

CONGRESSIONAL RECORD -- *House*

Tuesday, May 17, 1994

103rd Congress 2nd Session

140 Cong Rec H 3486

**REFERENCE:** Vol. 140 No. 61

**TITLE:** CALIFORNIA DESERT PROTECTION ACT OF 1994

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

[\*H3486]

The SPEAKER pro tempore. Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 518.

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IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 518) to designate certain lands in the California desert as **wilderness**, to establish the Death Valley and Joshua Tree National P,arks and the Mojave National Monument, and for other purposes, with Mr. Peterson of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California (Mr. Miller ) will be recognized for 30 minutes and the gentleman from Utah (Mr. Hansen ) will be recognized for 30 minutes.

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

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Vento ).

Mr. VENTO. Mr. Chairman, I, of course, rise in support of H.R. 518, the California Desert Protection Act. It is a significant and comprehensive measure.

It addresses in a comprehensive manner the future management of millions of acres of public lands in California's southeastern quarter that are now primarily under the management of the BLM and other agencies of the Department of the Interior. The resources of California involve lands that encompass three distinct types of deserts: The Mojave, the Sonoran and the Great Basin Area. The parks that are currently in existence will be expanded substantially and a new park, the Mojave National Park, will be created or designated in this legislation. About 4 million acres of those lands within the parks that are expanded, the Joshua Tree Monument and Death Valley Monument, would be changed to national park nomenclature, they would be expanded and 4 million acres of land would be designated **wilderness** in this area.

In fact, in terms of expansion of the national park system and national **wilderness** preservation system, the measure before us, H.R. 518, is the most far-reaching single measure to come before the House since the 1980 enactment of the Alaska Lands Act.

This, however, Mr. Chairman, is not a new matter. Bills similar to H.R. 518 have been under consideration since 1985, for the last 9 years. During the 101st Congress, the Subcommittee on National Parks and Public Lands held extensive hearings on the version of the bill introduced by our former colleague from California, Mr. Levine. In fact, including in those hearings three field hearings in California, we heard more than 600 witnesses at all of those hearings. They were well attended and they were very lively.

Mr. Chairman, during the last Congress there were further hearings and our committee reported out a bill that was taken to the floor under an open rule and was passed by the House of Representatives by an overwhelming majority vote. Regrettably the Senate did not complete action on that bill before the end of the last Congress.

Mr. Chairman, unfortunately they persist in pursuing a policy wherein a single Senator from a State can, in fact, stop or block action on any proposal before their body. I suggest that that, this one-Senator veto, is a process that we ought not to accept.

This year forthwith with the change in terms of leadership from California, however, there has obviously been a much different reaction to the measure, and that measure now, a measure similar to the one before us, has passed the Senate by an overwhelming vote.

Mr. Chairman, as was the case in 1991, the bill reported out today does not address the renewal of military withdrawals for certain public lands in California, nor the relationship between the desert bill's land designations and continued military overflights of those **wilderness** and national park lands.

Such provisions were included in the bill passed by the Senate but omitted from the measure before us because they involved areas where our committee shares jurisdiction with the Committee on Armed Services. However, it is appropriate for these matters to be addressed as part of the California Desert bill.

Mr. Chairman, the House actually addressed this matter separately and it was at the insistence of the Senate that they were included initially. In 1991 I joined the Delegate from Guam, Mr. Blaz, who served on both our committee and the Committee on Armed Services in offering an amendment that offered similar provisions to the California Desert bill. I will offer a similar amendment dealing with these matters when we reach the appropriate point in the process on this bill.

Mr. Chairman, I am pleased that the gentleman from Utah (Mr. Hansen), the gentleman from California (Mr. Dellums), chairman of the Committee on Armed Services, and other members on the Committee on Armed Services have worked with us and we, I think, have a satisfactory resolution of that matter.

Mr. Chairman, the bill reported by the Committee on Natural Resources is a good, sound, and balanced bill. During the committee's consideration of this measure, some amendments were adopted. Others were rejected.

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I anticipate one of the amendments rejected by the committee will be offered again here today on the House floor that deals with hunting in the [\*H3487] Mojave National Park or National Preserve. In fact, the sponsors propose not to have a park but to have a preserve, in fact, accommodating not the general needs of a park but that of hunting.

I would suggest this is not whether you are for or against hunting. It is a question of whether or not we ought to have a park, and I think this area is worthy. The Mojave Desert, as a basic theme, is worthy of being designated as a park, notwithstanding the fact that there are some game species, a small number, I might add, and many more nongame species which will be in fact hunted year-round and change the basic character of the populations that inhabit this 1.5-million-acre proposed park.

