress hereby finds that-

(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical and **wilderness** values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal [\*H6323] lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the nondesignated **wilderness** within Joshua Tree should receive statutory protection by designation pursuant to the **Wilderness Act**.

ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK Sec. 302. There is hereby established the Joshua Tree National Park, as generally depicted on a map entitled "Joshua Tree National Park Boundary-Proposed", dated May 1991, and four maps entitled "Joshua Tree National Park

Boundary and **Wilderness**", numbered in the title one through four, and dated October 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

TRANSFER AND ADMINISTRATION OF LANDS Sec. 303. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 302 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

MAPS AND LEGAL DESCRIPTION Sec. 304. Within six months after the enactment of this title, the Secretary shall file maps and legal description of the park designated by this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

WITHDRAWAL Sec. 305. Subject to valid existing rights, Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public lands laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from the operation of the Geothermal Steam Act of 1970.

UTILITY RIGHTS-OF-WAY Sec. 306. Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to the Metropolitan Water District pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b), which is located on lands included in the Joshua Tree National Park, but outside lands designated as **wilderness** under section 501(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. Nothing in this title shall have the effect of terminating the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to the Metropolitan Water District pursuant to the Act of June 18, 1932 (47 Stat. 324), which are located on lands included in the Joshua Tree National Park, but outside lands designated as **wilderness** under section 501(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. The Secretary shall prepare within 180 days after the date of enactment of this Act, in consultation with the Metropolitan Water District, plans for emergency access by the Metropolitan Water District to its lands and rights-of-way.

STUDY AS TO VALIDITY OF MINING CLAIMS Sec. 307. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

JOSHUA TREE NATIONAL PARK ADVISORY COMMISSION Sec. 308. (a) The Secretary shall establish an Advisory Commission of no more than 15 Members, to advise the Secretary

concerning the development and implementation of a new or revised comprehensive management plan for Death Valley National Park.

(b)(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the Commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the Commission.

(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

(d) The advisory commission shall cease to exist ten years after the date of its establishment.

#### TITLE IV-MOJAVE NATIONAL PRESERVE

FINDINGS Sec. 401. The Congress hereby finds that-

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave Desert area possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) the Mojave Desert area should be afforded full recognition and statutory protection as a national preserve;

(4) the **wilderness** within the Mojave Desert should receive maximum statutory protection by designation pursuant to the **Wilderness Act**; and

(5) the Mojave Desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101-336, the Americans With Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

ESTABLISHMENT OF THE MOJAVE NATIONAL PRESERVE Sec. 402. (a) There is hereby established the Mojave National Preserve, comprising approximately one million four hundred nineteen thousand eight hundred acres, as generally depicted on a map entitled "Mojave National Park Boundary-Proposed", dated May 17, 1994, which shall be on file and available for inspection in the appropriate offices of the Director of the National Park Service, Department of the Interior.

(b)(1) There is hereby established the Dinosaur Trackway Area of Critical Environmental Concern within the California Desert Conservation Area, of the Bureau of Land Management, comprising approximately five hundred and ninety acres as generally depicted on a map entitled "Dinosaur Trackway Area of Critical Environmental Concern", dated July 1993. The Secretary shall administer the area to preserve the paleontological resources within the area.

(2) Subject to valid existing rights, the Federal lands within and adjacent to the Dinosaur

Trackway Area of Critical Environmental Concern, as generally depicted on a map entitled "Dinosaur Trackway Mineral Withdrawal Area", dated July 1993, are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

TRANSFER OF LANDS Sec. 403. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 402 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service. The boundaries of the public lands shall be adjusted accordingly.

MAPS AND LEGAL DESCRIPTION Sec. 404. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the preserve designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 402. The maps and legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

ABOLISHMENT OF SCENIC AREA Sec. 405. The East Mojave National Scenic Area, designated on January 13, 1981 (46 FR 3994), and modified on August 9, 1983 (48 FR 36210), is hereby abolished.

ADMINISTRATION OF LANDS Sec. 406. (a) The Secretary shall administer the preserve in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

(b) The Secretary shall permit hunting, fishing, and trapping on lands and waters within the preserve designated by this Act in accordance with applicable Federal and State laws except that the Secretary may designate areas where, and establish periods when, no hunting, fishing, or trapping will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law. Except in emergencies, regulations closing areas to hunting, fishing, or trapping pursuant to this subsection shall be put into effect only after consultation with the appropriate State agency having responsibility for fish and wildlife. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the States with respect to fish and wildlife on [\*H6324] Federal lands and waters covered by this title nor shall anything in this Act be construed as authorizing the Secretary concerned to require a Federal permit to hunt, fish, or trap on Federal lands and waters covered by this title.

