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**REFERENCE:** Vol. 140 No. 39

**TITLE:** CALIFORNIA DESERT PROTECTION ACT OF 1993

**TEXT:** [\*S4190]

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:45 a. m. having arrived, the Senate will now proceed to the consideration of S. 21, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 21) to designate certain lands in the California Desert as **wilderness**, to establish Death Valley, Joshua Tree and Mojave National Parks, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the previous order, the time between now and 10 a.m. is under the control of the Senator from West Virginia (Mr. Byrd ).

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, how much time does the Senator need?

Mr. NICKLES. Two minutes.

Mr. BYRD. I yield 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 2 minutes.

Mr. NICKLES. Mr. President, I wish to compliment my colleagues for their bill, but I rise in opposition because of the position I have as ranking Republican on the Interior Appropriations Committee.

I am afraid that by transferring a large amount of land from BLM to the Park Service with inholdings of thousands and thousands of acres, people are going to expect the Park Service to buy them, and this is going to greatly exceed the Park Service's funding capabilities.

We do not appropriate enough money to fulfill commitments that were made in past years. We have a backlog of acquisition requests from our colleagues that we have not been able to fund. The additions that are required by the California Desert bill will greatly exceed our capability to fulfill those commitments.

I am concerned that we are taking action which will cause people to expect the Federal Government to purchase these inholdings, and I can just say as a person who works on the subcommittee that appropriates money for the Park Service, I do not believe the money is there, not this year, and I doubt that the money will be there in the next several years. So I am afraid

we are building false expectations and putting additional burdens on the Park Service which, frankly, already has more lands than it is able to adequately maintain.

That bothers me. I think we should take care of the parks that we now have, and not add millions more acres. [\*S4191]

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank my distinguished colleague from Oklahoma, the ranking member of the Appropriations Subcommittee on the Department of the Interior.

Mr. President, the legislation before the Senate today proposes to set aside more than 6.6 million acres of land in California as **wilderness** or national parks. The objective of the legislation is to protect the desert ecosystem of southern and eastern California. The worthiness of the resources of the California Desert and the need for their protection are not in question. In fact, much of the land involved in this legislation is already in Federal ownership and is already protected and managed pursuant to the California Desert protection plan developed by the Bureau of Land Management.

The two distinguished Senators from California have been very steadfast in their dedication and their commitment to further protection for the California Desert. I commend them for their effort. Senator Feinstein, who is a member of the Appropriations Committee, has worked extensively to accommodate many of the concerns of various parties interested in the future of the California Desert.

However, as chairman of the Appropriations Committee, and more specifically, as chairman of the Interior Appropriations Subcommittee, I must call attention to the potential costs of this legislation. The additional protection needs for the resources of the California Desert must be viewed in the context of the many other needs confronting the 40 different agencies that are funded by the Interior Appropriations Subcommittee. These programs range all the way from resource protection, to scientific research, to health care for Indians, to arts and cultural programs. It is rare-extremely rare-for any of these agencies to testify before the Interior Appropriations Subcommittee that they have enough money to meet current responsibilities.

In fact, overall, the major agencies funded in the Interior bill have identified a backlog of some \$ 6 billion in maintenance and repair needs for their existing physical infrastructure. Moreover, within our existing national park boundaries, there are private lands totaling some 336,000 acres that have long been authorized for acquisition, but which have not been purchased due to funding constraints. The pending legislation would serve to increase these burdens by drawing yet another boundary within which it will be expected that the Federal Government will somehow provide the funding necessary to purchase and maintain these privately held lands.

Operational requirements in the existing parks are already suffering because appropriations are not able to keep pace with the effect of inflation, as well as the increased costs for Federal pay and retirement benefits. On top of this, Mr. President, Governmentwide staffing is expected to decrease by 272,900 full-time equivalent employees, which will affect most immediately those agencies which use temporary and seasonal employees, such as the Park Service. While these positions are often the easiest to cut, they are among the most visible in the system-it is the work of the seasonal and temporary employees that is most noticed ;by visitors to the parks. These employees are the ones who conduct the tours, lead the nature hikes, staff the visitor centers, maintain the grounds, clean the restrooms, replace damaged signs, and pass out the maps. How can we ask existing parks to cut back on these types of services while at the same time establishing new parks such as those created in this bill?

All of these factors affect our existing Park System. Expanding the System will add further burdens on the Interior Appropriations Subcommittee's ability to fund significant national

resources, whether they be natural, cultural, or historic. The time has come for us to get realistic about our parks. We cannot expect everything to be protected and paid for 100 percent by the Federal Government. We have other national needs, as well as a huge deficit to contend with. We have to begin considering alternative means of protecting and maintaining our national treasures. Such options might include spending limits on capital development, prohibitions on land acquisition, local cost-sharing, or making the long-term operations of an area the responsibility of an appropriate non-Federal entity.

The California Desert legislation before the Senate takes none of these steps. Capital development costs are unknown, but current experience with the Park Service tells us it is likely to be expensive. Land acquisition costs vary, depending on who is doing the estimating, but range from \$ 88 to \$ 300 million. Operational and staffing needs, totaling in the millions of dollars, will exist in perpetuity-once an area is designated as part of the National Park System, it is rarely removed. The Interior Department has estimated the near-term management costs to implement this legislation to be an additional \$ 53 million. The Department claims it can cover these costs within its fiscal year 1995 budget request, but does so at the expense of the construction and land acquisition accounts that are intended to help address the existing backlog.

When an area becomes designated as a unit of the National Park System, the American public has come to expect a quality of service of which they can be proud. The visitors to our parks expect the resources for which they were established to be protected, the laws to be enforced, interpretation and education to occur, visitor services to be provided, and safety to be protected. It takes money to fulfill these objectives-personnel in the form of biologists, hydrologists, historians, archaeologists, landscape architects; construction dollars for visitor facilities such as campgrounds, restrooms, kiosks, and interpretive displays; and equipment such as ambulances and 4-wheel-drive vehicles to aid in search and rescue missions. If we are not able to fund these needs adequately in existing park units, which we clearly are not, is it responsible for us to create new expectations by passing the legislation before the Senate, when the resources necessary to fulfill these expectations will be difficult, if not impossible, to provide in the coming years?

I realize that this legislation is going to pass this body. But, I feel that I would be somehow remiss in my duty as chairman of the Senate Appropriations Committee if I did not point out that there are critical competing needs in education, healthcare, transportation, and in fact, in almost every area of the Federal budget. As I have already explained, we cannot adequately maintain the parks that we now have, nor buy the lands which the authorizing committees have told us to buy. Having three new beautiful national parks would be nice. In an age when the United States enjoyed small deficits, creating those new parks would be desirable, but we, in this Chamber, have to come to grips with the realities of the age in which we live. One does not go out and buy a Cadillac when one cannot make the payments on the family Ford. One must learn to prioritize. A commitment this large is simply not appropriate in these times of desperately large deficits and so many, many pressing national needs. It is because of these concerns, and not because of a lack of appreciation about the significance of the California desert, that I must oppose S. 21.

Mr. President,

Thus we may see, how the world wags:

'Tis but an hour ago since it was nine;

And after one hour more 'twill be eleven;

And so, from hour to hour, we ripe and ripe,

And then, from hour to hour, we rot and rot;

And as we proceed to pass this legislation, apparently from day to day and year to year we will spend and spend, "and thereby hangs a tale."

Mr. BURNS. Mr. President, I rise today to voice my opposition to the California Desert bill, S. 21. I am greatly concerned by what this bill will do to already tight fiscal constraints on our National Park System and the question of private property.

S. 21 will cause further fiscal hardships on Yellowstone and Glacier National Parks. These parks are already in need of repair, and we can't tighten our belts much more without jeopardizing the infrastructure and natural beauty of these parks. This bill adds 3 million new acres-or three new Yellowstones-to our National Park System, and I don't know how we are going to pay for the 80 million acres we already have. [\*S4192]

I would like to give two examples. This year, I am going to attempt to secure funding for the renovation of two chalets in Glacier National Park. These chalets are historic but are not in compliance with State environmental laws. Yet, the Park Service has not added these to their priority list-it doesn't rate high enough on their already long list. Our Nation's oldest park, Yellowstone National Park is in need of updated facilities to accommodate the growing use of the park in the winter. While millions of visitors come to the park in the summer, Yellowstone is increasingly attractive to visitors in the winter months, as well.

Where are we going to get the funds to pay for these new parks? To me it is simple, Yellowstone and Glacier National Parks are going to suffer by the creation of these new national parks in California.

Also, I am greatly concerned about the taking of private property by this bill. While these actions may be occurring in California, it does effect Montanans. Private property rights are protected by the fifth amendment of the Constitution which states "nor shall private property be taken for public use, without just compensation." Yet, many laws have been encroaching further and further on this right because people in Washington do not respect or understand the importance of maintaining this right.

This bill places 500,000 acres of private holdings inside of Federal conservation units. This means that these private property owners will be greatly restricted on what actions they can engage in on their own land. This bill authorizes the purchase of these lands-but that still doesn't fully protect private property rights.

Last, the cost of this bill is too high. According to the Congressional Budget Office, the acquisition of private property alone which is authorized in this bill, would cost somewhere between \$ 100 to \$ 500 million. The administrative and construction costs over the next 5 years would cost \$ 36 million, and \$ 1 million lost in offsetting receipts for fiscal years from 1995 to 1998.

Mr. President, I cannot support this bill. I would urge my colleagues to vote against S. 21.

I yield the floor.

Mr. NUNN. Mr. President, I am pleased to be cosponsor of S. 21, the California Desert Protection Act. I congratulate Senator Feinstein for addressing and resolving the many issues that have been associated with protecting the California Desert. It has been a pleasure working with the Senator from California on this bill.

This bill designates approximately 4 million acres of **wilderness**; adds 3 million acres of national park lands; designates 4 million acres of national park **wilderness**; adds 20,500 acres to an existing California park; and establishes a 2,040-acre Desert Lily Sanctuary.

