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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.

[*H5491]

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 further 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 further 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 Parks and the Mojave National Monument, and for other purposes, with Mr. Taylor of Mississippi (chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, June 13, 1994, title II had been designated and is now open for amendment at any point.

Are there any amendments to title II?

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment that is printed in the Record dealing with grazing in Death Valley.

The Clerk read as follows:

Amendment offered by Mr. Vento: p. 38, strike lines 14 through 17 and in lieu thereof insert the following:

" Sec. 207 (a) The Secretary shall permit continuation of the privilege of grazing domestic livestock on lands within the park, at no more than the current level, pursuant to grazing permits or leases in effect as of the date of enactment of this Act and subject to all applicable laws and National Park Service regulations, but shall not renew any such permit or lease after its expiration, and shall not approve any transfer of any such permit or lease to any party other than the party entitled to exercise such privilege as of such date of enactment."

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be

considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, the amendment that was printed in the Record under the rule relating to grazing deals with Death Valley. This amendment addresses grazing in the expanded Death Valley National Park. It would allow the current permittees to continue to graze livestock there until the current permits expire, but would prohibit any renewal of those permits.

As a general rule, Mr. Chairman, grazing is not permitted in national park units. That is a sound rule, since grazing disrupts the natural ecological process that would be allowed to operate in the parks. However, the bill as it stands now would depart from that rule by allowing the grazing to continue in Death Valley and the Mojave National Park as if those areas did not have national park status.

Mr. Chairman, while I voted favorably to report this bill, as amended, I made clear in the committee debate that I did not support the provision regarding grazing in Death Valley and the Mojave National Park. Hence, today I am offering an amendment to permit the phaseout of this, to honor the contracts, to honor the permits that are out there for their length, for their duration, and then to in fact fold in or to stop the grazing that is occurring there.

During the committee's consideration of this matter in the 102d Congress there was considerable discussion as to how best to deal with the fragile nature of the desert ecosystems of these areas, which include habitat for threatened and other types of endangered species, such as the desert tortoise, while not creating an inordinate disruption in livestock operations that had been in these areas for some time.

At that time, Mr. Chairman, the committee decided the optimal way to balance these interests was to phase out the grazing of livestock in these areas over a period of 25 years, or the lifetime of the permittees, so as to include the incentive of possible land purchase or based property by the Federal Government. This year, however, the committee has dropped the concept of a phaseout of grazing and has adopted an open-ended continuation of grazing, as was introduced in the Senate measure, S. 21, and passed by the Senate. I think this is a mistake, Mr. Chairman. I do not support it.

I accepted the decision of the committee in 1991 to allow grazing to continue in these national park units for even up to 25 years, even though I thought it was at the outer edge of acceptable compromise. I do not think that allowing grazing to continue indefinitely in these areas is sound policy nor an acceptable compromise. The lands involved are not highly productive of forage. Indeed, much of the forage involved is ephemeral. A continuation of domestic livestock grazing would merely mean continued competition with other species, including the threatened desert tortoise, that must look to the forage for sustenance.

At the same time, Mr. Chairman, there are so few grazing allotments that are involved that continuation of grazing on them would make no real contribution even to the economy of California, let alone to that of the United States. [*H5492] 1340

Mr. Chairman, this amendment would allow an orderly termination of grazing at the national park.

Furthermore, the GAO has done work on these hot desert areas. We find in some cases in hot desert areas it is impossible to separate some of the allotments from lands outside the park areas or the proposed park areas. But we find that very often the number of acres per AUM, per calf-cow combination, is as high as 2,000 acres per animal. These are hot desert areas. It is

ridiculous when we look at these types of estimates to then say we are going to designate it as park and we are going to continue this type of activity.

As I have said often on this floor, Mr. Chairman, these cows have more miles on them than my old Chevrolet. I would suggest that we really ought to make this a real park, or we ought to try to eliminate it.

Furthermore, if we look at the beneficiaries, who has these permittees in this case, Anheuser-Busch, the company in St. Louis, MO, that makes one of our favorite beverages, has about half the allotments in Death Valley. In other words, they are one of three allottees in Death Valley. There is no basis for this. I think we have been through it. We know as an example that it costs more for the BLM or for the Park Service or whoever it be regulating this grazing activity, it costs them more to manage this land with the grazing than it would cost if there was no grazing on it.

In other words, there are incursions, they are going to be into other parts of the park. Here we are going to have a park; in part of the park one can graze, in part of the park one cannot graze. It does not make any sense. I think Anheuser-Busch is probably going to make it whether or not this is there.

Mr. Chairman, I am just asking for an orderly phaseout of this particular process. It is an ephemeral forage area; they are competing with threatened endangered species. Let us make it a real park. Obviously there are those that do not favor the park designation. I think that ought to be taken on directly. But if we are going to have a park, then I think we can phase out and provide for some predictability and certainly for the people in California. They favor in essence eliminating this duality, Mr. Chairman.

I urge the Members to adopt this reasonable amendment.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is one of the age-old battles we go through in the West. Years ago, dating back all the way to 1880, one of these individuals, a fellow by the name of Hunter, came into this area and he has water rights that were upheld by the courts before Skull Valley was even a national monument. I mean, he was there, he was grazing cows, he was taking care of his problems.

I just wonder, Mr. Chairman, why is it that nobody speaks for that poor one guy in California? We all can envision a great and wonderful park in that particular area as this bill would make it, but on the other hand when we say that there is not grazing in national parks, there is grazing in national parks, and I will give Members an example.

It is called Capital Reef National Park. When it was first designated by one of our Senators from Utah who said he was going to put it there, it was a rather small park. Then came along the President of the United States and a little work came about, and it turned into a huge park. However, when we look at it, just an infinitesimal part of it is seen by the people. No ;one goes off into these other areas. So it was determined by the Park Service that maybe in our wisdom we should allow some grazing of stock in the Capital Reef. If that is a good precedent, which I think it is, what is wrong with Mr. Hunter and of the three people we are talking about here; I am given to understand only one has a concern and this is Mr. Roy Hunter.

The courts held for Mr. Hunter in Hunter versus the United States that he had a right to be there, that he had a right for the park.

We have got the court system saying Hunter can stay there; he can take care of his cows; he can live; he can exist; and he is a third generation person. Maybe his son and his grandson want to do the same thing. Who are we to say let us kick this guy out and not allow him the

opportunity to exist and do what he thinks is right in his own heart and mind?

Mr. Chairman, I personally feel that in this particular instance, this is another case of the big bad Federal Government coming in and some poor little guy sitting down there in the Skull Valley area, excuse me, in the Death Valley area. We have a Skull Valley in Utah which is comparable to it and I did not want to bring that up because I was afraid somebody would make a park out of it, so I ask Members to strike that from their minds.

Mr. Chairman, let us go back to the other area and say in that particular area, we have one man trying to eke out a living, pay his taxes, send his kids to school, take care of the problems that we all encounter, but, no, sir, boy, we are going to do it by congressional mandate. We are going to kick that guy out, even though the courts say he has a right to do it.

Mr. Chairman, I feel and I know the intentions of the gentleman from Minnesota (Mr. Vento) are pure and honorable and I have great appreciation for him and the gentleman from California, Chairman Miller, but I really think we should oppose this amendment and let Mr. Hunter have a right to exist.

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

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

Mr. SYNAR. Mr. Chairman, I rise in support of the Vento amendment to H.R. 518, the California Desert Protection Act. This amendment would allow current holders of grazing permits in Mojave National Park to continue grazing until their permits expire, but no longer. It replaces language in H.R. 518, which would permit grazing to continue in perpetuity in the national parks affected by the bill.

What is this amendment all about? Continuing subsidized grazing-forever-on highly fragile lands. First, the amendment affects just three permittees. There are another 8 permittees who among them control just 11 grazing allotments in Mojave. These are not small operators. No way. In fact, the eight permittees in the Mojave control 35, 503 AUM's, defined as a cow and a calf or five sheep, which graze on 1, 255,343 acres of land in the east Mojave.

Second, the last time we voted on a California desert bill, in the 102d Congress, grazing on these allotments was limited to 25 years. So why do we need to extend grazing forever?

Third, few national parks currently allow grazing and the Park Service is trying to phase it out where it occurs.

Fourth, even worse, grazing in the California desert is particularly harmful. The lands are very arid and intensive grazing in the spring can leave a path of devastation for the rest of the year.

And fifth, then there is the issue of cost. It's no secret that it costs a lot more to administer a livestock grazing program in this kind of area than the Federal Government could ever receive in permit fees. Scarce Federal funds could better be spent in managing these lands for park values and that is what we should do here.

Finally, it is important to remember that livestock operators have a privilege and not a right to graze on public lands. They don't own these lands. We all do. Let us make sure grazing ends in the California desert in a reasonable time. Support the Vento amendment.

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

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

Mr. VENTO. Mr. Chairman, I thank the gentleman for pointing out the problems with the East Mojave. We are trying to deal with the Death Valley issue. I wanted to suggest to the gentleman that I did not offer the amendment en bloc, I am offering it only for Death Valley, then on East Mojave.

Mr. Chairman, I would point out to the gentleman that in Death Valley we have the three allottees. I would be happy to share that information with the gentleman.

Mr. SYNAR. I appreciate the gentleman correcting me.

Mr. VENTO. Mr. Chairman, they have 135,130 acres for those three operators [*H5493] on which they get something less than 3,000 AUM's.

The point here, I think, is that there are just three, one of which, of course, is not a local person-Anheuser-Busch, it is a company, one of the phenomenon I think the gentleman from Oklahoma has been a leader in pointing out the corporate interests and others that really have these permits. I think in this instance the gentleman is doing a great job. I want to commend him and associate myself with his remarks.

Mr. Chairman, I thank the gentleman for yielding.

Mr. SYNAR. I thank the gentleman for that correction.

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

Mr. Chairman, I rise in strong opposition to the Vento amendment. It is an amendment that many have suggested is a reflection of the committee's work on this bill which involves essentially a war on the West.

It has been suggested only three grazing operators will be within the extended boundaries of the Death Valley National Monument. My colleague has suggested that Anheuser-Busch somehow is a very big factor among those three. The Anheuser-Bush involvement, I gather, is something like 1 percent of the grazing areas in Death Valley. A very fractional piece of the Death Valley area is impacted by their grazing activities.

Mr. Chairman, I would suggest that we focus upon those people who are seriously involved in grazing and have been involved in grazing for generations.

Aside from helping the local economy and protecting the area's cultural heritage, the ranchers involved help the wildlife populations that we are all so concerned about. The water sources they developed for their livestock also benefit wildlife, which could perish without their activity.

When these ranchers are forced to leave the area as their permits expire, who will maintain these important wildlife sources? It certainly will not be the National Park Service, which already has massive backlogs to operate existing parks through the country.

Now the gentleman from Minnesota (Mr. Vento) wants to expand the park system and kick the ranchers out with absolutely no plan whatsoever for paying for the expanded costs of this new addition to the park.

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It is very important to remember that the ranchers involved here have worked in the area for generations. One of these operators whom the gentleman from Minnesota (Mr. Vento) would put out of business is a man by the name of Roy Hunter.

Mr. Hunter's family has been in the Death Valley area since 1860. That is over 130 years of heritage down the tubes if this amendment by my colleague, the gentleman from Minnesota (Mr. Vento), passes.

I ask my colleagues: How can this House, the people's House, force someone to give up a tradition that has been in their family for over 130 years?

I know the bill's author cannot support the elimination of traditional ranching in this area.

My colleague, the gentleman from California (Mr. Lehman), has a number of ranchers in his own district, and I would ask the gentleman from California (Mr. Lehman): What would ranchers like Steve McDonald, Will Gill, Clay Dalton, Dan Ford, and Gregg and Floyd Harlan think if our colleague, the gentleman from Minnesota (Mr. Vento), attempted to eliminate ranching in his district? I know that the Harlans are multigeneration ranchers. Surely, I say to the gentleman from California (Mr. Lehman), you cannot support this kind of proposal in your district.

Then why support this kind of proposal in mine?

Make no mistake that the debate swirling around this amendment has nothing to do with grazing fees either. It is simply about the elimination of a way of life for ranchers who have operated in this area for decades. These ranchers are not abusing the area's terrain. These folks are the best conservationists around. Livestock grazing within National Park Service units is not a new activity, as my colleague, the gentleman from Utah, indicated. It is currently occurring in such diverse places as Alaska's Land Bridge National Preserve, Colorado's Rocky Mountain National Park, Utah's Capitol Reef National Park, and California's Channel Islands National Park, to name just a few.

Why must we phase it out in Death Valley when it occurs in a well-managed way in these other parks?

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

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I thank the gentleman for his advocacy for the people who have grazed cattle for so long in our desert areas.

I want to make clear early on this fine gentleman, Roy Hunter, is not a relation to myself. But I am in complete sympathy with his avocation, which is a pretty tough avocation right now, trying to make a few dollars in the livestock industry.

One other aspect of this, having cattlemen in the desert area as the gentleman mentioned, is the beneficial effect it has on wildlife. If Fish and Game goes out now and builds a guzzler in the desert, and I have looked at some of the costs, they generally have to spend between \$ 30, 000 and \$ 50,000 dollars of the taxpayers' money to develop the water source. When I say guzzler, that is a term for building a water source in the desert that desert quail, bighorn sheep, and other wildlife can utilize. When a rancher goes in and develops a water source for his cattle, and all of them have to be within a fairly close distance of water, he uses his own private dollars, builds basically a resource that is used by all the desert wildlife, by the quail, by the sheep, by the desert mule deer, and he is providing for the taxpayers a benefit that otherwise they would have to pay for.

In reading my friend's amendment, the amendment offered by the gentleman from Minnesota (Mr. Vento), first it starts out saying the Secretary shall permit continuation of the privilege of

grazing, but then it goes on to say, however, when these permits have expired, no more permits will be renewed.

I guess my point is if the grazing is not detrimental to the desert right now, I do not understand why it is important in 1998, or 1999 to cut off another westerner from being able to use public lands.

As I see things like this happening throughout the gamut of Federal intervention in the West, whether it is timber or mining or off-road people trying to use part of their land, or now the Forest Service eliminating shooting on national forests in southern California, it appears to me this administration is conducting what I would call a war on the West, and I think at some point westerners are going to band together, and even though there are only a couple of ranchers here, I think this administration is going to be hearing from them.

I thank the gentleman for his fight to save their grazing rights for just a couple of western families. If we do not stand up for them, a couple weeks from now we will be defending some other westerners, some other aspect of desert use or national forest use that is being taken by the Federal Government.

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

(By unanimous consent, Mr. Lewis of California was allowed to proceed for 5 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, I thank very much my colleague for his contribution.

As my colleague has indicated, in this case we are talking about the Death Valley National Monument and only a couple of grazing families involved in grazing. We will be talking later in another section about grazing in another portion of this proposed expansion of the Park System.

I think it is important to follow up on your basic comments, I say to the gentleman from California (Mr. Hunter), to point out the fact the Bureau of Land Management, in its study entitled "Biological Evaluation of Cattle Grazing in the Mojave Desert of California," that that study stated that cattle grazing can be beneficial in improving the resources utilized by desert tortoises, among others. [*H5494]

The BLM states, and I quote, "Cattle foraging on these perennials may make the perennial grass forage more available for foraging tortoise by promoting tillering and reducing the amount of dead standing material." The report goes on to say the removal of these cattle may actually harm these tortoise populations.

So, in effect, if the amendment offered by the gentleman from Minnesota (Mr. Vento) passes, it not only eliminates the generational ranchers, admittedly only a couple of families affected. But after all, who cares about a couple of families? All of us should certainly.

It is also harmful to endangered wildlife populations.

This amendment just reconfirms the worst suspicions of many that park and **wilderness** designation is merely a means to drive public land users off the land.

You referred to it as the war on the West, get people off the land. What other purpose is served by this amendment than to do precisely that?

Continued traditional ranching has maintained open space and prevented urban encroachment. Desert ranchers have served as an additional set of eyes and ears for the land and wildlife management agencies by reporting poaching and other abuse of the wildlife.

Let us allow multiple use to continue in this case, and in this case allow wildlife to benefit from the manmade water sources maintained by these ranchers that my colleague referred to.

This is a win-win situation for all concerned and should be allowed to continue. I urge my colleagues to oppose this amendment which merely advances that war on the West that my colleague, the gentleman from California (Mr. Hunter), referred to.

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

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

First of all, let me state that this amendment is really contrary to the purposes of the bill and to the entire function of putting this legislation together over the past few years.

What we have attempted to do with this legislation in virtually every instance is to identify activities on the desert that are not detrimental to the principles of the act and to try to allow those activities to occur. We have done that in a number of instances.

We did that with respect to utility lines in the legislation. When this legislation was first drafted in the Senate several years ago, almost every utility in California was opposed to the bill. We looked at those problems. We dealt with them, we resolved them, and we left most of their interests intact.

We then did the same thing with many other interests in the bill, one of the most recent of which was the Algodones Dunes in the district of the gentleman from California (Mr. Hunter) where there was an asset use in that area by about 60,000 people a year for off-road vehicles. We allowed that use to continue, because after careful examination, we determined it was compatible.

It is not the purpose of this bill to drive people off the land. It is not the purpose of this bill to eliminate legitimate uses in the desert.

The exemption made in this bill for the existing cattle activities in the desert is merely an extension of that philosophy.

There are only a few ranching operations on the desert. My number is six, and I think that may have gone up or down one or two in the last few years. These are family operations. For the most part they have been there for generations. Some of the people whom we are talking about here settled this land in the 1860's before anybody else came west, or their families did, and they have continued that activity since then. They are part of the landscape just as much as anything else there is, and they certainly ought not to be run off the property here by this legislation.

I would also like to say that many of these operations own private property within the desert. They homesteaded it. They own 160 acres or 320 acres. Those lands are viable ranching operations only when put together with grazing permits from the Federal Government.

So what we effectively do here if we say we are not going to allow any grazing in the future in we destroy the value of the private property that those people did not invest in in speculation in the last few years knowing that this law might come about, but has in fact been in their families for generations.

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But it has in fact been in their family for generations.

So we destroy the value of the private land by making those holdings no longer viable because they depend for their viability, to a large extent, on the longstanding relationship with the Federal Government and the lease of those properties.

This amendment in fact goes beyond what passed in the House last year when we had a 25-year limit on existing leases in the bill. This would, as I understand it, say that all leases would be no longer renegotiable when the term of the lease is up. This is not a restatement of anything that has been on the floor in the past. It goes far beyond that.

The language in the bill is identical to the language placed in the bill by the Senate. So if we defeat this amendment today, we will have permanently resolved this issue as far as the legislation is concerned; we will have resolved it, in effect, by letting these existing entities stay in operation as they have been; let them maintain their property rights as they have, and certainly there has not been any credible argument made that this activity has been detrimental to the desert and to the activities there. In fact, BLM studies show the opposite.

What we are still doing with this legislation is putting them under Park Service authority as far as the grazing permits are concerned.

So I think we will do well to continue that.

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

Mr. LEHMAN. I yield to the gentleman from California (Mr. Lewis).

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I am pleased that the gentleman chose to join us in the well regarding this very important amendment. Frankly, I am not surprised at all by the position he is taking on this amendment. My colleague, the gentleman from California (Mr. Lehman), once told me about a trip he took out to east Mojave, and he spent some time with one of those leathered, sunworn ranchers. It may have been a part of the Blair family. At any rate, the gentleman described to me just how big an impact that individual had upon him and the reflection that he was of the rancher kind of style that is the Old West. Indeed, they are there in numbers.

I was certain of his empathy for not just the individual but for his life's work.

So I appreciate my colleague's position on the amendment.

Mr. LEHMAN. I thank the gentleman.

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

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

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman suggests there is no evidence in terms of the impact of grazing as being adverse in these hot desert areas. I would refer him to the 1991 GAO report, on page 39 of that report.

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

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

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

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

Mr. VENTO. I thank the gentleman.

Mr. Chairman, on this page it says:

Perhaps the most comprehensive assessments of the effects of discontinuing livestock grazing throughout the hot deserts are contained in EIS's prepared by BLM between 1978 and 1989.

That is over a period of 13 years. It goes on further:

These statements indicate that if livestock grazing were discontinued, recovery would begin. They agree that less soil erosion would occur, water infiltration would increase, and soils would generally improve. [*H5495] Vegetation would gain health and vigor, and cover would increase, benefitting both soil and wildlife. Wildlife habitat would improve for numerous species, including desert tortoises, pronghorn antelope, bighorn sheep, mule deer, and quail, as well as rabbits, amphibians, and rodents.

Mr. LEHMAN. Reclaiming my time, I understand where the gentleman is headed here. I would like to make two points. One, I have been on the desert as have certainly the gentleman from California and, once in a while, the gentleman from Minnesota, and have observed the effects of cattle firsthand on the desert. I have not seen any detrimental effects. Also, I have pointed out there is a lot of scientific evidence to the effect that much of the vegetation that is on the desert today that we are trying to protect, is there because of cattle grazing. Certainly there have been choices necessitated by cattle grazing over the years, but they are part of the flora and fauna there at the present time.

I also point out to the gentlemen and to the public that in its 1990 report on grazing land conditions in the desert, the BLM classified 99 percent of grazing acres as being in either good or fair condition. And it also stated:

If properly managed, grazing can increase vegetative diversity, plant vigor, and nutrient cycling and range improvements, such as water development, benefit a number of varieties of wildlife.

But I think here the gentleman from Minnesota is really arguing on the margins in terms of impact. The real impact here is going to be that an important part of the Old West that is being grazed now is exercised by only a few remaining families on a relatively small portion of the landscape is going to be wiped out by this bill. I see no reason to do so.

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

My colleagues voiced some concern about the amendment and mentioned the Bureau of Land Management's biological evaluation of grazing, cattle grazing on the Mojave Desert of California. A personal note, if I may: Because there is a feeling, I am sure, among my colleagues, "Well, how in the world can grazing cattle help such things as tortoises and other types of animals?" I would respond that my grandfather used to graze cattle in the desert. What happened is the cattle eat off the top of the grass, which permits the smaller animals to get to that part that is most desirable to them.

Eating off the top of the grass, it strengthens the roots of the grass, which normally spreads then the availability of the grass to the other animals. The cattle, with their sharp hooves, dig around as they are eating the grass-and I am mimicking the cattle now-and break the surface soil which permits then grass seed to fall into the soft earth and then the next hoof comes along and tamps it into the ground. So what you have here is compatibility this grazing cow has in increasing the

grass for the benefit of the desert tortoise, rabbits, other animals of the desert, including deer, which would not necessarily take place; in fact, it would not take place, if we had no cattle at all because this environmental process that the grazing cattle develops is a natural enhancement to the grazing areas by the means which I have explained.

It is beneficial to the tortoises, it is beneficial to all the other wild animals in the area and it increases the grazing amount of grass for all of those, including the cattle that are grazing on it.