#### WITHDRAWAL

Sec. 407. Subject to valid existing rights, Federal lands within the preserve, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS Sec. 408 (a) The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the preserve and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

(b)(1) Notwithstanding any other provision of law, the Secretary of the Interior shall permit the

holder or holders of mining claims identified on the records of the Bureau of Land Management as Volco #A CAMC 105446 and Volco #B CAMC 105447 to continue exploration and development activities on such claims for a period of two years after the date of enactment of this Act, subject to the same regulations as applied to such activities on such claims on the day before such date of enactment.

(2) At the end of the period specified in paragraph (1), or sooner if so requested by the holder or holders of the claims specified in such paragraph, the Secretary shall determine whether there has been a discovery of valuable minerals on such claims and whether, if such discovery had been made on or before July 1, 1994, such claims would have been valid as of such date under the mining laws of the United States in effect on such date.

(3) If the Secretary, pursuant to paragraph (2), makes an affirmative determination concerning the claims specified in paragraph (1), the holder or holders of such claims shall be permitted to continue to operate such claims subject only to such regulations as applied on July 1, 1994 to the exercise of valid existing rights on patented mining claims within a unit of the National Park System. Explanation .-This would allow the holder(s) of the specified claims to continue exploration activities for 2 years after enactment of the bill in order to attempt to prove up those claims. At the end of that period (or sooner if the holder(s) request), there would be a validity determination concerning those claims. If it is determined that the claims would have been deemed valid if the validity determination had taken place on or before July 1, 1994, the holder(s) will be permitted to continue to mine as if they were in operation on that date on a patented claim within a National Park System unit.

GRAZING Sec. 409. (a) The privilege of grazing domestic livestock on lands within the preserve shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the preserve, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the preserve and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

UTILITY RIGHTS OF WAY Sec. 410. (a)(1) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to Southern California Edison Company, its successors or assigns, which is located on lands included in the Mojave National Preserve, but outside lands designated as **wilderness** under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

(2) Nothing in this title shall have the effect of prohibiting the upgrading of an existing electrical transmission line for the purpose of increasing the capacity of such transmission line in the Southern California Edison Company validly issued Eldorado-Lugo Transmission Line right-of-way and Mojave-Lugo Transmission Line right-of-way, or in a right-of-way if issued, granted, or permitted by the Secretary adjacent to the existing Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as "adjacent right-of-way"), including construction of a replacement transmission line: Provided, That-

(A) in the Eldorado-Lugo Transmission Line rights-of-way (hereafter in this section referred to as the "Eldorado rights-of-way") at no time shall there be more than three electrical transmission lines,



(B) in the Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as the "Mojave right-of-way") and adjacent right-of-way, removal of the existing electrical transmission line and reclamation of the site shall be completed no later than three years after the date on which construction of the upgraded transmission line begins, after which time there may be only one electrical transmission line in the lands encompassed by Mojave right-of-way and adjacent right-of-way,

(C) if there are no more than two electrical transmission lines in the Eldorado rights-of-way, two electrical transmission lines in the lands encompassed by the Mojave right-of-way and adjacent right-of-way may be allowed,

(D) in the Eldorado rights-of-way and Mojave right-of-way no additional land shall be issued, granted, or permitted for such upgrade unless an addition would reduce the impacts to preserve resources,

(E) no more than 350 feet of additional land shall be issued, granted, or permitted for an adjacent right-of-way to the south of the Mojave right-of-way unless a greater addition would reduce the impacts to preserve resources, and

(F) such upgrade activities, including helicopter aided construction, shall be conducted in a manner which will minimize the impact on preserve resources.

(3) The Secretary shall prepare within 180 days after the date of enactment of this Act, in consultation with the Southern California Edison Company, plans for emergency access by the Southern California Edison Company to its rights-of-way.