I am convinced that amendment should be defeated on the floor as it was in committee.

Mr. Chairman, the bill gives us an opportunity to restore a little bit of gold to the Golden State, that State famous for its Gold Rush and many other things in recent years which has been challenged and has had a lot of difficulties. But the fact of the matter is that this 15-million-acre land designation that we are doing here close to 25 million people in southern California and other areas is very important in terms of recreation, in terms of designation and preservation, conservation, restoration of what is a great ecosystem in that area.

I think by these actions we will, in fact, take positive steps. The Congress has reserved to itself these positive steps to take these actions, to in fact accord the type of protection that these lands deserve and the type of use that is necessary for the military, for the other types of economic activities that are important to some of the people in southern California.

Mr. Chairman, I urge the Members to strongly support this bill and the amendments that will be offered. It has been through a deliberative process. It is a good bill, a good product that has been before the Congress for nearly 10 years. It is time to act. It is time to save these dessert lands for future generations.

I urge the Members to support it.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the distinguished minority leader, the gentleman from Illinois (Mr. Michel) .

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

Mr. MICHEL. Mr. Chairman, I thank the distinguished gentleman for yielding me this time at the opening of the debate on this side.

Mr. Chairman, I rise in opposition to this so-called California Desert Protection Act.

As we debate the bill over the next several days, it will become very clear who this legislation does not protect. It certainly does not protect the taxpayer, and, in fact, it will cost more than \$ 300 million and probably much more than that. It does not protect the constituents who will be affected by the legislation. In fact, the four Members of Congress who represent the districts impacted by this bill strongly oppose it.

It does not protect the legislative process. This bill was discharged from the subcommittee without so much as a markup. Fourteen new members of the committee were denied their opportunity to consider and amend this legislation, all because the distinguished chairman of the committee was in a hurry to get this bill to the floor.

It does not protect the economic growth of the State of California or the country. It makes future mining in one of the most important mineral areas of the United States virtually impossible, thereby limiting the growth of a vital national industry.

It does not protect our Nation's borders relative to drug interdiction. In fact, by not allowing the Immigration and Naturalization Service and the Drug Enforcement Agency to use airplanes and

motor vehicles, illegal immigrants and drug smugglers are given easy access through many of the border areas included in this legislation.

And if the legislation does not protect the taxpayers, the constituents, the process, the economy, or the Nation, who does it protect? Well, it protects the narrow views of environment zealots, to be perfectly frank, who would rather put the Nation's resources out of touch of middle-class America from Wyoming to Montana, from Colorado to now California.

This legislation represents another chapter in President Clinton's war on the West. By taking property rights away from the ordinary citizen and by limiting the economic potential of the Western States, the President ignores the wishes of the people in favor of the special interests.

I would urge my colleagues to oppose this legislation, stand up against the President's war on the West. We need quite frankly to strike a balance between environmental concerns on the one hand and the people's concerns on the other hand, and in my judgment this bill does not.

For that reason, I am compelled to oppose it.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Lehman ).

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

Mr. LEHMAN. Mr. Chairman, I rise in support of H.R. 518.

The California desert is a vast and mysterious land, a land far more subtle than our Sierra Nevada Mountains, a land wild and untamed in contrast to our cultivated agricultural valleys, a stark and virtually unpopulated land juxtaposed against the nearby urban sprawls of southern California. It spans some 25 1/2 million acres, of which the Bureau of Land Management administers nearly half and the Department of Defense over 3 million acres, and the National Park Service over 2 million acres, and the State of California over 1 million acres.

It is an area inhabited by only the most hardy, some including ranchers and homesteaders whose families have been there for generations.

The desert is not a wasteland but, rather, a home to diverse people, diverse species of animal and plant life. It is an area that richly deserves the protection warranted and created by this legislation.

Over the years I have taken a judicious approach to legislation to protect the desert, and encouraged people of different points of view to come together to discuss their many ideas about how this vast territory could best be managed. I have been involved in desert-protection legislation since 1987 when Senator Cranston introduced the first bill.

In 1991 I teamed with former Representative Mel Levine to craft compromise legislation that integrated many of the concerns not included in previous desert bills. In that bill, we eliminated 271,000 acres from **wilderness** designation and left it available for off-road-vehicle use, utility purposes, and mining interests. We eliminated all known active mines from **wilderness** areas. We resolved the specific concerns of every single utility in California. None of them are opposed to this legislation. We trimmed 75,000 acres and 114 miles from the bill for off-road-vehicle use. We included language to provide a land exchange for two of the largest private landholders on the desert, the California State Lands Commission and the Catellus Corp.

