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**REFERENCE:** Vol. 137 No. 174 -- Part 2

**TITLE:** PROVIDING FOR CONSIDERATION OF H.R. 2929, CALIFORNIA DESERT PROTECTION ACTION OF 1991

**SPEAKER:** Mr. BEILENSON; Mr. BERMAN; Mr. CUNNINGHAM; Mr. DANNEMEYER; Mr. DREIER of California; Mr. HOAGLAND; Mr. HUNTER; Mr. LEHMAN of California; Mr. LEVINE of California; Mr. LEWIS of California; Mr. MAVROULES; Mr. McCANDLESS; Mr. OWENS of Utah; Mr. THOMAS of California; Mr. THOMAS of California; Mr. VENTO; Mr. WALKER

**TEXT:** [\*H10935] Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 279 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 279

RESOLVED, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2929) 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, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against said substitute are hereby waived. No amendment to said substitute shall be in order except those printed in the report of the Committee on Rules. Said amendments shall be considered in the order and manner specified in the report and shall be considered as having been read. Said amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment except that pro forma amendments for the purpose of debate shall be in order if offered by the chairman or ranking minority member of the Committee on Interior and Insular Affairs. Where the report of the Committee on Rules specifies consideration of amendments en bloc, then said amendments shall be so considered, and such amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. It shall be in order at any time for the chairman of the Committee on Interior and Insular Affairs to offer amendments en bloc consisting of amendments, and modifications in the text of any amendment which are germane thereto, printed in the report of the Committee on Rules. Such amendments en bloc, except for any modifications, shall be considered as having been read and shall be debatable for not to exceed twenty minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs. All points of order against the amendments en bloc are hereby waived. The original proponents of the amendments en bloc shall have permission to insert statements in the Congressional Record immediately before disposition of the amendments en bloc. Such amendments en bloc shall not be subject to

amendment, or to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments in the report of the Committee on Rules are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. McNulty). The gentleman from California [Mr. Beilenson] is recognized for 1 hour.

Mr. BEILENSEN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. Dreier], pending which I yield myself such time as I may consume. During consideration of House Resolution 279, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 279 is the rule providing for consideration of H.R. 2929, the California Desert Protection Act of 1991.

The rule provides 1 hour of general debate, which shall be confined to the bill, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs. After general debate, the bill shall be considered for amendment under the 5-minute rule.

The rule makes in order the Interior Committee amendment in the nature of a substitute now printed in the bill as the original text for the purpose of amendment. All points of order against the substitute are waived.

Mr. Speaker, H.R. 2929 is a controversial bill and its provisions are very complex. For that reason, and to facilitate consideration of the measure, the rule makes in order the 12 amendments printed in the report to accompany the rule, including the Lewis substitute. The rule allows for consideration of all the amendments that were presented to the Rules Committee.

The amendments will be considered in the order and manner and for the amount of time specified in the report. Sixty minutes of debate time is provided for the Lewis amendment in the nature of a substitute and 10 minutes for all other amendments. Time for debate on each amendment is to be equally divided and controlled by the proponent and a Member in opposition.

The amendments are not subject to amendment except that, should the Interior Committee chairman and ranking minority member determine that more debate time is desirable, each may offer one pro forma amendment to each amendment to extend debate. Where the report specifies, amendments will be offered en bloc and are not subject to a demand for a division of the question in the House or in the Committee of the Whole.

Mr. Speaker, the rule also provides that the chairman of the Interior [\*H10936] Committee may, at any time, offer amendments en bloc consisting of the text of any of the amendments printed in the report and germane modifications to those amendments.

The chairman's en bloc amendments, except for any modifications, shall be considered as having been read and shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Interior Committee.

The rule waives all points of order against the amendments en bloc and provides that they shall not be subject to amendment, or to a demand for a division of the question in the House or the Committee of the Whole. In addition, the rule provides that the original proponents of the en

bloc amendments shall be permitted to insert statements in the Congressional Record immediately before disposition of the en bloc amendments.

All points of order against the amendments in the report of the Committee on Rules are waived.

Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2929, the California Desert Protection act, seeks to protect and preserve some of the loveliest spots in the fragile California desert. I must say, Mr. Speaker, the California desert is one of the truly rich and scenic areas not only of my State, but of our entire country. Far from being a vast and useless wasteland, the rugged desert mountains and adjacent lowland terrain provide the habitat for some of this country's most unusual species of plants and wildlife.

The area is also a museum of human history -- perhaps the most valuable in North America because much of it has, up until recent years, been untouched for thousands of years. Unfortunately, the desert's historical and natural treasures are now being threatened and we are seeing irreversible damage and deterioration there.

Mr. Speaker, I commend Mr. Lehman, the chairman of the subcommittee that developed this bill, and Mr. Miller, the chairman of the Interior Committee, for working so diligently to seek a compromise on this legislation. We must protect and help preserve these valuable natural and historical resources for future generations.

Mr. Speaker, H.R. 2929, the result of over 15 years of active consideration, designates 76 **wilderness** areas on Bureau of Land Management lands in the California desert; expands the existing Death Valley and Joshua Tree National Monuments and redesignates them as national parks; establishes a new Mojave National Monument; and designates **wilderness** areas within the national parks and monument.