Several years ago, when this legislation was first introduced, by former Senator Cranston, the Department of Defense and the Armed Services Committee were concerned that the creation of new park and **wilderness** land might impact future expansion of military training areas, or interfere with existing testing and training activities, particularly those activities involving use of the air space above the desert. Last year Senator Cranston and the members of the Committee on Energy and Natural Resources began a discussion to address these concerns. Senator Feinstein continued this discussion and resolved the concerns of the Defense Department and the military services.

The training and testing lands of the southern California Desert are a crucial component of maintaining readiness. Key military installations in southern California include the Marine Corps Base at Twenty-Nine Palms, the Chocolate Mountain Aerial Gunnery Range, Edwards Air Force Base, China Lake Naval Weapons Center, and Ft. Irwin, the home of the Army's National Training Center.

As the U.S. military draws down its forces and closes bases and training and testing areas overseas, the training and testing lands of the southern California Desert increase in their importance to maintaining capable and ready forces. Senator Feinstein recognized the importance of the southern California Desert to military readiness. S. 21 addresses this national requirement and ensures that the military can continue to train in the southern California Desert area.

The Department of Defense and the military services are committed to training but they are equally committed to protecting and preserving the natural environment. I believe that the military's use of the desert land and the airspace above it is consistent with protecting and preserving the fragile desert ecosystems.

This is a very complex bill Mr. President. It addresses critically important issues of development and environmental protection in the very special and unique lands of the southern California Desert. I want to thank Senator Feinstein for her work on this bill and specifically in addressing the needs of the military in the southern California Desert.

Mr. DOLE. Mr. President, I will vote against final passage of this bill, but do so with some reservation. When considering public lands issues, the Senate has traditionally given great latitude to the two Senators from the State in which the land lies. In this instance, both Senators favor the bill.

However, our former colleague and the current Governor of California, Pete Wilson, has serious objections to the bill. As well, all four Members of the U.S. House of Representatives who represent the area in question are opposed to the bill in its present form. I ask unanimous consent that letters from the House delegation and Governor Wilson appear at this point in the Record.

I don't think there is much difference in opinion about whether the California Desert is a treasured national resource that deserves protection. But, as articulated by both the chairman and ranking members of the Appropriations Subcommittee on Interior have pointed out, we simply do not have the resources to pay for the management technique envisioned by this legislation.

We have a responsibility to protect all of our natural treasures, and passing this bill will further exacerbate the lack of funds available to operate other national parks-including Yosemite, Death Valley, and the Golden Gate National Park in San Francisco. Until we find some way to better care for the parks we have already created, it would be a mistake to create additional park lands.

Therefore, Mr. President, I will vote against final passage and hope a better protection plan can be devised.

There being no objection, the letters were ordered to be printed in the Record , as follows:

State Capitol,

Sacramento, CA, April 11, 1994.

Hon. Malcolm Wallop ,

U.S. Senate,

Washington, DC.

Dear Senator Wallop: Thank you for your inquiry regarding my views on the version of the California Desert Protection Act being taken up by the Senate today. As you know, on September 28, 1993, I sent a letter to Senator Feinstein and the members of the Energy and Natural Resources Committee outlining the problems with the legislation and requesting nine specific and highly reasonable amendments. With the exception of a provision permitting the continuation of military overflights, none of the amendments requested have been dealt with adequately, and new problems have been created. For these reasons, I cannot support S. 21 in its current form.

As I have pointed out many times, it is ironic that under S. 21 many who now visit and enjoy the desert and wish to see it preserved will be barred from any further enjoyment themselves. For many visitors, motor vehicles are the only reasonable method of accessing the desert. By placing vast areas off-limits to anyone but backpackers and those with horses, many people will find their recreational opportunities dramatically reduced.

The negative economic impacts of S. 21 continue to be troublesome to me as well. As California climbs out of a painful recession, it is extremely important that all steps possible be taken to maximize the state's future economic vitality. Putting new mining off-limits in much of the California Desert is a step in the wrong direction. Provisions can be made in the legislation to promote future mineral development in certain important areas without significantly diminishing the overall preservation objectives of the legislation.

One of the most pressing issues that must be dealt with on the Senate floor is a provision added to the bill in committee that will allow the State Lands Commission to trade its lands in the desert for surplus federal property throughout California. The priority given to the State Lands Commission threatens to seriously hinder our ongoing efforts in the state to revitalize communities that [\*S4193] have been afflicted by military base closings. The state has been supportive of transferring surplus property at closed bases to local economic redevelopment authorities free of charge. As S. 21 currently stands, surplus lands will be used to pay for desert protection rather than to benefit local communities that have been hard-hit by base closures.

As you know, the original reason a special provision was included for the State Lands Commission was due to a fear that surplus BLM and other lands that would normally be offered up for exchange would be inadequate to deal with a quantity of land as vast as that in S. 21. The State Lands Commission has a fiduciary duty to maximize the value of its holding to benefit California's retired school teachers. Many former military properties are valuable real estate and would be grabbed up quickly. It would be tragic if local communities or businesses would have to buy the properties back before redevelopment could proceed.

A number of more specific concerns remain to be addressed as well. California's Department of Transportation has requested rapid emergency access to desert **wilderness** areas to deal with accidents and hazardous materials spills. Language must also be included to allow for the future realignment of State Route 190 through Death Valley National park. Current report language requires that any realignment be accomplished within the existing right-of-way, something that

will be difficult, if not impossible, to achieve. The inclusion of a provision allowing for a realignment that is mutually acceptable to Caltrans and the Park Superintendent would suffice.

Additionally, active wildlife management is needed in the desert to assist endangered, threatened, and sensitive species and to mitigate the damage to natural springs caused by wild burros and the invasion of non-native plants. Yet the language included on fish and wildlife management continues to be wholly inadequate. The California Department of Fish and Game has requested that the East Mojave and the Hunter Mountain expansion of Death Valley be left under the jurisdiction of the BLM. Even simply designating these areas as NPS "National Preserves" instead of the proposed park status would permit continued hunting and access for scientific research and wildlife management.

California law enforcement entities, including the California Highway Patrol, have also signaled their objections to restrictions that will be placed on search and rescue efforts, drug enforcement, Border Patrol interdiction, and other related operations. The current provisions in Section 103(g) of the bill place restrictions on law enforcement that are unnecessary and unacceptable. Law enforcement officials, including those representing local agencies, must be given access to **wilderness** and park areas throughout the southern desert area. Furthermore, the proposed **wilderness** designation for Jacumba and Fish Creek must be dropped entirely from the bill, given the proximity of these areas to the border and their strategic importance to smugglers.

I fully share the desire of Senator Feinstein to preserve California's precious desert areas for future generations. However, in its current form, S. 21 will do more harm than good. I urge your assistance in amending S. 21 to reconcile the worthy goal of desert protection with the legitimate economic and resource issues that remain as problems.

Sincerely,

Pete Wilson,

Governor.

Congress of the United States,

House of Representatives,

Washington, DC, April 11, 1994.

Dear Senate Colleague: Prior to your consideration of the California Desert Protection Act this week, we thought you might be interested to learn our thoughts regarding S.21.

Despite claims to the contrary, there are numerous problems with S.21 as it is presently written. These problems include the hindrance of law enforcement activities along the Mexican border, the overwhelming administrative and financial backlog of an already beleaguered National Park Service, and placing new and questionable financial burdens on the U.S. taxpayer.

Nearly every State contains at least one National Park Service (NPS) venue. We are all aware of the funding backlog which exists for such mundane things as routine operations and maintenance, ranger and staff housing facilities, and interpretive and visitor centers. For example, the Death Valley National Monument is seeking \$ 12 million to construct employee housing for its current employees. The President's FY 1995 budget contains no money for this initiative. If we can not keep up with the demands placed on current units of the NPS, why should we enlarge the system and cause further backlogs?

The woes of the NPS are well documented in the Vice President's National Performance Review (NPR). One recommendation in the NPR is to increase user and visitor fees at existing National Park venues. One effect of S.21 would be to add roughly 2.7 million acres to the NPS, much of which would be a 1.2 million acre Park in the East Mojave Desert. This is an area which is presently being well managed by the Bureau of Land Management in accordance with the Congressionally designated California Desert Conservation Area (CDCA).

We question the logic of expanding the NPS in such dramatic fashion at a time when so many of our existing Parks and Monuments are in obvious and dire need of financial attention. The President's FY 1995 budget contains only minimal transition funding for the enactment of S.21. The subsequent five years after its enactment, S.21 will cost at least \$ 125 million. This \$ 125 million does not include land acquisition or construction. Where will the money come from to pay for the new demands created by S.21? Existing resources will be siphoned off from other NPS facilities around the country.

We are not under any illusions about preventing a vote on final passage of S.21 in the Senate. However, several amendments to S.21 will be offered by Senator Wallop and other members of the Energy and Natural Resources Committee which we believe merit your support. These are not "Killer" amendments, but rather sensible ones. We respectfully ask that you give them your strongest consideration. After all, as a result of thoughtful and deliberate debate, this legislation has failed to pass since its introduction in 1986.

We remain opposed to the bill as a whole because we have yet to be invited to the table to offer our input on this issue that so dramatically impacts our districts and ignores the views of our constituents.

Please don't hesitate to contact any one of us directly if you have any questions or would like further details. Combined, we have represented the vast majority of the California desert in the House for well over 50 years. Thank you for your attention.

Sincerely, Members of Congress.

Congress of the United States,

House of Representatives,

Washington, DC, April 12, 1994.

Support the East Mojave National Monument

Dear Senate Colleague: The East Mojave National Scenic Area (EMNSA) is currently being managed by the Bureau of Land Management in accordance with the congressionally mandated Federal Land Policy Management Act of 1976.

Under S. 21, the National Park Service would be charged with the responsibility of managing this 1.5 million acre area. With the proposed personnel reductions at the NPS, an estimated 3,700 park rangers and staff will be eliminated over the next five years. The NPS is unable to meet its existing obligations let alone adequately fund and manage this massive addition. We have already witnessed facility closures, reductions of interpretive and visitor service programs, and basic maintenance projects-all within our existing park system! All this is happening now.