Mr. Chairman, I took the time of the full committee chairman, the gentleman from California (Mr. Miller), to go over this because there are many things that people just do not understand about the desert when we talk about certain aspects of it. From my personal experience, I wanted to share these thoughts with the members of the committee, Mr. Miller and Mr. Vento.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Vento).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 190, noes 207, not voting 42, as follows:

(Roll No. 315)

AYES-190

Abercrombie	Ackerman	Andrews (ME)	Andrews (NJ)
Andrews (TX)	Bacchus (FL)	Barca	
Barlow	Barrett (WI)	Becerra	
Beilenson	Berman	Boehlert	
Bonior	Borski	Boucher	
Browder	Brown (CA)	Brown (FL)	
Brown (OH)	Byrne	Cantwell	
Cardin	Carr	Clay	
Clayton	Clement	Clyburn	
Coleman	Conyers	Cooper	
Coyne	Danner	Darden	
de Lugo (VI)	DeLauro	Dellums	
Derrick	Deutsch	Dicks	
Durbin	Ehlers	Eshoo	
Evans	Faleomavaega (AS)	Farr	
Fawell	Fields (LA)	Filner	
Fingerhut	Fish	Foglietta	
Ford (MI)	Ford (TN)	Frank (MA)	
Franks (CT)	Furse	Gephardt	
Gibbons	Gilchrest	Gonzalez	
Gordon	Goss	Grandy	
Green	Greenwood	Hall (OH)	
Hamburg	Hamilton	Hastings	
Hefner	Hilliard	Hinchey	

Hoagland	Holden	Hoyer
Jacobs	Jefferson	Johnson (GA)
Johnston	Kanjorski	Kennedy
Kennelly	Kildee	Kleczka
Klein	Klink	Klug
Kopetski	Kreidler	LaFalce
Lambert	Lancaster	Lantos
Leach	Levin	Lewis (GA)
Lowey	Maloney	Mann
Margolies-Mezvinsky	Markey	McDermott
McHale	McKinney	McNulty
Meek	Menendez	Meyers
Mfume	Miller (CA)	Mineta
Minge	Mink	Moakley
Moran	Morella	Nadler
Neal (MA)	Neal (NC)	Norton (DC)
Oberstar	Olver	Owens
Pallone	Parker	Payne (NJ)
Payne (VA)	Pelosi	Penny
Peterson (MN)	Petri	Porter
Portman	Price (NC)	Rahall
Ramstad	Rangel	Reed
Regula	Reynolds	Richardson
Roemer	Ros-Lehtinen	Rostenkowski
Roth	Roybal-Allard	Rush
Sabo	Sangmeister	Sawyer
Saxton	Schenk	Schroeder
Schumer	Serrano	Sharp
Shays	Shepherd	Skaggs
Slaughter	Snowe	Spratt
Stark	Strickland	Studds
Stupak	Synar	Thompson
Torkildsen	Torricelli	Towns
Tucker	Underwood (GU)	Unsoeld
Upton	Valentine	Velazquez
Vento	Visclosky	Volkmer
Walsh	Watt	Waxman
Wise	Woolsey	Wyden
Wynn	Yates	Zimmer

NOES-207

Allard Applegate	Archer	Armey
Bachus (AL)	Baesler	Baker (CA)
Baker (LA)	Ballenger	Barcia
Barrett (NE)	Bartlett	Barton
Bateman	Bentley	Bereuter
Bevill	Bilbray	Bilirakis
Bishop	Bliley	Blute
Boehner	Bonilla	Brewster
Brooks	Bryant	Bunning
Burton	Buyer	Callahan
Calvert	Camp	Canady
Castle	Chapman	Clinger

Coble	Collins (GA)	Combest
Condit	Costello	Cox
Cramer	Crane	Crapo
Cunningham	de la Garza	Deal
DeLay	Diaz-Balart	Dickey
Dingell	Dixon	Dooley
Doolittle	Dornan	Dreier
Duncan	Dunn	Edwards (CA)
Edwards (TX)	Emerson	English
Everett	Ewing	Fazio
Fowler	Frost	Gallegly
Gekas	Geren	Gillmor
Gilman	Gingrich	Glickman
Goodlatte	Goodling	Grams
Gunderson	Gutierrez	Hall (TX)
Hancock	Hansen	Harman
Hastert	Hayes	Hefley
Herger	Hobson	Hoekstra
Hoke	Horn	Houghton
Hughes	Hunter	Hutchinson
Hutto	Hyde	Inglis
Inhofe	Inslee	Johnson (CT)
Johnson (SD)	Johnson, E. B.	Kasich
Kim	King	Kingston
Knollenberg	Kolbe	Kyl
LaRocco	Lazio	Lehman
Levy	Lewis (CA)	Lewis (FL)
Lewis (KY)	Lightfoot	Linder
Lipinski	Livingston	Lloyd
Long	Lucas	Manton
Manzullo	Martinez	Matsui
Mazzoli	McCandless	McCollum
McCrery	McHugh	McKeon
McMillan	Michel	Miller (FL)
Molinari	Moorhead	Murphy
Murtha	Myers	Nussle
Ortiz	Orton	Packard
Pastor	Paxon	Peterson (FL)
Pickett	Pickle	Pombo
Pomeroy	Poshard	Pryce (OH)
Quillen	Quinn	Roberts
Rogers	Rohrabacher	Rose
Roukema	Rowland	Royce
Santorum	Sarpalius	Schaefer
Sensenbrenner	Shaw	Shuster
Sisisky	Skeen	Skelton
Smith (IA)	Smith (MI)	Smith (NJ)
Smith (OR)	Smith (TX)	Solomon
Spence	Stearns	Stenholm
Stump	Sundquist	Swift
Talent	Tanner	Taylor (MS)
Taylor (NC)	Tejeda	Thomas (CA)
Thomas (WY)	Thornton	Thurman
Torres	Traficant	Vucanovich
Walker	Waters	Williams
Wilson	Wolf	Young (AK)

Young (FL) Zeliff

NOT VOTING-42

Blackwell Collins (IL)

Collins (MI)	Coppersmith	DeFazio
Engel	Fields (TX)	Flake
Franks (NJ)	Gallo	Gejdenson
Hochbrueckner	Huffington	Istook
Johnson, Sam	Kaptur	Laughlin
Machtley	McCloskey	McCurdy
[*H5496] McDade	McInnis	Meehan
Mica	Mollohan	Montgomery
Obey	Oxley	Ravenel
Ridge	Romero-Barcelo (PR)	Sanders
Schiff	Scott	Slattery
Stokes	Swett	Tauzin
Washington	Weldon	Wheat
Whitten		

The Clerk announced the following pairs:

On this vote:

Mr. McCloskey for, with Mr. Mica against.

Mr. Sanders for, with Mr. McInnis against.

Messrs. DICKS, MINGE, WISE, and SAXTON changed their vote from "no" to "aye."

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The clerk will report the amendments.

The clerk read as follows:

Amendments offered by Mr. Lewis of California: Page 38, after line 21, add the following:

DEATH VALLEY NATIONAL PARK ADVISORY COMMISSION Sec . 208. (a) The Secretary shall establish a Death Valley National Park Advisory Commission, which shall have oversight and advisory responsibilities regarding the existing and expansion areas of the park and which shall advise on the development and implementation of the management plan required by section 209.

(b) The advisory commission shall-

(1) be operated under the procedures of the Federal Advisory Committee Act;

(2) be composed of representatives from major disciplines and uses within the Death Valley National Park;

(3) include an elected official of local government for the jurisdiction within which the park lies; and

(4) have membership from ranching, mining, and inholders groups.

(c) The advisory commission shall cease to exist ten years after the date of its establishment.

GENERAL MANAGEMENT PLAN Sec . 209. 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 Senate and the Committee on Natural Resources of the House of Representatives, a detailed and comprehensive management plan for the park.

Page 43, after line 2, add the following:

JOSHUA TREE NATIONAL PARK ADVISORY COMMISSION Sec. 308. (a) The Secretary shall establish a Joshua Tree National Park Advisory Commission, which shall have oversight and advisory responsibilities regarding the existing and expansion areas of the park and which shall advise on the development and implementation of the management plan required by section 309.

(b) The advisory commission shall-

(1) be operated under the procedures of the Federal Advisory Committee Act;

(2) be composed of representatives from major disciplines and uses within the Joshua Tree National Park;

(3) include an elected official of local government for the jurisdiction within which the park lies; and

(4) have membership from the ranching, mining, and inholders groups.

(c) The advisory commission shall cease to exist ten years after the date of its establishment.

GENERAL MANAGEMENT PLAN Sec. 309. 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 Senate and the Committee on Natural Resources of the House of Representatives, a detailed and comprehensive management plan for the park.

Page 53, after line 24, add the following:

MOJAVE NATIONAL PARK ADVISORY COMMISSION Sec. 416. (a) The Secretary shall establish a Mojave National Park Advisory Commission, which shall have oversight and advisory responsibilities regarding the existing and expansion areas of the park and which shall advise on the development and implementation of the management plan required by section 411.

(b) The advisory commission shall-

- (1) be operated under the procedures of the Federal Advisory Committee Act;
 - (2) be composed of representatives from major disciplines and uses within the Mojave National Park;
 - (3) include an elected official of local government for the jurisdiction within which the park lies; and
 - (4) have membership from the ranching, mining, and inholders groups.
- (c) The advisory commission shall cease to exist ten years after the date of its establishment.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendments 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, this is a straightforward amendment which creates local advisory commissions for the proposed new national parks in Death Valley, Joshua Tree, and the Mojave. I had originally planned to offer identical amendments to titles three and four of this bill establishing local advisory commissions at the proposed Joshua Tree and Mojave National Parks in addition to Death Valley. However, working cooperatively with the majority, I have decided to offer these amendments en bloc, in order to accommodate the Majority's desire to move this bill along more quickly.

As I previously stated, this en bloc amendment establishes the Death Valley, Joshua Tree, and Mojave Advisory Commissions with oversight and advisory responsibilities in existing and expanded areas of the new park areas. These Commissions shall advise the National Park Service on the development and implementation of the management plan required by section 209 of this bill.

The Advisory Commissions will be operated under the Federal Advisory Committee Act. It will be composed of representatives from major disciplines and uses within or adjacent each new national park. These Commissions will include an elected official of each area's local government. The Commission's membership will also include ranchers, miners, and inholders—those who own property within the boundaries of the national park. These Commissions would cease to exist 10 years after the date of their establishment.

S. 21 was amended in the Senate to establish an Advisory Commission for the proposed new Mojave National Park. However, Senator Feinstein 's language does not specify membership or make reference to the Federal Advisory Committee Act. Representative Lehman 's bill makes no reference to these Commissions whatsoever.

The Federal Advisory Committee Act, among other requirements, specifies "balance in points of view," as well as specifying operating procedures. I have decided to offer these amendments in order to assure that local governments have an effective voice in managing the proposed park.

If the Advisory Commission is a good idea for the proposed Mojave National Park, and is used for the adjacent administered lands, its concepts should be extended to other National Park Service units within the California desert.

Currently, planning for units of the National Park System is performed by a planning staff housed in the service's Denver center, and is not done by the local staff and managers who know the area best. National Park Service procedure does not provide for the empowerment of local

citizens and interests with a role in the planning process. The Advisory Commission should have a role in the development of management for the region.

This bill adds over 1 million acres to the Death Valley National Monument, yet, it does not provide for any general management plan for the area.

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It also adds over 200,000 acres to Joshua Tree-yet-it does not allow local participation. Finally, it creates a new 1.5-million-acre national park in the east Mojave without affording local government officials or affected citizens an opportunity to participate.

Supervisors from both Inyo and San Bernardino Counties strongly support the establishment of advisory commissions. I will, under leave to include extraneous matter, submit their letters supporting these commissions into the Record.

San Bernardino County supervisor, Marsha Turoci, states,

BLM management is by law and practice constantly open to public participation and influence. Conventional Park Service management is not; it is basically a back-room decision-making process, inaccessible to the public. This transition in management technique will be very frustrating to a southern [*H5497] California public that has been involved with the management of the California desert for over twenty years.

Supervisor Turoci goes on to say,

HR 518 must create a publicly involved decision-making forum, allowing both national and local input. An important part of that process must include an advisory council.

Supervisor Bob Gracey of Inyo County is also a strong supporter of this amendment. Because Inyo County is already over 95 percent federally owned-yes, over 95 percent federally owned-these local officials do want a say when the Federal Government grabs more of their land.

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

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

Mr. LEWIS of California. Mr. Chairman, can anyone object to empowering local officials and interests to having a stake in matters that affect them so directly? The National Park Service has shown that it is often not a good neighbor, particularly with adjacent cities and towns.

Can anyone object to the inclusion of persons and disciplines being represented which are nontraditional within the National Park System? The inclusion of ranchers, miners, local officials, and inholders will assure that these views are directly considered in the deliberations of these commissions.

The National Park System lacks any field advisory groups in these areas and has no history of working with them. This amendment would direct them to comply with the Federal Advisory Committee Act regarding appointments, balance, open meeting, agendas, and records.

My amendment specifically mentions local officials, miners, ranchers, and inholders because I want to ensure a balance in points of view as spelled out in the Federal Advisory Committee Act. The Federal Advisory Commission Act is fair. All points of view are equally represented.

The advisory commission idea is good. It should be extended to the proposed three new national park units created under this bill. Let us give local government a say in this process. This is an

amendment they asked for. Let us give it to them.

Mr. Chairman, I include for the Record the following correspondence:

County of San Bernardino

Board of Supervisors,

San Bernardino, CA, June 10, 1994.

Hon. Jerry Lewis,

House of Representatives, Rayburn Building, Washington, DC. Dear Jerry: The County of San Bernardino strongly supports your amendment to the California Desert Protection Act (HR 518), which would establish a permanent Advisory Council (or councils) for the East Mojave, Joshua Tree, and Death Valley, with membership representing local elected officials, grazing, mining, recreation resources, and scientific and academic expertise.

Thank you for your tireless efforts on behalf of our desert communities.

Sincerely,

Marsha Turoci,

Vice Chairman, Board of Supervisors.

County of Inyo

Board of Supervisors,

Independence, CA, June 10, 1994.

Hon. Jerry Lewis,

House of Representatives, Washington, DC. Dear Jerry: The County of Inyo resolutely supports your amendment to the California Desert Protection Act (HR 518), which would establish a permanent Advisory Council (or councils) for Death Valley, Joshua Tree, and the East Mojave, with membership representing local elected officials, grazing, mining, recreation resources, and scientific and academic expertise.

Your continued support of Inyo County is greatly appreciated, and we are committed to assisting you in your efforts on behalf of our desert communities.

Sincerely,

Robert W. Gracey,

Chairman.

AMENDMENTS OFFERED BY MR. VENTO AS SUBSTITUTES FOR THE AMENDMENTS OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. VENTO. Mr. Chairman, I offer amendments as substitutes for the amendments, and I ask unanimous consent that the amendments be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments en bloc offered by Mr. Vento as substitutes for the amendments en bloc offered by Mr. Lewis of California: In lieu of the matter proposed to be added to the bill by the amendment, add the following:

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.

In lieu of the matter proposed to be added to the bill by the amendment, add the following:

JOSHUA TREE NATIONAL PARK ADVISORY COMMISSION Sec. . (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.

In lieu of the matter proposed to be added to the bill by the amendment, add the following:

MOJAVE NATIONAL PARK ADVISORY COMMISSION Sec. . (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.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the Record .

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

There was no objection.

Mr. VENTO. Mr. Chairman, these amendments to the Lewis amendments have been worked out through consultations with the gentleman from California (Mr. Lewis). The National Park Service usually establishes informal advisory committees and there is [*H5498] understandably interest because of the expansion and new designation of these new national parks for a formal recognition of the local and expert concerns. My amendment would revise somewhat the provisions of the Lewis amendments, in essence to build upon the Lewis amendments, to make clear that these advisory commissions will be broad based so that the National Park Service will have the benefit of the full variety of views and expertise relevant to the development of new or revised comprehensive management plans for the Death Valley, Joshua Tree, and Mojave National Parks. Cooperation of the gentleman from California (Mr. Lewis) is noted on this matter, and I am pleased that we have been able to reach agreement on these amendments to his amendments. It is my understanding that their adoption will remove most controversy concerning this advisory committee establishment, and I urge their adoption and the adoption of the Lewis amendments as so modified.

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

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

Mr. LEWIS of California. Mr. Chairman, as the gentleman indicated, we have been consulting on this matter. I have no objection to the gentleman's amendment.

Mr. VENTO. Mr. Chairman, I thank the gentleman for his support.

Mr. Mc CANDLESS. Mr. Chairman, I move to strike the last word, and I rise in favor of the amendment.

Having not been privileged to the previous agreement, I am very pleased that it came forward. My concern, Mr. Chairman, was that the National Park System Center in Denver had the total responsibility for land use planning management, and that at the local level they had no field service groups or resources that would share with the them regional concerns, be they from the staff of the National Park Service or local members of government.

Denver is a long way from the Colorado and the Mojave Deserts, and I am very pleased that our subcommittee chairmen, the gentleman from Minnesota (Mr. Vento) and the gentleman from California (Mr. Lewis) were able to get together on this.

It is an important step forward and, as a former county supervisor in Riverside, I must say, in all candidness, land use planning is essential. If there is anyone who doubts this, there is an item called the California Environmental Quality Act which mandates land use planning for everything but Federal lands. This would be in conjunction with this.

I am pleased to see that this amendment is coming forward.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota (Mr. Vento) as substitutes for the amendments offered by the gentleman from California (Mr. Lewis).

The amendments offered as substitutes for the amendments were agreed to.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. Lewis) as amended.

The amendments en bloc, as amended, were agreed to.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The test of title III is as follows:

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 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.

The CHAIRMAN. Are there amendments to title III?

If not, the clerk will designate title IV.

The text of title IV is as follows:

TITLE IV-MOJAVE NATIONAL PARK

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 park;

(4) the **wilderness** within the Mojave Desert should receive maximum statutory protection by designation pursuant to the **Wilderness Act**; and [*H5499]

(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 PARK Sec. 402. There is hereby established the Mojave National Park, comprising approximately one million four hundred and forty-eight thousand acres, as generally depicted on a map entitled "Mojave National Park Boundary-Proposed", dated May 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.

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 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 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. 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. 1-4).

WITHDRAWAL Sec. 407. Subject to valid existing rights, Federal lands within the park, 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. 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.

GRAZING Sec. 409. (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.

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, which is located on lands included in the Mojave National Park, but outside lands designated as **wilderness** under section 501(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 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 park 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 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 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 Park, but outside lands designated as **wilderness** under section 501(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 501(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 501(3). Such activities shall be conducted in a manner which will minimize the impact on park 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 park. Such plan shall place emphasis on historical and cultural sites and ecological and **wilderness** values within the boundaries of the park. 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 park and shall be designed and located so as to maintain the primitive nature of the area and to minimize the impairment of park resources or ecological values. To the extent practicable, administrative facilities, employee housing, commercial visitor services, accommodations, and other park-related development shall be located or provided for outside of the boundaries of the park. 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 park. 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 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) 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 [*H5500] 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 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 park for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the park.

ACQUISITION OF LANDS Sec. 414. The Secretary is authorized to acquire all lands and interest in lands 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 the 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.

ACQUIRED LANDS BE MADE PART OF MOJAVE NATIONAL PARK Sec. 415. Any land acquired by the Secretary under this title shall become part of the Mojave National Park.

The CHAIRMAN. Are there any amendments to title IV?

AMENDMENT OFFERED BY MR. LEHMAN

Mr. LEHMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lehman : On Page 47, line 19, Section 410(a)(1), after "Southern California Edison Company," add "its successors or assigns,"

Mr. LEHMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment 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. LEHMAN. Mr. Chairman, I rise to offer an amendment to H.R. 518 that would make a technical and conforming amendment to the legislation. The technical and conforming amendment ensures that if the Southern California Edison Co. were sold to another company, the agreement reached with Southern California Edison and included in this bill will continue to be respected. The same consideration has been provided for other utilities included in this bill, and it is also included in the Senate version called S. 21.

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Mr. Chairman, I urge passage of the amendment. There is no objection to it.

Mr. MILLER of California. Mr. Chairman, we have no objection to the amendment. We accept the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Lehman).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

AMENDMENTS OFFERED BY MR. LAROCCO

Mr. LaROCCO. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc, since all but one are technical in nature.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. LaRocco :

-Page 43, line 43, strike "PARK" and insert "PRESERVE".

-Page 44, line 3, strike "park" and insert "preserve".

-Page 44, line 15, strike "PARK" and insert "PRESERVE".

-Page 44, line 17, strike "Park" and insert "Preserve".

-Page 45, line 9, strike "park" and insert "preserve".

-Page 45, line 24, strike "(a)" after " Sec. 406."

-Page 45, line 24, strike "park" and insert "preserve".

-Page 46, after line 3, insert the following:

"(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 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."

-Page 46, line 6, strike "park" and insert "preserve".

-Page 46, line 16, strike "park" and insert "preserve".

-Page 46, line 24, strike "park" and insert "preserve".

-Page 47, line 7, strike "park" and insert "preserve".

-Page 47, line 10, strike "park" and insert "preserve".

-Page 47, line 20, strike "Park" and insert "Preserve".

-Page 47, line 23, strike "park" and insert "preserve".

-Page 49, line 6, strike "park" and insert "preserve".

-Page 49, line 11, strike "park" and insert "preserve".

-Page 49, line 14, strike "park" and insert "preserve".

-Page 50, line 4, strike "Park" and insert "Preserve".

-Page 50, line 7, strike "park" and insert "preserve".

-Page 50, line 18, strike "Park" and insert "Preserve".

-Page 50, line 21, strike "park" and insert "preserve".

-Page 51, line 5, strike "Park" and insert "Preserve".

-Page 51, line 8, strike "park" and insert "preserve".

-Page 51, line 15, strike "park" and insert "preserve".

-Page 51, line 17, strike "park" and insert "preserve".

-Page 51, line 20, strike "park" and insert "preserve".

- Page 51, line 22, strike "park" and insert "preserve".
- Page 51, line 25, strike "park-related" and insert "preserve-related".
- Page 51, line 26, strike "park" and insert "preserve".
- Page 52, line 4, strike "park" and insert "preserve".
- Page 52, line 13, strike "park" and insert "preserve".
- Page 53, line 3, strike "park" and insert "preserve".
- Page 53, line 6, strike "park" and insert "preserve".
- Page 53, line 9, strike "park" and insert "preserve".
- Page 53, line 12, strike "park" and insert "preserve".
- Page 53, line 18, strike "park" and insert "preserve".
- Page 53, line 25, strike "park" and insert "preserve".
- Page 54, line 2, strike "PARK" and insert "PRESERVE".
- Page 54, line 4, strike "Park" and insert "Preserve".
- Page 55, line 8, strike "Park" and insert "Preserve".
- Page 59, line 5, strike "**wilderness** or parks" and insert "**wilderness**, parks, or preserve".
- Page 59, line 8, strike "**wilderness** or parks" and insert "**wilderness**, parks, or preserve".
- Page 59, beginning on line 22, strike "parks and **wilderness**" and insert "parks, **wilderness**, and preserve".
- Page 59, line 25, strike "parks and **wilderness**" and insert "parks, **wilderness**, or preserve".
- Page 60, beginning on line 4, strike "parks and **wilderness**" and insert "park, **wilderness**, or preserve".

Mr. L a ROCCO (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the Record .

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

There was no objection.

Mr. LaROCCO. Mr. Chairman, basically my amendments pertain to 1.5 million acres known as the east Mojave, approximately 15 percent of the land mass covered by this bill.

In my opinion, Mr. Chairman, and in the opinion of many Members of this House, there is no defensible policy reason to close this area to hunting, as called for in this bill. My amendment does three things: It permits hunting now taking place in the east Mojave to continue, it allows the California Department of Fish and Game to stay involved and continue its extremely successful wildlife management program in the area, and it protects the east Mojave as a

national preserve within the [*H5501] jurisdiction of the U.S. Park Service.

Mr. Chairman, we passed a very similar amendment in 1991. We passed an amendment on the floor of the House, 235 to 193, and then the House went on to pass the amended bill, 297 to 136, so I think that this amendment should have a great deal of support here on the floor of the House today.

Mr. Chairman, this is a commonsense compromise to preserve hunting as a traditional use in the east Mojave while enhancing its status to ensure the protection of the resources of the area in a responsible way.

This area, Mr. Chairman, is currently a national scenic area managed by the BLM. Under my amendment this would be managed by the Park Service as a preserve. Mr. Chairman, hunting has always been permitted there in season, and in keeping with wildlife management policies. Under my amendments, the California Fish and Game Department is to stay involved in the management of wildlife, just as in every other State. This is a States' rights issue as well.

Mr. Chairman, the east Mojave is a significant hunting area, quail, chukar, dove, and rabbit hunting in particular, and there is also deer and sheep hunting.