Mr. Speaker, the Rules Committee carefully crafted this rule to give the House a chance to consider all the controversies surrounding this bill, including the President's own legislative proposal for the area. I urge my colleagues to adopt the resolution so that we may proceed to the consideration of this important legislation.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. DREIER of California. Mr. Speaker, I rise in very reluctant support of this rule which provides for the consideration of the California Desert Protection Act of 1991. It is not an open rule, but it does make in order all of the amendments that were submitted to the Rules Committee by November 12, which leads to the logical question, Mr. Speaker: "Why not an open rule?" As Chairman Moakley explained in the Rules Committee last Thursday, we are constrained for time because the leadership would like to meet our target adjournment date, and an open rule could undermine a very tight schedule. I have no argument with the chairman on that. In fact, I think he did the best he could under the circumstances.

What troubles me is the leadership is trying to quickly ram down our throats an extremely controversial bill that lacks even a minimum of consensus. As the gentleman from California [Mr. Lehman] explained so eloquently in the Rules Committee when we met last week, this is the largest, most contentious land use issue in California, and it is the top environmental issue in the State.

Mr. Speaker, the issue of **wilderness** designation has been under consideration for 15 years, and the Committee on Interior and Insular Affairs has been considering this specific bill since January. I agree, we need a desert protection bill, but there is no reason why we cannot consider

this legislation when this Congress reconvenes early next year.

The gentleman from California [Mr. Lehman] admitted that a very thoughtful and comprehensive alternative introduced by our respected colleague from Redlands, Mr. Lewis, was not even considered by the subcommittee.

Mr. Speaker, we do not even know the budget implications of this legislation. The bill circumvents the pay-as-you-go provisions of the budget agreement by setting up a mechanism to ensure that any outlays resulting from the acquisition of California State lands do not occur until after the budget agreement expires.

In its present form, Mr. Speaker, this bill would be vetoed by the President of the United States. It is not a serious attempt to address the myriad substantive and competing land use issues affecting the California Desert; instead, the authors propose the largest Federal Government land grab in history to occur in the contiguous 48 States. It would significantly alter military training activities, water rights, hunting, and mineral exploration activities.

There is no reason why consideration of this bill cannot be postponed for a couple months. This would give the subcommittee and the full committee chairmen an opportunity to do what they acknowledge they have not done; that is to negotiate with those of us on this side of the aisle who support protecting the ecology of the desert, but have legitimate multiple land use concerns.

However, Mr. Speaker, since the leadership insists on moving forward with this bill at this time, I do reluctantly support adoption of the rule and urge my colleagues to support the more reasonable alternative embodied in the Lewis-Thomas-McCandless-Hunter substitute.

Mr. BEILENSON. Mr. Speaker, for purpose of debate only, I yield 1 minute to the distinguished gentleman from California [Mr. Lehman].

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

Mr. LEHMAN of California. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am only going to speak to the rule now, since the rule does allow plenty of time for me and others to refute the assertions of the gentleman from California [Mr. Dreier] and others, and I will do so at the appropriate time.

I am standing up now, though, to support this rule.

Although I was originally prepared along with the chairman, the gentleman from California [Mr. Miller] to support an open rule in committee, I fully understand the concerns of the leadership with trying to get a handle on the schedule as we move into the final days.

The rule provides that all amendments that were on file when the Rules Committee met on this issue are in order. All of the amendments of the minority have been completed protected by this procedure. Therefore, I support the rule.

I would only bring the attention of the Members to two amendments that are allowed here, the en bloc amendment that the gentleman from California [Mr. Miller] will offer which will delete 160,000 acres around Fort Irwen, to meet the concerns of the military in that regard, and another amendment by the delegate from Guam [Mr. Blaz] and the gentleman from Minnesota [Mr. Vento] will also take care of the concerns of the military with respect to overflights. All those concerns are met with those two technical amendments.

Mr. Speaker, I urge adoption of the rule.

Mr. DREIER of California. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. Lewis], [\*H10937] who is from Redlands, CA, who has tried diligently to bring about a compromise on this very important bill and will be offering a most important substitute.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague yielding me this time, and I appreciate the patience of the Members of the House, for we will be spending a number of hours this evening going through this relatively complicated, but very important subject.

I will be speaking on this podium from the Democratic side of the aisle simply because I want it to be clearly understood that this is not a partisan issue, but rather a very, very important public policy consideration.

There are four Members of Congress whose districts are dramatically impacted by H.R. 2929. It is very important that our colleagues in the House understand that all four of us have a great deal of interest in and are concerned about the California desert and its future. We care deeply about the desert, and especially for those who live in the desert and love it.

H.R. 2929 is described as some form of a compromise. Indeed, if it is a compromise, the parties who drew up the bill, I am not sure behind what closed doors, drafted that bill without consulting any of us who represent these desert lands.

I might mention for the Record, for you will hear it more than once, that the four of us represent over 3,250,000 Californians. Combined, that is a population greater than the separate populations of 23 States. If our territory were put together, the geography itself would be approximately 29th in size among the States.

The bill before us, in a very basic way, violates all those tenets that relate to effective public policy development in public affairs.

The Congress in 1976, mandated a process whereby desert **wilderness** in California could be permanently designated.

Under what is known as FLPMA, the Federal Land Policy and Management Act, the Congress directed that there be created a public commission. That public commission was instructed to hold public hearings over a period of years. They held 4 years of public hearings with over 40,000 individual citizen comments.

At the end of the process the public commission and the BLM reviewed all that material and come forth with a plan that would make sense for all Californians who care about the desert. That was to be before the Congress by the end of this year. It came up about 3 months ago. That plan has been largely ignored by the committee. The committee has chosen to put a bill on the floor today that fundamentally violates those of us who represent the people of the desert.

Beyond the fact that this is so wildly violative of fundamental public policy and the processes that make up excellent public affairs, the bill reflects the interests of a very small and elite group of people who describe themselves as environmentalists. In my own judgment, this group has little understanding of the real environmental concerns of the people who live and work in the desert.