We included language that allowed grazing within the Mojave National Monument for up to 25 years and directed the Secretary of the Interior to give priority to those acquiring the base property of ranchers willing to sell.

We kept three proposed **wilderness** areas totaling 160,000 acres near Fort Irwin in study status pending expansion proposals from the Department of Defense.

Senator Feinstein, for her part, has actively engaged in the process of crafting compromise legislation in the Senate that would protect California jobs as well as the fragile ecosystem enveloped in S. 21, the Senate version of H.R. 518. She and the U.S. Senate made over 50 subsequent changes to the bill, many of which have been incorporated into the bill before us today and when it was heard in our Committee on Natural Resources 2 weeks ago.

Senator Feinstein deserves tremendous credit for quickly absorbing vast amounts of information and skillfully maneuvering S. 21 through a committee on which she has no seat. It is because of her that a desert-protection bill has passed the Senate for the first time and will likely be amended with the [\*H3488] legislation which we are now considering.

There has been an open process on the Natural Resources Committee from the inception. We have had over six hearings in our committee alone on this legislation. We have had numerous field trips to the desert on behalf of any member of that committee who has wanted to go. Since I became involved in the administration, or in the legislation, 5 years ago, my office door has been virtually every day to anyone who wanted to come in and discuss this legislation.

There are going to be further amendments offered here on the floor, and I noticed the gentleman from Illinois (Mr. Michel), the distinguished leader on the other side, just referred to the question of immigration and law enforcement on the desert in this bill. The only reason that is not included in the transcript on the floor before us today is because the Natural Resources Committee did not have jurisdiction over it, and there will be amendments to that effect, and I am sure they will satisfy the objections of the gentleman from Illinois.

In this bill we have been sensitive to the rights and needs of private property owners within the desert and the need to adequately preserve large enclaves of land.

In the House Natural Resources Committee, I offered a successful amendment to delete 59,000 acres of private landholdings from the Lanfair Valley portion of the proposed Mojave National Park, the area which contains the largest concentrations of inholdings in the entire bill.

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The committee did not delete the entire Lanfair Valley as the other body proposed, because the area contains a multitude of very valuable natural historical and cultural resources that deserve inclusion on a Mojave national park.

Mining in the California desert, often cited as a reason the National Park Service should not manage the current East Mojave national scenic area, is allowed by this legislation. All active mines have been deleted from the park and **wilderness** designations and valid and existing claims are given an opportunity to be proven up.

Mr. Chairman, we are aggressively changing the way land in the California desert is managed and our land management agencies will be presented with new and exciting challenges in the next few years. This bill makes the important step of transferring land within the current BLM-managed East Mojave national scenic area to the National Park Service to create a new Mojave national park. The Mojave national park should be a park, and not a hunting preserve that allows a limited amount of hunting that currently takes place there to continue. There is no good reason to noticeably downgrade the area's level of protection from park to preserve. I believe the bill we have before us is a measured and appropriate way to safeguard a very fragile area. I do believe it considers the views of the people who have previously opposed similar desert legislation, and I know it would make good law. As we approach consideration of this bill, it is important to note

here that the vast majority of Californians support desert protection, including 69 percent of desert county residents, according to a 1993 Field Institute poll. As well, 16 cities and 36 counties representing over 70 percent of the State are on record as endorsing this legislation.

This is a popular bill in California. This body passed similar legislation in 1991 by a vote of 297 to 136. The other body recently voted 69 to 29 in favor of S. 21.

Mr. Chairman, we have discussed, debated, and amended this bill now for 8 years. Finally, we are at this point in time where the Senate has passed legislation. We stand on the verge of a historic conference here to work out the last remaining details in this act, which is sorely needed by the people of California and the people of the United States to protect this valuable resource and manage it in all of our best interests.

Mr. Chairman, I urge adoption of the legislation, and I urge opposition to amendments to weaken it.

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

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am somewhat dismayed with this Natural Resources Committee bringing up H.R. 518 before us today. This bill seems to me to be not so much a compromise but more of a land grab in that area.

I remember 5 years ago going to Barstow, California, with my friend, Jerry Lewis, and we had one of the largest meetings I think I have ever been to in my life. There were literally hundreds of people there talking about the potential of this particular piece of legislation.

Mel Levine, our former colleague, was conducting the meeting. We had the opportunity to talk to this massive crowd on a one-to-one basis before and after.

Listening to them, we got quite a difference of opinion on how this thing would be put together.