Mr. Chairman, the California Fish and Game Department shows approximately 178,000 hunter days in 1992, and that does not include hunting for deer and sheep. We all know that in Dear Colleague letters and in comments back and forth, that these figures have been attacked, but I just want to tell my colleagues that these hunting days that have been documented back in 1992 at 178,000 are predominantly in the east Mojave area that would be protected under my amendment.

Mr. Chairman, these estimates on the hunter days are based on the same accepted standards used by Federal and State agencies throughout the United States. The permits for the limited sheep hunting are auctioned and have brought in approximately \$ 500,000 over 7 years to a dedicated account. Under the active management of the California Department of Fish and Game, this herd is actually growing.

Mr. Chairman, I could go through the days of hunting that are attributable to various species: For example, dove, it is 23,000 hunter days; quail, 37,000; chukar, 5,000; jackrabbit, 11,000; for coyotes, 3, 000; and for deer, 19,000 hunter days.

Mr. Chairman, a very significant and important part of my amendment that is in the bill or in the amendment says, and I am reading from the bill here, "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."

So really, Mr. Chairman, what we are giving the ;Secretary is the ability to suspend hunting in that area when he feels that in emergencies there should be a closure, and this would be pursuant to a subsection that could be put into effect only after consultation with the appropriate State agency having responsibility for fish and wildlife in that area.

Mr. Chairman, let me say to my colleagues that there are many groups that support this amendment: The California Department of Fish and Game; the Wildlife Legislative Fund of America; the International Association of Fish and Wildlife Agencies; the North American Foundation for Wild Sheep; the California Outdoor Sportsmen's Coalition; the United Conservation Alliance; the Isaac Walton League, in California and other chapters around the country; and the California Wildlife Federation; the Western Association of Fish and Wildlife Agencies, and that is made up of all State fish and game agencies of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

Mr. Chairman, I just want to say that the designation as a preserve points out that this is a 20-year-old tool. Somebody may ask, my colleagues may ask, "Who came up with this idea?" The answer is that we did. We in Congress came up with this preserve hunting in certain areas where there were conflicts, where we wanted to provide for the traditional uses in these areas, and it works. The national preserve designation was created by Congress in the 1970's. The fundamentals are identical, whether it is a park or a preserve.

Mr. Chairman, many people will attack this amendment today and say we have degraded the status from a park to a preserve, but really, Mr. Chairman, it is not degraded, and the Park Service protects this area and manages the area very much in the same manner as they would in a park.

Mr. Chairman, we have provided for preserves in the creation of the Big Thicket National Preserve in Texas and the Big Cypress National Preserve in Florida. Since that time, we have authorized 12 additional preserves in 3 additional States.

The CHAIRMAN. The time of the gentleman from Idaho (Mr. LaRocco) has expired.

(By unanimous consent, at his own request, Mr. LaRocco was allowed to proceed for 1 additional minute.)

Mr. LaRocco. In conclusion, Mr. Chairman, I just want to make the point that there have been 12 additional preserves in 3 additional States, most notably, Alaska. Everyone in the body, all of our colleagues, have gotten this list. There has been no suggestion that these preserves have compromised the management of the area.

I think, Mr. Chairman, that we should move along and accept this amendment. I think it is a common sense amendment. Where I come from in Idaho, we want to preserve hunting out in the West. I think we should move this bill forward and do it, but protect those resources and protect our rights, and the hunting availability that is there now, remembering all along that the California Department of Fish and game is going to establish those bag limits and those seasons in those areas, and it protects the resources and allows hunting to continue.

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

Mr. Chairman, this stands the whole concept of designation of this national park in California, in the Mojave, on its head. Quite candidly, for a long time our Nation has been struggling to designate the different great desert types in North America as areas of parks. We have the Chihuahuan, the Sonoran, the Great Basin, and finally now a proposal before us to make a real park out of the Mojave National Desert, the Mojave National Park. The fact is that hunting basically will significantly modify the reasons for which we might set aside this national park. It impacts on the life forms, the fauna and flora that are in that park, if we hunt.

It is interesting to recognize, Mr. Chairman, that certain species tend to dominate a vegetative type. In fact, their selection and consumption sets really one of the patterns on the landscape. It is one of the balances that creates the type of desert community that might exist here. This area right now today, because it is hunted in, is not significantly like it would be.

Mr. Chairman, the fact is this preserve designation degrades the proposed park designation. Where it has been used, it has not been used to always provide for hunting. Sometimes it is like in the Big Cypress, because of oil drilling that goes on there. I think we ought to look at the reason for such designation-not all relate to sport hunting.

We have instances in the Grand Tetons where, because of an elk population situation, that there is a permit and an opportunity to do some hunting, or in a flyway, or the Hagerman Fossil Beds,

but these are special and unusual instances. Here in the California desert we are talking about a vast area of 1.5 million acres that we are trying to keep in as natural a condition as we can.

Mr. Chairman, when we look at the types of game species that are of most interest to sports hunters, that is, the desert bighorn, there are only about four or five harvested a year, depending on who bids for the permits and how they are given out, and there are less than 30 deer that are harvested in this area.

Mr. Chairman, it is true that there are a lot of birds and rabbits hunted in the desert. There is also, I think because of the nature of the season, an open period where we can go into any of these areas where there is hunting and, sadly, find a lot of things shot up [*H5502] which should not be, not the least of which are, of course, many of the signs that identify various sites.

It is the nature of people without supervision when the National Park Service is not always there to manage, but when we give someone a semiautomatic .22, too often they do not conduct themselves in a commendable and proper manner. It happens. I am certain all of us can visualize circumstances in our own areas where we, and I know myself, as an active hunter, have seen that type of phenomenon occur of plinking at many available inappropriate targets.

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Mr. Chairman, the fact is that the issue is not whether we support or oppose hunting. That is not the case here. It is a question of whether or not we ought to have a true full fledged park. The issue is how Federal lands should be managed in a unique area of the eastern Mojave where the three desert ecosystems meet, a special desert area not protected in the National Park System today.

It is true that several areas managed by the Park Service, as I said, have been designated as preserves and are open to sport hunting; but why is that? If we are talking about Alaska, we are often talking about subsistence hunting by Native Americans and by others who generally have no other easy access to food supply. But none of the existing preserves include vast desert lands, none include such marginal hunting opportunities, and none present such potential safety problems because of the conflicts between sport hunting and other uses.

California in this region specifically will have one of the highest uses of any national park. Outside of Alaska, as I said, preserves also have extensive inholdings. There are no inholdings in this or essentially very few. Preexisting uses like oil drilling do not exist in the Mojave. The Mojave has many fewer such conflicts which would justify some preserve status.

Mr. Chairman, life in the desert and the Mojave Desert is life on the edge. Desert species, including nongame species like the endangered desert tortoise, exist under severe conditions already. The stress of increased human use of the desert is already placing them in increased danger. It is ironic that many desert tortoise that are found as morbidity on the desert have bullet holes in them; not just a small number, but a significant number. I do not know if it came before or after the desert tortoise was dead, but the fact is I think it tells us something about the activities that take place in desert areas like the Mojave.

Sport hunting increases the pressure on all species, not just game species, while placing the east Mojave National Park off-limits to sport hunting will assist their eventual survival. The LaRocco-Lewis amendment will undercut this sound policy.

The nongame species may be varmints to some, but are a vital part of the complex web of desert life. A recent study showed that 30 percent of dead desert ;tortoise, an endangered species, had bullet holes in them.

The desert is big, but animal populations are small.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. Vento) has expired.

(By unanimous consent Mr. Vento was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, this is not prime hunting country. BLM records indicate that fewer than 30 deer and 5 bighorn sheep a year are taken.

Keep in mind, Mr. Chairman, that tens of millions of acres of adjacent BLM area will remain open for sport hunting. A Mojave National Park will not reduce significantly California hunting opportunities.

Any benefits of sport hunting in the east Mojave are outweighed by its costs, in real dollars and real dangers. National Park Service experience with preserves open to hunting shows that sport hunting causes serious safety issues. The fact of the matter is it costs the Park Service more to try to manage a park when they have this mixed type of use. The fact is in terms of dollars spent, in terms of safety and visitor experience, in terms of benefit for the nongame and game species, hunting simply should not be permitted. We should create a real park here. We ought to do the job and do it right and make the Mojave a national park.

The Senate in its wisdom, I think, kept the Mojave off-limits to hunting in the national park, in the Mojave, by nearly a 2-to-1 vote.

It is misleading to argue for hunting in the park and to maintain the preservation of the desert species. Some say that they do not want to lose another acre to hunting, but the fact of the matter is we have to be mature enough to react to new information and the facts which recognize what the needs and values of this great Mojave Desert species and reject the amendment of the gentlemen, Mr. LaRocco and Mr. Lewis.

Mr. HANSEN. Mr. Chairman, I rise in support of the LaRocco amendments.

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

Mr. HANSEN. Mr. Chairman, I rise in strong support of the amendment from my friend and neighbor from Idaho (Mr. LaRocco). The LaRocco amendment merely allows hunting to continue on 1.5 million acres of public lands-an area twice the size of the State of Rhode Island.

As ranking member of the National Parks Subcommittee, I questioned Mr. Aaron Medlock of the Fund for Animals at last June's hearing. He was the principal witness testifying against the LaRocco amendment.

I am intrigued why amendment opponents chose to be represented by a group that actively opposes hunting on all lands-public and private. When I asked Mr. Medlock if there were any exceptions to his group's opposition to hunting he replied, "I will just say that we haven't seen the exception yet."

I mention this to remind Members of the type of group they will be aligning themselves with if they oppose this amendment.

This amendment is supported by the National Rifle Association, the California Wildlife Federation, Quail Unlimited, California Isaak Walton League, the Wildlife Management Institute, and the Congressional Sportsmens Caucus. Rarely do we have a diverse coalition of prominent groups supporting a contested amendment before this committee.

The major point made against this amendment at the subcommittee hearing dealt with interpreting the California Department of Fish and Games's 1991 summary of wildlife

management data for the east Mojave. The allegation was that since this survey was for all of San Bernadino County, only 12 percent of the data applied to the East Mojave Park.

In an April 29 letter that I received from California Department of Fish and Game Director Boyd Gibbons, he stated,

The majority of the hunter use data we provided applies to the area of the east Mojave defined by the Desert Protection Act.

As a result, in 1991 there were at least 85,000 hunter days in the proposed East Mojave Park. These hunters harvested approximately 27,000 quail, 16,000 coyotes, 15,000 jackrabbits, 12,000 cottontail, and 10,000 doves. Those are certainly significant numbers in my opinion.

Mr. Chairman, the reason we have all this nitpicking on statistics and surveying techniques is because amendment opponents are without any sound arguments.

By designating this area a national preserve, we are following a long tradition established by this committee. One of the last major additions to the National Park System was the Little River National Preserve in Alabama in 1992 where hunting is permitted. Last year we expanded the boundaries of the Big Thicket Preserve in Texas where hunting is permitted. There are over 22 million acres of national preserves in this country, all of which allow hunting. Mr. LaRocco 's amendment is merely continuing this committee's tradition.

I urge my colleagues to support the right of America's 16 million licensed hunters to hunt on their public lands-lands owned by all Americans. Let us not allow a small, well-funded assortment of animal rights activists to lock out American hunters from their lands. Support the LaRocco amendment.

Mr. Chairman, the documents referred to in my statement are as follows: [*H5503]

State of California,

Department of Fish and Game,

Sacramento, CA, April 29, 1994.

Hon. Jim Hansen,

Longworth House Office Building,

Washington, DC. Dear Congressman Hansen: As I understand you will soon be considering action on S.B. 21, the Desert Protection Act, I am writing to reaffirm the California Department of Fish and Game's position on this bill. Our concerns are addressed in the attached letter to The Honorable Rick Lehman.

I would also like to clarify some of the information I previously provided. The majority of the hunter use data we provided applies to the area of the East Mojave defined by the Desert Protection Act. The estimates of hunger days come from two sources, big game tags and a hunter survey. Tags for deer and bighorn sheep tags are site specific and do not include data from the Colorado River or the San Bernardino National Forest. The hunter survey is based on information gathered on a county basis. Our field biologists have sorted through the data to eliminate any irrelevant data.

The number of hunter days was estimated using the same standards as used by the Federal and State agencies throughout the United States, thus allowing data to be freely exchanged between agencies. If a hunter hunts for both deer and quail on a given day, two hunter days would be

tallied: one for deer and one for quail.

I will be pleased to work with you in any way I can to assist in protecting wildlife and their habitats in this extremely important legislation.

Sincerely,

Boyd Gibbons,

Director.

State of California,

Department of Fish and Game,

Sacramento, CA, June 11, 1993.

Hon. Rick Lehman,

House of Representatives, Washington, DC. Dear Congressman Lehman, the California Department of Fish and Game is vitally interested in the protection of the southern California desert. For many years, our staff has worked with the public, land owners, and other State and Federal agencies to manage and protect the fish, wildlife, and native plants that live there, while increasing our scientific knowledge of the living desert.

I believe that your bill H.R. 518 offers a means to further safeguard the California desert, but I am concerned that neither our Department's important efforts at scientific research and managing wildlife be foreclosed nor the hunting public be shut out of this region we have historically used. This is particularly critical in the East Mojave and expansions of Death Valley.

Maintaining healthy wildlife populations in this desert environment requires active, not passive, management, and hunting is integral to that management. Protection for the desert should more adequately provide for compatible recreation and the management of wildlife. For these reasons we urge that the Bureau of Land Management (BLM) retain jurisdiction over the East Mojave and the Hunter Mountain/Last Chance Range expansions of Death Valley, or at a minimum you consider "National Preserve" status for these areas.

We have to gain access into the desert to benefit its habitat. Some natural springs have been damaged by concentrations of wild burros and invaded by salt cedar, a nonnative plant that consumes considerable water. Our Department has cooperated with the BLM and private organizations, such as off-highway vehicle clubs, environmental groups, private landowners, and hunting clubs, to restore and improve these springs and to build numerous rain catchment basins, or "guzzlers." These water sources are vital to all wildlife in the desert, to the game species that are hunted-deer, bighorn sheep, quail, and chukar partridge, for example-and to those that are not, such as neotropical birds, reptiles, and raptors. There are now 771 such water sites for wildlife in San Bernardino County, and their periodic repair requires heavy cement bags and equipment that cannot be carried in on foot. Much of this effort has come from volunteers and private donations that from 1969 to 1992 totaled more than 22,000 days of labor and materials worth nearly \$ 1.5 million.

Because of our active management in the desert, the bighorn sheep has come back from its low levels of the early 1900s to the viable population that Californians enjoy today. For the past twenty years, we have worked with the BLM, the military, and many private conservation and hunting organizations to build catchment basins to replace degraded springs and to capture bighorn sheep to reestablish populations in historical habitats from which they had long been gone.

The bighorn sheep population in the Old Dad Mountains of the East Mojave is our source stock for reestablishing sheep populations elsewhere in their historic range. From this productive herd we have captured and relocated more than 200 bighorn sheep safely, efficiently, and with minimum disturbance to the desert, because we have been able to use vehicles and helicopters. I am concerned that National Park **wilderness** status for the East Mojave could severely curtail what has been a real success story in bighorn sheep management.

I am also deeply concerned with preserving hunting in the East Mojave and elsewhere. Hunters in California may appear to have huge territories in which to hunt, but the reality of population growth and recreation demands in this State makes it increasingly more difficult for the hunting public to enjoy a day in the field. In the East Mojave and the Death Valley expansions into Hunter Mountain and Last Chance Range, where the imprint of hunters has been hardly noticeable and their contributions to wildlife considerable, hunters could be sealed off from a vast region in which hunting is compatible with desert preservation. The spirit of conservation must not be dampened by closing off these areas to hunting.

For decades this rugged country has provided the public with some fine upland game hunting-particularly quail, chukar, dove, and rabbit-as well as deer and, in recent years, bighorn sheep. The hunters, in turn, give a boost to local restaurants, motels, and gas stations. In the East Mojave, for example, upland game hunters have spent more than 110,000 recreation days annually. Because our management has helped bring back bighorn sheep, we have been able to offer some limited sheep hunting, the permits for which have produced more than \$ 500,000-all used to expand populations of bighorn sheep.

I want to assure you that the Department and the California Fish and Game Commission closely regulate hunting. Through hunting seasons, bag limits, big game permits, and the vigorous enforcement of all hunting laws and regulations, we help insure conservation of both wildlife and the privileges of the hunting public.

Certainly the more difficult hurdle both for hunting and our Department's ability to continue scientific study and manage wildlife there is the placing of the East Mojave and the Hunter Mountain/Last Chance Range expansion of Death Valley under the jurisdiction of the National Park Service (NPS) rather than the Bureau of Land Management. Through tradition and law, the NPS has excluded hunting in the National Parks and not looked favorably upon active State wildlife management of lands under its jurisdiction.

It is my understanding that Congress has made exceptions to this, however, in the NPS category of "National Preserves." While we would prefer that jurisdiction of the East Mojave **wilderness** and of the Hunter Mountain/Last Chance Range expansions of Death Valley remain in the BLM, I would urge that you consider "National Preserve" status as a possible alternative, with explicit language that preserves hunting and our continued access for carrying out our responsibilities for scientific research and wildlife management. In all BLM **wilderness** areas, we need similar language to guarantee our access to conduct research and manage wildlife.

I do want to reassure you that this Department is dedicated to protection of the desert ecosystem. Continued hunting in, and this Department's access to, this region is in harmony with that important goal.

I will be pleased to work further with you and your staff to ensure the best ways to further wildlife conservation through this landmark legislation.

Sincerely,

Boyd Gibbons,

Director.

SUMMARY OF WILDLIFE MANAGEMENT RELATED DATE FOR THE EAST MOJAVE DESERT

It should be noted that largely because of the effects of the ongoing drought in this area, the following hunter numbers and effort are currently well below long term averages. With the recent rains, we should expect a stable, if not increased, number of hunters and days.

SEE HARDCOPY TEXT FOR TABLE DATA

SEE HARDCOPY TEXT FOR TABLE DATA

The Inyo Mountains were included in Zone D-17 prior to the 1991 season. It was estimated that approximately half of the total 1,000 permits hunted in the current boundaries.

SEE HARDCOPY TEXT FOR TABLE DATA

Permits are required for the pursuit of deer, bighorn sheep and bobcats. The money generated from the \$ 5 non-refundable application fee and the tag auctioned each year (\$ 70K, \$ 59K, \$ 40K, \$ 37K, \$ 42K, \$ 61K respectively and \$ 100K for next year) [*H5504] is placed in a dedicated account to be used exclusively for the research and management of bighorn sheep in California.

Designation of the East Mojave area as a park would eliminate all the hunter use of this area. In addition, it would prevent maintenance of critical wildlife water developments (guzzlers) that currently number more than 300.

Wilderness designation will not necessarily eliminate hunting, but due to the physiogeographical nature of the area, it would effectively restrict hunting to a very small part of the area. Current wildlife management efforts in this general area total approximately 35,000 man-hours annually. The bulk of this effort is provided by volunteers in coordination with the Department. This management work comprises largely habitat maintenance/improvement and wildlife inventory projects. Because of vehicle restrictions associated with **wilderness** designation, these efforts would for the most part cease.

Both **wilderness** and park designation would effectively (if not directly) eliminate efforts to restore wildlife populations.

Mr. MILLER of California. Mr. Chairman, I just wonder if we might get some indication about the length of time in debate, whether or not it is possible to have all debate on this amendment end in 40 minutes.

Is there any objection to that?

Mr. LaROCCO. Mr. Chairman, I do not have any objection.

Mr. LEWIS of California. Mr. Chairman, reserving the right to object, and I certainly do not want to drag this process out, but this is one of the most important amendments dealing with this whole subject area. I would be very hesitant on this one.

Mr. MILLER of California. Mr. Chairman, I understand that. That is why several Members have spoken.

I have looked around at who is on the floor and I think 40 minutes actually gives everybody the time they would be entitled to under the 5-minute rule. If the gentleman has an alternative suggestion, that would be fine.

Mr. LEWIS of California. I would suggest, Mr. Chairman, if we might, that we see how this goes under the 5-minute rule and if we find ourselves extending beyond the point of reason, than I would be happy to reconsider.

Mr. MILLER of California. That is fine, Mr. Chairman.

The CHAIRMAN. Does the gentleman from California (Mr. Miller) withdraw his request?

Mr. MILLER of California. Mr. Chairman, actually I was making an inquiry. I was not making a formal request. But the gentleman would object, so we will push on here.

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

Mr. Chairman, I rise today to speak in favor of the LaRocco-Lewis amendment to the California Desert Protection Act. Today, I speak as the Democratic cochairman of the Congressional Sportsmen's Caucus. The Sportsmen's Caucus is comprised of over 190 Members of the House with common beliefs such as:

Preserving and promoting the traditional rights of American citizens to hunt, fish, and pursue other outdoor activities;

Ensuring that America's sportsmen have reasonable access to federally managed public lands to enjoy these outdoor pursuits; and,

Supporting efforts to enhance multiple use wildlife and habitat management.

The LaRocco-Lewis amendment reflects these beliefs. Allowing hunting to continue to occur on the east Mojave Desert will have unending positive effects on the preservation of several species native to this area. The east Mojave is home to an overwhelming majority of California's desert bighorn sheep.

The desert bighorn population is growing today thanks to a cooperative program between the California Department of Fish and Game and wildlife groups such as Safari Club International.

Through the efforts of these programs, millions of dollars have poured into the conservation of this and other game species. These efforts also benefit nongame species and the habitat in which they live.

These programs existed and these dollars were spent on the promise that once the bighorn population has reached a sustainable level, sport-hunting will be allowed to occur. These efforts have paid off. Desert big horn hunting is currently occurring in this area as managed by California Department of Fish and Game.

The absence of hunting on the east Mojave means the absence of millions of dollars from the coffers of the California Fish and Game Department.

The absence of hunting means the absence of thousands of hours of volunteer work building water guzzlers and food plots.

The absence of hunting means the loss of over two-thirds of the bighorn permits offered by the State of California.

The loss of hunting on the east Mojave means the loss of 80-plus thousands dollars from the sale of each of California's auctioned permits.

The loss of hunting means the loss of value for every single animal found within the east Mojave.

Hunting gives an animal actual economic value-with that value comes protection. A hunter protects the livelihood of a species, just as a banker protects the livelihood of his assets.

The main reason wildlife is thriving in the desert area proposed for protection is because sportsmen have restored the habitat to support wildlife. The development of the Los Angeles area has tremendously hindered the migration of wildlife from the desert to natural watering holes.

Without the sportsmen's dollars to develop and maintain artificial watering devices, wildlife populations would be nowhere near the numbers they represent today. For example, 60 years ago, Congress gave Anza Borrego State Park and the Death Valley Monument areas full protection from hunting.

Consequently, the sheep population in these areas have declined by 70 percent. On the other hand, bighorn populations in the east Mojave doubled during the first 10 years of intensive management by the California Fish and Game Department in conjunction with the efforts of such conservation groups mentioned previously.

I urge my colleagues to support sound, scientific based wildlife management principles.

I urge my colleagues to support the wildlife and habitat of the east Mojave Desert.

I urge my colleagues to support the views and efforts of the California Fish and Game Department.

I urge my colleagues to support the LaRocco-Lewis amendment. I yield back the balance of my time. ;1510

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

Mr. BREWSTER. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I want to thank the gentleman for the leadership he has shown over the last many months as the chairman of the Congressional Sportsmen's Caucus.

I think the point that he has made, especially with respect to the relationship between hunters and conservation in the desert, is a critical relationship, and he has brought a number of organizations along with my great friend, the gentleman from Alaska (Mr. Young), to our Congressional Sportsmen's Caucus.

We have had the Wildlife, Unlimited group, Elk, Unlimited, the Wild Turkey Federation, which has helped to restore wild turkeys to almost every one of the States in which they originally existed.

We have brought back, because of hunters, the elk herds, which were to just a low of a few thousand animals at the turn of the century, to hundreds of thousands. We have brought back antelope to populations in excess of 500,000. We now have more white-tailed deer in America than when Lewis and Clark made their famous adventure.