I do not know about you, my colleagues, but I try to pay very, very careful attention to the problems and challenges faced by my other colleagues in their districts, individuals elected to represent half a million and in some cases a million of our citizens. Those individuals know their districts best, so I focus carefully upon their concerns.

In this case, the authors of this bill have chosen, with malice aforethought, to roll right over the four of us who represent the California desert.

The SPEAKER pro tempore (Mr. McNulty). The time of the gentleman from California [Mr. Lewis] has expired.

Mr. DREIER of California. Mr. Speaker, I yield 1 additional minute to the gentleman from California [Mr. Lewis].

Mr. Speaker, will the gentleman yield?

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

Mr. DREIER of California. Mr. Speaker, the gentleman makes a very good point in stating that he and most Members of this House like to have a pattern of looking to those individuals who represent a particular area and get some input from them on what we are going to do here as it relates to that. I think it is an important point to underscore. I appreciate the gentleman pointing that out.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague.

I must say, Mr. Speaker, in the dozen years that it has been my privilege to serve in the House. I have never seen a circumstance where a committee or its members would so basically violate that tenet of comity whereby a member is given a chance at least in the negotiating process to present the interests of their districts. In this case, California is being violated in a fundamental way.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 7 minutes to the gentleman from California [Mr. Levine], the original author of this bill.

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

Mr. LEVINE of California. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, as the author of the California Desert Protection Act, I rise in strong support of the rule and of the underlying legislation.

This bill is extremely important to the people of California. It is not nearly as complicated as is being presented.

There is one essential question that is before us when we deal with this legislation. That question is whether we wish or whether we do not wish to protect the fragile resources of the California desert. That is the question before us. It is a simple question. It is a clear question. It is a straightforward question. Do we protect this resource or do we not.

The California desert is a very special place. I know that any number of us who are familiar with it and who have spent quite a bit of time in it have strong feelings about it. In its 25 million acres are found an enormous diversity of wildlife and of plants, rich archaeological collections, dozens of mountain ranges, and all kinds of human activity.

Our legislation seeks to protect a portion of this for generations to come.

Mr. Speaker, the wild desert is being destroyed. Mismanagement, fly-by-night mining operations, reckless individual abuse, and poorly planned development are taking their toll.

Californians want this legislation. Polls instate have consistently shown that Californians want more, not less, protection.

The State's major newspapers have editorialized in favor of the bill; 49 California cities and

counties have endorsed the bill. Yet, despite this, the charges that continue to be raised against this bill, while made in good faith, are truly remarkable. And I believe in the context of this debate on the rule it is appropriate at the outset to set the record straight.

First and most importantly, this process has not occurred behind closed doors. There have been seven public hearings on this bill, three in California. The desert plan of 1980, to which my friend from California referred, has failed. There were some 40,000 comments with regard to that desert plan, the majority of which were critical of the plan.

For 5 years we have been pursuing this legislation. It was initially introduced in 1986, and we have urged our colleagues on the other side of the aisle, and a range of the interest groups who have been concerned with this legislation, to come to the table, to negotiate with us, to talk with us, to work with us. And when that has failed, we have held public hearing after public hearing.

Mr. Speaker, I was at a public hearing at my friend, Mr. Lewis' district, that we both attended. Over 1,000 people were at that hearing.

I chaired a hearing in southern California that some 2,000 people have attended. There have been public hearings.

Mr. Speaker, I would be happy to yield, but I would like to finish my statement and then I would be happy to get into a colloquy either now or at [\*H10938] a subsequent time. I am sure we will have numerous opportunities to discuss this.

Mr. Speaker, I let the gentleman proceed with his opening remarks, and I want to just try to set the record straight with my own.

There are several other misrepresentations that have been offered by some of the bill's opponents, and I would like to set the record straight at the outset on those because a number of people have asked me about them.

First, if one actually read the bill, they would find that with regard to military overflights, that there is no mention of any military overflights in this bill. I know my friend, the gentleman from Massachusetts, [Mr. Mavroules] and the chairman of the Committee on Armed Services will be speaking to that later. Indeed there is nothing in this bill which would restrict overflights, and just to clarify, the administration's own overflight language will be offered in an amendment today with my support and that of Mr. Lehman and that of Mr. Miller.

An amendment will be offered to this bill so that the bill will not in any way affect the proposed expansion at Fort Irwin. That will be totally eliminated by a Vento-Blaz amendment.

Third, this bill does not require the Federal Government to spend one thin dime on land purchases. While there may turn out to be some purchases subsequently, the two landowners who own the vast majority of all the inholdings have made it clear that they would prefer to exchange, not sell, their lands.

And to this end, the bill also would extend the Department of the Interior's normal authority to purchase any inholdings which are placed in a new land bank, which is then to be used to exchange these inholdings for Federal lands.

Next, only Congress can designate **wilderness**. The BLM's desert plan will remain in place, but they cannot designate **wilderness**. Congress reserved that decision for itself.

Based on the BLM's proposal, for good reason, the administration's proposal is completely inadequate. And finally, hunting is allowed in BLM **wilderness**, which represents over half the acreage of the bill. While hunting in the Mojave will be prohibited, the Mojave accounts for only a

minute portion of hunting statewide.

Californians want what is still pristine and truly wild in the desert to remain that way. For that reason, passage of this bill will strike a major victory for environmental protection in America.

Unfortunately, up to now the BLM's record is paltry, at best. They have not been able adequately to protect the wildlife; regulations go unenforced; incompatible uses are permitted.