(b)(1) Nothing in this title shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing the capacity of the existing pipeline; or prohibiting the renewal of such right-of-way issued, granted, or permitted to the Southern California Gas Company, its successors or assigns, which is located on lands included in the Mojave National Preserve, but outside lands designated as **wilderness** under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

(2) The Secretary shall prepare within one hundred and eighty days after the date of enactment of this title, in consultation with the Southern California Gas Company, plans for emergency access by the Southern California Gas Company to its rights-of-way.

(c) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted for communications cables or lines, which are located on lands included in the Mojave National Preserve, but outside lands designated as **wilderness** under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

(d) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted to Molybdenum Corporation of America; Molycorp, Incorporated; or Union Oil Company of California (d/b/a Unocal Corporation); or its successors or assigns, or prohibiting renewal of such right-of-way, which is located on lands included in the Mojave National Preserve, but outside lands designated as **wilderness** under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

PREPARATION OF MANAGEMENT PLAN Sec. 411. Within three years after the date of enactment of this title, the Secretary shall submit to the Energy and Natural Resources Committee of the

Senate and the Natural Resources Committee of the House of Representatives a detailed and comprehensive management plan for the preserve. Such plan shall place emphasis on historical and cultural sites and ecological and **wilderness** values within the boundaries of the preserve. Any development, including road improvements, proposed by such plan shall be strictly limited to that which is essential and appropriate for the administration of the preserve and shall be designed and located so as to maintain the primitive nature of the area and to minimize the impairment of preserve resources or ecological values. To the extent practicable, administrative facilities, employee housing, commercial visitor services, accommodations, and other preserve-related development shall be located or provided for outside of the boundaries of the preserve. Such plan shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational, and scientific programs within the preserve. Such plan shall specifically address the needs of individuals with disabilities in the design of services, programs, accommodations and facilities consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101-336, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

GRANITE MOUNTAINS NATURAL RESERVE Sec. 412. (a) There is hereby designated the Granite Mountains Natural Reserve within the preserve comprising approximately nine thousand acres as generally depicted on a map entitled "Mojave National Park Boundary and **Wilderness**-Proposed 6", dated May 1991.

(b) Upon enactment of this title, the Secretary of the Interior shall enter into a cooperative management agreement with the University of California for the purposes of managing the lands within the Granite Mountains Natural Reserve. Such cooperative agreement shall ensure continuation of arid lands research and educational activities of the [\*H6325] University of California, consistent with the provisions of law generally applicable to units of the National Park System.

#### CONSTRUCTION OF VISITOR CENTER

Sec. 413. The Secretary is authorized to construct a visitor center in the preserve for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the preserve.

ACQUISITION OF LANDS Sec. 414. The Secretary is authorized to acquire all lands and interest in lands within the boundary of the preserve by donation, purchase, or exchange, except that-

(1) any lands or interests therein within the boundary of the preserve which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange except for lands managed by the California State Lands Commission; and

(2) lands or interests therein within the boundary of the preserve which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the preserve or which is otherwise incompatible with the purposes of this title.

ACQUIRED LANDS BE MADE PART OF MOJAVE NATIONAL PRESERVE Sec . 415. Any lands acquired by the Secretary under this title shall become part of the Mojave National Park.

MOJAVE NATIONAL PARK ADVISORY COMMISSION Sec. 416. (a) The Secretary shall establish an Advisory Commission of no more than 15 Members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Death Valley National Park.

(b)(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the Commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the Commission.

(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

(d) The advisory commission shall cease to exist ten years after the date of its establishment.

NO ADVERSE AFFECT ON LAND UNTIL ACQUIRED Sec. 417. Unless and until acquired by the United States, no lands within the boundaries of **wilderness** areas or National Park System units designated or enlarged by this Act that are owned by any person or entity other than the United States shall be subject to any of the rules or regulations applicable solely to the Federal lands within such boundaries and may be used to the extent allowed by applicable law. Neither the location of such lands within such boundaries nor the possible acquisition of such lands by the United States shall constitute a bar to the otherwise lawful issuance of any Federal license or permit other than a license or permit related to activities governed by 16 U.S.C. 460 I- 22(c). Nothing in this section shall be construed as affecting the applicability of any provision of the Mining in the Parks Act (16 U.S.C. 1901 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), or regulations applicable to oil and gas development as set forth in 36 CFR 9B.