That has been due to sportsmen, and I want to commend the gentleman for making that point. I know he comes from a family that hunts and fishes.

I think that is the last point: We need time for dads and sons and mothers and daughters in

California, families spending time together; everybody cannot go off to New Zealand to go on a fly-fishing trip when they get a little spare time. It is true some of the antihunting groups have said, well, you do not have many deer in the east Mojave anyway; you just have a few doves and rabbits and things like that.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. Brewster) has expired.

(At the request of Mr. Hunter and by unanimous consent, Mr. Brewster was allowed to proceed for 1 additional minute.) [*H5505]

Mr. HUNTER. If the gentleman will yield further, I say to my friend, the gentleman from Oklahoma, who has a hunting heritage in his own family, that small game a father and a son can pursue together, if you are a working person in southern California, just like if you are a working person in Oklahoma, the ability to drive 20, 30, 40 miles from your home and take your son or your daughter out and spend some quality time with them, teaching them the tradition of hunting, is a very valuable thing for American families.

Mr. BREWSTER. Absolutely.

Mr. HUNTER. I thank the gentleman for all the work he has put into this particular debate.

Mr. BREWSTER. The gentleman from California is quite right. I think the slogan is, "Hunt with them today, not for them tomorrow."

But I think also all of us realize the millions of dollars that go to protect wildlife come from licenses that sportsmen buy for hunting. Without those millions of dollars, there would be no protection for wildlife, and we would not have the wildlife we have in America today.

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

In spite of all the squawkings of the Chicken Littles we have heard, the creation of a national preserve in the east Mojave would set no precedent whatsoever.

The preserve designation, as we have heard previously, we established by Congress in 1970 to facilitate hunting and to provide for the conservation of wildlife under the jurisdiction of the National Park Service. The National Park Service currently manages over 22 million acres, not 2 million, Mr. Chairman, 22 million acres of preserves in Alaska, Florida, Alabama, Texas, and Louisiana.

I would remind my colleagues that this body passed a similar amendment, as we have heard earlier, back in 1991 on H.R. 2929. It has been, or it will be, said that the east Mojave is of little significance as a hunting area, since just a few deer are taken there annually. However, the east Mojave, as we have also heard, is rich in quail, doves, and chukar, which translates into thousands of hunter days in the area in question every year.

It will also be said that hunting cannot possibly be permitted in the east Mojave due to the abundance of threatened or endangered species which exist there. I would respond that hunting has taken place in the Mojave Desert as long as man has been present there.

Clearly the two are not incompatible since such species continue to be so prevalent in the region. Besides, we already have the laws on the books which deal with such matters. It is called the Endangered Species Act. I think most of my colleagues may be familiar with that.

Let me conclude, Mr. Chairman, by responding to a comment of the gentleman from Minnesota (Mr. Vento) about holes in signs shot by people, and desert tortoises shot in the shell.

One cannot excuse this kind of action. However, we have a human society, and that human society has its own mores and standards and values irrespective of whether traveling on a freeway or hunting in the desert.

I would comment that up to a certain age the desert tortoise's shell is very soft and vulnerable to crows and other types of animals with sharp beaks, and that those beaks can penetrate that soft shell of the younger desert tortoise. I am not saying that there have not been desert tortoises shot. I have seen them myself. But they are rare and far between.

For every one of those that a human shoots, there are probably 50, 60 or 75 that animals and other preys either dig out the shell with their claws or pierce the shell of a young desert tortoise by their beak which then terminates the life of that individual.

Mr. Chairman, I respectfully ask that we support this. It is a good way by which we can control and expand and manage the population of these areas as has been shown in the areas of Alaska, Florida, Alabama, Texas, and Louisiana, under the National Park Service program.

Ms. SCHENK. Mr. Chairman, I rise today in strongest opposition to the amendment offered by the gentleman from Idaho. I am proud to be one of the 112 cosponsors of the California Desert Protection Act. Designation of the Mojave National Park-which this amendment seeks to block-is a centerpiece of this legislation.

The LaRocco-Lewis amendment, Mr. Chairman, denies Americans their 53d national park. The lands of the Mojave deserve nothing less than the protection that national park status provides. The Mojave offers us all a wealth of natural beauty-spectacular vistas, mountain ranges, cinder cones, and the second highest sand dunes in the United States.

The Mojave also has a wealth of cultural resources. Remnants of our prehistoric ancestry are etched on its rocks-and even on the desert floor-in petroglyphs and pictographs. I am not speaking of a few artifacts. In the Mojave, there are 12,000 archeological sites.

Three administrations have gone on record in support of a Mojave National Park. We in California very much want the Mojave as a national park. Sixteen California counties and 36 cities have endorsed this bill and the establishment of the Mojave National Park.

The establishment of this park will be an economic boon to our desert communities as well, bringing as many as 2,000 new jobs and tourist spending estimated at \$ 55 million or more.

Mr. Chairman, I do not oppose hunting where it is appropriate. But it is not appropriate here.

Last month, Interior Secretary Babbitt sent a letter to Chairman Miller in which he delineated his strong opposition to the LaRocco-Lewis amendment. He wrote, and I quote,

The Department of the Interior wholeheartedly supports the establishment of the Mojave National Park as part of the California Desert Protection Act * * * only management as a national park by the National Park Service will protect this area's resources for all time.

Specifically addressing this amendment, Secretary Babbitt wrote,

I urge you and your colleagues to oppose such an amendment. Hunting is not compatible with a national park. NPS (National Park Service) responsibilities for protection of wildlife would enable the proposed park to function as a refuge for desert bighorn sheep and other wildlife species that would continue to be hunted on adjacent BLM or State lands.

But if Secretary Babbitt's position on this amendment might be considered predictable, let me point out that the establishment of the Mojave National Park is supported by 75 percent of

Californians. In fact my hometown newspaper, the San Diego Union Tribune, not known for its support for the present administration, has editorialized in favor of the Mojave National Park and in opposition to the LaRocco amendment. In the Tribune's words, hunting in the Mojave:

Is incompatible with a national park and would probably scare away visitors. Besides, there's very little hunting in that area, anyway. And millions of acres of nearby land in the desert remain open to hunting; there's no need to hunt in a national park.

Mr. Chairman, I urge my colleagues in the strongest possible way to vote no on the LaRocco amendment.

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

Mr. Chairman, I rise in strong support of the Lewis-LaRocco amendment.

Hunting has always been an important part of the east Mojave area. Hunters and trappers perform a vital service by managing game populations throughout this region.

I find it interesting that the opponents of this amendment claim that hunting will endanger a number of species in this area. Hunting has been allowed in the area for many years and the wildlife population is healthy, including the most productive bighorn sheep population in California.

Make no mistake about it, the opponents of this amendment want to limit hunters' access. They want to fire another shot in the "War on West." They want to fundamentally change the way public lands are managed in the West and continue to limit multiple use on Federal lands throughout the region.

This amendment is very simple. It is a commonsense approach that will protect the rights of sportsmen across the Nation.

Contrary to what the opponents say, this amendment would not expand hunting into areas where it is currently prohibited. It would not destroy [*H5506] the scenic beauty of this region or the wildlife living in the area.

In fact, the Western Association of Fish and Wildlife Agencies passed a resolution on May 18, 1994, supporting this amendment. These are professional land managers who have great respect for the land and work to protect wildlife across the West.

Mr. Chairman, I am tired of this Congress and the bureaucrats in Washington telling the people of the West how to live their lives. Hunting is an integral part of life in the West and plays an important role throughout the region.

It is time to stop the Federal Government from intruding into every part of our lives. The Lewis-LaRocco amendment is sensible and reasonable. It is an important vote for everyone who believes in limiting the power of the Federal Government to regulate our lives and interfere in our personal activities.

Support the Lewis-LaRocco amendment.

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

Mr. Chairman, I rise as a strong supporter of hunting, a strong supporter of the second amendment, and I come from a State that has a strong hunting tradition. But I think there is a place to hunt and there is a place to preserve national parks.

Mr. Chairman, let us establish a real park for the people-not a hunting preserve.

Hunting opportunities will still be available under H.R. 518-10 million acres of adjacent BLM lands would remain open to sport hunting.

Hunting creates serious safety issues-visitation to the Mojave National Park will be highest during the spring and fall hunting seasons.

Save the taxpayer half a million dollars a year: Law enforcement and other management costs are higher where hunting is permitted.

Conservation groups oppose this amendment: The Senate has already rejected hunting in the park. ;I do not oppose hunting. I oppose hunting only in an area such as the east Mojave that deserves protection as a national park.

H.R. 518 is the product of years of compromise on dozens of issues relating to the designation of several different areas of the California desert as national park and **wilderness** protection lands. I cannot support a further compromise such as the one my colleagues Mr. LaRocco and Mr. Lewis have proposed. Their proposal would gut a central provision of the bill by weakening the status of an environmentally sensitive area that is truly deserving of the highest status of protection.

Additionally, our colleagues who have sponsored this bill in the Senate, Senators Feinstein and Boxer , have pointed out that the cost of maintaining a preserve is higher than that of maintaining a park. A national preserve designation for the east Mojave would add \$ 500,000 per year to the cost of maintaining the area.

In debating the merits of this proposal, Mr. LaRocco has said that hunting is an important right which must be preserved in the east Mojave. Hunting is not allowed in the National Park System, so Mr. LaRocco has decided to downgrade the area to national preserve status, a condition he says is equal in protection although it allows hunting. I have always supported hunting in appropriate areas, but I question the sense of this attempt to demote environmental protection simply for the right of hunting in an area in which only minimal hunting has taken place. In fact, the amount of hunting on lands in the east Mojave is so minimal that the National Park Service has estimated that more deer are killed by motorists on the George Washington Parkway in urban northern Virginia every year than are taken by hunting in east Mojave.

For those individuals who desire to undertake hunting in the general area of the east Mojave, there are 10 million other acres in the California desert where hunting is already allowed. I think this fact alone precludes any need for the LaRocco-Lewis amendment.

The people of California have said in opinion polls that they want the east Mojave to be preserve as a national park even though that means hunting will not be allowed. And let me remind my colleagues that the administration opposes this amendment. Interior Secretary Babbitt opposes this amendment. The majority of the newspapers in California, both on the coast and in the desert region have editorialized against this amendment. No one with a stake in the future of the California desert supports this amendment. I urge "no" vote on the LaRocco-Lewis amendment.

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

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

Mr. VENTO. I thank the gentleman for yielding to me.

Mr. Chairman, I thank the gentleman for his statement of recognition. You know, the fact is any of us who do hunt knows that a week before deer season opens you see the deer all around and then after, a week after, you cannot find them anywhere. So the point I want to make is that the

reason that it is of concern is because wildlife species act differently when they are hunted and when they are not. And since the 1916 Organic Act, the Park Service was designated to provide some place where there would be a refuge, where you would have animals that would act in a natural way, that is, when they are not being hunted by people. And I think you have a whole different experience here in terms of people going into this Mojave area, one of the great desert areas, and preserving the species that are present here.

I thank the gentleman for this statement.

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

Mr. Chairman, I rise in strong support of the LaRocco-Lewis amendment being offered to the California Desert Protection Act. I am speaking in favor of this amendment because this proposed legislation is not just a California issue it is a national wildlife conservation issue. There is absolutely no scientific justification or logical argument for preventing hunting as part of the wildlife management program in the east Mojave Desert. In fact, it could do more harm than good. All one has to do is look around-there are plenty of instances where the antihunting/antigun crowd has kept hunting out of certain areas. What we have seen in many cases is an explosion of certain wildlife populations that has led to the detriment of the area and other wildlife populations. The antihunting/antigun crowd has used the age-old argument that hunting is an artificial means of population control that upsets the natural balance. This argument is simply not true and the exact opposite can be scientifically documented. Allowing hunters and sportsmen in the east Mojave would help the environment, and allow the continuation of the important work done by sportsmen for wildlife enhancement in this area, as well as continue to add to the economy through the purchase of permits, licenses and equipment.

Mr. Chairman, we would be setting a terrible precedent here if we lock up and deny hunting on this land. The radical left-wing preservationists continue to push their land management schemes through the Department of Interior and Secretary Babbitt's sympathetic ear. This is another attempt at their goal to lock up the West. Support LaRocco-Lewis and allow responsible, multiple-use policies on our public lands, which are owned by all of the people.

Mr. PETE GEREN of Texas. Mr. Chairman, I move to strike the requisite number of words.

(Mr. PETE GEREN of Texas asked and was given permission to revise and extend his remarks.)

Mr. PETE GEREN of Texas. Mr. Chairman, as a member of the Congressional Sportsmen's Caucus, I rise in strong support of the LaRocco-Lewis amendment and urge my colleagues to do the same.

Mr. Chairman, in the course of this debate, we have heard a great deal about conservation. We have also heard that somehow, passage of the LaRocco-Lewis amendment is not consistent with protection of our environment.

The fact is that sportsmen were and remain the first conservationist in this Nation. Sportsmen and women all around our Nation contribute billions of dollars and millions of hours of [*H5507] service to protect the environment that they love.

Specifically, in the area affected by this amendment, sportsmen have contributed over \$ 1 million and thousands of hours of volunteer work to develop water catchments to promote wildlife and enhance the habitat. Making the area a national park will destroy this cooperative working relationship between sportsmen and the State and place both game and nongame species at risk. Making the area a preserve as proposed by this amendment provides the protection from commercial development-like a park, but allows sportsmen to continue to participate in their conservation efforts. Additionally, making the east Mojave a national park will

be costly and taxpayers will be asked to contribute \$ 1.23 billion to make up for the lost contributions of sportsmen's time and money.

We have also heard quite a bit about the desert bighorn sheep. Because of the efforts of sportsmen, the wild sheep herd in the east Mojave is the most productive sheep population in the State. The relocation of stock from this herd has resulted in six new sheep populations around the State. Furthermore, an organization of sportsmen, the Foundation for North American Wild Sheep, has returned over \$ 700,000 to the California Department of Fish and Game for habitat enhancement, research, translocation projects and management of the sheep populations in California.

Mr. Chairman, as I stated earlier, sportsmen were the first conservationists in our Nation. And each year, they continue upon this legacy by not only paying their own way, but actively taking steps to improve the environment where they spend much of their time. However, by making the east Mojave a national park, we will seriously jeopardize this legacy, jeopardize the wildlife in this area, and cost the taxpayers a great deal in the process.

Do not let this happen; support the LaRocco-Lewis amendment.

1530

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

Mr. Chairman, hunting is undoubtedly the oldest sport in America, and it is a form of recreation enjoyed by millions of men and women.

In my area of southern California, urbanization and other forces have steadily reduced the number of locations where hunting is permitted, and it is becoming more and more difficult for hunters to find locations where they are allowed to enjoy their sport.

If passed in its current form, the California Desert Protection Act could reduce by millions of additional acres the amount of land on which Americans can hunt. I believe this would be a travesty.

As I travel throughout my district, I talk to many citizens who are avid sportsmen, and they are very concerned about this legislation. They view it as their right to hunt, fish and enjoy other outdoor activities, as long as they don't abuse those rights. They don't understand why hunting should be restricted in such a large area of undeveloped land-and frankly, neither do I.

America is a beautiful country-and we need to preserve that beauty. But, hunters are not the problem. In fact, hunters are among the strongest environmentalists in the country. They recognize that their sport, more than any other, depends on protecting the environment and the creatures that inhabit it.

I urge my colleagues to support the LaRocco/Lewis amendment which would designate the east Mojave area as a national preserve, rather than a national monument or a national park. It is a commonsense amendment which will improve this legislation.

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

Mr. Chairman, I rise in opposition to the LaRocco-Lewis amendment.

Changing designation of the Mojave National Park to the Mojave National Preserve to permit hunting is not necessary.

Under H.R. 518, a least one-half of existing habitat open to hunting will remain open upon

enactment.

The bill provides for hunting on 10 million acres of surrounding Federal lands within the 25 million acre California desert area.

In 1992, only 28 deer were killed in the proposed Mojave National Park-less than 1 percent of the approximately 30,000 deer taken in California.

More importantly, an overwhelming majority of Californians-75 percent-want a national park where hunting is prohibited.

Mr. Chairman, let us give Californians what they want. Oppose the LaRocco-Lewis amendment.

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

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

Mr. McKEON. Mr. Chairman, I rise in support of the amendment offered by my colleagues Mr. LaRocco and Mr. Lewis of California to change the designation of the east Mojave Desert from a national park to a national preserve. Designating the east Mojave as a preserve would help to ease the burden of absorbing California desert lands into the National Park System by ensuring a role for the California Department of Fish and Game in managing this area. While the east Mojave would still be transferred to the jurisdiction of the National Park System under the LaRocco-Lewis amendment, hunting activities which have always occurred in this area would be allowed to continue. In addition, the Secretary of the Interior, in consultation with the California Department of Fish and Game, will still have the authority to prohibit hunting in particular areas and can restrict hunting to particular times under this amendment.

I believe the LaRocco-Lewis proposal is a practical approach to reducing the increased costs and administrative requirements associated with managing these new lands. The east Mojave is a rugged area which is larger than some of our individual States, and any advocate of the National Park System should take time to stop and think about the impact that adding this vast desert area to the National Park System will have on the Park Service. As one of the Members in this body who represent the California desert, I believe that it is essential to support proposals which continue to allow the broad range of recreational uses which currently occur in this area. I urge adoption of the LaRocco-Lewis amendment.

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

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

Mr. CUNNINGHAM. Mr. Chairman, I have heard a lot of different comments today, comments that hunting kills the preserves. Well, quite the contrary. Hunters have built up the preserves and provide for many of the species, including the endangered species. I have not personally hunted deer or bighorn sheep there, but I have hunted quail, and chuckers and other game bird sports.

I had recently, and take reference, my colleagues, four Russian generals come into my office asking for money for the Soviet Union, and at the same time there was an article in the Union Tribune, my hometown paper, that said that these same Russians were now offering religious services in a factory, and I asked them why. The first general that spoke very good English said, "Well, Mr. Cunningham, I'm an atheist; I don't believe in religion. But when we were powerful in the Government, we wanted people beholden to one god and only one god. That was the god of Government. That is where we had control over every single individual's life."

Mr. Chairman, that is the direction that this Government is going in this country, whether it is

private property rights, which will be an issue of an amendment later on, whether it is hunting rights, whether it is acquisition of lands that cost great amounts of dollars. But the Government wants to control. It is time that the Government keep their hands off of the rights of the private citizen.

It has been said in here that individuals do not want to hurt hunting, they do not want to hurt those rights. Well, they do. I know specifically of water areas we have set up in the desert that have helped protect it. I heard that hunting is not compatible in this area. Since the time of Cro-Magnon man, Mr. Chairman, they have been hunting in this area, and all of a sudden [*H5508] bureaucrats, politicians that want to control lives of American citizens, are saying, "Hey, we don't want you to hunt there anymore. You have been doing it for millions of years, but this Congress right here, we are going to stop you."

1540

Mr. Chairman, that is wrong, because it is compatible. We have been hunting in that area since the beginning of time. And in my lifetime, my family and a lot of my friends' families have been using this area, in compatibility with the people that visit the Mojave Desert, without any risk of injury. No, I have never shot a desert tortoise or some of the other things. But we need to maintain the private rights and hunting rights for our American citizens. We need the support of this committee. A similar amendment was offered that was overwhelmingly supported by this body. I would ask my colleagues to support this.

Mr. LEWIS of California. Mr. Chairman, I rise in strong support of the amendment sponsored by my colleague the gentleman from Boise, ID, who serves on the Committee on Natural Resources, Mr. LaRocco.

Mr. Chairman, as my colleague has stated, our amendment is almost identical to the Marlenee amendment, which passed the House with overwhelming support, 235 to 193, when the 102d Congress considered this legislation. The LaRocco amendment creates a 1.5 million acre natural preserve in the east Mojave Desert which allows for hunting.

The gentleman from California, Chairman Miller, and my colleague, the author of this bill, the gentleman from California (Mr. Lehman), will argue that this amendment sets a precedent for hunting in national parks.

Our amendment does not create a national park; it creates a national preserve. This designation was created by Congress in the 1970's to facilitate hunting and provide for wildlife management under the jurisdiction of the Park Service.

I might mention to my colleagues that earlier it has been discussed that some 75 percent of the California public in a survey opposes this amendment. Well, I might suggest to my colleague from the San Francisco area that the most recent survey, taken within the region involved, the numbers are just reversed. Seventy-four percent of the people who live in, who understand, who love the desert, support this amendment and oppose those from the outside who want to tell people how to run their own desert.

The National Park Service currently manages over 22 million acres of national preserve areas in Alaska, Florida, Alabama, Texas, and Louisiana. Obviously, this amendment does not set a precedent.

National parks are normally reserved for areas that do not include roadways and utility lines, for example. The east Mojave involves thousands of miles of roadways and endless lines of utility corridors that are totally incompatible with normal park consideration.

The gentleman from Minnesota (Mr. Vento) argues that only a small percentage of Californians

hunt, and that hunting is on the decline. That is simply not the case. The amount of hunting in the east Mojave Desert is not on the decline.

The California Department of Fish and Game reports that sportsmen annually spend 178 thousand hunter days ; in the east Mojave pursuing quail, chucker, rabbit, coyote, bobcat, bighorn sheep, and deer. According to Secretary of the Interior Bruce Babbitt, if you look at my chart,

America's 40 million anglers and hunters have been the backbone of conservation in this country for nearly 60 years. Their monetary contributions have made possible the proper management of wildlife and its habitat and opened the way for millions of Americans to enjoy the great outdoors.

The gentleman from Minnesota (Mr. Vento), in a "Dear Colleague" letter, said, "Keep bullets out of our parks."

First, this amendment creates a national preserve. Second, my friends, there are absolutely no documented cases, none, of hunting in the east Mojave threatening the safety of anyone. In fact, of 300,000 recreational visits in the east Mojave, over 150,000 were hunting-related. Under the LaRocco amendment, hunting will continue in the east Mojave, safely, as it has for decades.

It is argued that a national preserve is more costly to manage than a national park. Once again, the opponents of this amendment have distorted the truth.

The management of hunting is a State prerogative, now administered by the California Department of Fish and Game in the east Mojave. The California Department of Fish and Game would continue to regulate hunting and cover its costs from license fees paid by hunters. The National Park Service would bear no costs greater than the minimal costs now borne by the Bureau of Land Management.

This amendment has broad-based support by a coalition of conservation and hunting groups. It is supported by the Congressional Sportsman's Caucus, the California Department of Fish and Game, the county of San Bernardino, the Society for the Conservation of Bighorn Sheep, the Wildlife Legislative Fund of America, the Safari Club International, the National Rifle Association, Quail Unlimited, and other groups. The list goes on and on.

It is argued that only a small number of deer are hunted in the east Mojave each year. On this point, opponents are somewhat correct. The desert really is not deer country, although it is legal to hunt them there and many hunters are successful hunting them in the east Mojave Desert. However, as I stated earlier, the area is rich with quail, chucker, jack rabbits, cottontail rabbits, dove, and bighorn sheep.

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

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

Mr. LEWIS of California. Mr. Chairman, in fact, a single bighorn sheep permit was auctioned off at approximately \$ 100,000. This revenue in turn has been used for conservation efforts in the area.

According to the California Department of Fish and Game, during 1992 hunters in the east Mojave bagged over 100,000 quail, 37,000 chucker, over 88,000 doves, 31,000 Jack rabbits, and 25,000 cottontails. This area is great for hunting these abundant species.

The reason the desert bighorn sheep population is so great in the area is because the environmental community, the hunters, the State, and the Federal Government, have formed an effective partnership for wildlife conservation.

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

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

Mr. HUNTER. Mr. Chairman, I think the gentleman is on a very critical issue here once again, and that is the fact that the conservation in the desert areas that has been undertaken, that has created watering holes for bighorn sheep, mule deer, hundreds of other species, including many nongame species, that conservation has been undertaken by hunters. And Desert Wildlife Unlimited, a group which incidentally supports this particular amendment, that is a group that goes out-and I talked to one of my constituents today on the House steps whose brother is out now in 114 degree weather-helping to build these watering holes and maintain these watering holes for desert bighorn sheep in the California desert.

