

BILL TRACKING REPORT

102nd Congress
1st Session

U. S. House of Representatives

HR 2929

1991 Bill Tracking H.R. 2929; 102 Bill Tracking H.R. 2929

CALIFORNIA DESERT PROTECTION ACT OF 1991

SPONSOR: Representative Meldon E. Levine D-CA

DATE-INTRO: July 17, 1991

LAST-ACTION-DATE: April 30, 1992

STATUS: Not Enacted

TOTAL-COSPONSORS: 87 Cosponsors: 81 Democrats / 6 Republicans

SYNOPSIS: A bill to designate certain lands in the California desert as wilderness, to establish the Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

ACTIONS:

Committee Referrals:

07/17/91 House Interior and Insular Affairs Committee
11/04/91 House Merchant Marine and Fisheries Committee
11/27/91 Senate Energy and Natural Resources Committee

Legislative Chronology:

1st Session Activity:

07/17/91 [137 Cong Rec H 5595](#)
Referred to the House Interior and Insular
Affairs Committee
07/22/91 [137 Cong Rec H 5665](#)
Cosponsors added
08/02/91 [137 Cong Rec H 6385](#)
Cosponsors added
09/16/91 [137 Cong Rec D 1100](#)
House Subcommittee on General Oversight and
California Desert Lands held a hearing
09/25/91 [137 Cong Rec H 6879](#)
Cosponsors added
10/01/91 [137 Cong Rec D 1186](#)

- Senate Subcommittee on General Oversight and California Desert Lands approved for full Committee action amended
- 10/15/91 [137 Cong Rec H 7862](#)
Cosponsors added
- 10/16/91 [137 Cong Rec D 1260](#)
House Interior and Insular Affairs Committee ordered reported, amended
- 10/26/91 [137 Cong Rec S 18333](#)
House requested the concurrence of the Senate.
- 11/01/91 [137 Cong Rec H 9043](#)
Cosponsors added
- 11/04/91 [137 Cong Rec H 9143](#)
Reported in the House, amended (H. Rept. 102-283, Part I)
- 11/04/91 [137 Cong Rec H 9143](#)
Referred to the House Merchant Marine and Fisheries Committee for a period ending not later than November 5, 1991, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1 (n), rule X
- 11/05/91 [137 Cong Rec H 9392](#)
Cosponsors added
- 11/05/91 [137 Cong Rec H 9392](#)
House Merchant Marine and Fisheries Committee was discharged from further consideration of the bill
- 11/13/91 [137 Cong Rec D 1423](#)
House Rules Committee granted a rule providing one hour of general debate on the bill
- 11/22/91 [137 Cong Rec E 4026](#)
Remarks by Rep. Anderson
- 11/22/91 [137 Cong Rec H 10935](#)
House agreed to H. Res. 279, the rule to consider the bill, by a recorded vote of 269 yeas and 135 nays (Roll No. 419)
-- Earlier, the House agreed to order the previous question on the rule by a recorded vote of 256 yeas and 160 nays (Roll No. 418)
- 11/22/91 [137 Cong Rec H 10950](#)
House completed all general debate and began consideration of amendments
- 11/22/91 [137 Cong Rec H 10971](#)
House rejected the Lewis of California amendment in the nature of a substitute that sought to designate approximately 2.4 million acres of wilderness; designate 62 wilderness areas on Bureau of Land Management lands; and not restrict, forbid or interfere with demilitarization activities or flights of military aircraft over the designated wilderness areas, by a