Why should we burden this system with 1.5 million additional acres already being managed in accordance with congressional intent!!

Why should existing parks across the country sacrifice their already scarce resources to pay for a 1.5 million acre addition whose park quality is questioned by career employees at both the NPS and BLM?

Support the Wallop amendment to S.21. Upgrade the East Mojave National Scenic Area to a National Monument to be administered by existing BLM resources. If you want to really protect the East Mojave, provide the BLM adequate resources to do the job.

Sincerely, Members of Congress.

Mr. BIDEN. I am pleased to have been a cosponsor of the California desert protection bill, which the Senate passed this morning. We have finally been able to secure lasting protection for the irreplaceable ecosystems in the desert of southern California.

The California Desert Protection Act was first introduced in 1985. After more than 8 years of effort, the Senate vote today clears the way for establishment of the largest **wilderness** area ever created in the lower 48 States. The act will protect 6.4 million of the 25 million acres of the southern California desert as **wilderness** and national park areas.

The desert teems with more than 760 species of wildlife, including bighorn sheep and the endangered desert tortoise. The topography of the desert includes giant dunes, extinct volcanoes, and more than 100,000 archeological sites. The desert is also home to a vast array of plant life, including the oldest Joshua tree forest in the country. Careless exploitation of the desert's resources can destroy what has existed for tens of thousands of years.

The vital task of preserving fragile ecosystems and the biodiversity that exists within them is one of the Federal Government's most important responsibilities. The citizens and scientists, environmentalists and government [\*S4194] officials who worked so hard for the California Desert Protection Act over the years can be proud of their perseverance in getting this **wilderness** area established.

The California Desert Protection Act of 1993 will ensure that the remarkable assets of the California desert will be treasured by our grandchildren. It will also serve as an example of the far-sighted environmentalism that provides hope for us all.

Mr. DORGAN. Mr. President, I wish to briefly note my support for this bill, and for the efforts of Senator Feinstein, the sponsor, and Senator Johnston, chairman of the committee of jurisdiction, in bringing this bill to the floor.

Because the California Desert Protection Act will affect the costs of managing Federal lands, we in Congress must retain authority over this legislation to ensure that any commitments for future Federal costs are responsible and necessary. This was a primary concern of the Energy and Natural Resources Committee when we considered this bill.

Beyond the question of Federal costs, however, this is a California plan for public lands in that State, put together mostly by long discussions and debate among Californians. It is a plan on which former Senator Cranston of California worked with his constituents for many years to set aside some parts of that State as permanent **wilderness**, wildlife preserves, and public parks.

Certainly, I understand that not all residents of California agree with this bill. However, in the main, this is a California plan for Californians, and we ought to allow Senator Feinstein and her constituents some latitude in determining the future of natural and scenic areas of their State.

I would like to say that many of us in North Dakota are now considering ways in which we might set aside certain natural and scenic areas in our western counties, most of which are under the

management of the U.S. Forest Service. Many in North Dakota want to preserve a few areas from oil exploration or other development that would disturb or mar those area. I share that desire and I hope we are able to produce a North Dakota plan, put together by a consensus of North Dakotans. I hope that this body one day will support such a plan for North Dakota if it is presented to Congress for approval.

Thank you for this opportunity to express my support for California's **wilderness** plan.

Mr. CHAFEE. Mr. President, I am proud to be listed as a cosponsor of the California desert bill now before us, and commend Senator Feinstein and the chairman of the Energy Committee, Senator Johnston, for their efforts to bring this measure to the floor.

I have long supported legislation to conserve America's landscapes. Indeed, my keen interest in this area dates back to my time as Governor of Rhode Island during the mid-1960's, when I signed into law legislation to establish an open space program in my State.

But as the Senator from California knows, I did not sign onto this bill until about a month ago. Many had raised concerns with me about the legislation, and before I joined as a cosponsor, I wanted to make sure that I had all the facts.

One of the greatest concerns surrounding S. 21 has been its cost. As has been pointed out by many, the proposed new national parks and **wilderness** areas do contain some large privately owned parcels, and some have argued that acquiring those lands will be extremely expensive. Indeed, the Congressional Budget Office has estimated that acquiring these lands could cost anywhere between \$ 100 and \$ 300 million over the next 10 years. That is not an insignificant amount of money.

However, after looking at this issue in more detail, I have learned that there are some sizable holes in the CBO estimate. First, it does not take into account the fact that the Bureau of Land Management already has in place conservation plans developed during the Reagan and Bush administrations, under which the BLM has been acquiring, and will continue to acquire land in the California desert. Indeed, according to Secretary Babbitt, the land acquisition envisioned in S. 21 is less than originally planned by the BLM. Thus, as the Secretary points out, the acquisition costs of S. 21 are not new. They have been contemplated by the BLM for some time.

A second point that should be made about these cost estimates is that they assume that the Federal Government will actually have to purchase every single private parcel within the boundaries established by this bill. This is a highly unlikely scenario, as a great many landowners likely will exchange their land for other nondesignated Federal parcels. Many also will be happy to keep their land and abide by the limitations that come with a park or **wilderness** area designation. Thus, while there is no question that the enactment of S. 21 will require new spending, it seems to me that money of the predictions about its cost have been greatly exaggerated.

Before cosponsoring, I also wanted to know what was being done to address the concerns of those who currently use the desert in ways that would conflict with the national park or **wilderness** designations. I must say that I have been extremely impressed with the lengths to which Senator Feinstein has gone to accommodate those interests. She has not demagogued on this issue or tried to vilify her opponents as inflexible enemies of the environment. Instead, she has listened to their worries, and wherever possible, has modified her bill to address them. Dozens of amendments have been made to mitigate the impact of this legislation on miners, ranchers, private property owners, and off-road vehicle enthusiasts. I am satisfied that S. 21, as it now stands, is a thoroughly considered, well-balanced piece of legislation.

Now, the opponents of this bill, particularly the Senator from Wyoming, have argued very forcefully that the Park Service is overburdened already, that there simply are no funds available

to manage these new areas or to acquire the private inholdings within their boundaries.

There is no question that times are very tight. Clearly, it would be ideal if there were more money to go around. But opportunities to preserve such a spectacular region as the California desert do not occur every day. It has taken 8 years to get to this point, and I believe we must take advantage of this historic opportunity while we have the chance. It may take some time before we can manage these areas in the manner in which we'd like to. But in my view, the important thing now is to take care of the designation-to draw the boundaries around the areas we want to protect for our children and their children.

I can think of no instance where the Government has designated an area as a park and years later people have looked back, regretted the decision, and tried to reverse it. As we continue to develop and extract resources from the remaining open spaces in our Nation, it is important that we ensure that there will always be places where people can get away and renew their spirits, breathe fresh air, and appreciate nature's gifts.

Mr. President, going back to Theodore Roosevelt, the Republican party has a great tradition of conserving our Nation's valuable landscapes. This bill is in keeping with that tradition, and I look forward to its approval by the Senate.

The PRESIDING OFFICER (Mr. Mathews ). Under the previous order, the hour of 10 o'clock having arrived, the question occurs on passage of S. 21, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question occurs on passage of S. 21, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware (Mr. Biden ) is necessarily absent.

I also announce that the Senator from Alabama (Mr. Shelby ) is absent because of illness.  
[\*S4195]

I further announce that, if present and voting, the Senator from Delaware (Mr. Biden ) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced-yeas 69, nays 29, as follows:

(Rollcall Vote No. 89 Leg.)

YEAS-69

Akaka

Baucus

Bingaman

Bond	Boren	Boxer
Bradley	Breaux	Bryan
Bumpers	Campbell	Chafee
Cohen	Conrad	Danforth
Daschle	DeConcini	Dodd
Domenici	Dorgan	Durenberger
Exon	Feingold	Feinstein
Ford	Glenn	Gorton
Graham	Grassley	Gregg
Harkin	Hatfield	Heflin
Hollings	Inouye	Jeffords
Johnston	Kassebaum	Kennedy
Kerrey	Kerry	Kohl
Lautenberg	Leahy	Levin
Lieberman	Lugar	Mathews
Metzenbaum	Mikulski	Mitchell
Moseley-Braun	Moynihan	Murray
Nunn	Pell	Pryor
Reid	Riegle	Robb
Rockefeller	Roth	Sarbanes
Sasser	Simon	Specter
Warner	Wellstone	Wofford
	NAYS-29	

Bennett	Brown	Burns
Byrd	Coats	Cochran
Coverdell	Craig	D'Amato
Dole	Faircloth	Gramm
Hatch	Helms	Hutchison
Kempthorne	Lott	Mack
McCain	McConnell	Murkowski
Nickles	Packwood	Pressler
Simpson	Smith	Stevens
Thurmond	Wallop	

NOT VOTING-2

Biden	Shelby
-------	--------

So the bill (S. 21), as amended, was passed, as follows:

S. 21

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

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS AND POLICY.

(a) The Congress finds and declares that-

(1) the federally owned desert lands of southern California constitute a public wildland resource

of extraordinary and inestimable value for this and future generations;

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

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

(4) the California desert, embracing **wilderness** lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

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

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

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

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

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

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

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

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

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

### SEC. 101. FINDINGS.

The Congress finds and declares that-

(1) **wilderness** is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially

unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Park **Wilderness-Proposed 1**" and "Chimney Peak **Wilderness-Proposed 2**", dated May 1991, and which shall be known as the Chimney Peak **Wilderness**. [\*S4196]

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

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

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

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

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

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

(18) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-eight thousand eight hundred

and fifty acres, as generally depicted on a map entitled "Dead Mountains **Wilderness-Proposed**", dated October 1991, and which shall be known as Dead Mountains **Wilderness**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(49) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand seven hundred acres, as generally

depicted on a map entitled "Picacho Peak **Wilderness**-Proposed", dated May 1991, and which shall be known as the Picacho Peak **Wilderness**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(65) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Surprise Canyon **Wilderness-Proposed**", dated September 1991, and which shall be known as the Surprise Canyon **Wilderness**.