#### TITLE V-NATIONAL PARK **WILDERNESS**

DESIGNATION OF **WILDERNESS** Sec. 501. The following lands are hereby designated as **wilderness** in accordance with the **Wilderness** Act (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the **Wilderness** Act:

(1) Death Valley National Park **Wilderness**, comprising approximately three million one hundred sixty-two thousand one hundred and thirty-eight acres, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and **Wilderness**", numbered in the title one through twenty-three, and dated May 1994 or prior, and three maps entitled "Death Valley National Park **Wilderness**", numbered in the title one through three, and dated May 1994 or prior, and which shall be known as the Death Valley **Wilderness**.

(2) Joshua Tree National Park **Wilderness** Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and **Wilderness-Proposed**", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree **Wilderness** as designated by Public Law 94-567.

(3) Mojave National Preserve **Wilderness**, comprising approximately six hundred ninety-four thousand acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and **Wilderness-Proposed**", numbered in the title one through ten, and dated May 1994 or prior, and seven maps entitled "Mojave National Park **Wilderness-Proposed**", numbered in the title one through seven, and dated May 1994 or prior, and which shall be known as the Mojave **Wilderness**.

(4) Upon cessation of all uses prohibited by the **Wilderness** Act and publication by the Secretary

in the Federal Register of notice of such cessation, potential **wilderness**, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on a map in the Draft Plan entitled "**Wilderness** Plan Death Valley National Monument", dated January 1988, shall be deemed to be a part of the Death Valley **Wilderness** as designated in paragraph (1). Lands identified in the Draft Plan as potential **wilderness** shall be managed by the Secretary insofar as practicable as **wilderness** until such time as said lands are designated as **wilderness**.

FILING OF MAPS AND DESCRIPTIONS Sec. 502. Maps and a legal description of the boundaries of the areas designated in section 501 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 501. As soon as practicable after this title takes effect, maps of the **wilderness** areas and legal descriptions of their boundaries shall be filed with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and descriptions.

ADMINISTRATION OF **WILDERNESS** AREAS Sec. 503. The areas designated by section 501 of this title as **wilderness** shall be administered by the Secretary in accordance with the applicable provisions of the **Wilderness** Act governing areas designated by that title as **wilderness**, except that any reference in such provision to the effective date of the **Wilderness** Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

#### TITLE VI-MISCELLANEOUS PROVISIONS

TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK Sec. 601. Upon enactment of this title, the Secretary of the Interior shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of the California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

DESERT LILY SANCTUARY Sec. 602. (a) There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary of the Interior shall administer the area to provide maximum protection to the desert lily.

(b) Subject to valid existing rights, Federal lands within the sanctuary, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

LAND TENURE ADJUSTMENTS Sec. 603. In preparing land tenure adjustment decisions within the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and **wilderness** areas designated by this Act.

DISPOSAL PROHIBITION Sec. 604. Notwithstanding any other provision of law, the Secretary of

the Interior and the Secretary of Agriculture may not dispose of any lands within the boundaries of the **wilderness**, parks, or preserve designated under this Act or grant a right-of-way in any lands within the boundaries of the **wilderness** designated under this Act. Further, none of the lands within the boundaries of the **wilderness**, parks, or preserve designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District and any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar Acts.

MANAGEMENT OF NEWLY ACQUIRED LANDS Sec. 605. Any lands within the boundaries of a **wilderness** area designated under this Act which are acquired by the Federal Government shall become part of the **wilderness** area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such **wilderness** area.

#### NATIVE AMERICAN USES

Sec. 606. (a) In recognition of the past use of the parks, **wilderness**, and preserve areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks, **wilderness**, and preserve areas by Indian people for such traditional cultural and religious purposes. [\*H6326] In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park, **wilderness**, or preserve areas in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as **wilderness**, the **Wilderness Act** (78 Stat. 890; 16 U.S.C. 1131).

(b)(1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area.

(2) Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

WATER RIGHTS Sec. 607. (a) With respect to each **wilderness** area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary of the Interior and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 43 U.S.C. 666; commonly referred to as the McCarran Amendment).

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the **wilderness** areas located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made

thereto.

(e) Nothing in this Act shall be construed to affect the operation of federally owned dams located on the Colorado River in the Lower Basin.

(f) Nothing in this Act shall be construed to amend, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.

(g) With respect to the Havasu and Imperial **wilderness** areas designated by section 111 of title I of this Act, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.