All those conservationists just happen to be hunters, and they go out and they build these watering holes, even though they know there is no open season for bighorn sheep. They may never have a chance to hunt them in their lifetime, but they believe the hunting ethic, the great tradition of hunting in this country-as espoused by Aldo Leopold, the father of American conservationism, who was a hunter-which was you take something from nature and the **wilderness**, and you give something back.

What these people have given back is a great management plan and a great resource that has multiplied all of these wildlife populations. So the hunters are the conservationists, and they are the ones, as the gentleman said, with their dollars and their sweat and labor, who have turned the desert into a resource of wildlife.

I thank the gentleman for yielding.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for his contribution. The point the gentleman makes regarding what is really a public [*H5509] and nonprofit as well as a private partnership that has worked so well in the east Mojave, is endangered, indeed, by proposals within the bill before us.

In spite of that effective partnership, now Senator Feinstein and Chairman Miller and Mr. Vento want to break up that partnership that has been working extremely well, all because this is a big issue to a small band of well-funded environmental elites, who live and work nowhere near the east Mojave.

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

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

Mr. LEWIS of California. Mr. Chairman, the director of the California Department of Fish and Game, Mr. Boyd Gibbons, has sent letters to Mr. Lehman and Senator Feinstein which attest to the very issues that prompted this amendment.

For example, Mr. Gibbons states, "Maintaining healthy ;wildlife populations in this desert environment requires active not passive management, and hunting is integral to that management."

Mr. Gibbons also states, "Because of our active management in the east Mojave, the desert bighorn sheep has come back from its low levels in the early 1900's to the viable populations that Californian's enjoy today." And "I am * * * concerned with preserving hunting in the east Mojave." The "Spirit of conservation must not be dampened by closing off the east Mojave to

hunting."

Mr. Chairman, I am afraid that there is a severe lack of understanding by many in this body of the harsh terrain and type of activities which take place in the east Mojave.

For example, after Chairman Miller discharged the subcommittee markup of this bill and went straight to a full committee markup, Mr. Vento argued against this amendment. When referring to desert bighorn sheep Mr. Vento kept calling them dall sheep. Just to set the record straight, dall sheep are only found in Alaska and the Northwest Territories in Canada. That is approximately 2,500 miles from the east Mojave. That is an even further distance than Mr. Vento's home State of Minnesota and my district in southern California. However, desert bighorn sheep are present and hunted in the east Mojave desert. Obviously, dall sheep are not.

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

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

Mr. PACKARD. Mr. Chairman, it is the gentleman's district that we are talking about, the east Mojave Desert area. I drive through that area many times a year. I have rarely seen among the hundreds of thousands of people that travel through on the highways of the east Mojave Desert area, I have rarely seen them stop and get off the road and just view the beautiful natural scenery. They get off the road to do recreational things, to hunt, to do other recreational activities in the desert.

If we remove that use and restrict that area to where there is no more recreational activity, we will essentially close down the desert to the enjoyment of the people. I think hunting is an absolute must, if we are going to really make that useful to the people rather than simply isolate it and say they can no longer use that beautiful land.

Mr. LEWIS of California. Mr. Chairman, I thank my colleague for his contribution.

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

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

Mr. VENTO. Mr. Chairman, I suppose once in awhile common names do get confused. Obviously, I think the intent was understood. I think the import of the argument that I made is still very valid, that there should not be either of these, in particular, the desert bighorn sheep, an endangered species.

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

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

Mr. LEWIS of California. Mr. Chairman, responding to my colleague, I do understand that we do make mistakes from time to time and even trip over what our ideas might be. I was intrigued by the fact that earlier in his opposition statement, he suggested that even sometimes tortoise are found out in the desert with bullet holes in the shells or in them. In a previous statement in the committee, the gentleman suggested that it was maybe even more than that, stating that over 30 percent of desert tortoise are found dead in the desert with bullet holes in them in this particular area. That seemed a little strange to me.

After checking into the facts behind this, I found a 1986 Bureau of Land Management study titled "Incidence of Gunshot of Desert Tortoise." This study said that gunshot mortality of desert tortoise in the east Mojave is between 1.5 percent and 2 percent. That is a long way from 30 percent.

Indeed, the wildlife of the east Mojave has thrived as a result of the compact I described earlier, the partnership between public activity and that partnership that has worked so well with private sector interests, including the sportsmen of the country who live in, understand, and enjoy the desert. Today we are offering this amendment simply to allow them to continue that enjoyment and continue the contribution they are making to conservation.

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

Mr. LEWIS of California. I yield to the gentleman from Idaho.

Mr. LaROCCO. Mr. Chairman, I just want to say that I have enjoyed working with the gentleman from California on this amendment. I appreciate his hard work on this and the bipartisan nature of our teamwork on this amendment. I appreciate the gentleman's closing statements.

I was particularly intrigued with the last comments that the gentleman made on the tortoise and bringing out the many points that he has today during the debate. I want to thank the gentleman for his good work on this and his help.

Mr. LEWIS of California. Mr. Chairman, I certainly want to express my appreciation to the author of this amendment, the gentleman from Idaho (Mr. LaRocco), for his contribution. It has been a very, very positive working relationship.

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

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

Mr. VENTO. Mr. Chairman, the statement I was reading is actually from a study done by Sievers in 1984, in which of the dead tortoise found on BLM lands, 30 percent had bullet holes in them. Sievers is the author of this particular document. I would be happy to give the gentleman the reference in terms of this particular work that was done and the study that documents that particular situation.

Mr. LEWIS of California. Mr. Chairman, in response, I would suggest that maybe Mr. Sievers needs to spend a little bit of time in the desert because he obviously has not seen very many tortoise out there.

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

I rise in strong support of the LaRocco-Lewis hunting amendment to the California Desert Protection Act. Many of my constituents are sportsmen and women who cherish the opportunity for recreational hunting on the public lands, including those lands proposed for inclusion in the east Mojave Park.

Mr. Chairman, I am a member of the congressional sportsmen caucus, which supports this amendment. Our constituents play an integral role in wildlife management in all 50 States. Fishing and hunting license fees paid the freight for fish and game conservation activities. And as the gentleman from California (Mr. Lewis) has referred to, Secretary Babbitt himself has recognized the importance of America's fishermen and hunters calling them the backbone of conservation in this country for nearly 60 years.

This amendment has broad-based support by a coalition of conservation and hunting groups. It is supported by the congressional sportsmen caucus, California's Department of Fish and Game, the County of San Bernardino Society for the Conservation of Bighorn [*H5510] Sheep, Wildlife Legislative Fund of America, National Rifle Association, Quail Unlimited, Safari Club International, and others too numerous to mention.

Mr. Chairman, I would refer again to the backbone of conservation in this country for nearly 60 years. That is what Secretary Babbitt said, and that quote, in my estimation, says it all. I urge my colleagues to vote "aye" on the LaRocco-Lewis amendment.

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

My colleagues, I think we have had an excellent debate on this issue. I just wanted to say, before we go to a vote, that this is an issue that is very fundamental to the quality of life of literally hundreds of thousands of southern Californians.

Those people are Westerners who have in their families a tradition of hunting. Not all of them who are involved here, in fact, very few of them are wealthy people. They like the idea of being able to take their families out into what used to be the great open spaces of the West and spend some time with their sons, spend some time with their daughters, teach them how to shoot, talk to them a little bit about their values, a little bit about their heritage in the West and have kind of an enjoyable time without having to spend a ton of money.

These are people that cannot afford to go fly fishing in New Zealand or go whale watching down in Baja or do other things that many of the Members who oppose this amendment are quite capable of doing because they have the resources, the money to do it with.

This is a vote that is very important to working Californians. The natural resources that are in the desert have been developed by hunters. Hunters are conservationists.

Father of American conservationism, Aldo Leopold, was a hunter. He believed that one could take from the land, that is, harvest, the wild game species, but they also had an obligation to give something back to the land. And the conservation groups like Quail Unlimited, Desert Wildlife Unlimited, the Society for the Conservation of the Bighorn Sheep, and all the other groups, the Safari Club, all the other groups that were mentioned in this debate today give back to the land. They give back to the species. They go out and they build guzzlers, these water holes out in the desert. ;1600

If people do not have money, Mr. Chairman, and many of these people in these groups do not have money to donate, they go out, give of their sweat, give of their time, they give of their family, they go out, carry some cement in bags, they try to give something to the desert.

Mr. Chairman, we in Washington, DC, are taking, we are taking a great recreational resource away from a lot of working Americans who love to go out and hunt in that desert with their families.

Mr. Chairman, I just want to urge all of the Members of the House to consider those of us who have these desert districts, to put themselves in our shoes and to think about our constituents, those families that do like to hunt, do enjoy being sporting families and enjoy being sportsmen and sportswomen. I just want them to consider our constituents, give them the same consideration that they would give their constituents.

Mr. Chairman, I would ask my colleagues to support the LaRocco-Lewis amendment.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment, and given the debate that has taken place, I think what has been made clear is that this is not an attempt to preclude working families or anybody else from the desert. This is to recognize that these lands are under increased and additional pressure every year from multiple use of those lands.

This committee has been a very strong supporter of the multiple use of those lands, but multiple use of the lands does not mean that every use can be allowed on every acre of land. The decision has been made because of the overwhelming support of the people of the State of California. As we said here earlier today, over 72 to 75 percent of the people in the State want this to be a national park without hunting, which allows 10 million acres, 10 million acres for people to continue to pursue hunting.

Programs are being inaugurated already for an alternative bighorn sheep hunting area this year in the Chocolate Mountains, where bighorn sheep hunting will be allowed. Permits will be granted to individuals to go there.

The fact is, Mr. Chairman, as more and more visitors come to this area, hunting at this particular time of the year is incompatible with the management of this as a national park. The people of California want a national park.

Mr. Chairman, this committee has created many national parks and many **wildernesses**, and in the area of the author of the amendment in Idaho, we have struggled with **wilderness**; in Utah we have struggled with **wilderness**; in California and Colorado.

One of the things we have tried to do, Mr. Chairman, is to make that compatible with the concerns and the needs of the people in that State. We have worked on water rights, we have worked on land use, we have worked on access, we have worked on all of those components.

Here we have the overwhelming number of the people in this State saying that they want the national park, not a preserve. There is nothing wrong with creating a preserve. It is just that the people of the State here want a national park and it meets all of the standards of the national park system for their creation of that park.

That is what we preserve in this bill, Mr. ;Chairman, and that is when the Senate confronted this issue and it went with the national park, along with the desires of Senator Feinstein and Senator Boxer. That is what most of our delegation wants. It is what most of the newspapers in the State want, and it is what most of the people in the State want, because we recognize that this is not incompatible with people's continuation of using this area for hunting. They will get ten times that. Ten times the amount of land that we are discussing here to make a park will be available for them to continue to hunt for the same wildlife that they hunt in this area.

The question is whether or not we will preserve the status of this area, the east Mojave, as a national park, the intent of this bill. I would hope people would reject this amendment. They should reject this amendment, because just as people on the other side of the aisle continue to stand up and talk about the increased cost, this really does add the cost. We think we can manage this as we transfer it from one Federal agency to another Federal agency, from the BLM to the National Park System, but now the National Park System tells us to manage it with hunting in that same area and it is about a half a million dollars a year in additional cost.

Mr. Chairman, Bruce Babbitt did not make those remarks about the East Mojave and about hunting, because he opposes that. He supports the national park. Secretary Babbitt supports that. I appreciate the quote, and the quote is quite accurate about the importance of hunters and sportsmen, but it did not pertain, it did not pertain to the east Mojave National Park.

Mr. Chairman, I would hope that my colleagues who are listening to this debate would understand the wishes and desires of the people of California. The Senate has already acted on this and chosen not to do this, and I would hope that we would reject this amendment and go with the committee bill, which creates and preserves the national park in the east Mojave.

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

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

Mr. BERMAN. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I rise in opposition to the LaRocco-Lewis amendment making the current East Mojave Scenic Area a national preserve rather than a national park, as provided by the bill.

For those of us who live in California's urban areas, the desert is our park. It is a place where we can get away from the fast pace of the city and enjoy the desert's unique tranquility and natural beauty. The desert is home to giant sand dunes, the world's largest Joshua tree forest and 750 species of [*H5511] wildlife, including the endangered desert tortoise and bighorn sheep.

The desert is a place where all Americans can see firsthand the traces of ancient civilization where people carved and painted cave walls and scratched beautiful drawings on the desert floor.

The Mojave deserves national park status: First, it meets all criteria for national park status specified in NPS management policies; second, Secretary Babitt has stated that "there is absolutely no question * * * that all these lands are park quality * * * and that the proposed Mojave National Park would be a very special addition to the National Park System," and third, Californians overwhelmingly support a Mojave national park with no hunting. To date, 16 counties and 36 cities representing more than 66 percent of the State's population are on record in support of H.R. 518. A February 1993 field institute poll found that nearly 70 percent of the respondents living in California's desert counties support the Mojave with no hunting as did 66 percent of the households with hunters.

Hunting should not be allowed in the Mojave:

First, national preserves cost more than national parks due to increased management and law enforcement requirements. Funding and staffing required to administer and patrol sport hunting and to monitor the impact on both wildlife and other visitors will drain resources away from the other important operations, such as maintenance and interpretation.

Second, the number of big game animals taken annually in the area proposed for the park is very small—approximately 5 desert bighorn sheep and 26 deer. More deer are killed by cars on the George Washington Parkway each year than in the 1.5 million-acre Mojave.

Third, the National Park Service has a longstanding policy of prohibiting hunting in the national parks. Currently 50 of 51 National Parks are closed to hunting—elk hunting, done by deputized park rangers, is permitted in Grand Teton National Park, WY—America's National Park System was created to protect the best and most unique lands America has to offer. Sport hunting has been judged to be incompatible with the resource preservation goals of national parks and with the pursuits of park visitors.

Fourth, there will continue to be abundant hunting opportunities in the desert under H.R. 518 on merely 10 million acres of Federal land outside the Mojave National Park, including the 4 million acres of Bureau of Land Management **wilderness** designated by this bill.

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

(By his own request and unanimous consent, Mr. Miller of California was allowed to proceed for 5 additional minutes.)

Mr. BERMAN. Will the gentleman continue to yield?

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

Mr. BERMAN. Mr. Chairman, I thank the gentleman for continuing to yield to me.

Mr. Chairman, in addition to the 10 million acres of Federal land, desert land outside the Mojave National Park, the State of California is opening new deer and bighorn sheep hunting areas outside of proposed park areas later this year. These will completely replace the hunting opportunities found in the proposed Mojave National Park.

H.R. 518 is one of the most significant pieces of environmental legislation to come before the 103d Congress, and I am proud to be a cosponsor. I commend my colleagues from California, Mr. Lehman and Mr. Miller; and Mr. Vento, for their tireless work in making this bill possible.

Again, I urge Members to oppose the LaRocco-Lewis amendment and to support final passage of the bill.

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

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

Mr. LEHMAN. Mr. Chairman, this is the essence of the issue before us: Are we going to create a national park in the east Mojave for the benefit of millions of people, coincidental with the wishes of the people of California, or are we going to pass the LaRocco amendment and create a hunting preserve?

Mr. Chairman, we did not bring this bill all the way to the floor today to create a hunting preserve. We brought it here to preserve the east Mojave as an important part of our national landscape and give it the protection that it deserves.

Mr. Chairman, all of the things that are being talked about here as far as hunting is concerned are allowed in all the rest of the portions of the desert and the **wilderness** aspects of this legislation. In fact, 80 percent of San Bernadino County, with this legislation, is still open to hunting. The fact is, we are going to have hunting over most of this region, with or without this bill.

Mr. Chairman, if we do not take this step today to preserve the east Mojave, there is no other east Mojave. We do not have that option with the east Mojave.

Mr. Chairman, we studied this issue carefully. ; Look at the numbers. The hunting that takes place in this region is very limited. Last year, as a matter of fact, 20 to 30 deer and 5 bighorn sheep were harvested out of the 1.5 million acres.

Mr. Chairman, we have a choice to make. Are we going to choose to set up a hunting preserve for that limited activity here, or are we going to protect this land for future generations by making it a national park? Are we going to make a full-fledged national park, here standing alongside all the rest of our treasures, or are we just going to have a hunting preserve in the east Mojave?

Mr. Chairman, this is an issue of hunting versus non-hunting. There will be plenty of hunting in the east Mojave in appropriate places, and the uses of the land in the vast majority of cases remain as they are today, but on this one little treasure of our American landscape we have decided here to elevate its status to make it a national park. Let us make it a full-fledged, real national park and let us not subject the 1 million visitors a year who are going to visit this place, according to the National Park Service, as opposed to the 300,000 who visit it now, subject them to the dangers inherent when these two types of activities co-exist this closely on that kind of property.

Mr. Chairman, there are plenty of places to hunt. We are not doing anything to detract from that. We are trying to create a national park out of one of America's greatest treasures here. This bill is not about a hunting preserve for a few, it is about a national park for the American people. Let us reject the amendment.

Mr. MILLER of California. Mr. Chairman, I thank the author of the bill for his comments, and I yield back the balance of my time.

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

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, this has been an interesting debate. Everything some people say about granting rights with 90 percent left for hunting, 80 percent, the truth of the matter is, we are taking away a right from a group of people and giving it to another group of people.

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All we are trying to do with the LaRocco amendment is to have the ability to manage fish and wildlife, not fish in the desert, no, but wildlife by the State.

The State supports this.

Mr. Chairman, it is so funny to me when I hear Members such as the gentleman from California (Mr. Miller), my good chairman, say 75 percent of Californians support this bill, that the polls show that we should support this bill, oppose this amendment and support the desert **wilderness** bill. That is funny. I listened to 75 percent of Alaskans oppose this Congress when they made parks, but at that time it was in the national interest. I heard this body ignore the rights of people in Utah and Nevada and Oregon and California that lived in those areas because it was in the national interest. Now I am hearing the same thing from Californians who say 75 percent of the Californians, yes, from San Francisco; yes, maybe from L.A., but not the people that are [*H5512] represented by the Members on this floor, no, they are not. They are not. The people oppose this legislation and they support this amendment. They support this amendment.

If Members really and truly believe, and I have said this so many times on the floor, in true representation and this form of government, they should be listening to those Members who represent those people in that area.

In all due respect to my good friend, the gentleman from Minnesota (Mr. Vento), he is not from that area. The gentleman from California (Mr. Miller), is not from that area, the gentlewoman from L.A. and the gentlewoman from San Diego are not from that area.

Yes, there are small parts of land, but the area we are talking about today, this amendment itself, is supported by every group in that area, including the State of California.

Is that not true?

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

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding, and I very much appreciate the point he is making, for we have come to the floor and bitterly complained at the lack of willingness on the part of this committee to be responsive to the five Members of

Congress who are elected to represent the desert. I was interested in noting that my colleague, the author of this measure, suggested we did not bring this bill to the floor to create a hunting preserve in the East Mojave. Indeed we did not. We brought this bill to the floor for many reasons. The author of the bill failed to mention the fact that there is a part within this bill proposed in the Death Valley National Monument that involves almost 2 million acres. There is a park proposed in this bill in the Joshua Tree National Monument that involves almost 1 million acres. The east Mojave is the least likely location for a park in that region. Three million acres of additional parkland is quite a bit when we are not providing any mechanism for funding. But in the east Mojave, we have got thousands of miles of roadway and endless utility lines. It is very unlike park status. This bill simply allows for reasonable and sensible multiple use in the east Mojave area and creates a preserve that does allow, among other things, the continuation of hunting and positive management in the region.

Mr. YOUNG of Alaska. The east Mojave, this amendment makes it a true multiple use area.

Let us not be confused with what is being presented by the chairman of this committee and the vice chairman of the committee in saying the whole bill makes a hunting preserve. We are talking about one small area that has always been utilized and has been improved upon by the hunting efforts in that area.

It is crucially important, my colleagues, to support the LaRocco-Lewis amendment. If Members truly believe in representation in government, support this amendment. If Members believe in big Government, if Members believe in Big Brother, if Members believe that this Congress from the east coast knows what is best on the West, then vote against it.

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

Mr. YOUNG of Alaska. I gladly yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I appreciate the gentleman yielding. In my subcommittee of the Committee on Appropriations which is the Subcommittee on Interior, Secretary Bruce Babbitt when we were addressing the budget for the operation of the National Park System of this country was complaining because of the shortages of funds and the fact that we may have to cut back in services in our existing national parks. In jest, he said, "We may have to close down the Washington Monument for a few days out of every month in order to pay for the existing services in our national parks."

The question that comes to my mind and that I asked him at the time, why, then, would we want to create three new parks in the desert of California when we have not the funds to operate the existing parks?

There is no question in my mind that the operational costs of these three new national parks will take money away from national parks, in many other States throughout the country.

The CHAIRMAN. The time of the gentleman from Alaska (Mr. Young) has expired.

(By unanimous consent, Mr. Young of Alaska was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Alaska. Mr. Chairman, may I stress again, it is the right, and the gentleman brings up a very valid point, the right of the States to manage fish and game. Every State in the Union has that right. That is the constitutional law, until it is created into another area such as a national park.

This is not going to cost the Park Service any more money . The State of California which supports this amendment will, in fact, put out the money if there is any additional money for the management of game in these areas.

Mr. Chairman, this is an important amendment to preserve the area for hunting and for the management of fish, management of game, and I keep saying fish because we have that in Alaska, management of game that we have this LaRocco-Lewis amendment to maintain the east Mojave as an area that has been improved by the hunters. We must support this amendment. It is the correct thing to do. It does not do great damage to the rest of the bill as some Members may suggest.

Again I want to stress it is no more cost to the Park Service, although these new parks will cost an additional amount of money and we do not have the money for new parks at all.

Mr. L a ROCCO. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Idaho (Mr. LaRocco) is recognized for 5 minutes..

There was no objection.

Mr. L a ROCCO. Mr. Chairman, I will be closing the debate on this important amendment, but I want my colleagues to know on both sides of the aisle that when I drafted this amendment, I did not take that task lightly. What I was after in drafting this amendment was the protection of the resource and the protection of our traditional values and our traditional uses in this area.

I looked at the actions of this House and the 102d Congress where we passed a similar amendment and we did the same thing, and I think we strengthened the bill, we brought in bipartisan support and we supported the bill in the final analysis and passed the bill out of here and sent it to the Senate with 297 aye votes. One of those was mine. But as I looked at the bill, I said, what we can do if we just try harder is that we can protect a resource and protect the traditional uses in the area. So when the bill came up again, I looked at the Marlenee amendment that passed in the 102d Congress and I said, "I think we can do better."

Mr. Chairman, we talk about preserves and parks, but what I am talking about is protection. In no way is this amendment intended to degrade the use or the ;protection of that area or the management of that area.

If Members look at where the management is right now, the present status is a national scenic area. As adopted in 1991, it went up a poke to the national monument and it was managed by the Park Service as we passed it out of here. My amendment would protect it under the Park Service as a preserve. It is in no way intended to be a gutting amendment. It is intended to protect our traditional rights and uses in the area and also put it under the protection of the Park Service.

Mr. Chairman, let me just reiterate what we do here with this amendment. It permits hunting that now takes place to continue. It continues traditional uses. Is there anything wrong with that? We do that around here all the time. The gentleman from Alaska is exactly correct. Why should we erode those rights and the values that people in California, from all over the Nation, support and experience?

Second, it allows the Department of Fish and Game of California to stay involved and continue its extremely successful wildlife management program in the area. It is called States rights. It is called States rights. Who in this body would not want to get on this floor and support States rights, especially with the California Department of Fish and Game?

[*H5513]

It protects the area as a national preserve and puts it under the jurisdiction of the U.S. Park

Service.

We have talked a lot about what the resources are here and whether people hunt in California or whether they hunt more or they hunt less. Let me just read a letter, my colleagues, from the Director of the California Department of Fish and Game.