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

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

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

(69) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-seven thousand five hundred and twenty acres, as generally depicted on a map entitled "Whipple Mountains **Wilderness-Proposed**", dated July 1993, and which shall be known as the Whipple Mountains **Wilderness**. [\*S4198]

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

(a) Management .-Subject to valid existing rights, each **wilderness** area designated under

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

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

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

(d) No Buffer Zones .-The Congress does not intend for the designation of **wilderness** areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any such **wilderness** area. The fact that nonwilderness activities or uses can be seen or heard from areas within a **wilderness** area shall not, of itself, preclude such activities or uses up to the boundary of the **wilderness** area.

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

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

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

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

(a) In General. -Except as provided in subsection (b), the Congress hereby finds and directs that lands in the California Desert Conservation Area, of the Bureau of Land Management, not designated as **wilderness or wilderness** study areas by this Act have been adequately studied

for **wilderness** designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of **wilderness** study areas in a manner that does not impair the suitability of such areas for preservation as **wilderness**.

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

(1) certain lands which comprise approximately sixty-one thousand three hundred and twenty, as generally depicted [\*S4199] on a map entitled "Avawatz Mountains **Wilderness**-Proposed", dated May 1991;

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

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

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

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

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

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

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

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

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

#### SEC. 106. SUITABILITY REPORT.

The Secretary is required, ten years after the date of enactment of this Act, to report to

Congress on current and planned exploration, development or mining activities on, and suitability for future **wilderness** designation of, the lands as generally depicted on maps entitled "Surprise Canyon **Wilderness**-Proposed", "Middle Park Canyon **Wilderness**-Proposed", and "Death Valley National Park Boundary and **Wilderness** 15", dated September 1991 and a map entitled "Manly Peak **Wilderness**-Proposed", dated October 1991.

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

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

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

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

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

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

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

#### SEC. 201. DESIGNATION AND MANAGEMENT.

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

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

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

## **Wilderness.**

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

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

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

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

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

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

### SEC. 204. COLORADO RIVER.

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

## TITLE III-DEATH VALLEY NATIONAL PARK

### SEC. 301. FINDINGS.

The Congress hereby finds that-

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

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

(3) the monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and **wilderness** values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a National Park; and

(5) the **wilderness** within Death Valley should receive maximum statutory protection by designation pursuant to the **Wilderness Act**.

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

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

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

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

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

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

#### SEC. 305. WITHDRAWAL.

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

#### SEC. 306. GRAZING.

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

(b) Sale of Property.- If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property

with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

#### TITLE IV-JOSHUA TREE NATIONAL PARK

##### SEC. 401. FINDINGS.

The Congress hereby finds that-

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

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

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

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

(5) the nondesignated **wilderness** within Joshua Tree should receive statutory protection by designation pursuant to the **Wilderness Act**.

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

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

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

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

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

Within six months after the date of enactment of this title, the Secretary shall file maps and legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the [\*S4200] Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

#### SEC. 405. WITHDRAWAL.

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

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

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

### TITLE V-MOJAVE NATIONAL PARK

#### SEC. 501. FINDINGS.

The Congress hereby finds that-

- (1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;
- (2) the Mojave desert possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;
- (3) portions of the Mojave desert should be afforded full recognition and statutory protection as a National Park;
- (4) the **wilderness** within the Mojave desert should receive maximum statutory protection by

designation pursuant to the **Wilderness Act**; and

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

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

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

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

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

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

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

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

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

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

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

#### SEC. 507. WITHDRAWAL.

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

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

Subject to valid existing rights, all mining claims located within the park shall be subject to all applicable laws and regulations applicable to mining within units of the National Park System,

including the Mining in the Parks Act (16 U.S.C. 1901 et seq.), and any patent issued after the date of enactment of this title shall convey title only to the minerals together with the right to use the surface of lands for mining purposes, subject to such laws and regulations.

#### SEC. 509. GRAZING.

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

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

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

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

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

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

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

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

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

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

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

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

(b)(1) Nothing in this title shall have the effect of terminating any validly issued [\*S4201] right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing the capacity of the existing pipeline; or prohibiting the renewal of such right-of-way; issued, granted, or permitted to the Southern California Gas Company, its successors or assigns, which is located on lands included in the Mojave National Park, but outside lands designated as **wilderness** under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

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

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

(d) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted to Molybdenum Corporation of America; Molycorp, Incorporated; or Union Oil Company of California (d/b/a Unocal Corporation); or its successors or assigns, or prohibiting renewal of such right-of-way, which is located on lands included in the Mojave National Park, but outside lands designated as **wilderness** under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

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

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

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

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

SEC. 512. GRANITE MOUNTAINS NATURAL RESERVE.

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

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

SEC. 513. SODA SPRINGS DESERT STUDY CENTER.

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

SEC. 514. CONSTRUCTION OF VISITOR CENTER.

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

SEC. 515. ACQUISITION OF LANDS.

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

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

(2) lands or interests therein within the boundary of the park which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the park or which is otherwise incompatible with the purposes of this title: Provided, however, That the construction, modification, repair, improvement, or replacement of a single-family residence shall not be determined to be detrimental to the integrity of the park or incompatible with the purposes of this title.

SEC. 516. SUITABILITY REPORT.

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

SEC. 517. ADVISORY COMMISSION.

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

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

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

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

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

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

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

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

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

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

(1) Death Valley National Park **Wilderness**, comprising approximately three million one hundred fifty-eight thousand thirty-eight acres, as generally depicted on twenty-three maps entitled "Death Valley National Park Boundary and **Wilderness**", numbered in the title one through twenty-three, and dated October 1993 or prior, and three maps entitled "Death Valley National Park **Wilderness**", numbered in the title one through three, and dated July 1993 or prior, and which shall be known as the Death Valley **Wilderness**.

(2) Joshua Tree National Park **Wilderness** Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and **Wilderness-Proposed**", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree **Wilderness** as designated by Public Law 94-567.

(3) Mojave National Park **Wilderness**, comprising approximately six hundred ninety-five thousand two hundred acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and **Wilderness-Proposed**", and numbered in the title one through ten, and dated March 1994 or prior, and seven maps entitled "Mojave National Park **Wilderness-Proposed**", numbered in the title one through seven, and dated March 1994 or prior, and which shall be known as the Mojave **Wilderness**.

(b) Potential **Wilderness** .-Upon cessation of all uses prohibited by the **Wilderness** Act and publication by the Secretary in the Federal Register of notice of such cessation, potential **wilderness**, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental

Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on map in the Draft Plan entitled "**Wilderness** Plan Death Valley National Monument", dated January 1988, and which shall be deemed to be a part of the Death Valley **Wilderness** as designated in paragraph (1). Lands identified in the Draft Plan as potential **wilderness** shall be managed by the Secretary insofar as practicable as **wilderness** until such time as said lands are designated as **wilderness**.

#### SEC. 602. FILING OF MAPS AND DESCRIPTIONS.

Maps and a legal description of the boundaries of the areas designated in section 601 of this title shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior. As soon as practicable after the date of enactment of this title takes effect, maps and legal descriptions of the **wilderness** areas shall be filed with the Committee on Energy and Natural Resources of the United [\*S4202] States Senate and the Committee on Natural Resources of the United States House of Representatives, and such maps and legal descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

#### SEC. 603. ADMINISTRATION OF **WILDERNESS** AREAS.

The areas designated by section 601 of this title as **wilderness** shall be administered by the Secretary in accordance with the applicable provisions of the **Wilderness** Act governing areas designated by that title as **wilderness**, except that any reference in such provision to the effective date of the **Wilderness** Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

### TITLE VII-MISCELLANEOUS PROVISIONS

#### SEC. 701. TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK.

Upon enactment of this title, the Secretary shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

#### SEC. 702. LAND TENURE ADJUSTMENTS.

In preparing land tenure adjustment decisions with the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and **wilderness** areas designated by this Act.

#### SEC. 703. LAND DISPOSAL.

Except as provided in section 406, none of the lands within the boundaries of the **wilderness** or park areas designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District or any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar acts.

#### SEC. 704. MANAGEMENT OF NEWLY ACQUIRED LANDS.

Any lands within the boundaries of a **wilderness** area designated under this Act which are acquired by the Federal Government, shall become part of the **wilderness** area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such **wilderness** area.

#### SEC. 705. NATIVE AMERICAN USES AND INTERESTS.

(a) Access.- In recognition of the past use of the parks and **wilderness** areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks and **wilderness** areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park or **wilderness** in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as **wilderness, the Wilderness Act** (78 Stat. 890; 16 U.S.C. 1131).

(b) Cook Inlet Regional Corporation.- Section 12 of the Act of January 2, 1976 (Public Law 94-204; 38 U.S.C. 1611 note), as amended, is further amended-

(1) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively;

(2) by inserting after subsection (b) the following new subsection:

"(c) The Native landowner shall be required to determine the fair value of subsurface interests conveyed to it pursuant to subsection (b) utilizing the appraisal methodology customarily used by the Minerals Management Service for valuing similar interests (such as discounted cash flow based methodology). The fair value of any subsurface interests in land determined by a qualified independent appraiser designated by the Region utilizing the methodology described above shall be binding for all purposes, except for Federal tax matters, and provided that this exception shall create no inference about the appropriate methodology for establishing fair value in such matters."; and

(3) in paragraph (9) of subsection (b), by striking "section 12(h)" and inserting in lieu thereof "section 12(i)".

(c) Study .-

(1) In general .-The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monument and the Death Valley National Park, as described in title III of the California Desert Protection Act of 1993.

(2) Report .-Not later than 1 year after the date of enactment of the California Desert Protection Act of 1993, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

#### SEC. 706. FEDERAL RESERVE WATER RIGHTS.

(a) Except as otherwise provided in section 204, with respect to each **wilderness** area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 44 U.S.C. 666), commonly referred to as the McCarran Amendment.

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the **wilderness** area located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

#### SEC. 707. CALIFORNIA STATE SCHOOL LANDS.

(a) Negotiations to Exchange.- Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b) (2) for California State School lands or interests therein which are located within the boundaries of one or more of the **wilderness** areas or park units designated by this Act (hereinafter in this section referred to as "State School lands."). The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) Preparation of List.- Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a list of the following:

(1) State School lands or interests therein (including mineral interests) which are located within the boundaries of the **wilderness** areas or park units designated by this Act.