STATE SCHOOL LANDS Sec. 608. (a) Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School Lands (hereinafter in this section referred to as "State School Lands") or interests therein which are located within the boundaries of one or more of the **wilderness** areas or park units designated by this Act. The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committees a list of the following:

(1) The State School Lands or interests therein (including mineral interests) which are located within the boundaries of the **wilderness** areas or park units designated by this Act.

(2) Lands under the Secretary's jurisdiction to be offered for exchange, including in the following priority:

(A) Lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues.

(B) Federal lands in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(3) The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

(c)(1) If an agreement under this section is for an exchange involving five thousand acres or less of Federal land or interests therein, or Federal lands valued at less than \$ 5,000,000, the Secretary may carry out the exchange in accordance with the Federal Land Policy and Management Act of 1976.

(2) If an agreement under this section is for an exchange involving more than five thousand acres of Federal land or interests therein, or Federal land valued at more than \$ 5,000,000, the agreement shall be submitted to the Committees, together with a report containing-

- (A) a complete list and appraisal of the lands or interests in lands proposed for exchange; and
- (B) a determination that the State School Lands proposed to be acquired by the United States do not contain any hazardous waste, toxic waste, or radioactive waste.
- (d) An agreement submitted under subsection (c)(2) shall not take effect unless approved by a joint resolution enacted by the Congress.
- (e) If exchanges of all of the State School Lands are not completed by October 1, 2004, the Secretary shall adjust the appraised value of any remaining inholdings consistent with the provisions of section 206 of the Federal Land Management Policy Act of 1976. The Secretary shall establish an account in the name of the Commission in the amount of such appraised value. Title to the State School Lands shall be transferred to the United States at the time such account is credited.
- (f) The Commission may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. In the event that the balance in the account has not been reduced to zero by October 1, 2009, there are authorized to be appropriated to the Secretary for payment to the California State Lands Commission funds equivalent to the balance remaining in the account as of October 1, 2009.
- (g) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

EXCHANGES Sec. 609. (a) Upon request of the holder of private lands (hereafter in this section referred to as the "landowner"), the Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) of this section for lands of the landowner or interests therein which are located within the boundaries of one or more of the **wilderness** areas or park units designated by this Act.

(b) Within six months after the date of enactment of this Act, the Secretary shall send to the landowner and to the Committees a report on the fulfillment of the obligations of the Secretary pursuant to section 12 of Public Law 94-204, as amended, and those Native American property accounts to be fulfilled through that public law by assignment and the proposed methods of fulfilling such obligations, and a list of the following:

- (1) Lands of the landowner or interests therein (including mineral interests) which are located within the boundaries of the **wilderness** areas or park units designated by this Act.
- (2) Lands under the Secretary's jurisdiction to be offered for exchange, in the following priority:
  - (A) Lands, including lands with mineral and geothermal interests, which have the potential for commercial development but which are not currently under lease or producing Federal revenues.
  - (B) Federal lands managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.
  - (C) Any public lands that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.
- (3) The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the

State of California.

(c)(1) If an agreement under this section is for (A) an exchange involving lands outside the State of California, (B) more than 5,000 acres of Federal land or interests therein in California, or (C) Federal lands in any State valued at more than \$ 5,000,000, the Secretary shall provide to the Committees a detailed report of each such land exchange agreement.

(2) All land exchange agreements shall be consistent with the Federal Land Policy and Management Act of 1976.

(3) Any report submitted to the Committees under this subsection shall include the following:

(A) A complete list and appraisal of the lands or interests in land proposed for exchange.

(B) A complete list of the lands, if any, to be acquired by the United States which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law, together with the estimated costs of any such action.

(4) An agreement under this subsection shall not take effect unless approved by a joint resolution enacted by the Congress.

(d) The Secretary shall provide the California State Lands Commission with a one hundred eighty-day right of first refusal to exchange for any Federal lands or interests therein, located in the State of California, on the list referred to in subsection (b)(2). Any lands with respect to which a right of first refusal is not noticed within such period or exercised under this subsection shall be available to the landowner for exchange in accordance with this section.