He said, "Hunters in California may appear to have huge territories in which to hunt, but the reality of population growth and recreation demands in this State makes it increasingly more difficult for the hunting public to enjoy a day in the field," with their families. "In the East Mojave and the Death Valley expansions into Hunter Mountain and Last Chance Range, where the imprint of hunters has been hardly noticeable and their contributions to wildlife considerable, hunters could be seated off from a vast region in which hunting is compatible with desert preservation."

Mr. Chairman, there is an interesting word that starts with a "p." It is another protection word. It says preservation, stated by the Director of the California Department of Fish and Game, that it preserves the wildlife in that critical area.

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Let me read to my colleagues here the language that I so carefully put into this amendment that gives the Secretary of the Interior authority. My amendment states:

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.

What is wrong with that? That makes sense. It makes common sense.

Those of us from the West who have seen our rights eroded by our own actions, which is unacceptable, or by bureaucratic actions, we must take action today.

The gentlewoman from Nevada stated the number of people and groups supporting this. I will not go through that. Let me just summarize by saying this: This upgrades the status of the east Mojave from a national scenic area and BLM management. It upgrades it. It does not downgrade it. It upgrades it. It protects the resource. It allows hunting to continue. That is the purpose here. It allows effective wildlife management to continue. It protects States' rights, and it avoids setting precedent.

It supports the contributions of sportsmen, and it has the backing of many groups. It has the backing of Democrats. It has the backing of Republicans.

I urge my colleagues on this vote to vote "aye" on the LaRocco-Lewis amendment. Protect these traditional rights. Protect the east Mojave.

MR. STEARNS. MR. CHAIRMAN, I RISE TODAY IN STRONG SUPPORT OF THE LAROCCO/LEWIS AMENDMENT TO THE CALIFORNIA DESERT PROTECTION ACT.

THIS AMENDMENT IS A TRUE COMPROMISE. IT USES THE NATIONAL PARK SERVICE'S DESIGNATION OF PRESERVE TO CONNOTE LANDS THAT ARE HELD WITHIN THE PARK SERVICE, BUT ARE NOT NATIONAL PARKS. BY CREATING A PRESERVE, WE ESTABLISH NEW PARK LANDS, BUT WE DO NOT DO SO AT THE SAKE OF MODERATION. A PRESERVE ENSURES THE CONTINUATION OF ALL RECREATIONAL ACTIVITIES WITHIN THE EAST MOJAVE DESERT, AS WELL AS, GUARANTEEING THAT HUNTING BE ALLOWED TO CONTINUE.

THE PRESERVE DESIGNATION WAS FIRST CREATED IN THE 1970'S BY THE HOUSE NATURAL RESOURCES COMMITTEE FOR THE BIG THICKET AND BIG CYPRESS NATIONAL PRESERVES IN TEXAS AND FLORIDA. SINCE THEN, THE PRESERVE DESIGNATION HAS BEEN EMPLOYED NUMEROUS TIMES. IT HAS PROVED TO BE A MOST SUCCESSFUL AND VALUABLE COMPROMISE FOR ALL INTERESTED PARTIES.

IN FACT, CREATION OF A PRESERVE, AS PROPOSED BY THE LAROCCO/LEWIS AMENDMENT, PROVIDES ALL THE PROTECTION FROM COMMERCIAL DEVELOPMENT-JUST LIKE A PARK, BUT IT ALLOWS SPORTSMEN TO CONTINUE THEIR PURSUITS. FURTHERMORE, PRESERVE DESIGNATION ALLOWS THE CALIFORNIA DEPARTMENT OF FISH AND GAME TO STAY INVOLVED WITHIN THE PARK AS THEY ALWAYS HAVE BEEN. THEY SUPPORT THE LAROCCO/LEWIS COMPROMISE, BUT DO NOT SUPPORT A NATIONAL PARK DESIGNATION.

WE NEED TO SUPPORT THIS COMPROMISE. THERE ARE NO RATIONAL REASONS TO OPPOSE THE LAROCCO/LEWIS AMENDMENT. IN FACT, THE ONLY EXCUSE FOR VOTING AGAINST THE AMENDMENT IS DISDAIN FOR HUNTING: A VOTE AGAINST THIS AMENDMENT IS A VOTE AGAINST HUNTING. THE ONLY DIFFERENCE BETWEEN THE NATIONAL PARK STATUS AND THE PRESERVE DESIGNATION IS HUNTING. IT PROVIDES FOR EVERYTHING THAT THE NPS WOULD DESIRE, BUT GOES FURTHER BY ALLOWING SPORTSMEN AND HUNTERS ALIKE TO ENJOY THE AREA. PRESERVE STATUS ALLOWS MORE ENJOYMENT OF THE TRADITIONAL USES OF THIS LAND.

I URGE MY COLLEAGUES TO SUPPORT THE LAROCCO/LEWIS AMENDMENT TODAY. IT PRESENTS A COMPROMISE THAT WE CAN ALL LIVE WITH.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Idaho (Mr. LaRocco).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were-ayes 239, noes 183, not voting 17, as follows:

(Roll No. 316)

AYES-239

Allard Andrews (TX)	Applegate	
Archer	Armey	Bachus (AL)
Baesler	Baker (CA)	Baker (LA)
Ballenger	Barca	Barcia
Barlow	Barrett (NE)	Bartlett
Barton	Bateman	Bentley
Bereuter	Bevill	Bilirakis
Bishop	Bliley	Blute
Boehner	Bonilla	Boucher
Brewster	Brooks	Browder
Bunning	Burton	Buyer
Callahan	Calvert	Camp

Canady	Castle	Chapman
Clinger	Clyburn	Coble
Coleman	Collins (GA)	Combest
Condit	Cooper	Costello
Cox	Cramer	Crane
Crapo	Cunningham	Danner
Darden	de la Garza	Deal
DeLay	Diaz-Balart	Dickey
Dicks	Doolittle	Dornan
Dreier	Duncan	Dunn
Edwards (TX)	Emerson	Everett
Ewing	Fields (TX)	Ford (MI)
Ford (TN)	Fowler	Frost
Gallegly	Gekas	Geren
Gingrich	Goodlatte	Goodling
Gordon	Grams	Grandy
Green	Greenwood	Hall (TX)
Hancock	Hansen	Hastert
Hayes	Hefley	Hefner
Hilliard	Hoekstra	Hoke
Holden	Houghton	Hunter
Hutchinson	Hutto	Hyde
Inglis	Inhofe	Inslee
Johnson (CT)	Johnson (GA)	Johnson (SD)
Johnson, Sam	Kanjorski	Kasich
Kim	King	Kingston
Kleczka	Klug	Knollenberg
Kolbe	Kopetski	Kyl
Lambert	Lancaster	LaRocco
Leach	Levy	Lewis (CA)
Lewis (FL)	Lewis (KY)	Lightfoot
Linder	Lipinski	Livingston
Lloyd	Lucas	Machtley
Manzullo	Martinez	Mazzoli
McCandless	McCollum	McCrery
McHugh	McInnis	McKeon
McMillan	McNulty	Mica
Michel	Miller (FL)	Minge
Molinari	Mollohan	Montgomery
Moorhead	Murphy	Murtha
Myers	Neal (NC)	Nussle
Oberstar	Ortiz	Orton
Oxley	Packard	Parker
Paxon	Payne (VA)	Peterson (FL)
Peterson (MN)	Petri	Pickett
Pickle	Pombo	Pomeroy
Portman	Poshard	Pryce (OH)
Quillen	Quinn	Rahall
Regula	Roberts	Rogers
Rohrabacher	Roth	Rowland
Royce	Sanders	Sangmeister
Santorum	Sarpalius	Sawyer
Saxton	Schaefer	Schiff
Sensenbrenner	Shaw	Shuster
Sisisky	Skeen	Skelton
Smith (IA)	Smith (MI)	Smith (NJ)

Smith (OR)	Smith (TX)	Snowe
Solomon	Spence	Spratt
Stearns	Stenholm	Strickland
Stump	Sundquist	Swift
Talent	Tanner	Tauzin
Taylor (MS)	Taylor (NC)	Tejeda
Thomas (CA)	Thomas (WY)	Thornton
Thurman	Traficant	Visclosky
Volkmer	Vucanovich	Walker
Walsh	Williams	Wilson
Wise	Wolf	Young (AK)
Young (FL)	Zeliff	

NOES-183

Abercrombie	Ackerman	
Andrews (ME)	Andrews (NJ)	Bacchus (FL)
Barrett (WI)	Becerra	Beilenson
Berman	Bilbray	Blackwell
Boehlert	Bonior	Borski
Brown (FL)	Brown (OH)	Bryant
Byrne	Cantwell	Cardin
Clay	Clayton	Clement
Collins (IL)	Collins (MI)	Conyers
Coppersmith	Coyne	de Lugo (VI)
DeLauro	Dellums	Derrick
Deutsch	Dingell	Dixon
Dooley	Durbin	Edwards (CA)
Ehlers	Engel	English
Eshoo	Evans	Faleomavaega (AS)
Farr	Fawell	Fazio
Fields (LA)	Filner	Fingerhut
Fish	Foglietta	Frank (MA)
Franks (CT)	Franks (NJ)	Furse
Gejdenson	Gephardt	Gibbons
Gilchrest	Gillmor	Gilman
Glickman	Gonzalez	Goss
Gunderson	Gutierrez	Hall (OH)
Hamburg	Hamilton	Harman
Hastings	Hinchey	Hoagland
Hobson	Hochbrueckner	Horn
Hoyer	Hughes	Jacobs
Jefferson	Johnson, E. B.	Johnston
Kaptur	Kennedy	Kennelly
Kildee	Klein	Klink
Kreidler	LaFalce	Lantos
Lazio	Lehman	Levin
Lewis (GA)	Long	Lowey
Maloney	Mann	Manton
Margolies-Mezvinsky	Markey	Matsui
McCloskey	McDermott	McHale
McKinney	Meehan	Meek
Menendez	Meyers	Mfume
Miller (CA)	Mineta	Mink

Moakley	Moran	Morella		
Nadler	Neal (MA)	Norton (DC)		
Olver	Owens	Pallone		
Pastor	Payne (NJ)	Pelosi		
Penny	Porter	Price (NC)		
[*H5514]	Ramstad	Rangel	Ravenel	Reed
Reynolds	Richardson			
Roemer	Romero-Barcelo (PR)	Ros-Lehtinen		
Rose	Rostenkowski	Roukema		
Roybal-Allard	Rush	Sabo		
Schenk	Schroeder	Schumer		
Scott	Serrano	Sharp		
Shays	Shepherd	Skaggs		
Slaughter	Stark	Stokes		
Studds	Stupak	Swett		
Synar	Thompson	Torkildsen		
Torres	Torricelli	Towns		
Tucker	Underwood (GU)	Unsoeld		
Upton	Valentine	Velazquez		
Vento	Waters	Watt		
Waxman	Weldon	Woolsey		
Wyden	Wynn	Yates		
Zimmer				

NOT VOTING-17

Brown (CA)	Carr	DeFazio
Flake	Gallo	Herger
Huffington	Istook	Laughlin
McCurdy	McDade	Obey
Ridge	Slattery	Washington
Wheat	Whitten	

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Messrs. PENNY, STUPAK, and JEFFERSON changed their vote from "aye" to "no."

Messrs. KIM, PICKLE, TAYLOR of Mississippi, and HILLIARD changed their vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bilbray:

Amend Section 402 (relating to Establishment of the Mojave National Park) of bill to read as follows:

" Sec. 402. There is hereby established the Mojave National Park, 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."

Mr. BILBRAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record .

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

There was no objection.

Mr. BILBRAY. Mr. Chairman, I also ask unanimous consent that the debate time allotted on this amendment be 10 minutes, 5 minutes on each side, to include my amendment and any amendments thereto.

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

There was no objection.

The CHAIRMAN. Without objection, the time for debate on this amendment will be limited to 10 minutes, to be allotted equally, 5 minutes on each side.

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

Mr. Chairman, this bill is a matter of compromise.

It has been over 5 years in the making.

This amendment recognizes valid mining claims that are part of the proposed Mojave National Park and one of the mining operations affected by this bill is Viceroy Gold.

My amendment would allow for the continued operations of the most environmentally sensitive mining operation in the world, Viceroy Gold.

Viceroy Gold has spent millions of dollars in developing and implementing its environmental remediation programs.

Viceroy has gone to great lengths to protect a threatened species, the desert tortoise.

Viceroy has purchased the 150,000 acre Walking Box Ranch and has created 50,000 to 60,000 acres of the best tortoise habitat in southern Nevada.

Viceroy has constructed a tortoise fence around the mine site.

Viceroy employs a certified biologist to assist with proper removal of this threatened specie.

These planned actions have resulted in a no jeopardy opinion by the Fish and Wildlife Service.

Additionally, the fully enclosed heap-leach process does not create ponds that might otherwise be harmful to migratory birds.

Viceroy has developed an experimental nursery in order to facilitate revegetation studies on plant materials and seed propagation.

Viceroy has also been stockpiling barrel cactus and Joshua trees for the revegetation program.

The Viceroy project is also recountouring the mined areas to blend with the surrounding terrain.

As a result of their efforts Viceroy has received the California Mining Association Technical Achievement Award that was supported by the Sierra Club legal defense fund.

Finally, Viceroy has also purchased and rehabilitated mines that pre-date their involvement.

In conclusion, it is my hope to pass this amendment in order to bring this bill in concert with the Senate version.

Mr. HANSEN. Mr. Chairman, we have looked at the amendment offered by the gentleman from Nevada (Mr. Bilbray). We feel it is a good amendment. We go along with it on our side. We do feel we should help the small miners as well as the large ones, and we feel this is a good amendment and would go along with the gentleman from Nevada.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. BILBRAY

Mr. MILLER of California. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Miller of California to the amendment offered by Mr. Bilbray : Insert "(a)" after "402." and add at the end the following:

(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.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment 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. BILBRAY. Mr. Chairman, I yield myself such time as I may consume.

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

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

Mr. MILLER of California. Quickly on my amendment, Mr. Chairman, it is compatible with the amendment offered by the gentleman from Nevada (Mr. Bilbray). This amendment deals with the Molycorp/Unocal Corp. The amendment removes 890 acres from the Mojave National Park to

remove mining claims and make park boundaries more manageable. In addition, Mr. Chairman, the amendment removed about 400 acres of patented lands from the park. My amendment also established a congressionally designated 2,950-acre dinosaur trackway area of critical environmental concern to protect the only known dinosaur tracks in California. The tracks are approximately 180 million years old. In exchange for the map boundary changes, Mr. Chairman, Unocal dropped 2,246 acres of mining claims, including 1,559 claims within the proposed Mojave National Park and 687 acres outside the proposed park.

Mr. Chairman, Unocal operates the Mountain Pass mine, the only rare earth mine in the United States. Approximately 235 people are employed by the mine, and the annual payroll exceeds \$ 10 million, and both provisions were included in the Senate bill, and I ask for the support of my amendment to the amendment.

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Mr. BILBRAY. Mr. Chairman, I would like to point out that this conforms the [*H5515] House bill to the Senate version, and sets the same boundary lines.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Lewis).

Mr. LEWIS of California. Mr. Chairman, I note that this amendment addresses itself to withdrawing lands that affect basically two corporations, Molycorp, as amended by Chairman Miller, and Viceroy Gold. While I have no opposition to withdrawing those lands, I would just note that throughout this bill, it seems where we made exceptions to certain interests, the largest exceptions have been to the very large. Molycorp is a very sizeable corporation. Viceroy Gold is as well. Catellus is given special advantage in this process relating to the California desert. Catellus is a land holding company for the Sante Fe Railroad. The Teachers Union gets special attention. I wonder why we do not give special attention to the small people, the small mine holder, the small land owner, in the Mojave. It is a point, Mr. Chairman, I thought I just should bring to the attention of the House.

Mr. BILBRAY. Mr. Chairman, I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Miller) to the amendment offered by the gentleman from Nevada (Mr. Bilbray).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. Bilbray), as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cunningham: On page 53, after line 24, insert the following:

SEC. 416. NO ADVERSE EFFECT ON LAND UNTIL ACQUIRED.

With the exception of lands owned by the California State Lands Commission and the Catellus Development Corporation, the owners of all lands acquired pursuant to this Act and the **Wilderness** Act or their designees shall be entitled to full use and enjoyment of such lands and nothing in the Act shall be-

(1) construed to impose any limitation upon any otherwise lawful use of these lands by the owners thereof or their designees.

(2) construed as authority to defer the submission, review, approval or implementation of any land use permit or similar plan with respect to any portion of such lands, or

(3) construed to grant a cause of action against the owner thereof or their designee, except to the extent that the owners thereof or their designees may, of their own accord, agree to defer some or all lawful enjoyment and use of any such lands for a certain period of time.

Mr. CUNNINGHAM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment 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. CUNNINGHAM. Mr. Chairman, the issue is that we understand that land can be taken by the Federal Government. But in the past, there are lands that have been tried to be condemned or taken by the Federal Government, and the Federal Government cannot pay for those lands. We are up to \$ 3 billion in back moneys that we need to buy the lands that we already have.

While that is happening, the person that owns the property goes onto a list, but yet they are still under the laws that prevent them from doing most things with their property.

There will be an attempt to offer an amendment to the amendment, and what it does, and I read, "With the exception" and all that follows and insert:

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.

What that does, any time there is a take provision for an endangered species or a take, it basically guts everything we are trying to do here.

I am offering this amendment on private property rights on behalf of myself and my colleagues, the gentleman from Louisiana (Mr. Tauzin), who cannot be here with us today, who had an excuse, the gentleman from North Carolina (Mr. Taylor), and all of us are accepting an amendment that protects the people that are having their lands taken away by the Federal Government. All we are asking for is they pay for those lands before those restrictions go on to them.

In California Desert Protection Act, there are over 7 million acres of **wilderness** and new natural parks, although most of the land is currently public land. There are 700,000 acres of private property, that would become inholdings within the national parks and **wilderness** upon enactment. Most of this private land you will find is a checkerboard pattern throughout the proposed parks.

There are now approximately 150,000 acres owned by small private owners. Just like my friend, the gentleman from California (Mr. Lewis), we do not want to take exception just to the large companies, but the small people. One hundred fifty thousand acres owned by individuals, ranchers, owners of private property, and, again, all we are asking is if the Government is going to take that land, that they pay for it. But right now the Government does not have the money.

Most of this land is within the proposed Mojave National Park. Unfortunately, these owners who do not have well-organized political lobbyists and did not get special treatment from the Congress, like the two largest land owners, the example of the gentlewoman from California in the other body, have not had the opportunity to have this come up. As a result, it could be years before their lands are brought before the Federal Government. The National Park Service already has a backlog of two to three billion, and I say billion dollars, Mr. Chairman, not million dollars, or a shortfall in funds that we already have that we cannot pay.

While those farmers and ranchers are waiting, they are subject to rules which keep them from doing anything with their property. For example, if they want to apply for a permit to put a new dwelling on it, they cannot do it. What this amendment does is it protects those private property rights so that when the Federal Government says we want your land, that is okay. But pay for it, and then those rules and regulations will be applicable, not during the long period in between.

It is a private property issue. Because of this massive land acquisition backlog and the fact that Congress typically underfunds the National Park Service, with the President wanting to reduce the deficit, there is no way we are going to be able in the future to pay for these lands. So, again, these landholders are going to be sitting in limbo and not able to use their land.

History shows these property owners' land is actually purchased by the Park Service. It just does not work.

Mr. Chairman, in the community of Foresta, CA, as an example, located within Yosemite National Park, was a scene when we had a terrible fire. When my dad was alive, we used to go up there every summer. But because of the fire, the National Park said to local landowners that had their property burn down, and they tried to rebuild, they were opposed every step of the way by the Park Service, which said that the development was not compatible ;with the purposes of the park.

The Park Service even fought the county, the zoning officials, which supported the rebuilding effort. I have a lot of examples, Mr. Chairman, but in the interests of time, we will not go through them. But time after time after time, it has prevented property rights and people that own their property from doing anything with that land.

I submit this with the gentleman from Louisiana (Mr. Tauzin) and the gentleman from North Carolina (Mr. Taylor) is in the best interests of the American people for property rights.

Let me share some important facts about the California program with you. California has over 1,000 candidates for listing of endangered species. This is also in effect. [*H5516]

Mr. Chairman, I ask for support of this amendment with my colleagues, the gentleman from Louisiana (Mr. Tauzin) and the gentleman from North Carolina (Mr. Taylor).

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. MILLER of California. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Miller of California to the amendment offered by Mr. Cunningham: In the matter proposed to be inserted by the amendment, strike "With the exception" and all that follows and insert: "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."

Mr. MILLER of California. Mr. Chairman, I would hope that the House would accept this amendment to the second degree, because I think in fact it carries out the intent that the gentleman from California (Mr. Cunningham) has, and many of us share, and that is as we change land classifications and land policies of Federal land, people who have private property, the inholders in those areas, sometimes are adversely affected.

1700

We have either chosen not to buy their lands or if we want to buy the lands, we do not have the money to buy their lands. Then we start muscling in on them with the bureaucracy to make the lands easier to acquire in the future, and that simply is unfair and should not be allowed.

I think that is what the gentleman from California is seeking to take care of. The problem with his amendment is it goes beyond that so that it eviscerates any laws on this impact.

Let me give my colleagues an example. One is dealing with mining in the park. We allow people to go forward and mine in the park under the mining-in-the-park regulations. Many of the mining operations that we have exempted will in fact go forward under mining in the park, new claims, if they are perfected, will go forward under mining in the park. This throws that out. There should be different rules for mining in the park.

The other one is, this also says where we have a generic law that does not allow you to bring hazardous waste, toxic waste on your property is as an end holder. This overrules that.

So what my amendment, and I say this is absolute good faith and agreement with the gentleman, says is that your will not be subject to the rules and regulations extended to those Federal lands. They cannot be extended to you as a private property landowner and you can continue to use your land according to the applicable laws which may be of the County Planning Commission or the local ordinances that you want to preserve. That is what this amendment says.

I see the staff scuttling around so if somebody has a different version, let me know. The fact is, that is what this amendment does. That is the intent, is to preserve that right of that individual, but not to far exceed.

The gentleman referred to the situation in Yosemite. Yosemite, because of its status as a first park and when it was done and so forth, they had exclusive right over all of the lands. That was granted to them by the Congress. If overrode the local jurisdictions. That is what happened there.

We do not do that any longer, and we should not do that because it is incompatible with people who have these end holdings.

I want to tell the gentleman, the problem is not ideological or an attitude. The problem is, I think the amendment goes far beyond because it also allows uses on that property, toxic waste is the big one, where we have a generic statute.

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

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

Mr. CUNNINGHAM. Mr. Chairman, I agree with the gentleman. I do not want to be able to put toxic waste, and I support that issue.

I would ask the gentleman from California, can we do that by striking the third paragraph of my amendment. It just says, "Construed to grant a clause of action against the owner thereof or their designee, except to the extent that the owners thereof or their designees."

I would say to the gentleman from California, paragraph 3, I think we could strike that and, with my amendment, and do the same thing.

Let me ask the gentleman, under this amendment, if I have a piece of private property as a rancher, am I allowed, because I am subject to the laws, am I allowed to build a building or something on that property with a permit?

Mr. MILLER of California. Mr. Chairman, yes, that was a discussion in the Senate. I agree with that, and that is the intent I think the problem is, again, I want to make the gentleman's concerns work. Let us understand, we are operating here on the same wave length.

On section 1 of your amendment, you say, "Construed to impose my limitation upon otherwise lawful use." The gentleman overrides the statute. Because that is a lawful use, we prohibit it on private lands within these parks, specifically with toxic and hazardous waste. The gentleman overrides that, we are told by the solicitor's office, because this generically is creating, these parks are now a preserve, creating these areas. So the gentleman, in fact, overrides that.