- recorded vote of 150-241 (Roll No. 420)
- 11/23/91 [137 Cong Rec E 4031](#)
Remarks by Rep. Packard
- 11/26/91 [137 Cong Rec H 11370](#)
Passed in the House by a recorded vote of 297 yeas and 136 nays (Roll No. 435)
- 11/26/91 [137 Cong Rec H 11371](#)
House rejected the Dannemeyer amendment that sought to strike provisions relating to the establishment and management of the Mojave National Monument, including provisions to designate wilderness in that area, by voice vote
- 11/26/91 [137 Cong Rec H 11373](#)
House agreed to the Marlenee amendment that permits hunting within the Mojave National Monument area, as distinct from the BLM-managed East Mojave Scenic Area, where hunting is already permitted, by a recorded vote of 235 yeas and 193 nays (Roll No. 429)
- 11/26/91 [137 Cong Rec H 11376](#)
House rejected the DeLay en bloc amendment that sought to provide that land within the national parks, national monument, and wilderness area designated may be acquired only from willing sellers, so that condemnation procedures would not be used to acquire land in any circumstances, by a recorded vote of 143 yeas and 289 nays (Roll No. 430)
- 11/26/91 [137 Cong Rec H 11380](#)
House rejected the Allard amendment that sought to clarify that provisions in the bill do not establish any reserved water rights for the Colorado River with respect to the designation of wilderness areas in two national wildlife refuges located along the river, by a recorded vote of 155 yeas and 274 nays (Roll No. 431)
- 11/26/91 [137 Cong Rec H 11383](#)
House rejected the Dannemeyer amendment that sought to: require the Interior Dept. to prepare an "economic impact statement" regarding each wilderness designation; specify that the Interior Secretary determine that the environmental benefits outweigh costs; and require the Interior Dept. to pay for economic losses incurred as a result of designations, by a recorded vote of 110 yeas and 316 nays (Roll No. 432)
- 11/26/91 [137 Cong Rec H 11386](#)
House rejected the Nichols amendment that sought to provide that the provisions of the bill would not take effect until the fiscal year following the first fiscal year after enactment in which the Federal

expenditures do not exceed Federal revenues, by a recorded vote of 133 yeas and 292 nays (Roll No. 433)

11/26/91 [137 Cong Rec H 11389](#)

House agreed to Blaz amendment specifying nothing in the bill can preclude low-level overflights of aircraft, designation of new airspace or establishment of military flight training routes over national parks/wilderness areas; directs the Interior Dept. to monitor effects of overflights; seeks help of Defense Dept. to so; and provides 15-yr. renewal of military land withdrawals for 2 areas of California desert, by voice vote

11/26/91 [137 Cong Rec H 11393](#)

House rejected DeLay amendment that sought to require that, whenever the Interior Department acquires non-Federal lands (or interests in lands), Federal lands of an equal dollar value must be sold within 1 year, by a recorded vote of 49 yeas and 379 nays (Roll No. 434)

11/26/91 [137 Cong Rec H 11395](#)

House agreed to the Miller amendment, as modified, that deletes the wilderness designation for three areas of BLM lands, and provides that these areas would remain wilderness study areas; makes technical corrections; and provides for land exchanges between the Interior Dept. and Catellus Corp which owns 410,000 acres within the boundaries of national parks and wilderness areas designated, by voice vote

11/26/91 [137 Cong Rec H 11399](#)

House agreed to the committee amendment in the nature of a substitute, by voice vote

11/26/91 [137 Cong Rec H 11399](#)

House Clerk was authorized to correct cross references, change section, subsection and paragraph numbers, and make other necessary technical and conforming changes in the engrossment of the bill

11/26/91 [137 Cong Rec S 18333](#)

House requested the concurrence of the Senate

11/27/91 [137 Cong Rec S 18689](#)

Referred to the Senate Energy and Natural Resources Committee

2nd Session Activity:

04/29/92 [138 Cong Rec D 466](#)

Senate Subcommittee on Public Lands, National Parks and Forests held hearings

04/30/92 [138 Cong Rec D 480](#)

Senate Subcommittee on Public Lands,

National Parks and Forests concluded
hearings

BILL-DIGEST:

(from the CONGRESSIONAL RESEARCH SERVICE)

1126/91 (Measure passed House, amended) California Desert Protection Act
of 1991

Title I: Wilderness Additions

Designates as additions to the National Wilderness Preservation System 73 wilderness areas within the California Desert Conservation Areas (CDCA), the Yuma District and the Bakersfield District of the Bureau of Land Management. Permits grazing in such areas. Prohibits the Secretaries of the Interior and of Agriculture from approving any plan of operation prior to determining the validity of unpatented mining claims, mill sites, and tunnel sites affected by plans in such areas. States that non-designated areas within the CDCA, with specified exceptions, have been adequately studied for inclusion in the System and releases them from otherwise applicable restrictions. Withdraws the Avawatz Mountains Wilderness, South Avawatz Wilderness, Soda Mountains Wilderness--Proposed 1 and 2 from further exploitation under the mining laws. Designates certain lands within the CDCA as the White Mountains Wilderness Study Area. Requires the Secretary to report to the Congress on current and planned exploration, development, or mining activities on, and suitability for future wilderness designation of, certain lands within the CDCA. Designates certain lands in the Havasu National Wildlife Refuge, and the Imperial National Wildlife Refuge, both in California, as wilderness and as components of the National Wilderness Preservation System.