This bill would give the Department the tools it needs to protect the desert and at the same time protect all of its historical uses.

I strongly urge my colleagues to support the rule and to support the bill.

Mr. DREIER of California. Mr. Speaker, my friend from west Los Angeles said he was going to correct the record. To really correct the record now, I yield 4 minutes to my very good friend, the gentleman from California [Mr. Thomas], the hardworking member of the Committee on Ways and Means.

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

Mr. THOMAS of California. Mr. Speaker, we are going to have a long discussion. I want to focus my comments principally on the rule.

Why is it that somehow the debate must always turn on the fact that you guys are the good guys and we are the bad guys. You say H.R. 2929 saves the desert. And no other option is available.

It just get humorous when you watch the procession down to the microphone, with individuals indicating that the policy that led to H.R. 2929 was the one that was initiated 15 years ago.

If anyone will read that legislation, they will find that the route H.R. 2929 took was not the route that was designated in 1976. It was, in fact, a branch created by those who would not compromise. And what you have in front of you is a bill that still is not truly compromised. What evidence do I have of that? Take a look at the rule under which we are considering this legislation. Twelve amendments to the rule. Mr. Levine laid out the laborious process of consulting with various groups to make sure that his bill was broadly represented.

Then why are all of the amendments in the rule to H.R. 2929? Obviously he did not do a very good job of making sure that all of those groups were consulted prior to today.

Take a look at H.R. 3066, the substitute; not one amendment to that bill. Why? Because that is the bill that followed the process asked for and created in 1976; that is the bill that went through the public hearings; that is the bill that was examined by the administration; that is the bill that was presented to the subcommittee and the Committee of Interior to follow the process that this Congress asked for. And that subcommittee did not even give that bill a full hearing.

People ask me, "Why do you go through this process? It is kind of like the guy who plays at a crooked roulette wheel, and they say don't you know it's crooked, and he says, yes. They say, well, why do you do it? He says, well, it's the only wheel in town."

Take a look at this rule. All of the amendments are to H.R. 2929. What is the first amendment that is made in order? It is a substitute.

Is someone telling me I do not understand the game around here, that in fact maybe the substitute is not going to pass? And that all of the amendments apply to H.R. 2929 because you are playing a game? What would happen under this rule if H.R. 3066 passed? You would have a pretty messy situation parliamentarily, would you not, because all of the amendments apply to

H.R. 2929?

Do not tell me this place is not rigged; do not tell me it is not gimmicked. We are going to get into the substance of the bill, of course, but when you take a look at the way in which the rule was written and the strong appeal that there is only one choice to save the desert, please. I represent the desert. I want to save the desert, too. I do save the desert in H.R. 3066.

To stand there and tell people there is only one choice, one choice that saves the desert and the other does not in my estimation is hypocritical because either you have never been out there, you do not understand the process, or you simply want your own way.

And, of course, I understand the author, and others, of H.R. 2929 wanting their own way -- a number of reasons why you would want to be out front, a number of reasons why you would not want a bill which is a true compromise from those people who work and live in the desert and who want to enjoy it scenically.

Obviously, I can understand why some of my colleagues do not want a bill that went through the process of scrutiny by the administration and the public.

I can understand why they want a bill which was written by them and which has a rule created which tells you that before we even begin, this game is fixed.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. Mavroules].

Mr. MAVROULES. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I have a little feeling that I am walking into a buzzsaw here among the California delegation.

Let me make it very clear that I am speaking as a member of the Committee on Armed Services.

Mr. Speaker, as a member of the Armed Services Committee, I would also ask that my colleagues support the adoption of amendments being offered today by Mr. Vento and Mr. Blaz that address the concerns of the Department of Defense regarding low-level overflights, the possible expansion of Fort Irwin, and the reauthorization of the withdrawals of China Lake Naval Weapons Center and Chocolate Mountain Aerial Gunnery Range.

With these two amendments, I am confident that the California Desert Protection Act will not infringe on the [\*H10939] training and research mission of our Armed Forces in the California Desert.

Mr. Speaker, I request my colleagues to support this rule, the two amendments that provide for the military's concerns, and to vote for H.R. 2929.

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

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

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. Mavroules] for yielding.

Although I think the Blaz amendment has some merit; it addresses some of the issues; for 21 years I operated in the military in those specific areas, and neither one of the Vento or the Blaz amendments addresses the buffer zones around Chocolate Mountains. We have had people killed in the Chocolate Mountains, and I will tell the gentleman why it is the only area in which the

Navy and Air Force have to train with live ordnance.

Could the gentleman tell me what a pop-up maneuver is? These are all exercises in different things that happen in those particular areas. Neither one of these amendments addresses it.

Mr. Speaker, I will be happy to give the gentleman a piece of paper from the Secretary of Defense and all the Secretaries that show how in these areas these amendments do not help the military.

Mr. MAVROULES. Mr. Speaker, I would be delighted to have the information which the gentleman has, but I am very sure, when the amendments are offered, the gentleman from Minnesota [Mr. Vento] and the gentleman from Guam [Mr. Blaz], who are indeed the experts on that issue, will articulate and clarify that.

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

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

Mr. VENTO. Mr. Speaker, I think that we will debate that.

The SPEAKER pro tempore (Mr. McCurdy). The time of the gentleman from Massachusetts [Mr. Mavroules] has expired.

Mr. BEILENSON. Mr. Speaker, I yield the gentleman from Massachusetts 2 additional minutes.

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

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

Mr. VENTO. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. Mavroules] for yielding and for his cooperation and representation of the armed services concerns and the Committee on Armed Services' concerns in this matter.