(2) Lands within the State of California under the jurisdiction of the Secretary that the Secretary determines to be suitable for disposal for exchange, identified in the following priority-

(A) lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues;

(B) Federal claims in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project; and

(C) any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes

surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

(4) The Secretary shall maintain such list and shall annually transmit such list to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives until all of the State School lands identified in paragraph (1) have been acquired.

(c) Disposal of Surplus Federal Property. -(1) Effective upon the date of enactment of this Act and until all State School lands identified in paragraph (b)(1) of this section are acquired, no Federal lands or interests therein within the State of California may be disposed of from Federal ownership unless-

(A) the Secretary is notified of the availability of such lands or interest therein;

(B) the Secretary has notified the Commission of the availability of such lands or interests therein for exchange; and [\*S4203]

(C) the Commission has not notified the Secretary within six months that it wishes to consider entering into an exchange for such lands or interests therein.

(2) If the Commission notifies the Secretary that it wishes to consider an exchange for such lands or interests therein, the Secretary shall attempt to conclude such exchange in accordance with the provisions of this section as quickly as possible.

(3) If an agreement is reached and executed with the Commission, then upon notice to the head of the agency having administrative jurisdiction over such lands or interests therein, the Secretary shall be vested with administrative jurisdiction over such lands or interests therein for the purpose of concluding such exchange.

(4) Upon the acquisition of all State School lands or upon notice by the Commission to the Secretary that it no longer has an interest in such lands or interests therein, such lands or interests shall be released to the agency that originally had jurisdiction over such lands or interests for disposal in accordance with the laws otherwise applicable to such lands or interests.

(d) No Effect on Military Base Closures. -The provisions of this section shall not apply to the disposal of property under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

#### SEC. 708. ACCESS TO PRIVATE PROPERTY.

The Secretary shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the conservation units and **wilderness** areas designated by this Act which will provide the owner of such land or interest the reasonable use and enjoyment thereof.

#### SEC. 709. FEDERAL FACILITIES FEE EQUITY.

(a) Policy Statement.- It is the intent of Congress that entrance, tourism or recreational use fees for use of Federal lands and facilities not discriminate against any State or any region of the country.

(b) Fee Study. -The Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the appropriate committees of the House of Representatives and

the Senate Committee on Energy and Natural Resources of the United States Senate and any other relevant committees by May 1, 1996, which shall-

- (1) identify all Federal lands and facilities that provide recreational or tourism use; and
- (2) analyze by State and region any fees charged for entrance, recreational or tourism use, if any, on Federal lands or facilities in a State or region, individually and collectively.
- (c) Recommendations. -Following completion of the report in subsection (b), the Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the appropriate committees of the House and the Energy and Natural Resource Committee of the United States Senate and any other relevant committees by May 1, 1997, which shall contain recommendations which the Secretary deems appropriate for implementing the congressional intent outlined in subsection (a).

## TITLE VIII-MILITARY LANDS AND OVERFLIGHTS

### SEC. 801. SHORT TITLE AND FINDINGS.

(a) Short Title. -This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) Findings. -The Congress finds that-

- (1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;
- (2) the National Parks and **wilderness** areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;
- (3) there is a lack of alternative sites available for these military training, testing, and research activities;
- (4) continued use of the lands and airspace in the California desert region is essential for military purposes; and
- (5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

### SEC. 802. MILITARY OVERFLIGHTS.

(a) Overflights. -Nothing in this Act, the **Wilderness** Act, or other land management laws generally applicable to the new units of the National Park or **Wilderness** Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

(b) Special Airspace. -Nothing in this Act, the **Wilderness** Act, or other land management laws generally applicable to the new units of the National Park or **Wilderness** Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude the

designation of new units of special airspace or the use or establishment of military flight training routes over such new park or **wilderness** units.

(c) No Effect on Other Laws.- Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

#### SEC. 803. WITHDRAWALS.

(a) China Lake.- (1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for-

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support;

(D) geothermal leasing and development and related power production activities; and

(E) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands located within the boundaries of the China Lake Naval Weapons Center, comprising approximately one million one hundred thousand acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal-Proposed", dated January 1985.

(b) Chocolate Mountain.- (1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for-

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately two hundred twenty-six thousand seven hundred and eleven acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed-Withdrawal" dated July 1993.

#### SEC. 804. MAPS AND LEGAL DESCRIPTIONS.

(a) Publication and Filing Requirement.- As soon as practicable after the date of enactment of this title, the Secretary shall-

(1) publish in the Federal Register a notice containing the legal description of the lands

withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) Technical Corrections.- Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) Availability for Public Inspection.- Copies of such maps and legal descriptions shall be available for public inspection in the appropriate offices of the Bureau of Land Management; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) Reimbursement.- The Secretary of Defense shall reimburse the Secretary for the cost of implementing this section.

#### SEC. 805. MANAGEMENT OF WITHDRAWN LANDS.

(a) Management by the Secretary of the Interior.- (1) Except as provided in subsection (g), during the period of the withdrawal the Secretary shall manage the lands withdrawn under section 802 of this title pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this title.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting-

(A) the continuation of grazing pursuant to applicable law and Executive orders were permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on [\*S4204] the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) Closure to Public.- (1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall-

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) Management Plan.- The Secretary (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 of this title during the period of such withdrawal. Each plan shall-

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) Brush and Range Fires.- The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) Memorandum of Understanding.- (1) The Secretary and the Secretary of the Navy shall (with respect to each land withdrawal under section 802 of this title) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) Additional Military Uses.- Lands withdrawn under section 802 of this title may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) Management of China Lake.- (1) The Secretary may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary and the Secretary of the Navy: Provided, That nothing in this subsection shall affect geothermal leases issued by the Secretary prior to the date of enactment of this title, or the responsibility of the

Secretary to administer and manage such leases, consistent with the provisions of this section. In the case that the Secretary assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary) shall develop such management plan.

(2) The Secretary shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary shall transmit such report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary and the Secretary of the Navy.

(5) Neither this title nor any other provision of law shall be construed to prohibit the Secretary from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal or relinquishment of China Lake, Navy contracts for the development of geothermal resources at China Lake then in effect (as amended or renewed by the Navy after the date of enactment of this title) shall remain in effect: Provided, That the Secretary, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

#### SEC. 806. DURATION OF WITHDRAWALS.

(a) Duration. -The withdrawals and reservations established by this title shall terminate twenty-five years after the date of enactment of this title.

(b) Draft Environmental Impact Statement. -No later than twenty-two years after the date of enactment of this title, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this section. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) Extensions or Renewals. -The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution of Congress.

#### SEC. 807. ONGOING DECONTAMINATION.

(a) Program. -Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) Reports. -At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this title and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the United States Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the United States House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including-

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full contamination of such lands and the estimate of the time to complete such decontamination.

#### SEC. 808. REQUIREMENTS FOR RENEWAL.

(a) Notice and Filing. -(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need [\*S4205] for any of such lands after the termination date, the Secretary of the Navy shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary of the Navy shall file a notice of intention to relinquish with the Secretary.

(b) Contamination. -(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of the Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) Decontamination. -If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) Alternatives. -If the Secretary, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary shall not be required to accept the land proposed for relinquishment.

(e) Status of Contaminated Lands. -If, because of their contaminated state, the Secretary declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws-

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) Revocation Authority. -Notwithstanding any other provision of law, the Secretary, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order which shall-

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands law, including the mining laws.

#### SEC. 809. DELEGABILITY.

(a) Department of Defense. -The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) Department of the Interior. -The functions of the Secretary under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary, the Under Secretary of the Interior, or an Assistant Secretary of the Department of

the Interior.

#### SEC. 810. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

#### SEC. 811. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

#### SEC. 812. EL CENTRO RANGES.

The Secretary is authorized to permit the Secretary of the Navy to use until January 1, 1997, the approximately forty-four thousand eight hundred and seventy acres of public lands in Imperial County, California, known as the East Mesa and West Mesa ranges, in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy. All military uses of such lands shall cease on January 1, 1997, unless authorized by a subsequent Act of Congress.

### TITLE IX-INITIATIVES PERTAINING TO THE LOWER MISSISSIPPI DELTA REGION

#### SEC. 901. FINDINGS.

(a) The Congress finds that-

(1) in 1988, Congress enacted Public Law 100-460, establishing the Lower Mississippi Delta Development Commission, to assess the needs, problems, and opportunities of people living in the Lower Mississippi Delta Region that includes 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee;

(2) the Commission conducted a thorough investigation to assess these needs, problems, and opportunities, and held several public hearings throughout the Delta Region;

(3) on the basis of these investigations, the Commission issued the Delta Initiatives Report, which included recommendations on natural resource protection, historic preservation, and the enhancement of educational and other opportunities for Delta residents;

(4) the Delta Initiatives Report recommended-

(A) designating the Great River Road as a scenic byway, and designating other hiking and motorized trails throughout the Delta Region;

(B) that the Federal Government identify sites and structures of historic and prehistoric importance throughout the Delta Region;

(C) the further study of potential new units of the National Park System within the Delta Region; and

(D) that Federal agencies target more monies in selected areas to institutions of higher education in the Delta Region, especially Historically Black Colleges and Universities.

## SEC. 902. DEFINITIONS.

As used in this title, the term-

- (1) "Commission" means the Lower Mississippi Delta Development Commission established pursuant to Public Law 100-460;
- (2) "Delta Initiatives Report" means the May 14, 1990 Final Report of the Commission entitled "The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential";
- (3) "Delta Region" means the Lower Mississippi Delta Region including the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the Delta Initiatives Report, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered part of the Delta Region for purposes of this title;
- (4) "Historically Black College or University" means a college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); and
- (5) "minority college or university" means a Historically Black College or University that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a "minority institution" as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)).