Title II: Death Valley National Park

Establishes the Death Valley National Historic Park which subsumes the Death Valley National Monument. Withdraws the additional lands from further exploitation under the mining laws. Requires the Secretary of the Interior (the Secretary) to determine the validity of any unpatented mining claims, mill sites, and tunnel sites within such additional lands and whether the United States should acquire any mineral rights in such lands. Preserves grazing privileges on such lands for persons holding permits as of July 1, 1991. Terminates all grazing on July 1, 2016. Directs the Secretary to make acquisition of such base property a priority as compared with the acquisition of other lands in such park if a permittee desires to convey property to the United States and specified conditions are met.

Title III: Joshua Tree National Park

Establishes the Joshua Tree National Park which subsumes the Joshua Tree National Monument. Withdraws the additional lands from further exploitation under the mining laws. Requires the Secretary to determine the validity of any unpatented mining claims, mill sites, and tunnel sites within such additional lands and whether the United States should acquire any mineral

rights in such lands. Continues the validity of certain rights-of-way of the Metropolitan Water District (MWD). Requires the Secretary to prepare plans for emergency access by the MWD to its lands and rights-of-way.

Title IV: Mojave National Park

Establishes the Mojave National Monument which subsumes the East Mojave National Scenic Area. Directs the Secretary to permit hunting on all lands within the Monument, except in certain zones, and during certain periods, as the Secretary may designate for specified reasons. Withdraws Federal lands within the Monument from further exploitation under the mining laws. Requires the Secretary to determine the validity of any unpatented mining claims, mill sites, and tunnel sites within the Monument and whether the United States should acquire any mineral rights in such lands. Authorizes the Secretary to regulate mining in such Monument. Preserves grazing privileges on such lands for persons holding permits as of July 1, 1991. Terminates all grazing on July 1, 2016. Continues, under specified conditions and for certain activities, the validity of the existing rights-of-way to the Southern California Edison Company (SCEC) and its potential adjacent right-of-way on lands included in the Monument, but outside lands designated as wilderness by this Act. Directs the Secretary to prepare plans for emergency access by SCEC to its rights-of-way. Continues the validity of certain rights-of-way to the Southern California Gas company. Directs the Secretary to submit a management plan for the Monument to specified congressional committees. Designates the Granite Mountains Natural Reserve within the Monument. Authorizes the Secretary to construct a visitors' center and acquire lands.

Title V: National Park Wilderness

Designates as wilderness the Death Valley National Park Wilderness, the Joshua Tree National Park Wilderness Additions, and the Mojave National Monument Wilderness.

Title VI: Miscellaneous Provisions

Directs the Secretary to transfer Red Rock Canyon State Park Additions in the CDCA to California. Establishes the Desert Lily Sanctuary within the CDCA. Withdraws Federal lands within the Sanctuary from further exploitation under the mining laws. Prohibits the Secretary and the Secretary of Agriculture from: (1) disposing of lands within the boundaries of any wilderness, park, or monument designated by this Act; (2) granting rights-of-way in lands within designated wilderness; and (3) making lands within such boundaries available for use by the MWD. Directs the Secretary to insure access to the wilderness areas, parks, and monument designated by this Act for traditional Indian cultural and religious purposes. Reserves Federal water rights for wilderness areas designated by this Act. Authorizes appropriations. Directs the Secretary, upon request of the California State Lands Commission (Commission), to enter into negotiations for an agreement to exchange certain Federal lands for California State School Lands located within the boundaries of one or more of the wilderness areas or park units