The other one, interestingly enough, comes from the objection of local agencies that believe that this infringes upon their local authority. What we try to say in my amendment to the gentleman's amendment is, let us make sure that we do not start bureaucratically creeping out and imposing these restrictions on people's private property, whether they have a house or a farm or they want to add on a bedroom, whatever they want to do. That was, again, the debate that was going on around here, that they have a right to do that. Let them go to local planning or abide by State and local laws. That is it. That is my amendment, and I will be glad to work with the gentleman.

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

(On request of Mr. Cunningham , and by unanimous consent, Mr. Miller of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Mr. Chairman, I yield to the gentleman from California (Mr. Cunningham).

Mr. CUNNINGHAM. Mr. Chairman, I received this amendment to the amendment about 30 seconds before I offered the amendment. If that, in fact, is what it does, I have no objection to the gentleman's amendment.

Mr. MILLER of California. Mr. Chairman, I say to the gentleman, it is my very strong belief that that is what it does.

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will continue to yield, I will consult with the cosponsors of it, the gentleman from Louisiana (Mr. Tauzin) and the gentleman from North Carolina (Mr. Taylor) to make sure that they understand that that is what it does. I thank the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I raise not a philosophical problem with the amendment. I raise two technical problems that have been raised to us, one by local jurisdictions and the other with respect to section 16 U.S. Civil Code 460/22, which says, followed waste disposal operations are prohibited. That is what we seek.

I would just say, I think this amendment works it out and maintains the concerns that the gentleman has.

Mr. HANSEN. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

I wonder if the chairman of the committee would enter into a colloquy with me. If I may say so, if I have heard the discussion between the gentlemen from California, the gentleman in effect says he wants to see the effect of the gentleman's amendment work and he feels the amendment that he has added to it makes it more workable and would take nothing away from the intent of the gentleman's amendment.

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

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

Mr. MILLER of California. Mr. Chairman, that is right. I say that because I think that is consistent with both the views of the California Senators. They have part of this debate. I have a very strong aversion to bureaucratically extending obligations on people that the Congress did not extend on. [*H5517]

We are clear, people are either in the public domain here in the park or the preserve or they are out of it. And for private end holders, we ought not to be attributing to their property qualities what we attribute to the Federal preserve when, in fact, they are not part of it.

Mr. HANSEN. Mr. Chairman, what the gentleman has said then, if I could draw a conclusion and the body can draw a conclusion, we have confirmed here that any Park Service rules, regulations, or whatever will not affect private property in any way?

Mr. MILLER of California. Mr. Chairman, if the gentleman will continue to yield, beyond what they are affected today under existing law as private property owners, local counties owning or Fish and Wildlife, whatever. But not Federal.

Mr. HANSEN. That is my concern.

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

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

Mr. CUNNINGHAM. Mr. Chairman, I would like to continue a colloquy with the gentleman from California.

Since we just received this and in consultation with the gentleman from Louisiana (Mr. Tauzin) and the gentleman from North Carolina (Mr. Taylor), maybe if the gentleman will allow us, under unanimous consent, to re-address this amendment, maybe we can make it the Tauzin-Miller-Taylor-Cunningham amendment and do it bipartisan. I think we are both trying to do the same thing.

Mr. TAUZIN. Mr. Chairman, will the tentleman yield?

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

Mr. TAUZIN. Mr. Chairman, before the gentleman from California responds, I heard, I think, the gentleman's words that he wants to make sure that his amendment does what we intended, which was to make sure that as far as these private land holdings are concerned within these parks or **wilderness** areas, that until they are acquired by the Federal Government in fee title, that they are subject to no new, no different regulations as to uses on those properties.

In that regard, I would like to ask several specific questions.

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

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

Mr. MILLER of California. Mr. Chairman, the two that I mentioned to the gentleman from California (Mr. Cunningham), we have a generic statute that does not allow you to bring a hazardous waste operation on to your property, if you are an end holder within a national park.

The other one is for mining operations, that they mine under the generic law of mining in the park.

Mr. TAUZIN. Mr. Chairman, if the gentleman will continue to yield, specifically now, if someone who owns private property within the park that has not yet been acquired by the Federal Government seeks a permit from the Government for use of his property, such as a 404 permit or a right-to-incidental take under the Endangered Species Act in order to use his property, would the gentleman's language make it clear that there is no added restriction on the granting or the not granting of those permits?

1710

For example, we are told that it may be possible for the Government to say, "Wait a minute, these lands are scheduled to be acquired later. Therefore, we will not grant any 404 or ESA permits."

Mr. MILLER of California. If the gentleman will continue to yield, that is exactly what happens. There are many people who support my views on the environment and whose views I support, who believe that is legitimate. I do not believe that is legitimate. Those lands, whether it is a 404 permit question or an Endangered Species Act question or a question of the local planning commission, that should not be prejudiced one way or another.

Mr. Chairman, if we want that to be a part, then we have to buy that land. We ought to recognize that somehow the Congress made a decision for some period of time, or the administration has not been able to acquire the funds, that that is private property and that ought to be retained as private property.

The gentleman from California (Mr. Lehman) and I struggled with this, along with Senators Feinstein and Boxer, because there have been unusual examples where people have said that they could not do this on our property, or whatever, so we do not want to do that.

Yosemite, as I said, is unique. The Foresta situation in Yosemite is different because they had been granted the authority already.

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

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

Mr. CUNNINGHAM. Mr. Chairman, would my friend, the gentleman from Louisiana (Mr. Tauzin)

be in concurrence with sitting down with the gentleman from California (Mr. Miller) and I and working out the language and offering the amendment under unanimous consent at a later time?

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

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

Mr. TAUZIN. Mr. Chairman, I not only would consent to that, I think it is probably in the best interests of the committee. What I am hearing from the gentleman from California is precisely what I would hope would be contained in an amendment. My concern is simply that the words do what we all say we want them to do. If the gentleman from California would agree to that procedure, I would be more than happy to work with both Members to that end.

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

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

Mr. LEHMAN. Mr. Chairman, I would like to have a brief discussion with my colleague, either the gentleman from California or the gentleman from Utah. I just read the original amendment.

The CHAIRMAN. The time of the gentleman from Utah (Mr. Hansen) has expired.

(At his own request, and by unanimous consent, Mr. Hansen was allowed to proceed for 2 additional minutes.)

Mr. LEHMAN. Will the gentleman yield, Mr. Chairman?

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

Mr. LEHMAN. Mr. Chairman, listening to the discussion, I understand what we are trying to do. I have no problem with it. I agree with it. The language in the original amendment, however, states that with the exception of lands owned by the State Lands Commission or Catullus, the owners of all land acquired pursuant to this act and the **Wilderness** Act shall be entitled to full use and enjoyment of such lands.

To me, the language "acquired pursuant" means it is Federal land at that point. Is that just an error in drafting?

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield further, no, it is private land that the Government wants to buy. Again, the property, when the Federal Government does that, they do not have the money to pay for it, but yet the landowner, because the Federal Government owns it--

Mr. LEHMAN. Mr. Chairman, if the gentleman will yield further, I understand that. I just read the amendment as not being clear on it. It says "all lands acquired." Hopefully, and I have not seen the text of the substitute here, it will clarify that to do what the gentleman wants done.

Mr. CUNNINGHAM. If the gentleman will yield further, in this agreement what we would like to do is sit down with my friends, the gentleman from California, and work that out, because I think we are all going in the right direction.

Mr. LEHMAN. Mr. Chairman, if the gentleman will yield further, just to emphasize what has been said here, with regard to Yosemite and, as a matter of fact, some of the early parks, the Congress granted exclusive jurisdiction over land within those boundaries to those parks, and no State and local ordinances apply. That is not the case with this act. [*H5518]

Mr. Chairman, it certainly is the intent that State and local jurisdictions maintain primary control over private property and the zoning thereof, whether or not it is within the boundaries, technically, of the park.

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

The CHAIRMAN. Without objection, the gentleman from California (Mr. Miller) is recognized for 5 minutes.

There was no objection.

Mr. MILLER of California. Mr. Chairman, the other gentleman from California (Mr. Cunningham) has made the suggestion that since there are questions about both the amendment and the amendment thereto, that we would ask unanimous consent to withdraw the amendment and the amendment thereto, and work on it, and the rights of the gentleman from California and my rights will be protected to offer that. We will be back, of course, as soon as we can on this title.

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

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

Mr. CUNNINGHAM. Mr. Chairman, I have been advised not to do that, but I have worked with the gentleman from California in the past and I know his intent. I would agree to do that, if my colleagues would, the cosponsors.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for that endorsement.

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

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

Mr. TAUZIN. Mr. Chairman, there is no question about our right being protected to offer these sometime later in this committee?

Mr. MILLER of California. Mr. Chairman, if there is no agreement, the gentleman from California (Mr. Cunningham) is certainly entitled to come back and offer his amendment and I will offer mine.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. Cunningham) be allowed to withdraw his amendment and that I be allowed to withdraw my amendment to his amendment, and that our rights be protected to offer the amendment at a later time during this debate.

The CHAIRMAN. The Chair would ask the gentleman, the amendment as printed in the Record during title IV?

Mr. MILLER of California. Yes, Mr. Chairman.

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

There was no objection.

The CHAIRMAN. Are there other amendments to title IV?

AMENDMENT OFFERED BY MR. DELAY

Mr. DeLay. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DeLay : This amendment prohibits the condemnation of land by deleting the portion printed in italic below. Sec. 414. The Secretary is authorized to acquire all lands and interest in lands within the boundary of the (Mojave National) park by donation, purchase, or exchange, except that-

(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.

Mr. DeLay. Mr. Chairman, there are thousands of private landowners that face the threat of condemnation if their inholdings are located in H.R. 518's newly created Mojave National Park. Section 414 authorizes the Secretary to acquire all the lands within the boundaries of the park without the owner's consent if the Secretary determines 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.

Our laws allow the Federal Government to condemn land; that is, to take it without the consent of the owner for public use. This is an infringement on property rights and should only be allowed to occur in the most grave of situations.

Mr. Chairman, the situation that is described in H.R. 518 is not a grave situation. In fact, the bill has been criticized by many, including members of the California delegation, for protecting much more land than necessary to preserve the California desert.

Mr. Chairman, my amendment would delete the provision I just referred to so that land acquisition will only be allowed with the consent of the property owner.

Mr. Chairman, opponents of this amendment will probably drag out books of statistics on how rarely condemnation is used any more, and claim that landowners within the Mojave National Park have nothing to fear. However, Mr. Chairman, it is quite clear that the Federal Government rarely has to resort to condemnation because it is the threat of condemnation that makes most landowners into willing sellers.

Mr. Chairman, I have a perfect example to illustrate this from a publication called "Willing Seller-Willing Buyer" by Mr. Bo Thott, who writes, "Private landowners ostensibly selling their properties to the National Park Service are in fact not bona fide sellers, but are giving up title to escape the legal expenses of a foredoomed condemnation."

What I am about to read is a portion of a letter from the National Park Service in Naples, FL, to a landowner, as well as the landowner's response. This is from Dolores Denning, Chief, Purchasing and Relocation Division, U.S. Department of the Interior:

We have been unsuccessfully negotiating with you for the purchase of the above property within the Everglades National Park Expansion. Our offer is in accordance with an impartial appraisal made by an appraiser well qualified to appraise this type of property. The offer is representative of fair market value for your interest.

If the offer is satisfactory, please sign the original offer form which was provided you.

Our schedule does not permit us to defer or delay negotiations indefinitely. Therefore, we are requesting an early response relative to consummating this acquisition. In the event we have no response from you within fifteen (15) days of your receipt of this letter, we will assume you have rejected our offer. It will then be necessary to initiate acquisition by eminent domain procedures and have a Federal Court determine the compensation to which you are entitled.

We must bring this matter to a conclusion promptly, and are acting in accordance with approved governmental procedures for such occasions. We urge that you give serious consideration to our offer.

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If that does not sound like a threat, I do not know what does.

The landowner responds:

The person who called me from Florida was sympathetic but firm. I did not agree to sell on the first call but talked to my lawyer. It is hard to buck the Government, so I sold. I had feelings for this land beyond its material worth."

There are numerous other quotes in this publication from landowners that have become willing sellers simply because of the threat of condemnation.

One, and I quote, "decided not to sell. I called the land office and told them my decision. They returned my call and said if I did not sell now, my land would be condemned and I would have to hire a lawyer and pay other costs. Therefore, I agreed."

Another writes:

They said I didn't have much choice as they would condemn it and they also said I could take it to court, but it would be expensive and I would end up with less.

Another writes:

"If I refuse, they will condemn the land anyway. I was advised by a lawyer not to waste my money trying to get a higher price than offered, because it would be eaten up in legal fees.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DeLay) has expired.

(By unanimous consent, Mr. DeLay was allowed to proceed for 2 additional minutes.)

Mr. DeLay. Mr. Chairman, continuing to give the Federal Government the green light on taking land regardless of the wishes of the property owner, as this bill does, shows a fundamental disrespect for individual property rights protected by the Constitution. My amendment would prohibit the Federal Government from acquiring land for the Mojave National Park without the consent of the owners, so that they will [*H5519] not be bullied into giving up their land. I urge Members to vote for property rights and support my amendment.

For those Members who would argue that private property owners should not feel threatened, I would just like to read from a statement on this bill by Interior Secretary Bruce Babbitt:

One of the concerns raised with respect to the designation of the Mojave National Monument is the amount of privately owned land within the proposal. The Lanfair Valley area in the eastern portion of the proposed park contains numerous relatively small parcels of privately owned land

in various ownerships.

The BLM has estimated that perhaps as many as 1,000 individual privately owned parcels are located in the Lanfair Valley area. I am concerned about the impact this concentration of small land holdings may have on the proposed park. It is my view that the pressure to develop these parcels will increase once the park is established and our only options will be to permit incompatible development on these properties or to purchase these properties, most likely through condemnation.

Mr. Chairman, we know what the intent of the Department of Interior is through the words of the Secretary. I just ask Members to support my amendment and protect the private property rights of the hundreds of landowners that will find themselves within this new Mojave National Park.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, clearly this cannot be a serious amendment, because this amendment would not be offered in any other bill than this particular piece, because the gentleman would not offer this amendment on the highway bill to the Federal Highway Administration, he would not offer this amendment under this Department of Defense so that the Army, the Navy, the Air Force, and others could not go out and acquire lands that were necessary.

Mr. Chairman, the gentleman cited a number of instances, in each and every instance what took place.

An unwilling seller, a perceived Federal need for that park or that Federal reservation as happens all the time for the construction of highways, the construction of the Supercollider, the construction of metro systems, the construction of ports, airports, for post offices. We always know that there are people who determine they do not want to sell. What was the decision made in this country 200 years ago? It was that we would offer them the protection of the Constitution, that we would offer them that their land could not be taken without compensation. But we also made a decision as part of our society that bound this country together that a lone individual could not obstruct totally the progress of this country. That condemnation power has been delegated to utilities, it has been delegated to railroads in the past, it has been delegated to local governments, and that is how this country has prospered. That is how we built the interstate highway system. That is how we built mass transit systems throughout the country. That is how we built the great military bases and the shipyards of this Nation. Most of those were carved out of private land. Not every seller was a willing seller for the willing buyer who perceived the need, because of the First World War, because of the Second World War, because of international commerce? No, that is right.

Every now and then the government had to reach in and go for an authority that is explicitly granted to it under the Constitution with the obligation-with the obligation to provide compensation. That is the constitutional protection that we accord these landowners.

Mr. Chairman, if this amendment is good for the National Park Service, then we ought to fully understand it is very good for the Federal Highway Administration, it is very good for the Department of Defense, for the Post Office, for utilities and for everywhere else where people insist that they want.

Should we have not built the California water system? Should we have not built the Central Valley Project because one landowner said that canal will not come across my property? Should we have not built Interstate 70 or Interstate 80 or I-40 or I-95 because some landowner said, but for me, you would have a great system up and down the east coast or the west coast? Of course not. Of course not.

This amendment goes even beyond that. It takes away the historical right of the Secretary of the

Interior to defend the parks. This means one can saddle up on his property and announce that he is going to open up and incredibly incompatible use, one that may threaten the park itself, threaten its resources, threaten its user days by the American public, and in theory we could not stop him by going through condemnation. We would not stand for this amendment for 5 minutes in the cities we represent, in the counties that we represent, in the States that we represent, in the utilities that we represent, because our communities simply could not function, could not ;function as we punch a highway through a tough urban area, an expanding suburban area. That is why we have the authority and the obligation in the Constitution of the United States.

It is not used willy-nilly. None of us favor it being used. We try to work on a willing seller-willing buyer basis. But the fact is it does not always happen.

What the gentleman from Texas (Mr. DeLay) would have us believe is that society and the protection of society should come to a grinding halt because 1 out of 100, 1 out of 50, 1 out of 10 would not go along? They have a right to obstruct these great projects.

I do not think the gentleman would have provided this when we went out looking for farmland for the supercollider. The gentleman would not have said, "Well, one farmer says we can't complete the doughnut."

I do not think the gentleman would have said this to the Dallas-Fort Worth Airport, we can only have a landing strip 2,000 feet long, we cannot have one 15,000 feet or 20,000 feet because the landowner in the middle wants a watering trough.

The gentleman would not have, so let us quit playing politics with the Park Service, with the preservation of our park and with the responsible administration of those parks and let us vote down the DeLay amendment because none of us want to see this amendment added on to the other functions of the Federal Government and/or local government.

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

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

Mr. DURBIN. Mr. Chairman, I would like some clarification here. As a member of the Subcommittee on Transportation of the Committee on Appropriations, we are involved in building a lot of highway projects.

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. MILLER of California. Mr. Chairman, I continue to yield to the gentleman from Illinois.

Mr. DURBIN. We are involved in building a lot of highway projects, mass transit projects, airports, and the like.

Do I understand the practical impact of this would be that if the Government moved in to expand a highway, it would somehow have to sell some other Government land in order to balance off the books so that the Government would not have an increase in ownership of land?

Mr. MILLER of California. That is one other provision of the DeLay amendment that we will see later.

If we apply what the gentleman from Texas (Mr. DeLay) wants to do in that provision to the rest of the Government, that is what we would have to do. If we apply this provision, we simply could not condemn any property that stands in the way of the high speed train in Texas, the high

speed train between maybe Las Vegas and Orange County or San Diego and Los Angeles or San Francisco and Los Angeles, because somebody would decide that their single interest is more important than the national, the State, or the local interest and, therefore, they could stop those projects.

1730

Mr. DURBIN. Mr. Chairman, if the gentleman will yield further, what the gentleman is saying is that this amendment would eliminate the Government's right to eminent domain, to take property for public purpose, for a highway, or an airport or mass transit [*H5520] district, if one private property owner would object?

Mr. MILLER of California. The intent of this amendment is to deny the Secretary from exercising condemnation authority within the Mojave National Park or the Mojave National Preserve.

Mr. DURBIN. If the gentleman will yield further, I am in favor of private property rights. But there comes a time when there is a public good. We see it so often in transportation. I am just curious, and maybe the gentleman from Texas could explain how he could draw the distinction between what we do in transportation and what he is trying to do here.

Mr. DeLAY. Mr. Chairman, will the gentleman yield? I will be glad to explain.

Mr. MILLER of California. I am happy to yield to the gentleman from Texas.

Mr. DeLAY. Mr. Chairman, I would like the gentleman to not mischaracterize my amendment, as it only applies to lands within the Mojave National Park. In my own evaluation of this situation, I do not see that establishing the Mojave National Park is as grave as building an interstate highway or any of the other things the gentleman mentioned earlier.

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 1 additional minute.)

Mr. MILLER of California. You know, you are required as a public official to have some consistency of thought patterns. The fact is you are denying the Secretary the tool that every other Secretary would have available to them to protect those great highway projects or transportation projects that have eminent domain. So if it is good for here, I do not know why a property owner in the way of an interstate would have a greater right than a property owner in the way of a park or a property owner in the way of a utility line would have less right or more right. The point is that these are decisions that this Congress makes about national purposes and national policy, whether it is the TVA or the highway system, or the park system, and we provide the tools to carry that out, one of which is also provided in the Constitution, and that is the allowing of the Government to take property as long as they provide just compensation. That is the purpose.

And so you cannot say that only on this occasion, because this is also an important occasion. You may happen to disagree with it, but the Congress makes that determination, the Secretary should be able to protect that investment that the people have made.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say to my colleagues that I rise with no small amount of mixed emotion regarding the amendment, for there is little doubt that the power of eminent domain has a very important history in our country. It has been exercised by the Government to carry forward many very important government activities, highways, airports et cetera, et cetera.

There is no more important protection within the Constitution, however, relative to property

questions than one's right to their personal property without the Government arbitrarily taking that property.

I think most Americans would say that while there is many a purpose where you might want to have available a thing called eminent domain, there is also little doubt that many Americans, a significant percentage of Americans, are concerned about the excessive use of that power on the part of the Federal Government and other agencies of government.

The gentleman, the chairman of the committee, suggested, you know, just because every once in a while somebody might have a problem with the Government's purpose; "every once in a while" is an interesting phrase, because I would suggest there needs to be a careful examination of the way the agencies, the various agencies, are operating within this very department. Presently there are less than 15 contested eminent domain cases within the Forest Service. There are less than 15 eminent domain cases that are contested within the Bureau of Land Management. There are about 500 contested cases on the part of the Park Service. There is clear evidence of excessive use of the power with very little concern not only about the little guy but about the whole concept of private ownership.

I would suggest in this instance there is little doubt that in a highway circumstance or building an airport in the east Mojave, eminent domain would be appropriate, but when you are talking about millions of acres of land and somebody having 40 acres in the middle that would end up in the middle of a park that has very little value in terms of either detracting from that park or disturbing the Government's purposes; but this agency has demonstrated its willingness to be excessive in the way it handles private property in the public domain, and essentially private property held by the little guy.

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

Mr. LEWIS of California. I am happy to yield to the gentleman from Texas.

Mr. DeLAY Mr. Chairman, I think the gentleman from California (Mr. Miller) has answered his own question regarding the reason for this amendment.

I am being very consistent in wanting to protect property rights, and the gentleman from California (Mr. Miller) is being very consistent about willy-nilly giving it away.

According to the language of the bill-and this is important, if you just propose to develop your own property, the Secretary of the Interior can start proceedings to take you property-if you just propose developing. The language of the bill will stop someone from doing what they will with their own property; you have this Big Brother Secretary of the Interior coming along and deciding how you are going to use your land, even if you simply propose how you are going to use your land.

So what I am trying to do here, as the gentleman has suggested, is allow the House to decide under what grave circumstances are we going to allow eminent domain to be used.

I just suggest that people that own property under this proposed Mojave National Park ought to be able to hold onto their property and do with it what they deem important without the Secretary of the Interior coming in with a big axe and tearing up their rights. That is all I am saying.

I am saying this proposal is not as grave as would be a highway or that airport or a Defense Department project or other things that really are of national interest.

I am not sure the Mojave National Park is of national interest. I do not think so. But at the same time I do not think the situation is grave enough to impose eminent domain.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I express my appreciation to my colleague for his contribution.

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

Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I have listened carefully to my colleagues debate this issue. It is one that comes up frequently in terms of the subcommittee which I chair with regard to the Park Service and the other land management agencies.

The fact of the matter is the BLM today, which manages this area, has the power of eminent domain. Let me repeat that: The BLM, in terms of this area, has the power of eminent domain.

What we are saying is we are going to designate this now a National Park Service unit, a national preserve. Based on the last amendment, maybe that will be changed, but the fact is that in giving the Park Service that responsibility, we are going to take away the tools that it needs to manage that land.

What do I mean by that? Well, I mean that you have this 1.5 million acres is almost all public land, but in it, within it, there may be some in-holdings, and as long as there is a passive use of that particular land, first of all, there is the land ;management plan that has to be developed down the road with the Park Service in terms of what is going to happen with the areas, how they are going to be used. There could be passive use of that land where there may be no need. There may be even agreement in terms of the use of it to, [*H5521] in fact, have it acquired by the Park Service.