## SEC. 903. DEFINITIONS.

As used in this title, the term-

- (1) "Department" means the United States Department of the Interior, unless otherwise specifically stated; and
- (2) "Secretary" means the Secretary of the Interior, unless otherwise specifically stated.

## SEC. 904. NATURAL RESOURCES AND ENVIRONMENTAL EDUCATIONAL INITIATIVES.

- (a) Office of Education.- (1) There shall be established within the Department an Office of Education to encourage, support, and coordinate education programs of the Department at the elementary, secondary, college and university, and graduate levels.
- (2) The goals of the Office of Education shall be to-
  - (A) enhance the quality of education in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;
  - (B) establish initiatives at minority colleges or universities;
  - (C) encourage the consideration of careers in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;
  - (D) enhance teacher development and recruitment;
  - (E) increase research opportunities for teachers and students;

(F) enhance curriculum development; and

(G) improve laboratory instrumentation and equipment through purchase, loan, or other transfer mechanisms.

(b) Duties.- The duties of the Secretary, through the Office of Education, shall be to-

(1) coordinate the educational programs within the Department, including implementation of programs established under this title, in order to ensure the goals of the Office of Education are met; and

(2) inventory existing education programs within the Department. [\*S4206]

(c) The Secretary shall report to Congress, within one year after the date of the enactment of this Act and annually thereafter, on an inventory of existing education programs of the Department, the status of such programs, and progress toward meeting the goals of the Office of Education as established in this Act.

(d) Minority College and University Initiative.- (1) Within one year after the date of the enactment of this Act, and annually thereafter, the Secretary, through the Office of Education, shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report identifying opportunities for minority colleges or universities to participate in programs and activities carried out by the Department. The Secretary, through the Office of Education, shall consult with representatives of minority colleges or universities in preparing the report. Such report shall-

(A) describe ongoing education and training programs carried out by the Department with respect to, or in conjunction with, minority colleges or universities in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(B) describe ongoing research, development or demonstration programs involving the Department and minority colleges or universities;

(C) describe funding levels for the programs referred to in subparagraphs (A) and (B);

(D) include specific proposals and recommendations for providing assistance to minority colleges and universities to enter into memoranda of understanding and other appropriate forms of agreement with the Department in order to plan and develop programs to foster greater involvement of these schools in the contract, research, education, training, and recruitment activities of the Department;

(E) address the need for, and potential role of, the Department in providing minority colleges or universities with the following-

(i) increased research opportunities for faculty and students;

(ii) assistance in faculty development and recruitment;

(iii) curriculum enhancement and development; and

(iv) improved laboratory instrumentation and equipment, through purchase, loan, or other transfer mechanisms;

(F) address the need for, and potential role of, the Department in providing financial and

technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities, at minority colleges or universities; and

(G) include specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department in order to assist minority colleges or universities in providing education and training in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects.

(2) The Secretary, through the Office of Education, shall encourage memoranda of understanding and other appropriate forms of agreement between the Department and minority colleges or universities directed at jointly planning and developing programs to foster greater involvement of minority colleges or universities in the research, education, training, and recruitment activities of the Department.

(e) Scholarship Program.- The Secretary, through the Office of Education, shall establish a scholarship program for students pursuing undergraduate or graduate degrees in natural resource and environmental related fields including, but not limited to: biology, wildlife biology, forestry, botany, horticulture, historic preservation, cultural resource management, archeology, anthropology, aquaculture, geology, engineering, the environment, the sciences, and ecology at minority colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance; and (2) academic potential in the particular area of study.

(f) Pre-College Education.- The Secretary, through the Office of Education, shall undertake activities to encourage pre-college education programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects, for students in the Delta Region. Such activities shall include, but not be limited to, the following-

(1) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer education programs for elementary, middle, and secondary school students;

(2) cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college education programs for elementary, middle, and secondary school students;

(3) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region in the development and use of curriculum and educational materials; and

(4) the establishment of education programs for elementary, middle, and secondary school teachers in the Delta Region at research facilities of the Department.

(g) Volunteer Program.- The Secretary, through the Office of Education, shall establish and carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in educational enrichment programs relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects, in cooperation with State departments of education and local school districts in the Delta Region.

(h) Women and Minorities in the Sciences.- The Secretary, through the Office of Education, shall establish a Center for Excellence in the Sciences at Alcorn State in Lorman, Mississippi, in cooperation with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges or universities for purposes of encouraging

women and minority students in the Delta Region to study and pursue careers in the sciences. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges and universities in the Delta Region, to carry out affiliated programs and coordinate program activities at such colleges and universities. The Secretary is authorized to provide grants and other forms of financial assistance to the Center.

(i) Center for Aquaculture Studies .-The Secretary, through the Office of Education, shall establish a Center for Aquaculture Studies at the University of Arkansas at Pine Bluff, Arkansas, in cooperation with Southern University in Baton Rouge, Louisiana, and Alcorn State in Lorman, Mississippi, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the field of aquaculture. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and Alcorn State in Lorman, Mississippi, and other minority colleges or universities in the Delta Region to carry out affiliated programs and coordinate program activities at such colleges or universities.

(j) Coordination With Other Federal Agencies .-The Secretary, through the Office of Education, shall ensure that the programs authorized in this section are coordinated with, and complimentary to, educational assistance programs administered by other Federal agencies. These agencies include, but are not limited to, the Department of Energy, the Department of Agriculture, the Department of Education, the Department of Defense, the National Science Foundation, and the National Aeronautics and Space Administration.

#### SEC. 905. LOWER MISSISSIPPI DELTA REGION HERITAGE STUDY.

(a) In General .-The Secretary, in consultation with the States of the Delta Region, the Lower Mississippi Delta Development Center, and other appropriate Delta Region institutions, is directed to prepare and transmit to the Congress within three years after the date of the enactment of this Act, a study of significant natural, recreational, historical or prehistorical, and cultural lands, waters, sites, and structures located within the Delta Region. This study shall take into consideration the research and inventory of resources conducted by the Mississippi River Heritage Corridor Study Commission.

(b) Transportation Routes .-(1) The study shall include recommendations on appropriate designation and interpretation of historically significant roads, trails, byways, waterways, or other routes within the Delta Region.

(2) In order to provide for public appreciation, education, understanding, interpretation, and enjoyment of the significant sites identified pursuant to subsection (a), which are accessible by public roads, the Secretary shall recommend in the study vehicular tour routes along existing public roads linking such sites within the Delta Region.

(3) Such recommendations shall include an analysis of designating the Great River Road (as depicted on the map entitled "Proposed Delta Transportation Network" on pages 102-103 of the Delta Initiatives Report) and other sections of the Great River Road between Baton Rouge and New Orleans, Louisiana and an analysis of designating that portion of the Old Antonio Road and the Louisiana Natchez Trace which extends generally along Highway 84 from Vidalia, Louisiana, to Clarence, Louisiana, and Louisiana Highway 6 from Clarence, Louisiana, to the Toledo Bend Reservoir, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(4) The Secretary shall also recommend in the study an appropriate route along existing public roads to commemorate the importance of timber production and trade to the economic development of the Delta Region in the early twentieth century, and to highlight the continuing importance of timber production and trade to the economic life of the Delta Region.

Recommendations shall include an analysis of designating that portion of US 165 which extends from Alexandria, Louisiana, to Monroe, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate. [\*S4207]

(5) The study shall also include a comprehensive recreation, interpretive, and visitor use plan for the routes described in the above paragraphs, including bicycle and hiking paths, and make specific recommendations for the acquisition and construction or related interpretive and visitor information facilities at selected sites along such routes.

(6) The Secretary is authorized to make grants to States for work necessary to stabilize, maintain, and widen public roads to allow for adequate access to the nationally significant sites and structures identified by the study, to allow for proper use of the vehicular tour route, trails, byways, including the routes defined in paragraphs (3) and (4) or other public roads within the Delta Region and to implement the comprehensive recreation, interpretive, and visitor use plan required in paragraph (5).

(c) Listing. -On the basis of the study, and in consultation with the National Trust for Historic Preservation, the Secretary shall inventory significant structures and sites in the Delta Region. The Secretary shall further recommend and encourage cooperative preservation and economic development efforts such as the establishment of preservation districts linking groups of contiguous counties or parishes, especially those that lie along the aforementioned designated routes. The Secretary shall prepare a list of the sites and structures for possible inclusion by the National Park Service as National Historic Landmarks or such other designation as the Secretary deems appropriate.

#### SEC. 906. DELTA REGION HERITAGE CORRIDORS AND HERITAGE AND CULTURAL CENTERS.

(a) Findings. -The Congress finds that-

(1) in 1990, the Congress authorized the Institute of Museum Services to prepare a report assessing the needs of small, emerging, minority, and rural museums in order to identify the resources such museums needed to meet their educational mission, to identify the areas of museum operation in which the needs were greatest, and to make recommendations on how these needs could best be met;

(2) the Institute of Museum Services undertook a comprehensive eighteen month study of such needs with the assistance of two advisory groups, surveyed 524 museums from throughout the Nation, held discussion groups in which representatives of 25 museum groups participated, and conducted case studies of 12 museum facilities around the Nation;

(3) on the basis of this assessment, the Institute of Museum Services issued a report in September, 1992, entitled, "National Needs Assessment of Small, Emerging, Minority and Rural Museums in the United States" (hereinafter "National Needs Assessment") which found that small, emerging, minority, and rural museums provide valuable educational and cultural resources for their communities and contain a reservoir of the Nation's material, cultural and historical heritage, but due to inadequate resources are unable to meet their full potential or the demands of the surrounding communities;

(4) the needs of these institutions are not being met through existing Federal programs;

(5) fewer than half of the participants in the survey had applied for Federal assistance in the past two years and that many small, emerging, minority and rural museums believe existing Federal programs do not meet their needs;

(6) based on the National Needs Assessment, that funding agencies should increase support

available to small, emerging, minority, and rural museums and make specific recommendations for increasing technical assistance in order to identify such institutions and provide assistance to facilitate their participation in Federal programs;

(7) the Delta Initiatives Report made specific recommendations for the creation and development of centers for the preservation of the cultural, historical, and literary heritage of the Delta Region, including recommendations for the establishment of a Delta Region Native American Heritage and Cultural Center and a Delta Region African American Heritage and Cultural Center with additional satellite centers or museums linked throughout the Delta Region;

(8) the Delta Initiatives Report stated that new ways of coordinating, preserving, and promoting the Delta Region's literature, art, and music should be established including the creation of a network to promote the Delta Region's literary, artistic, and musical heritage; and

(9) wholesale destruction and attrition of archeological sites and structures has eliminated a significant portion of Native American heritage as well as the interpretive potential of the Delta Region's parks and museums. Furthermore, site and structure destruction is so severe that an ambitious program of site and structure acquisition in the Delta Region is necessary.