I think those people who represent the area of Mr. Lewis, Bill Thomas, Duncan Hunger, Al McCandless, have a pretty good approach to it. And the people who live around that area and those who are close to it and live on the land, I do not think they go along with this H.R. 518. I think they feel it is an extreme approach to the things that the distinguished minority leader, the gentleman from Illinois (Mr. Michel ) was talking about, which is the will and desire of some people who believe in tying up the West and those people who believe in taking away our natural resources.

Somewhere there is moderation. I do not know whoever made the statement, "Moderation in all things," if it is not scriptural, it ought to be. This is something that we ought to find ourselves where we can live together without this extreme approach that we are looking at at this time.

Mr. Chairman, as ranking member of the Subcommittee on National Parks, Forests and Public Lands, I personally feel that some of the amendments that are coming up would make this a better piece of legislation, and I strongly support the LaRocco/Lewis amendment to preserve hunting in the East Mojave; the Lewis substitute, which follows the BLM's recommendation.

Mr. Chairman, I cannot understand why we put so much money into the Forest Service, the Park Service and BLM and say, "Now, guys, go out and work hard and come up with a recommendation," and we totally ignore it.

In my own home State of Utah, BLM spent \$ 10 million, 13 years, to come up with a BLM recommendation. We totally ignored it.

If we are going to do anything, we ought to take these guys out of the process because Congress is the one that does it. I cannot think of one bill in my 14 years on that committee that we have paid any attention to these people.

Then I hope that we can come up with a compromise.

I appreciate the work of my colleagues on this who have worked on it. I think it would be a better piece of legislation if we could represent more of the needs of the people who live in that area.

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

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 11 minutes to the gentleman from California (Mr. Lewis ) who represents this area.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Chairman, first I would express to the House my appreciation for the committee's courtesy today on the floor, particularly the time being yielded by my colleague. It is a most frustrating moment for Jerry Lewis and for Al McCandless, Duncan Hunter, Bill Thomas, the people who do represent districts involved in the vast desert territory of California. Frustrating, yes; not quite so disconcerting if we had truly had an opportunity to consult with the committee, have some open and fair exchanges regarding the real needs of our people in that process.

We discussed that earlier. So I am going to spend my time here discussing a few elements of this bill that are of concern to me and indeed point to some of those items we will be discussing [\*H3489] sometime in the near future relative to amendments that might improve this legislation.

Over the past 8 years I have addressed the complex issues raised by this bill and similar legislation introduced by Senator Feinstein and her predecessor, Alan Cranston.

Today I intend to restate many of my previous comments and ask questions, trying to shed light on the effort by the House to craft a formula that would make some sense for California's crown jewel, the 25 million acres of California desert.

I have come to this position of opposition to H.R. 518 and to a position of very strong opposition to S. 21 introduced by the gentlewoman from California, with no small reservation in terms of my taking such a position as it relates to questions of our environment and its protection.

I want the House, my colleagues, to know that I take no back seat to anyone relative to environmental concerns. During my years in the State legislature, it was my privilege to serve as the chairman of a standing select committee on air quality. There, I was the author of a bill which fashioned the toughest air quality management district in the entire country. Indeed the South Coast Air Quality Management District is recognized everywhere as a model in that field in terms of attempting to improve our environment with regard to air quality.

While in the legislature, I fashioned legislation to try to protect my desert district as well. In those days, there were people who saw the beauty of the desert and they decided to come across the lines from Nevada and Arizona. We would find, after going to sleep at night, looking at a beautiful scene, that scene would have changed because people were coming and stealing whole stands of cacti to take off and put in somebody's garden or used for nursery purposes.

Indeed, we improved law enforcement to stop that kind of activity. Time and time again we have taken steps to protect the desert from people across State lines who want to take advantage of its beauty.

Since being a Member of the House, I played a role in doubling the number of BLM Desert Rangers available for protecting the eastern Mojave, where largely we have difficulty some 20 to 30 miles outside of the urban centers where people use offroad vehicles and otherwise in an abusive fashion. Past that, the terrain is largely undisturbed. That does not address the questions, however, that are a part of this bill.

Since coming to Congress, from the very earliest days I began attempts to communicate with this committee. I remember the former chairman, Phil Burton, who was a very talented legislator in this area, who worked with my predecessor fashioning the Federal Lands Policy and Management Act. I would submit that he was a gentleman of compromise who recognized the value of dealing with his colleagues one on one and dealing with his colleagues especially where their districts were involved. I remember Phil Burton back there right at the end of that aisle put his arm around me when I first arrived and he said, " Jerry , know what **wilderness** is."