But if adverse development takes place there, if someone decides they are going to have a condominium in the middle of it or something adverse to what purposes the park is being designated, for, you have an opportunity to give the Park Service the tools so they can manage the land and eliminate the problem. That really is what we are talking about here is that we are saying that if this is designated park, this is very important area, nationally significant, one of the major desert types, with all of the fauna, flora, the other features that characterize this area, that they ought to have the tools to deal with this.

Suggestions have been made that, in fact, when the Park Service is managing land, they have had difficulties. Well, they take a very active role in terms of managing the land, and in some cases, in less than 5 percent of the cases other than in Big Cypress where they had a special problem, they have not had the use of eminent domain. They have not used that. In fact, very often when eminent domain is used, it is used to clear a title. It is used as a technicality or to arrive at the value of the land. It is not even a matter of, in other words, of forced sale of the land. It is simply a way of arriving at a dispute over value or to clear the title of the land.

So this tool is one, I think, that has been used very carefully, very prudently. It is a tool that all the land managers have including the Forest Service, and the BLM today has that power in the Mojave Desert.

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So we are going to designate this and say it is a special area, but we are not going to give you the tools to designate it, if we proceed to act on the DeLay amendment. Furthermore, I point out that when this amendment was offered 2 years ago, it failed; it failed by a margin of 2 to 1 2 years ago. The Congress rejected this very amendment in the east Mojave.

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

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

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, I have just a couple of points. You know, the fact that this amendment is only directed at East Mojave should not persuade people that this is not important. The gentleman says it is only a national park. Yes, but the word is "national" park. Some people think, some people think the Yosemite is more beautiful than the Mojave, some people think that Yellowstone is more beautiful than Big Cypress or Big Bend. But the point is we came together as a society and we determined that these are certain assets that are worthy of these designations and protections. And we ought not to take away the tools to do that.

That arrogance of power that people suggest they are against is protected by the Constitution of the United States. There are rules and regulations that must be followed. You do not just go out and willy-nilly start condemnation, you have to follow the Uniform Acquisition and Relocations Act, which requires you to make a fair offer, an offer of fair market value, requires you to negotiate with that individual. You have a situation in Big Cypress where the gentleman read from, and the fact is we are at risk of losing the Everglades. So we think there is an opportunity now with the Corps, the Bureau, the State, State legislation, and everybody's approval that we can save the Everglades and the bay and the keys, but we are going to need some land to change the water patterns. But we have a couple of farmers who are not going to go along with that. Should we risk, should we overturn the Everglades and Big Cypress? Should we do that because of one landowner? Of course not. It is not only a national park, it is because it is a national park that we give authority to the Secretary to defend the park, defend the **wilderness** areas, defend these preserves. The same is true-it is like saying that, "Well, this amendment only applies to Fort Benning," or "This amendment only applies to Fort Ord." That is not the point; the point is the Secretary of Defense needs the authority to round out those military reservations and to protect them.

I thank the gentleman for yielding.

Mr. VENTO. I would point out that in designating the park we are saying these lands are equal and that we ought to give the tools to them, to the Park Secretary to defend and protect the legacy for future generations; that is, the National Mojave preserve.

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

Mr. Chairman, there is a mound of difference between the issue of taking of private property without compensating landowners, and the issue that is before the House today. The issue before the House today is involved with the question of whether or not in a designated park, **wilderness** area, whether the Government of the United States ought to have the right to acquire that property under the Constitution, under the protections of eminent domain, acquisitions established by law for the taking of fee title for public purposes, such as a park or **wilderness** area. I want to make it clear that those of us who fight so hard against this notion that the Government can and does, today, continue to take away private property rights from people, continues to devalue private property in terms of its use to its owners, so those of us who fight and struggle to get a law passed by this body implementing compensation for the taking of private property when it comes to regulatory takings, see a world of difference between that issue, which ought to be on this floor one day, ought to be decided by this body one day, see a world of difference between that issue and the issue of whether or not eminent domain ought to be possible in terms of acquiring additional lands necessary for the full protection of a **wilderness** area or a park.

It is for that reason I think this amendment needs to be defeated.

In our own State of Louisiana, one of the very proud moments in which I participated was the setting aside of royalty trust funds derived from the production of minerals on public lands to a fund designed to acquire further lands for protection within our own State; to place those moneys in trust for the development, in fact, of the natural character, the aesthetic character of those **wilderness** areas that we had already set aside. I think that is a grand public purpose, and I think the Constitution provides a method by which the people of this country acting through the Congress and the courts, in the court of claims, in some cases, we have established a procedure for us to in fact acquire for the public the necessary lands to carry out, those, indeed, very important public purposes.

So I agree with my friend from California's earlier statement regarding the acquisition of necessary properties for the protection of Everglades, for the protection of ecosystems that we define as essential for our national purpose.

But let me make clear that while I think this amendment overreaches, I think it again points out that here in this case of eminent domain acquisition for public purposes, we all agree somebody needs to get compensated. The issue yet to be debated on this floor that I hope we reach one day is whether or not the Government can willy-nilly sneak around the Constitution and acquire private property simply by regulating it to death and denying the owner the right to use his property.

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

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

Mr. MILLER of California. I thank the gentleman for yielding to me, and I thank him for his remarks.

Mr. Chairman, nobody wants to be condemned, but in fact when the condemnation process is started, the Government has to put up the money. The worst problem is when the Government is trying to muscle you without acquiring your land, without acquiring your rights, trying to muscle you into doing something that you really do not want to do with your property, or need to do with your property, or what have you, and they do it indirectly. It is sort of like people wanting a cable TV franchise found out that they have to build 10 childcare centers, or a person wants zoning on the north end of town and finds out he has to do something on the south end of town that is not related to the impact. That is almost a worse [*H5522] thing because in a condemnation the Government has eventually to go to court to determine a fair market value. The other one is worse.

Mr. TAUZIN. Reclaiming my time, the Government has to first define in court the public purpose for the acquisition. If a public purpose is not established, there is no acquisition under the eminent domain takings.

Second, it has to determine a fair value and then has to compensate the party for that taking.

I defend that proposition here today. I think it acknowledges, in fact gives sanctity to our constitutional fifth amendment protection.

As the gentleman from California (Mr. Miller) pointed out, when the Government comes along and says we will not issue you a permit to enlarge your business unless you give us a bike path, something is wrong. The court so found just the other week in Dolan versus City of Tigard; that something is wrong with that proposition. When the Government comes along and says, "We think your land is wet, so you can't use it anymore, but we are not going to pay you for it," something is wrong with that proposition. When the Government comes along and says that a bird, a bug, or a rat is loose in your back yard and you have got to move out and we are not going to pay for your property, something is wrong with that proposition.

What is right about eminent domain is a public purpose is established, a procedure is set forth protecting the individual's rights, compensation is eventually awarded, and the Government treats the citizen as it ought to under the Constitution.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. Tauzin) has expired.

(By unanimous consent, Mr. Tauzin was allowed to proceed for 2 additional minutes.)

Mr. TAUZIN. Mr. Chairman, for necessary acquisitions in parks and **wilderness** areas, I support, and we ought to all support, just as we support the acquisition of private lands for construction of airports, which I understand our Secretary of the Interior is now against, for any wildlife preservation purposes, for roads, bridges, everything else. The bottom line ought to be, however, once the public purpose is established, once the order is given for the taking, compensation ought to quickly follow and the landowner ought to be fully reimbursed by the taking of the Federal Government.

Mr. De LAY . Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Texas.

Mr. De LAY . I thank the gentleman for yielding.

Mr. Chairman, the gentleman surprises me because we did check with the Private Property Rights Coalition, and we were informed that the gentleman and the coalition would support this amendment. And I agree with almost everything the gentleman said, except his opposition to my amendment. Particularly, does the gentleman truly believe that it is important in this case, in this bill, that when a private property owner simply proposes to develop his property contrary to what the Secretary wants, to allow the Federal Government to exercise its power of eminent domain? Because that is what the language says. The gentleman supports that?

Mr. TAUZIN. Reclaiming my time, this gentleman supports the acquisition for public protection in parks, **wilderness**, of private property that is fully compensated for under the fifth amendment of the Constitution, just as the gentleman would support the acquisition of private property for the necessary construction of a road, bridge, hospital, or a public facility such as an airport.

What this gentleman would not support is the imposition of rules and regulations on private property that would take away the use of that property without compensation.

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

Mr. TAUZIN. I yield to the gentleman from California. ; 1750

Mr. LEWIS of California. To the gentleman's point, and the gentleman is making a great contribution here, in the committee, in the other body, when this subject area was being discussed, Secretary Babbitt was before the committee addressing this question of compensation.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. Tauzin) has expired.

(On request of Mr. DeLay and by unanimous consent, Mr. Tauzin was allowed to proceed for 1 additional minute.)

Mr. TAUZIN. Mr. Chairman, I yield to the gentleman from California (Mr. Lewis).

Mr. LEWIS of California. The secretary said regarding this matter: With regard to private

property owners and compensation for their property, the Department of the Interior is prepared to wait them out without compensation after a long pause. That is Secretary Babbitt in April 1993.

I am sure the gentleman would be concerned about that and understands why this gentleman has that amendment.

Mr. TAUZIN. Reclaiming my time, Mr. Chairman, it is for that reason then the gentleman from California (Mr. Cunningham) and I agreed upon offering an amendment which, I think, we have now worked out with the gentleman from California that says that that cannot happen, that so long as the private property owner owns that property, even though the Federal Government hopes one day, proposes one day, to acquire that property, that so long as the private property owner owns that property, nothing in this act operates as a bar to his legitimate use of his property or the issuance of the Federal permits for the use of his property, such as a 404 or an incidental taking under the USA. I think that that amendment is worked out.

It is for that reason the gentleman from California (Mr. Cunningham) and I have launched the effort for that amendment, and I hope my colleagues will support it when we offer it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DeLay).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were-ayes 145, noes 274, not voting 20, as follows:

(Roll No. 317)

AYES-145

Allard Archer		
Armey	Bachus (AL)	Baker (CA)
Baker (LA)	Ballenger	Barrett (NE)
Bartlett	Barton	Bateman
Bentley	Bereuter	Bliley
Blute	Boehner	Bonilla
Bunning	Burton	Buyer
Callahan	Calvert	Camp
Castle	Chapman	Coble
Collins (GA)	Combest	Cox
Crane	Crapo	Cunningham
DeLay	Dickey	Doolittle
Dornan	Dreier	Duncan
Dunn	Emerson	Everett
Ewing	Fields (TX)	Fowler
Franks (NJ)	Gallegly	Gekas
Geren	Gillmor	Gingrich
Glickman	Goodlatte	Grams

Grandy	Greenwood	Gunderson
Hall (TX)	Hancock	Hansen
Hastert	Hefley	Herger
Hobson	Hoekstra	Hoke
Horn	Hunter	Hutchinson
Hyde	Inglis	Inhofe
Istook	Johnson, Sam	Kasich
Kim	King	Kingston
Knollenberg	Kolbe	Kyl
Levy	Lewis (CA)	Lewis (FL)
Lewis (KY)	Lightfoot	Linder
Livingston	Lucas	Manzullo
McCandless	McHugh	McInnis
McKeon	McMillan	Mica
Michel	Miller (FL)	Molinari
Moorhead	Myers	Nussle
Orton	Oxley	Packard
Paxon	Penny	Petri
Pickett	Pombo	Portman
Pryce (OH)	Quillen	Quinn
Regula	Roberts	Rogers
Rohrabacher	Roth	Royce
Sarpalius	Saxton	Schaefer
Sensenbrenner	Sisisky	Skeen
Skelton	Smith (MI)	Smith (OR)
Smith (TX)	Snowe	Solomon
Spence	Stearns	Stenholm
Stump	Sundquist	Talent
Taylor (MS)	Taylor (NC)	Thomas (WY)
Traficant	Vucanovich	Walker
Young (AK)	Young (FL)	

NOES-274

Abercrombie	Ackerman	
Andrews (ME)	Andrews (NJ)	Andrews (TX)
Applegate	Bacchus (FL)	Baesler
Barca	Barcia	Barlow
Barrett (WI)	Becerra	Beilenson
Berman	Bevill	Bilbray
Bilirakis	Bishop	Blackwell
Boehlert	Bonior	Boucher
Brewster	Brooks	Browder
Brown (CA)	Brown (FL)	Brown (OH)
Bryant	Byrne	Canady
[*H5523]		
Cantwell	Cardin	Carr
Clay	Clayton	Clement
Clinger	Clyburn	Coleman
Collins (IL)	Collins (MI)	Condit
Conyers	Cooper	Coppersmith
Costello	Coyne	Cramer
Danner	Darden	de la Garza
de Lugo (VI)	Deal	DeFazio
DeLauro	Dellums	Derrick
Deutsch	Diaz-Balart	Dicks

Dingell	Dixon	Dooley
Durbin	Edwards (CA)	Edwards (TX)
Ehlers	Engel	English
Eshoo	Evans	Faleomavaega (AS)
Farr	Fawell	Fazio
Fields (LA)	Filner	Fingerhut
Fish	Foglietta	Ford (MI)
Ford (TN)	Frank (MA)	Franks (CT)
Frost	Furse	Gejdenson
Gephardt	Gibbons	Gilchrest
Gilman	Gonzalez	Goodling
Gordon	Goss	Green
Gutierrez	Hall (OH)	Hamburg
Hamilton	Harman	Hastings
Hayes	Hefner	Hilliard
Hinches	Hoagland	Hochbrueckner
Holden	Houghton	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	Lazio
Leach	Lehman	Levin
Lewis (GA)	Lipinski	Lloyd
Long	Lowey	Machtley
Maloney	Mann	Manton
Margolies-Mezvinsky	Markey	Martinez
Matsui	Mazzoli	McCloskey
McCollum	McCrery	McDermott
McHale	McKinney	McNulty
Meehan	Meek	Menendez
Meyers	Mfume	Miller (CA)
Mineta	Minge	Mink
Moakley	Mollohan	Montgomery
Moran	Morella	Nadler
Neal (MA)	Neal (NC)	Norton (DC)
Oberstar	Olver	Ortiz
Owens	Pallone	Parker
Pastor	Payne (NJ)	Payne (VA)
Pelosi	Peterson (FL)	Peterson (MN)
Pickle	Pomeroy	Porter
Poshard	Price (NC)	Rahall
Ramstad	Ravenel	Reed
Reynolds	Richardson	Roemer
Romero-Barcelo (PR)	Ros-Lehtinen	Rose
Rostenkowski	Roukema	Rowland
Roybal-Allard	Rush	Sabo
Sanders	Sangmeister	Sawyer
Schenk	Schiff	Schroeder
Schumer	Scott	Serrano
Sharp	Shaw	Shays
Shepherd	Skaggs	Slaughter

Smith (IA)	Spratt	Stark
Stokes	Strickland	Studds
Stupak	Swett	Swift
Synar	Tanner	Tauzin
Tejeda	Thomas (CA)	Thompson
Thornton	Thurman	Torkildsen
Torres	Torricelli	Towns
Tucker	Underwood (GU)	Unsoeld
Upton	Valentine	Velazquez
Vento	Visclosky	Volkmer
Walsh	Waters	Watt
Waxman	Weldon	Williams
Wilson	Wise	Wolf
Woolsey	Wyden	Wynn
Yates	Zimmer	

NOT VOTING-20

Borski Flake		
Gallo	Huffington	Laughlin
McCurdy	McDade	Murphy
Murtha	Obey	Rangel
Ridge	Santorum	Shuster
Slattery	Smith (NJ)	Washington
Wheat	Whitten	Zeliff

1812

Mr. RAMSTAD and Mr. BILIRAKIS changed their vote from "aye" to "no."

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is the committee's expectation that we will consider two additional amendments, both of which we believe have been worked out and are not controversial at this point. We will accept those, and we do not expect votes on those amendments.

After that, it is the expectation that the Committee will rise. We do not expect any additional votes this evening before we rise.

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

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

Mr. CUNNINGHAM. Mr. Chairman I would like to enter into a colloquy with my friend, the gentleman from California. As I understand it, the language we agreed on under title IV will come back and we will present that at a later time.

Mr. MILLER of California. Mr. Chairman, the gentleman is correct.

The CHAIRMAN. Are there other amendments to title IV?

AMENDMENT OFFERED BY MR. QUILLEN

Mr. QUILLEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Quillen: On page 46, line 5, strike "Subject" and insert "Subject to section 408(a) and subject".

Page 46, line 12, strike " study as to Validity of"

Page 46, after line 12 insert the following: Sec. 408. (a) Unpatented mining claims, mill sites, and tunnel sites within the boundaries of the park for which an application for a patent was filed on or before December 31, 1993, shall be subject to all mining laws of the United States except for the Act of September 28, 1976 (16 U.S.C. 1901-1912; commonly referred to as the "Mining in the Parks Act").

Page 46, strike line 13 and insert the following:

(b) Subject to subsection (a), the Secretary shall not approve any plan

Page 46, line 5, strike "Subject" and insert "Subject to section 408(b) and subject".

Page 46, line 12, strike " study as to Validity of".

Page 46, strike line 13 and all that follows through line 16 and insert the following: Sec. 408. (a) The Secretary shall submit to".

Page 46, after line 21, insert the following:

(b) Unpatented mining claims, mill sites, and tunnel sites within the boundaries of the park that were located before the date of enactment of this Act shall be subject to all mining laws of the United States except for the Act of September 28, 1976 (16 U.S.C. 1901-1912; commonly referred to as the "Mining in the Parks Act").

Mr. QUILLEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

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

There was no objection.

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

Mr. QUILLEN. Mr. Chairman, I offer this amendment to protect the mining rights of thousands of citizens who have staked a claim within the boundaries of the proposed Mojave National Park.

Currently, these claims, once proven valid, may be mined under laws and regulations administered by the Bureau of Land Management. However, once these lands become a national park, any valid mining claim must instead follow the laws and regulations administered by the National Park Service under the Mining in the Parks Act of 1976. The National Park Service has traditionally made it extremely difficult to mine in a national park.

I believe that it's only fair to offer some type of grandfather provision to those who are in the middle of the complicated process of proving their mining claims so that they can complete this process and proceed with mining if their claim proves to be valid. These people have acted in good faith based on existing law and many have invested a great deal of time and money. This bill pulls the rug out from under their feet.

My amendment will allow unpatented mining claims, mill sites, and tunnel sites within the boundaries of the proposed Mojave National Park that were located before enactment of this act to be subject to all U.S. mining laws except for the Mining in the Parks Act. I think this is only fair.

This bill also provides that 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. This could potentially hold up actual mining for undeterminable lengths of time, and my amendment strikes this language.

Mr. Chairman, it is wrong to change the rules in the middle of the game, and my amendment will protect the rights of current claimants to mine under the laws and regulations that were in effect at the time they made the decision to invest in mining claims. It is only fair, and I urge my colleagues to support this amendment.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. QUILLEN

Mr. MILLER of California. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Miller of California as a substitute for the amendment offered by Mr. Quillen: Revised the amendment to read as follows:

Page 46, line 13, after " Sec. 408" insert "(a)".

Page 46, after line 21 insert the following:

(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. [*H5524]

(2) At the end of the period specified in paragraph 91), 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.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the

amendment offered as a substitute for the amendment 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. MILLER of California. Mr. Chairman, this amendment is to take care of the concerns that the gentleman from Tennessee (Mr. Quillen) has raised with us to allow for the continued exploration activities for a period of 2 years in order to attempt to prove up those claims. At the end of the period or sooner 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 holders 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.

I think this is a perfecting amendment. I hope the House will accept it. I have talked to the gentleman from Tennessee. I think that this allows them to preserve the concerns that he has and we need to address this again in conference, but that is our understanding.

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

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

Mr. LEWIS of California. Mr. Chairman, we have discussed the fact that there are some problems with private land holdings that are involved in the mining business. We will discuss those details as things unfold.

Mr. MILLER of California. Mr. Chairman, the gentleman is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Miller) as a substitute from the amendment offered by Mr. Quillen .

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. Quillen), as amended.

The amendment, as amended, was agreed to.

MR. TORRES. MR. CHAIRMAN, I AM NOT GOING TO TALK ABOUT THE POLITICS BOGGING DOWN THIS BILL. I WAS TO CUT THROUGH ALL THAT AND GET TO THE HEART OF WHAT IS REALLY OF LASTING IMPORTANCE HERE. I WANT TO PAINT A PICTURE OF THE CALIFORNIA DESERT UNDER DISCUSSION TODAY.

THE CALIFORNIA DESERT IS A LAND OF EXTRAORDINARY BEAUTY AND VARIETY, EVIDENT FROM ITS MILES OF SHIMMERING, CRYSTALLINE SALT FLATS, TO ITS WIND-WARPED SAND DUNES AND SPECTACULAR MOUNTAIN RANGES. IT IS A UNIQUE BOTANICAL GARDEN WHERE INNUMERABLE WILDFLOWERS MIX WITH JUNIPERS, JOSHUA TREES, BEAVERTAIL CACTI, AND BLOOMING YUCCA. IT IS A LAND WHERE GOLDEN EAGLES SOAR, WHITE-WINGED DOVES ROOST, AND BIGHORN SHEEP STILL RANGE. BUT THIS TIMELESS PLACE IS FRAGILE. IT NEEDS PROTECTION. THAT IS WHY THIS BILL IS IMPORTANT, AND WHY WE CANNOT AFFORD DELAYS.

THIS BILL HAS ALREADY BEEN THROUGH 8 YEARS OF DEBATE. IT DOESN'T NEED ANOTHER 8 OR MORE HOURS. THIS IS A WIN-WIN PROPOSITION FOR CALIFORNIA, FOR THE COUNTRY, AND FOR GENERATIONS TO COME.

IT'S THE FUTURE THAT SHOULD BE GUIDING US. I ENCOURAGE MY COLLEAGUES TO DO WHAT I OFTEN DO WHEN DECIDING HOW TO CAST A PARTICULAR VOTE: I ASK MYSELF WHETHER I CAN TELL MY GRANDCHILDREN, "WE PASSED THIS LAW FOR YOU." IN THIS CASE, THE ANSWER IS EASY. I URGE MY COLLEAGUES TO DO SOMETHING GOOD TODAY: SUPPORT A STRONG CALIFORNIA DESERT PROTECTION ACT.

MS. ESHOO. MR. CHAIRMAN, AFTER MORE THAN 2 MONTHS OF NEEDLESS DEBATE AND DELAYS, THE HOUSE ONCE AGAIN TAKES UP THE CALIFORNIA DESERT PROTECTION ACT TODAY.

THE BILL WE WILL VOTE ON IS THE CULMINATION OF YEARS OF SCIENTIFIC STUDY AND DEBATE. IMPORTANT COMPROMISES HAVE BEEN MADE TO ACCOMMODATE MINERS, OFF-ROAD VEHICLE DRIVERS, CATTLE RANCHERS, AND THE MILITARY.

DESPITE THE FACT THAT OVER 75 PERCENT OF CALIFORNIANS SUPPORT THE BILL AND IT'S BEEN ENDORSED BY 37 CITY GOVERNMENTS AND 1,600 SCIENTISTS, A SMALL GROUP OF MEMBERS ARE TRYING TO KILL IT BY LITERALLY TALKING IT TO DEATH AND OFFERING AMENDMENTS DESIGNED TO CHIP AWAY AT ITS IMPORTANT PROVISIONS.

MR. CHAIRMAN, WE MUST END THIS FILIBUSTER AND ONCE AND FOR ALL ADVANCE THIS CRITICAL LEGISLATION. THE SENATE HAS PASSED IT BY A SOLID 69 TO 29 VOTE, AND IT IS NOW OUR TURN TO STEP UP TO THE PLATE.

WE NEED THIS LEGISLATION TO PRESERVE THESE PRICELESS AREAS FOR OUR CHILDREN AND FOR GENERATIONS TO COME.

I URGE MY COLLEAGUES TO RESCUE THIS BILL FROM BEING SANDBGGED BY ITS OPPONENTS' TACTICS.

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. Abercrombie) 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.