Mr. Speaker, what we are dealing with in Chocolate Mountain, and the channel 8 and, as well, El Centro, are withdrawals, military withdrawals. As far as I know, these are exactly the withdrawals that the military has sought in terms of land. They are renewal of withdrawal. In the absence of the withdrawals and the option of the Blaz-Vento type of amendments, they would revert, and the military would have legal status that would be uncertain under the Engel Act, and so that is the purpose of this.

Obviously there are arguments over air space and other matters, but I want to point out that the amendments that the gentleman referred to with regard to these three parcels are military withdrawal areas. Obviously there are compatible, incompatible uses, but this is what the military asked for when they came before our committee. We passed these amendments without objection under the sponsorship of the gentlewoman from Maryland [Mrs. Byron]; in 1987 sent to the Senate. The Senate did not engage and take those amendments up at that time, and the reason being that the Senators from California decided to make it a part of the overall land bill, the desert bill, in California, and I thank the gentleman for yielding.

Mr. MAVROULES. Mr. Speaker, it is also my understanding that the gentleman from Maryland [Mrs. Byron] will address the issue when we get to the amendments.

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

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

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. Mavroules] for yielding.

As a matter of fact, I am submitting to the gentlewoman from Maryland [Mrs. Byron] the same requirements that the military, not only the Navy, but the Air Force and the Marine Corps, has as well. Mrs. Byron has never strapped herself into it yet and knows that all of the facilities that are required -- --

Mr. MAVROULES. Mr. Speaker, I realize that, but I might mention to the gentleman that gentlewoman from Maryland [Mrs. Byron] had this under consideration since 1987. So, she does have some background on that.

Mr. CUNNINGHAM. But not the background she needs.

Mr. MAVROULES. I thank gentleman from California [Mr. Cunningham].

Mr. DREIER of California. Mr. Speaker, I yield 4 minutes to my very good friend, the gentleman from California [Mr. McCandless], who represents the magnificent desert empire.

Mr. McCANDLESS. Mr. Speaker, I thank the gentleman from California [Mr. Dreier] for yielding this time to me.

Mr. Speaker, those of us who have been involved in the other bill, 3066 and what it represents, have been characterized erroneously as people who do not care about the desert. My colleagues briefly commented about the way this all started originally, with a piece of legislation coming out of this body and from that process.

I would like to read to the House the names and professions of the 15 members of the Desert Advisory Committee appointed in February 1977 by the Secretary of the Interior. These are the gentlemen and gentleladies who spent endless hours utilizing, not only their professions, but traveling extensively in the desert and holding a multitude of hearings.

Let me start with Dr. Richard Vogl, professor of botany at California State University, Los Angeles, a specialist in vegetation. Next, Dr. Wilbur Mayhew, professor of biology at the University of California, Riverside, who represented the field of wildlife. Then, Supervisor Clayton Record of Riverside County who represented local government, Dr. Richard Jahns, professor of geology and earth science at Stanford University who represented the earth sciences, and Dean Lemon, vice president of U.S. Borax, who represented mining and mineral assets. Next, Mr. Willie Pink, a member of the Cauhilla Tribal affiliation, represented native Americans. James Burns, member of the staff of the State of California Resources Agency, represented State government. Genny Smith, an author of several books about the desert, represented Outdoor Recreation. Ron Sloan represented Outdoor Recreation in the form of off road vehicle use. Dr. Harvey Perloff represented professional land use as professor of architecture and design at the University of California at Los Angeles. Erna Schulling represented the League of Women Voters in San Bernardino County. Next, Leon Hunter, head of science and environmental education for the Barstow School System and Mr. Frank DeVore, vice president, of San Diego Gas & Electric, representing the public utilities. Then, Mr. William Lane who represented the general public as publisher of Sunset magazine.

These people met in 1980, discussed their final product in great detail, and the final product represented that 4 years of development from February of 1977 to January of 1981. They presented that project to the public as a final result. It was a consensus. The group passed on the final result and recommendation which went to the director of BLM and the Secretary of the Interior, by a vote of 13 to 0.

Mr. DREIER of California. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr.

Hunter], my very able colleague and classmate from San Diego who is chairman of the Republic Research Committee and a member of the Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from California [Mr. Dreier], my distinguish colleague, for yielding this time to me.

Mr. Speaker, and my colleagues, this bill, the so-called desert protection bill, has been described over and over as a bill that protects, and I think it is [\*H10940] appropriate to ask the question: Protects from whom? The South Agadones Dunes, which is a big sand dune area in my district, and again I was not consulted, the gentleman from San Bernardino, CA [Mr. Lewis] was not consulted, the gentleman from California [Mr. McCandless] was not consulted, the gentleman from California [Mr. Thomas] was not consulted, nor were we asked to give leadership in any of the determinations that were made as to what areas went into **wilderness**.

However, Mr. Speaker, I want to tell my colleagues a little bit about the dunes that are utilized by so many Americans, so many San Diegans, so many people who live in Los Angeles.

Who are we protecting the desert from? We are protecting it from blue-collar Californians. We are protecting it from men and women who average about 29 years of age, with an average family income of about \$29,000 a year.

What do these people want to do that is so threatening to the desert? They want to be able to get up on Saturday morning or Sunday morning and go out to the desert. Some of us may have seen the film "On Any Sunday." It is about average Americans who want to take their motorbikes or their four-wheelers or their off-road vehicles, and they want to go out and get away from the boss for a while. They want to be able to talk with their wives for 20 or 30 minutes while the kids are riding motor scooters around the dunes. They want to set their campers up, and they want to barbeque. Those are the people we are protecting the desert against.