designated by this Act. Sets forth procedures and guidelines for making such land exchange. Requires the Secretary: (1) to adjust the appraised value of any remaining inholdings if all State School Lands exchanges are not completed by October 1, 1996; and (2) to establish an account in the name of the Commission in the amount of such appraised value. Authorizes the Commission to use the credit in its account to bid for excess or surplus Federal property to be sold in California. Authorizes appropriations to the Secretary for payment to the Commission for funds equivalent to the balance remaining in such account as of October 1, 2000, if such balance has not been reduced to zero. Directs the Secretary, upon request of the Catellus Development Corporation in California, to enter into negotiations for an agreement or agreements to exchange certain Federal lands or interests for Catellus' lands or interest located within the boundaries of one or more of the wilderness areas or park units designated by this Act. Sets forth procedures and establishes guidelines for making such land exchanges. Requires the Secretary to establish an exchange account in the name of Catellus, if all eligible Catellus lands have not been exchanged by October 1, 1996. Provides that after the transfer of title by Catellus to all or a portion of such remaining lands to the United States, the Secretary shall credit the exchange account in the amount of the appraised value of the transferred remaining lands at the time of such transfer. Authorizes Catellus to use the credit in the exchange account to bid for certain federally-owned or controlled property. Prohibits the Secretary from accepting title to any lands under this Act unless it includes all right, title, and interest in and to the fee estate. Prohibits the Secretary from accepting title under this Act to lands which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law, unless such remedial action has been completed before the transfer.

Title VII: Definitions

Sets forth specified definitions.

Title VIII: Military Lands and Overflights

California Military Lands Withdrawal and Overflights Act of 1991
Withdraws from appropriation under public land laws, and reserves for military training, research, and development activities by the Secretary of the Navy, specified lands in California known as the China Lake Naval Weapons Center in Inyo, Kern, and San Bernardino Counties and Chocolate Mountain in Imperial County. Withdraws the China Lake lands from the mining and mineral leasing laws and withdraws the Chocolate Mountain lands from the mining, mineral, and geothermal leasing laws. Requires maps and legal descriptions of such lands to be published in the Federal Register, filed with specified congressional committees, and made available for public inspection. Directs the Secretary of the Interior, during the period of withdrawal, to manage such lands pursuant to the Federal Land Policy and Management Act of 1976, permitting the continuation of grazing, the protection of wildlife and their habitats, the control of animals, recreation (for China Lake only), the prevention of brush and range fires, and geothermal leasing (for China Lake only). Subjects all nonmilitary uses of such lands to conditions and

restrictions required for its military use. Allows parts of such lands to be closed to public use when determined necessary by the Secretary of the Navy for military reasons. Directs the Secretary of the Interior, after consultation with the Secretary of the Navy, to develop a plan for the management of each area so withdrawn. Directs the Secretary of the Navy to take necessary precautions to prevent and suppress brush and range fires occurring on such lands as a result of military activities, with assistance from the Bureau of Land Management (BLM). Directs the Secretaries of the Interior and the Navy to enter into a memorandum of understanding to implement the management plan. Authorizes lands so withdrawn to be used for defense-related purposes other than those previously specified, after notification from the Secretary of Defense to the Secretary of the Navy. Authorizes the Secretary of the Interior to assign the management responsibility for the China Lake area to the Secretary of the Navy, who shall manage such lands in accordance with this Act and other cooperative arrangements entered into between the two Secretaries. Directs the Secretary of the Interior to be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity on the withdrawn lands. Directs the Secretary of the Navy to: (1) prepare and submit to the Secretary of the Interior annual reports on the status of the natural and cultural resources and values of such lands; and (2) be responsible for, and take appropriate action with respect to, the management of wild horses and burros located on such lands. Terminates land withdrawals under this Act 15 years after this Act's enactment. Requires the Secretary of the Navy to publish a draft environmental impact statement on the continued or renewed withdrawal of lands under this Act. Requires the Secretary to hold a public hearing in California before the withdrawal's termination. Requires the Secretary of the Navy to maintain a decontamination program for such lands during their withdrawal. Requires the Secretary to report annually to the appropriate congressional committees on such decontamination efforts. Requires the Secretary of the Navy to notify the Secretary of the Interior, at least three years before the termination of the withdrawal, whether an extension is going to be requested and, if not, to what extent such lands are contaminated with hazardous materials. Requires the Secretary of the Navy to decontaminate relinquished lands, but if such decontamination is not practicable or economically feasible, authorizes the Secretary of the Interior to refuse to accept such lands. Requires the Secretary of the Navy to then: (1) warn the public of risks of entry; (2) conduct only decontamination activities on such lands after the expiration of the withdrawal; and (3) report to the Secretary of the Interior and the Congress on the status of such lands. Directs the Secretary of the Interior to publish the acceptance of withdrawn lands, indicating when such lands will be open and under what conditions. Exempts the United States from liability for injuries or damages resulting from nonmilitary activity on withdrawn lands. Authorizes an extension of the Navy's use of the El Centro Ranges in Imperial County, California, through 1993, subject to resource protection requirements. Terminates all military uses of such lands on January 1, 1994, unless authorized otherwise by Act of Congress. States that nothing in this Act shall preclude, limit, or otherwise affect low-level overflights by military aircraft, designation of new units of special airspace, or the use or establishment of military flight training routes over the new units of the National Park or National Wilderness Preservation Systems (Systems) (or any additions to existing units of such Systems) designated by this Act. Directs the Secretary of the Interior to: (1) monitor the effects of aircraft overflights on the resources and values of the Systems designated or expanded by this Act and on visitor enjoyment of them; and (2) seek the assistance of