(b) General. -The Secretary, in consultation with the States of the Delta Region, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the Director of the Smithsonian Institution, the Lower Mississippi Delta Development Center, Historically Black Colleges and Universities, and appropriate African American, Native American and other relevant institutions or organizations in the Delta Region, is further directed to prepare and transmit to the Congress a plan outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Delta Region Native American Heritage Corridor and Heritage and Cultural Center and a Delta Region African American Heritage Corridor and Heritage and Cultural Center with a network of satellite or cooperative units.

(c) Delta Region Native American Heritage Corridor and Cultural Center. -(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a network of parks, museums, and other centers to interpret Native American culture and heritage in the Delta Region, including a ten year development strategy for such a network.

(2) Such plan shall include specific proposals for the development of a Native American Heritage Corridor and Heritage and Cultural Center in the Delta Region, along with recommendations for the appropriate Federal role in such a center including matching grants, technical and interpretive assistance.

(3) Such plan shall be conducted in consultation with tribal leaders in the Delta Region.

(4) Such plan shall also include specific proposals for educational and training assistance for Delta Region Native Americans to carry out the recommendations provided in the study.

(d) Delta Region African American Heritage Corridor and Heritage and Cultural Center. -(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a heritage corridor or trail system, consisting of one or two major north-south routes and several east-west-spur loops to preserve, interpret and commemorate the African American heritage and culture in the Delta Region during all significant historical periods.

(2) Such plan shall make specific recommendations for representing all forms of expensive culture including the musical, folklore, literary, artistic, scientific, historical, educational, and political contributions and accomplishments of African Americans in the Delta Region.

(3) Such plan shall make specific recommendations for implementing the findings of the Delta

Initiatives Report with respect to establishing an African American Heritage Corridor and Heritage and Cultural Center and related satellite museums in the Delta Region, together with specific funding levels necessary to carry out these recommendations and shall also include recommendations for improving access of small, emerging, minority or rural museums to technical and financial assistance.

(4) Such plan shall be conducted in consultation with institutions of higher education in the Delta Region with expertise in African American studies, Southern studies, archeology, anthropology, history and other relevant fields.

(5) Such plan shall make specific recommendations for improving educational programs offered by existing cultural facilities and museums as well as establishing new outreach programs for elementary, middle and secondary schools, including summer programs for youth in the Delta Region.

(e)(1) In furtherance of the purposes of this section, the Secretary is authorized to make planning grants to State Humanities Councils in the Delta Region to assist small, emerging, minority and rural museums selected on a financial needs basis in the development of a comprehensive long term plan for these institutions. The Secretary is also authorized to make implementation grants to State Humanities Councils in the Delta Region who, in consultations with State Museum Associations, shall make grants to small, emerging, minority or rural museums for the purpose of carrying out an approved plan for training personnel, improving exhibits or other steps necessary to assure the integrity of collections in their facilities, for educational outreach programs, or for other activities the Secretary deems appropriate including the promotion of tourism in the region. Such institutions shall be selected competitively and on the basis of demonstrated financial need. The Secretary is also authorized to make grants to State Humanities Councils to update, simplify and coordinate the respective State Works Progress Administration guides and to develop a single comprehensive guide for the Delta Region.

(2) The Secretary is authorized to provide grants and other appropriate technical assistance to State Humanities Councils, State museum Associations, and State Arts Councils in the Delta Region for the purpose of assessing the needs of such institutions. Such grants may be used by these institutions to undertake such an assessment and to provide other technical, administrative and planning assistance to small, emerging, minority or rural institutions seeking to preserve the Delta Region's literary, artistic, and musical heritage.

(f) Music Heritage Program.- (1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a Music Heritage Program, with specific emphasis on the Mississippi Delta Blues. The plan shall include specific recommendations for developing a network of heritage sites, structures, small museums, and festivals in the Delta Region.

(2) The plan shall include an economic strategy for the promotion of the Delta Region's music, through the participation of musicians, festival developers, museum operators, universities, and other relevant individuals and organizations.

(g) Completion Date .-The plan authorized in this section shall be completed not [\*S4208] later than three years after the date funds are made available for such plan.

#### SEC. 907. HISTORIC AND PREHISTORIC STRUCTURES AND SITES SURVEY.

(a) Assistance .-The Secretary is authorized to provide technical and financial assistance to Historically Black Colleges and Universities to undertake a comprehensive survey of historic and prehistoric structures and sites located on their campuses, including recommendations as to the inclusion of appropriate structures and sites on the National Register of Historic Places, designation as National Historic Landmarks, or other appropriate designation as determined by

the Secretary. The Secretary shall also make specific proposals and recommendations, together with estimates of necessary funding levels, for a comprehensive plan to be carried out by the Department to assist Historically Black Colleges and Universities in the preservation and interpretation of such sites and structures.

(b) Grants .-In furtherance of the purposes of this section, the Secretary is authorized to provide technical and financial assistance to Historically Black Colleges and Universities for stabilization, preservation and interpretation of such sites and structures.

#### SEC. 908. DELTA ANTIQUITIES SURVEY.

(a) General .-(1) The Secretary is directed to prepare and transmit to the Congress, in cooperation with the States of the Delta Region, State Archaeological Surveys and Regional Archeological Centers, a study of the feasibility of establishing a Delta Antiquities Trail or Delta Antiquities Heritage Corridor in the Delta Region.

(2) Such study shall, to the extent practicable, use nonintrusive methods of identifying, surveying, inventorying, and stabilizing ancient archeological sites and structures.

(3) In undertaking this study, the Secretary is directed to enter into cooperative agreements with the States of the Delta Region, the State Archeological Surveys, and Regional Archeological Centers located in Delta Region institutions of higher education for on-site activities including surveys, inventories, and stabilization and other activities which the Secretary deems appropriate.

(4) In addition to the over 100 known ancient archeological sites located in the Delta Region including Watson's Brake, Frenchman's Bend, Hedgepeth, Monte Sano, Banana Bayou, Hornsby, Parkin, Toltec, Menard-Hodges, Eaker, Blytheville Mound, Nodena, Taylor Mounds, DeSoto Mound and others, such study shall also employ every practical means possible, including assistance from the National Aeronautics and Space Administration, the Forest Service and Soil Conservation Service of the Department of Agriculture, the Army Corps of Engineers of the Department of Defense, and other appropriate Federal agencies, to locate and confirm the existence of a site known as Balbansha in southern Louisiana and a site known as Autiamque in Arkansas. The heads of these Federal agencies shall cooperate with the Secretary as the Secretary requires on a non-reimbursable basis.

(b) In furtherance of the purposes of this section, the Secretary is authorized to provide technical assistance and grants to private landowners for necessary stabilization activities of identified sites and for preparing recommendations for designating such sites as National Landmarks or other appropriate designations as the Secretary, with the concurrence of the landowners, determines to be appropriate.

(c) The Secretary is authorized to enter into cooperative agreements with the States, State Archeological Surveys, and Regional Archeological Centers of the Delta Region to develop a ten-year plan for the stabilization, preservation and interpretation of those sites and structures as may be identified by the Secretary.

#### SEC. 909. HISTORIC AND ARCHEOLOGICAL RESOURCES PROGRAM.

(a) Program.- The Secretary shall conduct a comprehensive program for the research, interpretation, and preservation of significant historic and archeological resources in the Delta Region.

(b) Elements of the Program. -The program shall include, but not be limited to-

(1) identification of research projects related to historic and archeological resources in the Delta

Region and a proposal for the regular publication of related research materials and publications;

(2) the development of a survey program to investigate, inventory and further evaluate known historic and archeological sites and structures and identify those sites and structures that require additional study;

(3) identification of a core system of interpretive sites and structures that would provide a comprehensive overview of historic and archeological resources of the Delta Region;

(4) preparation of educational materials to interpret the historical and archeological resources of the Delta Region;

(5) preparation of surveys and archeological and historical investigations of sites, structures, and artifacts relating to the Delta Region, including the preparation of reports, maps, and other related activities.

(c) Grants and Technical Assistance. -(1) The Secretary is authorized to award grants to qualified tribal, governmental and non-governmental entities and individuals to assist the Secretary in carrying out those elements of the program which the Secretary deems appropriate.

(2) The Secretary is further authorized to award grants and provide other types of technical and financial assistance to such entities and individuals to conserve and protect historic and archeological sites and structures in the Delta Region identified in the program prepared pursuant to this section.

(d) The Secretary shall establish a national demonstration project for the conservation and curation of the archeological records and collections of Federal and State management agencies in the Delta Region.

## TITLE X-AUTHORIZATION OF APPROPRIATIONS

### SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

## TITLE XI-NEW ORLEANS JAZZ NATIONAL HISTORICAL PARK

### SEC. 1101. SHORT TITLE.

This title may be cited as the "New Orleans Jazz National Historical Park Act of 1994".

### SEC. 1102. FINDINGS AND PURPOSE.

(a) Findings.- The Congress finds that:

(1) Jazz is the United States' most widely recognized indigenous music and art form. Congress previously recognized jazz in 1987 through Senate Concurrent Resolution 57 as a rare and valuable national treasure of international importance.

(2) The city of New Orleans is widely recognized as the birthplace of jazz. In and around this city, cultural and musical elements blended to form the unique American music that is known as

New Orleans jazz, which is an expression of the cultural diversity of the lower Mississippi Delta Region.