(e) On January 3, 1999, the Secretary shall provide to the Committees a list and appraisal consistent with the Federal Land Policy and Management Act of 1976 of all private lands eligible [\*H6327] for exchange under this section for which an exchange has not been completed and a list of the Native American property accounts that have not been fully utilized. With respect to any of such lands for which an exchange has not been completed by October 1, 2004 (hereafter in this section referred to as "remaining lands"), the Secretary shall establish an account in the name of each landowner (hereafter in this section referred to as the "exchange account"). Upon the transfer of title by the landowner to all or a portion of the remaining lands to the United States, the Secretary shall credit the exchange account in the amount of the appraised value of the transferred remaining lands at the time of such transfer.

(f) Upon 60-day written notice by the Secretary to the holders of the Native American property accounts that have not been fully utilized, the landowner may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. Upon approval by the Secretary in writing, the credits in the landowner's exchange account may be transferred or sold in whole or in part by the landowner to any other party, thereby vesting such party with all the rights formerly held by the landowner. The exchange account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales.

(g)(1) The Secretary shall not accept title pursuant to this section to any lands unless such title includes all right, title, and interest in and to the fee estate.

(2) Notwithstanding paragraph (1), the Secretary may accept title to any subsurface estate where the United States holds title to the surface estate.



(3) This subsection does not apply to easements and rights-of-way for utilities or roads.

(h) In no event shall the Secretary accept title under this section to lands which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law unless such remedial action has been completed prior to the transfer.

(i) For purposes of the section, any appraisal shall be consistent with the provisions of section 206 of the Federal Land Policy and Management Act of 1976.

(j) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

## TITLE VII-DEFINITIONS AND AUTHORIZATION OF APPROPRIATIONS

DEFINITIONS Sec. 701. For the purposes of this Act:

(1) The term "Secretary", unless specifically designated otherwise, means the Secretary of the Interior.

(2) The term "public lands" means any land and interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management.

AUTHORIZATION OF APPROPRIATIONS Sec. 702. There are hereby authorized to be appropriated to the National Park Service and Bureau of Land Management to carry out the purposes of this Act an amount not to exceed \$ 36,000,000 over and above. That provided in fiscal year 1994 for additional administrative and construction costs over the fiscal year 1995-1999 period and \$ 300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after the date of enactment of this Act.

## TITLE VIII-CALIFORNIA MILITARY LANDS WITHDRAWAL

SEC. 801. SHORT TITLE AND FINDINGS.

(a) Short Title .-This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) Findings .-The Congress finds that-

(1) the Federal lands within the desert regions of California have provided essential opportunities for military training, research, and development for the Armed Forces of the United States and allied nations;

(2) alternative sites for military training and other military activities carried out on Federal lands in the California desert area are not readily available;

(3) while changing world conditions have lessened to some extent the immediacy of military threats to the national security of the United States and its allies, there remains a need for military training, research, and development activities of the types that have been carried out on Federal lands in the California desert area; and

(4) continuation of existing military training, research, and development activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

## SEC. 802. WITHDRAWALS.

(a) China Lake.- (1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for-

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support; and

(D) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal-Proposed", dated January 1985, and filed in accordance with section 803.

(b) Chocolate Mountain.- (1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for-

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 226,711 acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed-Withdrawal" dated July 1993 and filed in accordance with section 803.

(c) El Centro Ranges .-(1) Subject to valid existing rights, and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundaries of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) but not the mineral or geothermal leasing laws. Such lands are reserved for use by the Secretary of the Navy for-

(A) defense-related purposes in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with

the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 46,600 acres in Imperial County, California, as generally depicted on a map entitled "Exhibit A, Naval Air Facility, El Centro, California, Land Acquisition Map, Range 2510 (West Mesa) dated March 1993 and a map entitled "Exhibit B, Naval Air Facility, El Centro, California, Land Acquisition Map Range 2512 (East Mesa)" dated March 1993.

#### SEC. 803. MAPS AND LEGAL DESCRIPTIONS.

(a) Publication and Filing Requirement.- As soon as practicable after the date of enactment of this title, the Secretary of the Interior shall-

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) Technical Corrections.- Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) Availability for Public Inspection.- Copies of such maps and legal descriptions shall be available for public inspection in the Office of the Director of the Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento, California; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) Reimbursement.- The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.