Let us call this bill by its real name. This is the desert lockout bill, because it locks average Americans, blue-collar Americans, out, 160,000 of them who used our dunes last year for family outings. It locks them out.

Well, people can always strap a backpack on and they can go backpacking in the desert, can they not? That is the response that I have received from the Sierra Club and other organizations. I say to the Members I would like to see them strap a backpack on in 97-degree heat, not only on themselves but on their wives and on their kids, and have them trudge through the sand for 15 or 20 miles to get to that old camp site. And remember, when they get there, they have got to have water, so they have to carry water on their back, so maybe they need 20 or 30 gallons of water, weighing several hundred pounds. Well, you can put that on a 10-year-old or a 12-year-old and march out there.

I would suggest, I say to the Members, that the same arrogance and insensitivity that groups like the Sierra Club were formed to oppose has not manifested itself in many of the policy declarations and many of the decisions they have offered that they have mandated that their Members of the U.S. Congress put forth on this floor.

Let me go over the list of Americans we are locking out in this bill. Of the people who use the sand dunes in my area, about 17 percent of them are laborers, about 10 percent are professional or technical people, about 8.3 percent are mechanics or craftsmen, about 6.3 percent are farm workers, about 5 percent are service workers, and about 1 percent are the military. We are taking blue-collar Americans and locking them out of the desert, and the decisions are being made by people who can afford to fly off to New Zealand to go fly-fishing if they want to recreate, if they want to exercise, if they want to be with their families.

Mr. Speaker, this is a desert lockout bill, and this is a bill that should be soundly rejected by this

House.

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

Mr. HUNTER. I am happy to yield to a gentleman who actually has flown aircraft over the Chocolate Mountains Gunnery Range, the top gun pilot in the U.S. Navy, who can tell us from a commonsense point of view why we should not be inhibiting the Chocolates.

The SPEAKER pro tempore. (Mr. McNulty). The time of the gentleman from California [Mr. Hunter] has expired.

Mr. DREIER of California. Mr. Speaker, I yield 2 1/2 minutes to the gentleman from California [Mr. Cunningham].

Mr. CUNNINGHAM. Mr. Speaker, I would just like to comment further on the comments of my friend, the gentleman from California.

I have ridden motorcycles, I have ridden three-wheelers -- I have gotten rid of my three-wheeler since because it is dangerous -- and I have a four-wheeler that I ride on those dunes, and literally one day after you ride over those dunes, with any kind of activity, those dunes are natural. There is half of the highway that is split, that is protected, and half that is allowed for recreational vehicles. During a wind storm of any magnitude, you can literally go back and you cannot tell the protected side from the other side. The shifting sands go back naturally, and it makes free-flowing sand to rise these recreational vehicles. So the desert is not damaged. It is protected, and it looks like it is in its natural state.

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

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

Mr. HUNTER. Mr. Speaker, I would like to ask the gentleman a few questions about how he thinks the Chocolate Mountain Gunnery Range will be affected by the committee bill.

Mr. CUNNINGHAM. One of the things a lot of us agree on is that maybe we need a smaller military in some areas, and that we need a well-equipped and well-trained military. What H.R. 2929 does is, it takes away that last aspect, well-trained.

Although well-intentioned and with some afterthought, the Vento amendment only addresses overflights. When you overfly a specific area, you are doing it for a reason, just like in Desert Storm. Those routes are designated to simulate routes which you would use actually on a target. Those targets are the only ones in which the military, the Navy and the Air Force and the Marine Corps, can drop live ordnance, and those routes need to be changed. That does not take place under the Vento amendment.

The Blaz amendment comes close, but it still leaves us short in many areas. The Army, the Navy, and the Marine Corps, in pop-up maneuvers or any maneuver delivering live ordnance, is not protected by a buffer zone in either the Blaz or the Vento amendment, and it could get people killed. If Members support H.R. 2929, they are going to be supporting something where men and women could be losing their lives in future conflicts, and we cannot sustain that. I swore in Vietnam that I had people that caused those same -- --

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

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

Mr. VENTO. Mr. Speaker, I appreciate the gentleman's yielding.

It is my understanding that we held an oversight hearing on the actual language, and the language that will be presented in the Blaz-Vento amendment is the language requested by the Department of Defense.

Mr. CUNNINGHAM. Then why do I have a letter here from all the Secretaries of all the services stating that they do not want H.R. 2929 or this language?

Mr. VENTO. It is understood that the amendment will take care of it.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. Cunningham] has expired.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Berman].

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in strong support of H.R. 2929, the California Desert Protection Act.

This bill is one of the most significant pieces of environmental legislation to come before the 102d Congress. I am proud to be a cosponsor.

H.R. 2929, which will expand protection of 8.3 million acres of the California desert, carefully balances scenic, geologic, and wildlife preservations with mining, ranching, and recreational needs. It is the product of 5 years of refinement and negotiation.

I think it would be inappropriate to go any further without mentioning the names of two of my colleagues [\*H10941] who are most responsible for bringing this bill to the point where it is now. One is my longstanding friend, the gentleman from California [Mr. Levine, who for a number of years has been pushing this effort, building up grass roots support, and fighting to air this critical issue in public arenas, and he has now taken a major step forward after years and years of effort.

The other Member, of course, is my friend, the gentleman from California [Mr. Lehman], who combines his zeal to protect this valuable area with his very talented legislative and negotiating skills.

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

Mr. BERMAN. Before I finish my kind words about Mr. Lehman or in the middle of them?

Mr. McCANDLESS. Whenever the gentleman would like to.

Mr. BERMAN. Let me not interrupt this peak experience.