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Mr. Chairman, we talked often about that. If he had not, unfortunately, passed away, I would suggest we would have fashioned a bill that provided for compromise and made sense some time ago.

Mr. Chairman, it is my personal view that, if H.R. 518 does become law, it is going to have several very, very serious and negative impacts, not the least of which is the negative impact it will have upon our national park system. This bill proposes three new national parks, one dealing with Death Valley, one dealing with Joshua Tree, one dealing with the east Mojave.

Within the process there are four million acres of **wilderness** proposed. Nowhere within this process, however, is there any stream which logically suggests where the funding will come from. That is left for another time, and the answer really is coming forth in subcommittee. It is that it is going to come from the rest of the park's budget at the very moment when the really beautiful sections of our country, in terms of national parks that already exist, are highly pressured by a lack of funding, cannot keep up the roads, cannot build housing for employees, et cetera, et cetera. Yellowstone, Yosemite, all are under great, great pressure, and yet there is no answer to where the funding is going to come from.

The eastern Mojave's 1.5 million, almost that many acres of a new national park, are in territory that absolutely has almost none of the elements that justify designation as a national park. It has endless thousands of miles of roadways through it. There are transmission lines used by utility companies. Currently there is a great controversy because it has been decided that just outside its borders is a great location for one of our low level radioactive waste locations.

Ward valley is a great controversy. I say to my colleagues, "If you go to that location, drive 3 miles across the desert, same land, exactly the same land, you would suddenly be in a national park." Somebody has decided that we ought to put the whole world of the east Mojave into national park when we are under great pressure in terms of financing the parks that already exist. The mining question is not a light question. Of the thousands of mines within the desert region, Mr. Chairman, 10,000 of those mining claims are located in the east Mojave.

Many, many of the elements and potential riches of that area are yet to be untapped. We are developing new technology for discovering where these vital resources are located, and, as time goes on, there is going to be a virtual fortune available to the interests of America in terms of not just our fundamental wealth that relates to minerals, like gold and silver, but in terms of

minerals that relate to our national defense and our industrial capacity. It is fundamental to recognize that there are few areas in the world that have this kind of potential, and yet there are people in common desert territory that does not deserve designation as a park per se where the BLM would protect the areas that do deserve protection and in the meantime would make available to us the kinds of resources of which I speak.

Mr. Chairman, this will destroy the mining industry of our region. Under park direction it will be impossible for any of the small miners to really operate. They will end up vacating those claims. Hundreds, if not thousands, of jobs will be lost, and certainly the amount of money is even yet to be within the realm of calculation.

There are some 800,000 acres of known in-holdings within the region. It happens. Nobody has really discussed this before. I have not because I wanted to wait until this moment. Within those in-holdings I personally have a little 40-acre parcel. I say to my colleagues,

You know, frankly this is going to really help me a lot. I ought to be voting for this thing because that parcel happens to be right on the edge of one of the slopes that will probably be part of the park system. However, the overwhelming numbers of my constituents don't want a park. Maybe I can convince someone to make a ski run right down to my property. Indeed I may benefit, so I am not worried about that per se.

But it is interesting the way in-holders are handled by the legislation developed by the gentleman from California (Mr. Miller) and his colleagues within the committee. Two major land holders; one involves roughly 244,000 acres in the east Mojave. That involves the California Lands Commission. The other involves a minor little corporation that also has in excess of 300,000 acres. That little corporation is known as Catellus Development Corporation, and, my colleagues, listen to this:

It is actually the land holding company of the Santa Fe Railroad. And guess what? Those two big land holders are somehow treated especially well by this bill. They are put at the front of the line, and they are allowed to really get the first action for trading out of that land as the park decides they have got to take over that property. Indeed over time, if appropriate trades are not available, they will eventually be given checks which have value for which Catellus will be able to trade for other Federal assets or even sell to a third party.

To suggest that they are treating in-holders fairly in this process, is to pay no attention to the real benefit being given to very special interests in this case.

[\*H3490] I have no idea what kinds of conversations have taken place by the committee and the representatives of Catellus, and I would not suggest anything direct, but it surely is interesting to note that a significant piece of Catellus is owned in a stock sense by the employees association in California.

I am a former employee in California in the legislature. I suppose I may benefit from that as well, but frankly, I think the average people who are going to be effected negatively, who are small property holders, need at least the kind of care, and service, and attention that these two huge property owners are getting from the committee.

Additionally it seems to me, Mr. Chairman and Members, we ought to be very, very careful about guesstimates.