(3) Jean Lafitte National Historical Park and Preserve was established to commemorate the cultural diversity of the lower Mississippi Delta Region including a range of cultural expressions like jazz.

(b) Purpose.- In furtherance of the need to recognize the value and importance of jazz, it is the purpose of this title to establish a New Orleans Jazz National Historical Park to preserve the origins, early history, development and progression of jazz; provide visitors with opportunities to experience the sights, sounds, and places where jazz evolved; and implement innovative ways of establishing jazz educational partnerships that will help to ensure that jazz continues as a vital element of the culture of New Orleans and our Nation.

#### SEC. 1103. ESTABLISHMENT.

(a) In General .-In order to assist in the preservation, education, and interpretation of jazz as it has evolved in New Orleans, and to provide technical assistance to a broad range of organizations involved with jazz music and its history, there is hereby established the New Orleans Jazz National Historical Park (hereinafter referred to as the "historical park"). The historical park shall be administered in conjunction with the Jean Lafitte National Historical Park and Preserve, which was established to preserve and interpret the cultural and natural resources of the lower Mississippi Delta Region.

(b) Area Included .-The historical park shall consist of lands and interests therein as follows:

(1) Lands which the Secretary of the Interior (hereinafter referred to as "the Secretary") may designate for an interpretive visitor center complex.

(2) Sites that are the subject of cooperative agreements with the National Park Service for the purposes of interpretive demonstrations and programs associated with the purposes of this title.

(3)(A) Sites designated by the Secretary as provided in subparagraph (B).

(B)(i) No later than 18 months after the date of enactment of this title, the Secretary is directed to complete a national historic landmark evaluation of sites associated with jazz in and around New Orleans as identified in the document entitled "New Orleans Jazz Special Resource Study", prepared by the National Park Service pursuant to Public Law 101-499. In undertaking the evaluation, the Secretary shall, to the extent practicable, utilize existing information relating to such sites.

(ii) If any of the sites evaluated are found to meet the standards of the National Historic Landmark program and National Park Service tests of suitability and feasibility, and offer outstanding opportunities to further the purposes of this title, the Secretary may designate such sites as part of the historical park, following consultation with the owners of such sites, the city of New Orleans, the Smithsonian Institution, and the New Orleans Jazz Commission, and notification to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

#### SEC. 1104. ADMINISTRATION.

(a)(1) In General .-The Secretary shall administer the historical park in accordance with this title and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary shall manage the historical park in such a manner as will

preserve and perpetuate knowledge and understanding of the history of jazz and its continued evolution as a true American art form. [\*S4209]

(2) To minimize operational costs associated with the management and administration of the historical park and to avoid duplication of effort, the Secretary shall, to the maximum extent practicable, utilize the facilities, administrative staff and other services of the Jean Lafitte National Historical Park and Preserve.

(b) Donations .-The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or other public entities for the purposes of providing services, programs, and facilities that further the purposes of this title.

(c) Interpretive Center.- The Secretary is authorized to construct, operate, and maintain an interpretive center in the historical park on lands identified by the Secretary pursuant to section 1103(b)(1). Programs at the center shall include, but need not be limited to, live jazz interpretive and educational programs, and shall provide visitors with information about jazz-related programs, performances, and opportunities.

(d) Jazz Heritage Districts.- The Secretary may provide technical assistance to the city of New Orleans and other appropriate entities for the designation of certain areas in and around New Orleans as jazz heritage districts. Such districts shall include those areas with an exceptional concentration of jazz historical sites and established community traditions of jazz street parades.

(e) Cooperative Agreements, Grants and Technical Assistance.- In furtherance of the purposes of this title-

(1) the Secretary, after consultation with the New Orleans Jazz Commission established pursuant to section 1107, is authorized to enter into cooperative agreements with owners of properties that are designated pursuant to section 1103(b)(3) which provide outstanding educational and interpretive opportunities relating to the evolution of jazz in New Orleans. The Secretary may assist in rehabilitating, restoring, marking, and interpreting and may provide technical assistance for the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the National Park Service will have reasonable rights of access for operational and visitor use needs, that rehabilitation and restoration will meet the Secretary's standards for rehabilitation of historic buildings, and that specify the roles and responsibilities of the Secretary for each site or structure;

(2) the Secretary is authorized to enter into cooperative agreements with the city of New Orleans, the State of Louisiana, and other appropriate public and private organizations under which the other parties to the agreement may contribute to the acquisition, construction, operation, and maintenance of the interpretive center and to the operation of educational and interpretive programs to further the purposes of this title; and

(3) the Secretary, in consultation with the New Orleans Jazz Commission, is authorized to provide grants or technical assistance to public and private organizations.

(f) Jazz Educational Programs. -The Secretary shall, in the administration of the historical park, promote a broad range of educational activities relating to jazz and its history. The Secretary shall cooperate with schools, universities, and organizations supporting jazz education to develop educational programs that provide expanded public understanding of jazz and enhanced opportunities for public appreciation. The Secretary may assist appropriate entities in the development of an information base including archival material, audiovisual records, and objects that relate to the history of jazz.

SEC. 1105. ACQUISITION OF PROPERTY.

(a) General Authority. -The Secretary may acquire lands and interests therein within the sites designated pursuant to section 1103(b)(1) and (3) by donation or purchase with donated or appropriated funds or long term lease: Provided , That sites designated pursuant to section 1103(b)(3) shall only be acquired with the consent of the owner thereof.

(b) State and Local Properties. -Lands and interests in lands which are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation.

#### SEC. 1106. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and concurrent with the national landmark study referenced in section 1103(b)(3), the Secretary, in consultation with the New Orleans Jazz Commission, shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to-

(1) a visitor use plan indicating programs and facilities associated with park programs that will be made available to the public;

(2) preservation and use plans for any structures and sites that are identified through the historic landmark study for inclusion within the historical park;

(3) the location and associated cost of public facilities that are proposed for inclusion within the historical park, including a visitor center;

(4) identification of programs that the Secretary will implement or be associated with through cooperative agreements with other groups and organizations;

(5) a transportation plan that addresses visitor use access needs to sites, facilities, and programs central to the purpose of the historical park;

(6) plans for the implementation of an archival system for materials, objects, and items of importance relating to the history of jazz; and

(7) guidelines for the application of cooperative agreements that will be used to assist in the management of historical park facilities and programs.

#### SEC. 1107. ESTABLISHMENT OF THE NEW ORLEANS JAZZ COMMISSION.

(a) Establishment. -To assist in implementing the purposes of this title and the document entitled "New Orleans Jazz Special Resource Study", there is established the New Orleans Jazz Commission (hereinafter referred to as the "Commission").

(b) Membership. -The Commission shall consist of 17 members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows:

(1) One member from recommendations submitted by the Mayor of New Orleans.

(2) Two members who have recognized expertise in music education programs that emphasize jazz.

(3) One member, with experience in and knowledge of tourism in the greater New Orleans area, from recommendations submitted by local businesses.

(4) One member from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.

(5) One member, with experience in and knowledge of historic preservation within the New Orleans area.

(6) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Chairman of the National Endowment of the Arts, who are recognized musicians with knowledge and experience in the development of jazz in New Orleans.

(7) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Director of the Louisiana State Museum with recognized expertise in the interpretation of jazz history or traditions related to jazz in New Orleans.

(8) Two members who represent local neighborhood groups or other local associations; from recommendations submitted by the Mayor of New Orleans.

(9) One member representing local mutual aid and benevolent societies as well as local social and pleasure clubs, from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.

(10) One member from recommendations submitted by the Governor of the State of Louisiana, who shall be a member of the Louisiana State Music Commission.

(11) One member representing the New Orleans Jazz Club from recommendations submitted by the club.

(12) One member who is a recognized local expert on the history, development and progression of jazz in New Orleans and is familiar with existing archival materials from recommendations submitted by the Librarian of Congress.

(13) The Director of the National Park Service, or the Director's designee, ex officio.

(c) Duties of the Commission.- The Commission shall-

(1) advise the Secretary in the preparation of the general management plan for the historical park; assist in public discussions of planning proposals; and assist the National Park Service in working with individuals, groups, and organizations including economic and business interests in determining programs in which the Secretary should participate through cooperative agreement;

(2) in consultation and cooperation with the Secretary, develop partnerships with educational groups, schools, universities, and other groups to furtherance of the purposes of this title;

(3) in consultation and cooperation with the Secretary, develop partnerships with city-wide organizations, and raise and disperse funds for programs that assist mutual aid and benevolent societies, social and pleasure clubs and other traditional groups in encouraging the continuation of and enhancement of jazz cultural traditions;

(4) acquire or lease property for jazz education, and advise on hiring brass bands and musical groups to participate in education programs and help train young musicians;

(5) in consultation and cooperation with the Secretary, provide recommendations for the location of the visitor center and other interpretive sites;

(6) assist the Secretary in providing funds to support research on the origins and early history of jazz in New Orleans; and

(7) notwithstanding any other provision of law, seek and accept donations of funds, property, or services from individuals, foundations, corporations, or other public or private entities and expend and use the same for the purposes of providing services, programs, and facilities for jazz education, or assisting in the rehabilitation and restoration of structures identified in the national historic landmark study referenced in section 1103(b)(3) as having outstanding significance to the history of jazz in New Orleans.

(d) Appointment .-Members of the Commission shall be appointed for staggered terms of 3 years, as designated by the Secretary at the time of the initial appointment. [\*S4210]

(e) Chairman .-The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(f) Terms .-Any member of the Commission appointed by the Secretary for a 3-year term may serve after the expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(g) Per Diem Expenses .-Members of the Commission shall serve without compensation. Members shall be entitled to travel expenses under section 5703, title 5, United States Code, when engaged in Commission business, including per diem in lieu of subsistence in the same manner as persons employed intermittently.

(h) Administrative Support .-The Secretary shall provide the Commission with assistance in obtaining such personnel, equipment, and facilities as may be needed by the Commission to carry out its duties.

(i) Annual Report .-The Commission shall submit an annual report to the Secretary identifying its expenses and income and the entities to which any grants or technical assistance were made during the year for which the report is made.

#### SEC. 1108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.