The gentleman from California has negotiated through the obstacles of this legislation to bring this bill out of subcommittee and out of the full committee and to the full House today, once again demonstrating his skills.

Mr. Speaker, I now yield to my friend, the gentleman from California.

Mr. McCANDLESS. Mr. Speaker, I thank the gentleman very much.

I was quite taken aback by the fact that we were comparing authorships of the two bills that are before us by the way of a rule. I took a lot of the time of my colleagues to read what I consider to be a rather impressive list of advisers and their backgrounds and disciplines who are actually

authors of our bill through the Bureau of Land Management staff, and with the approval of the Secretary of the Interior, and I must say in all candor that I had to say that in response to the gentleman's comments relative to the authorship of H.R. 2929.

Mr. BERMAN. Mr. Speaker, to reclaim my time, I think it is only fair to point out that numerous scientists and academicians from universities and museums around the country have provided their professional backing to H.R. 2929, the product of this excellent negotiated proposal that is on the House floor today.

Let me conclude my remarks by making two points, simply to urge all my colleagues to support this comprehensive proenvironment bill so all Americans can enjoy and pass on for generations to come the splendor of the California desert.

Let me urge my colleagues to oppose any weakening amendments. I would like to make one comment also about my friend, the gentleman from California [Mr. Lewis].

I want to say that this excellent legislator has a somewhat flawed alternative proposal. His amendment, by failing to establish a national monument in the Mojave, leaves park quality resources subject to further disruption from mining and other such activities. It designates less than 50 percent of the qualifying BLM desert **wilderness** and thus protects only isolated blocks and parcels. This will further fragment the desert ecosystem and cause a tremendous loss of biological diversity.

Mr. Speaker, the amendment of the gentleman from California [Mr. Lehman] and the gentleman from Minnesota [Mr. Vento] adequately addresses the concerns raised by the Department of Defense.

Mr. Speaker, I again urge Members to oppose this substitute amendment and support H.R. 2929.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

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

Mr. THOMAS of California. Mr. Speaker, I understand the continued need to repeat that H.R. 2929 has been the process of a number of years of negotiations and that it certainly is a seasoned bill in which all people have had adequate access to make sure they have had their impact.

Why in the world 30 seconds ago was there a discussion over here by the gentleman from Minnesota and the gentleman from California and the gentleman from Guam regarding trying to work out the problems in terms of the various amendments if this bill has had such an adequate hearing?

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

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

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

Mr. Speaker, the reason is that we are talking about the withdrawals of these key areas for military use which have to be extended. We are trying to accommodate the concern of the gentleman from Guam, and I am pleased that I think we are able to do that so that we can work harmoniously together.

These withdrawals I am talking about should not be an issue. There are issues beyond that in terms of the designation here that are frankly differences with regard to designation. But

Members have to remember all of these areas are under study. A greater area is being managed as **wilderness** today than will be managed under the bill that is going to be the product of 2929.

So if one does not have problems today, I do not know why one would think they were going to have problems with less of it being designated as **wilderness** and some as park. I think some of the arguments are falling under their own weight.

Mr. BERMAN. Mr. Speaker, reclaiming my time, if I may, I would just suggest that I think this debate is important. I understand there is time under the rule to continue this debate. The only thing I would like to suggest is that the gentleman from California [Mr. Levine], the gentleman from Minnesota [Mr. Vento], and the gentleman from California [Mr. Lehman], are people far more qualified to engage the worthy opponents in this discussion, to take over the mantle.

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

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

Mr. LEWIS of California. Mr. Speaker, since my name was used in the discussion of the gentleman from California [Mr. Berman], and since we are such good friends, I think the gentleman would want to make it clear for those who are listening that the substitute that we will be presenting later is the substitute that reflects the work of that very, very fine commission that met for over 4 years in public hearing and received some 40,000 inputs regarding the variety of mix of compromise that might make up an adequate bill.

Mr. Speaker, that substitute is not any small environmental package. It would create the largest **wilderness** area on the continental United States, some 2.3 million acres of **wilderness** as a matter of fact. It would address itself to 62 areas covering vast regions of the desert that for many, many years we have been looking to provide protection for.

But this process has held back that movement toward adequately protecting the desert regions that need protection. So clearly we will have that discussion during the general debate.

Mr. Speaker, I did not want to leave anybody with the impression that our substitute was not a highly adequate piece of legislation relative to what a commission that has significant talent and expertise thought was required for **wilderness** additions to the California desert.

Mr. BERMAN. Mr. Speaker, I am going to conclude my remarks by simply saying that the comments of the gentleman may reflect a product that is better than nothing, but every leading major environmentalist organization in the country believes that those amendments will gut the thrust and protection of H.R. 2929.

Mr. DREIER of California. Mr. Speaker, this has been a fascinating exchange and time has flown by. I was wondering if the Speaker could tell us how much time is left on each side?

The SPEAKER pro tempore (Mr. McNulty). The gentleman from California [Mr. Dreier] has 6 1/2 minutes remaining, and the gentleman from California [Mr. Beilenson] has 7 minutes remaining.

Mr. DREIER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Fullerton, CA, Mr. Dannemeyer, not quite the desert, but very close.

Mr. DANNEMEYER. Mr. Speaker, one of the most interesting books that I have read in recent times was written by the former Governor of the State [\*H10942] of Washington and former Chairman of the Nuclear Regulatory Commission, Democrat Dixy Lee Ray. It came out a couple of years ago. She titled it "Trashing the Planet."

In it she says there are a number of, the great majority, in fact, of the environmental groups,

and she names them, Audubon Society, Sierra Club, National Wildlife Federation, **Wilderness** Society, Nature Conservancy, and countless other groups, that are fine, decent citizens.