Let me kind of shift gears by saying that there are all kinds of materials that can be presented to the committee relative to what these kinds of land transactions actually cost. In the interests of time I will reserve those until we get to the amendments that will be ahead of us sometime in the near future. I think it is awfully important for us to keep in mind though that, unlike many of our national parks, the California desert is not directly threatened, especially in the east Mojave.

I say to my colleagues,

It is a fact of life, when you get 25 miles outside of Victorville, or Barstow, or otherwise, the desert has done awfully well all by itself for a long, long time. Much of it is beautiful territory, but the two areas that we are talking about that are national monuments, about which I have no real argument, but monuments that involve Death Valley and the Joshua Tree, are already doing very, very well under current management. No one has suggested they have not done very, very well. The east Mojave has a pretty far reach. The current managing agency of the east Mojave, the BLM, has done a fine job with limited resources. Let's adequately the BLM, and let them continue to provide protection for multiple uses. It is very apparent that one way or another this legislation is the result of the direct influence of a very special group of interests rather than the general public, let alone the elected representatives of any of the counties that represent this territory.

Mr. Chairman, every county involved here opposes this legislation, and I thank the gentleman from Utah (Mr. Hansen ) for having yielded this time to me.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. McCandless ).

Mr. McCANDLESS. Mr. Chairman, I rise in strong opposition to H.R. 518, the bill now before us.

Once again, I would like to emphasize to my colleagues the false promises made by H.R. 518, and underline the fact that this is not just another California issue. It has extremely serious budget and policy implications, which will be of no small interest to each of our constituencies. Let me also clarify that despite claims which will be made to the contrary, I and my desert colleagues are not opposed to protecting the desert. However, we are interested in doing it right, and H.R. 518 fails miserably in this regard. Fortunately, a workable alternative exists, which we will be discussing later.

I have been intrigued by some of the arguments in favor of this bill which have been set forth by its proponents. We have heard repeatedly from the "alleged" environmental community that anything short of this bill is an affront to our great deserts. This bill will ultimately affect roughly 8 million acres, in both parks and **wilderness** areas. The mindset here is evident-"bigger is better". Never mind that much of the "**wilderness**" it would create makes a mockery of the original 1964 **Wilderness** Act; never mind that we lack the funds to pay for and manage these newly designated areas; and never mind our inability to adequately manage existing natural resource areas. We all know by now about the funding backlog at the Park Service, and its perennial budget shortfalls. It is clear to me that if we do not have available the proper assets to care for our parks and wildlands, then they will deteriorate.

It may be that it is only clear to me because I am actually from the desert in question here, unlike any of my colleagues in either chamber who support H.R. 518.

My question is this: what resource management or conservation goals are being met when our policy for such things consists of bestowing an eloquent title on a given area, knowing full well that we cannot properly care for it? What good is it, for example, to congratulate ourselves for creating three new National Parks, as H.R. 518 would, when the superintendent of Yosemite National Park says on a popular morning T.V. show that his park absolutely lacks the resources it needs to do just basic things, like repair trails or maintain restrooms? If this is the case at Yosemite, one of the "crown jewels" of our park system, what chance do three brandnew parks have of being properly funded and cared for?

Make no mistake, some money will be found for these new areas. But because it will be drawn from a finite and shrinking pot of dollars, national park service facilities in each State, and the Americans who visit them, will feel the pinch. This is why I have a hard time with criticism in my own backyard from so-called environmentalists, who in the name of their own narrow agenda are willing to gamble on the future viability of our natural resources. It raises the question of motive- what would these professional chicken littles do for a living, if we actually had our house in order, and were able to take proper care of these resources nationwide? What shrill warnings could be sounded, what breasts could be beaten, if our park system was properly maintained? Mr. Chairman, it is cause for wonder.

Mr. Chairman, let me also make it abundantly clear that there is a true alternative, despite the clucking of the chicken littles. California now boasts a nearly 6 million acre **wilderness** system, which in my humble opinion is unparalleled in magnificence. It is the largest such system outside of Alaska. The Lewis substitute would expand that by 2.3 million acres. However, unlike H.R. 518, it would recognize the need for common sense management of the diverse desert environments. It is a fair compromise, shaped after considerable public input, dozens of hearings, and years of give and take between varied user groups. So make no mistake, friends, you can vote for a sound **wilderness** proposal without all the negative baggage of H.R. 518. Let us not give in to the fantasy of "bigger is better". We know we can make a smarter choice than that.

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Mr. HANSEN. Mr. Chairman, I yield 8 minutes to the gentleman from California (Mr. Hunter ).

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

Mr. HUNTER. Mr. Chairman, I wanted to thank the gentleman from Utah, the ranking Member, Mr. Hansen , who has done a wonderful job on this bill, for yielding.