the Secretary of Defense to resolve concerns related to such overflights and to prevent, eliminate, or minimize the derogation of resources, values, and of visitor enjoyment associated with them.

CRS Index Terms:

Parks; Air routes; Congressional reporting requirements; Conservation of natural resources; Desert ecology; Deserts; Environmental assessment; Environmental protection; Fire prevention; Geothermal leases; Government liability; Grazing; Hazardous waste disposal; Historic sites; Horses; Hunting; Lakes; Land transfers; Land use; Land use--California; Military aviation; Military research; Military training; Mines and mineral resources; Mining claims; National monuments; National parks; Naval bases; Pollution control; Public lands; Recreation areas; Research natural areas; Right-of-way; Roads and highways; State parks; Surplus government property; Trails; Wilderness areas--California; Wildlife conservation; Wildlife management; Wildlife refuges

CO-SPONSORS:

Original Cosponsors:

Lehman D-CA Miller D-CA

Added 07/22/91:

Mineta D-CA Henry R-MI

Added 08/02/91:

Stokes D-OH	Kildee D-MI	Stark D-CA
Torricelli D-NJ	Jontz D-IN	de Lugo D-VI
Evans D-IL	Brown D-CA	Edwards D-CA
Owens D-UT	Torres D-CA	DeFazio D-OR
Beilenson D-CA	Berman D-CA	Frank D-MA
Boxer D-CA	Lantos D-CA	Ravenel Jr. R-SC
Yates D-IL	Fazio D-CA	Dellums D-CA
Martinez D-CA	McDermott D-WA	Lehman D-FL
Scheuer D-NY	Roybal D-CA	Dixon D-CA
Kostmayer D-PA	Machtley R-RI	Faleomavaega D-AS
Panetta D-CA	Fuster D-PR	Pelosi D-CA
Schumer D-NY	Johnston D-FL	

Added 09/25/91:

Jefferson D-LA	Levin D-MI	Poshard D-IL
Roe D-NJ	Norton D-DC	Bruce D-IL
Matsui D-CA	Dymally D-CA	Sikorski D-MN
Jones D-GA	Hayes D-IL	Neal D-NC
Gordon D-TN	Mfume D-MD	Bilbray D-NV
Espy D-MS	Studds D-MA	Towns D-NY
Dwyer D-NJ	Conyers D-MI	McMillen D-MD

Added 10/15/91:

Solarz D-NY	Bennett D-FL	Guarini D-NJ
Owens D-NY	Rinaldo R-NJ	Smith D-FL
Downey D-NY	Smith R-NJ	Mrazek D-NY
Lipinski D-IL	Clay D-MO	Oakar D-OH
Spratt, Jr. D-SC	Frost D-TX	Slaughter D-NY

Added 11/01/91:

Waxman D-CA	Weiss D-NY	Shays R-CT
Hoagland D-NE	Andrews D-TX	Feighan D-OH
Payne D-NJ	Lowey D-NY	Pease D-OH

Added 11/05/91:

Markey D-MA	Atkins D-MA	Foglietta D-PA
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