#### SEC. 804. MANAGEMENT OF WITHDRAWN LANDS.

(a) Management by the Secretary of the Interior.- (1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 802 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting-

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this title; [\*H6328]

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) Closure to Public.- (1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall-

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) Management Plan.- The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 during the period of such withdrawal. Each plan shall-

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) Brush and Range Fires.- The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) Memorandum of Understanding.- (1) The Secretary of the Interior and the Secretary of the Navy shall (with respect to each land withdrawal under section 802) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) Additional Military Uses.- (1) Lands withdrawn by section 802 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) Management of China Lake.- (1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan. Nothing in this title shall affect geothermal leases issued by the Secretary of the Interior prior to the date of enactment of this title or the responsibility of the Secretary to administer and manage such leases consistent with the provisions of this title.

(2) The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary of the Interior shall transmit such report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary of the Interior and the Secretary of the Navy.

(5) Neither this Act nor any other provision of law shall be construed to prohibit the Secretary of the Interior from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal made by subsection (a) of section 802 or relinquishment of the lands withdrawn by that subsection, Navy contracts for the development of geothermal resources at China Lake then in effect (including amendments or renewals by the Navy after the date of enactment of this Act) shall remain in effect: Provided , That the Secretary

of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

(h) Management of El Centro Ranges .-To the extent consistent with this title, the lands and minerals within the areas described in section 802(c) shall be managed in accordance with the Cooperative Agreement entered into between the Bureau of Land Management, Bureau of Reclamation, and the Department of the Navy, dated June 29, 1987.

#### SEC. 805. DURATION OF WITHDRAWALS.

(a) Duration.- The withdrawal and reservation established by this title shall terminate 15 years after the date of enactment of this Act.

(b) Draft Environmental Impact Statement.- No later than 12 years after the date of enactment of this Act, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this subsection. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) Extensions or Renewals.- The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution.

#### SEC. 806. ONGOING DECONTAMINATION.

(a) Program.- Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) Reports.- At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this Act and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

#### SEC. 807. REQUIREMENTS FOR RENEWAL.

(a) Notice and Filing .-(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any [\*H6329] of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) Contamination .-(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) Decontamination .-If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) Alternatives .-If the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) Status of Contaminated Lands .-If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary of the Interior determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws-

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) Revocation Authority .-Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall-

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

#### H4 SEC. 808. DELEGABILITY.

(a) Defense .-The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) Interior .-The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

#### H4 SEC. 809. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

#### H4 SEC. 810. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

#### SEC. 811. MILITARY OVERFLIGHTS.

(a) Effect of Act .-(1) Nothing in this Act shall be construed to-

(A) restrict or preclude continuation of low-level military overflights, including those on existing flight training routes; or

(B) affect the designation of new units of special airspace or the establishment of new flight training routes over the lands designated by this Act for inclusion within new or expanded units of the National Park System or National **Wilderness** Preservation System.

(2) Nothing in this Act shall be construed as requiring revision of existing policies or procedures applicable to the designation of units of special airspace or the establishment of flight training routes over any Federal lands affected by this Act.



(b) Monitoring .-The Secretary of the Interior and the Secretary of Defense shall monitor the effects of military overflights on the resources and values of the units of the National Park System and National **Wilderness** Preservation System designated or expanded by this Act, and shall attempt, consistent with national security needs, to resolve concerns related to such overflights and to avoid or minimize adverse impacts on resources and values and visitor safety associated with such overflight activities.

#### SEC. 812. TERMINATION OF PRIOR RECLAMATION WITHDRAWALS.

Except to the extent that existing Bureau of Reclamation withdrawals of public lands were identified for continuation in Federal Register Notice Document 92-4838 (57 Federal Register 7599, March 3, 1992), as amended by Federal Register Correction Notices (57 Federal Register 19135, May 4, 1992; 57 Federal Register 19163, May 4, 1992; and 58 Federal Register 30181, May 26, 1993), all existing Bureau of Reclamation withdrawals made by Secretarial Orders and Public Land Orders affecting public lands and Indian lands located within the California Desert Conservation Area established pursuant to section 601 of the Federal Land Policy and Management Act of 1976 are hereby terminated.

#### TITLE IX-BUY AMERICAN ACT

#### SEC. 901. COMPLIANCE WITH BUY AMERICAN ACT.

None of the funds made available in this Act may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act"), which are applicable to those funds.

Amend the title so as to read: "An Act to designate certain lands in the California Desert as **wilderness**, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes."

The SPEAKER pro tempore (Mr. Swift ). The question is on the motion offered by the gentleman from California (Mr. Miller ).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to designate certain lands in the California Desert as **wilderness**, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 518) was laid on the table.