Mr. Chairman, let me address what I think are the three important elements of this so-called desert bill, a bill that I call the desert lockout bill. The first of those elements is people. You know, there was a movie made a couple of years ago about motorcycle racing called "On Any Sunday" That title went directly to the appeal of that particular sport, because that sport was one that was enjoyed by blue collar America. The idea was that "On Any Sunday" you would see thousands of Americans going out to the out-of-doors to race their motorcycles on off-road races, to enjoy with their families some time away from the boss, away from the job, and, without needing to be independently wealthy, they could take a little time in America, away from their home and away from the urban area, and enjoy a great sport.

I like to think that title, "On Any Sunday," often applies to the blue collar Americans who live in the urban areas in southern California. All of my colleagues know when you fly into southern California, you get close to the coast, you see a ton of concrete. You see wall-to-wall concrete in Los Angeles. You can fly in a high-speed aircraft for 30 minutes and still be over Los Angeles. And it is getting so Orange County and San Diego areas are similar.

Yet blue collar Americans, without needing the type of money that is required if you want to take your vacation in New Zealand and go fly fishing, or take an around the world vacation, [\*H3491] or do any of the other things you can do if you have a lot of money, blue collar Americans who live in these urban areas in southern California can get in their campers, they can hook up the dune buggy, they can hook up the motorcycles, they can get the kids, and get away from the boss by going to the California desert.

If you go out there, like I have and my colleagues the gentleman from California, Mr. McCandless and Mr. Lewis and others, if you go out there and talk to them when they are camped under that particular paloverde tree, they might tell you, including one of the last groups I talked to, where

the grandmother camped out under that same tree with her husband, now gone, and where the children had camped out under that tree, and ; now the grandchildren were camping under that very tree, policing the desert, taking good care of it, but, nonetheless, enjoying the fact that they could go back year after year, to their favorite place. That is what the desert means to hundreds of thousands of blue collar Americans. And, let us be blunt about it, that is what we are taking away in thousands of instances.

The chairman has said you can still enjoy this off-roading in parts of the California desert, but you cannot enjoy it where you have enjoyed it for 20 or 30 or 40 years, and that is a fact. And a lot of California families are going to be leaving these favorite places.

You know, that is a real tragedy, because that is part of the joy and part of the lifestyle and part of the freedom of living in California, being able to get a little bit remote, get away from that boss, forget about the work, and spend a little time with your family.

Let me talk a little bit about crime control, because crime control is a major defect in this particular bill. We have massive smuggling taking place, of both illegal aliens and illicit narcotics, heavy on the cocaine, coming across the Mexican-California border.

Now, the smugglers are very flexible and they are very creative. And as we have built a border, including a border fence, on the western part of the California-Mexican border, extending to the Pacific Ocean, the smugglers have begun to go east. They have gone into what is my district in Imperial County, a part of Imperial County that is abutted by several of the **wilderness** areas, proposed **wilderness** areas, where no vehicles are going to be allowed.

Now, what does that mean to a smuggler? It means a smuggler, who cuts across the border in a vehicle, whether he is carrying 20 pounds of cocaine in a back bag and riding a motorcycle or pickup or some other type of four-wheel drive, looking to make some fast money, it means once he goes into this refuge that has been created that will operate to his benefit, that has been created by the desert **wilderness** bill, by this body, it means that law enforcement agents cannot follow.

In other cases, it means that law enforcement agents, whether they are driving four-wheel drive vehicles or flying aircraft, cannot run reconnaissance over this particular piece of land.

What that means is we are creating thoroughfares or smuggling corridors for these smugglers. Let me tell you how creative and how flexible and responsive these smugglers are. We have built this border fence and put more border patrol on the 14-mile smuggler corridor between Tijuana and San Diego, where about 50 percent of all the dope and illegal alien smuggling nationwide takes place. Since we have done that, they have started to flank that operation by going out in the California desert. We now have see the figures, the drug seizures, go up from about \$ 113 million a year, 2 years ago, to almost \$ 600 million, four times that, in just 1 year.

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So what we are doing here is creating a haven at the same time when the administration is saying we have got to crack down on the smuggling of narcotics and illegal aliens, we are creating a haven, a thoroughfare for the smugglers. And that provision, unless we have a provision in this bill that gives law enforcement people total access to those **wilderness** areas that abut the border, we are going to see the same creativity and the smugglers moving into those areas that they have shown in moving into other areas to the east of the border fence.

Last, Mr. Chairman, let me say this about wildlife and about access to desert water. Desert Wildlife Unlimited has built 59 watering holes that has singlehandedly brought back the desert bighorn sheep and the desert mule deer in the desert just north of Mexico.

Under this **Wilderness** Act that is proposed, we will not be able to take vehicles into this area, and we cannot maintain these guzzlers without having vehicles in the area. If we do not bring in the jackhammers and the other equipment that is necessary to maintain these drinking water holes where the bighorn sheep can go down into the deep tenhaas without slipping down and drowning, we are going to see these sheep and these deer going into the All-American Canal where they wear their hooves out trying to climb back up the canal after they have slipped down.

Three reasons, people, wildlife, and crime control, for us to vote against this bill.

Let me just amplify on the last point that I made. I was very distressed to see the Sierra Club being against this wildlife preservation amendment that we are going to offer to allow vehicularized access by State fish and game so that they can go in and service these 59 watering holes that have been dug by real conservationists, people who went out in 120-degree heat into the desert that is actually below sea level during the summertime, in the wintertime and built 59 watering holes that has brought back this great resource.

Let me tell my colleagues, I will bring out tomorrow photographs of desert bighorn sheep and deer that have literally worn out their hooves trying to get out of the All-American Canal in the days when we did not have those watering holes out there in the desert. And I am going to be reading letters from some of these wildlife conservation groups that have put their blood and sweat and tears into preserving these species. I think it is a little bit unsettling to real conservationists to see armchair conservationists in the Sierra Club dismiss all their hard work and all their expertise with a few papers on the House floor.

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

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

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague's comments. He is hitting right at home on a number of the basic issues that we will be addressing by way of amendments when the bill comes back up. We are not sure exactly when it will. It may be somewhat beyond tomorrow.

I must say from there, the old saying that says "A man's home is his castle" is very much related to our great desert.

In this bill, we are taking away people's property rights in an arbitrary fashion. We are cutting off America's access to one of the most beautiful spots in the entire country. And they presume that people who are trying to protect the bighorn sheep somehow are hurting the environment. And indeed, the gentleman makes a number of points that I hope the public as well as my colleagues will focus upon very carefully as we go forward with amendments.

Mr. HUNTER. Mr. Chairman, I thank my friend. He is absolutely right. A lot of California families, when this lockout bill goes through, will lose their home or a part of their home.

MR. SABO. MR. CHAIRMAN, I WOULD LIKE TO ADDRESS ONE ASPECT OF H.R. 518 WHICH CONCERNS ME GRAVELY. THE BILL CIRCUMVENTS THE DISCIPLINE OF THE BUDGET ACT BY INCLUDING SPENDING OUTSIDE THE 10-YEAR TIME FRAME COVERED BY CURRENT BUDGET LAW. H.R. 518 ALLOWS THE CALIFORNIA STATE LANDS COMMISSION AND THE CATELLUS DEVELOPMENT CORP., A PRIVATE DEVELOPMENT COMPANY, TO BE COMPENSATED FOR LAND EXCHANGES WITH UNFINANCED MONETARY CREDITS AFTER THE YEAR 2004.

IF THESE CREDITS WERE FIRST EFFECTIVE BEFORE OCTOBER 1, 2004, THERE WOULD BE A VIOLATION OF THE BUDGET RESOLUTION. H.R. 518 IS SAVED FROM PROBLEMS WITH HOUSE OR SENATE BUDGET RULES ONLY BECAUSE THE CREDITS DO NOT BECOME EFFECTIVE UNTIL FISCAL YEAR 2005. CBO ESTIMATES THAT THE POTENTIAL VALUE OF THE MONETARY CREDITS

COULD BE AS HIGH AS \$ 180 MILLION.

I AM CONVINCED OF THE IMPORTANCE OF PROTECTING THE CALIFORNIA DESERT, AND I WILL NOT OPPOSE PASSAGE OF H.R. 518. HOWEVER, I AM CONCERNED ABOUT THIS FUNDING MECHANISM. CLEARLY, SOUND FISCAL POLICY IS NOT WELL-SERVED BY LEGISLATIVE [\*H3492] PROVISIONS THAT ARE DESIGNED TO BYPASS BUDGETARY CONSTRAINTS. I URGE MY COLLEAGUES ON THE NATURAL RESOURCES COMMITTEE TO DO ALL THAT THEY CAN TO ENSURE THAT THE FINAL BILL WHICH EMERGES FROM A CONFERENCE COMMITTEE WITH THE SENATE DOES NOT INCLUDE THIS PROVISION.

The CHAIRMAN. All time has expired.

Mr. MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Wise ) 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, had come to no resolution thereon.