Then she goes on to say there are some leaders of other organizations, such as the Natural Resources Defense Council, Friends of the Earth, Earth First!, Greenpeace, Government Accountability Project, Institute for Policy Studies, and many others, that are determinedly leftist, radical, dedicated to blocking industrial progress and unraveling industrial society.

Mr. Speaker, I think it is important for us to understand these radical organizations are behind what the House is now considering, mainly this lockout bill that is currently on the docket of the House. Miss Lee says, "They also tend to believe that nature is sacred and that technology is a sacrilege. Some environmentalists appear to be in favor of taking mankind back to pantheism or animism."

Thomas Lovejoy, tropical biologist and Assistant Secretary of the Smithsonian Institution, is quoted as saying, "The planet is about to break out with fever, indeed it may already have, and we human beings are the disease. We should be at war with ourselves and our lifestyles."

Here is Helen Caldicott, an Australian pediatrician, speaking for the Union of Concerned Scientists. She says, "Capitalism is destroying the Earth. Cuba is a wonderful country. What Castro's done is superb."

Paul Ehrlich, a Stanford University biologist, says, "We've already had too much economic growth in the United States. Economic growth in rich countries like ours is the disease, not the cure."

David Brower of Friends of the Earth is quoted as having said, "Childbearing should be a punishable crime against society, unless the parents hold a government license. All potential parents should be required to use contraceptive chemicals, the Government issuing antidotes to citizens chosen for childbearing."

Mr. Speaker, these are some of the statements of leaders of the environmental terrorists that seek to lock out the vast majority of people in my State of California.

Mr. Speaker, I support the alternative plan, the BLM plan, that would put into **wilderness** 2.3 million acres in the State of California. I am opposed to this plan of 4.5 million acres.

Mr. Speaker, I would like to thank the Committee on Rules for making in order two amendments that I offered. But they limited debate to 10 minutes each, clearly not sufficient to discuss the major issues involved in these amendments. For this reason I oppose the rule.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. Dannemeyer] has expired.

Mr. BEILENSON. Mr. Speaker, if I may say to my friend from California, I spoke to the gentleman about the possibility of yielding some time, but I do not think the comments of the gentleman have been very helpful to the rule before us. I do not want to give the gentleman any time to speak along the same line he has been speaking.

Mr. DREIER of California. Mr. Speaker, I yield 1 additional minute to the gentleman from California [Mr. Dannemeyer].

Mr. DANNEMEYER. Mr. Speaker, I filed two proposed amendments with the Rules Committee. One was that we would require the preparation and filing of an economic impact report. I think before we lock up this quantity of land in our State we should analyze the adverse economic impact on jobs, on private property, and on businesses.

The reality is there are about 20,000 miners working on mineral claims in a portion of this land that are going to be out of a job. The unemployment rate in my State is now 7.3 percent. That is one-half a percent higher than the country.

The other amendment that I will offer will delete from this plan that is now before the House the east Mojave area, about 1.5 million acres.

This is the area that is currently being developed in mineral development that this Nation badly needs for the functioning of our economy.

Mr. Speaker, unfortunately only 10 minutes was given to each amendment. That is hardly sufficient time. For these reasons I oppose the bill.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Utah [Mr. Owens].

Mr. OWENS of Utah. Mr. Speaker, I rise today in enthusiastic support of H.R. 2929, the California Desert Protection Act. I am a cosponsor of the bill, and as a member of the Interior Committee, I voted to report H.R. 2929 to the floor today. I share with my California colleagues their love for the untamed desert country of the American West. With much the same motivation, I have also offered legislation in the House, H.R. 1500, which would protect much of the remainder of Utah's wild desert canyons. Fittingly, on this day of such great importance to **wilderness** in California, the Utah BKM **wilderness** bill picked up its 100th cosponsor. I hope that sometime in the not too distant future, we will be able to see that issue resolved as well, through informed debate and a rational compromise.

The California Desert Protection Act is a testament to the overwhelming popularity of the preservation of our natural lands. It is a recognition that **wilderness**, whether or not one ever sets foot in it, is vitally important to the American soul. This bill is also an example of the power of compromise, as issue after issue has been rationally resolved. This **wilderness** bill demonstrates once again that preservation and economic growth are not mutually exclusive. One of America's greatest assets is its natural beauty. We are wise to recognize that and we are wise to preserve it for generations to come.

I am particularly interested in the creative solution offered to address an issue which we also face in Utah, that of the scattered State school trust lands which would be incorporated in the newly designated **wilderness** and park lands. Clearly, the interests of the school trust will be best served if the management of trust lands is not restricted by the requirements of **wilderness** management and protection. Having pockets of State-owned school lands permanently within **wilderness** is an obviously awkward arrangement which should be resolved. To this end, H.R. 2929 requires the Secretary of the Interior to identify those federally owned public lands which are available for exchange within California. Then the California State Lands Commission can exchange scattered State school lands within the **wilderness** and parks for consolidated pieces of land which could be managed trust lands in a manner which achieves maximum benefit for the school trust. This provision will afford school trust beneficiaries the opportunity to enhance the value and manageability of the trust lands by transforming scattered, disconnected sections into consolidated blocks. Likewise, Federal land management efficiency will also be greatly improved through the consolidation of public lands.

The solution to the State school lands question developed in this bill provides a model that we can look to as we resolve similar management conflicts on Utah's public lands. I commend the drafters of the legislation and the Interior Committee for working out this artful compromise.

We in the West know firsthand of the fragility of the desert landscape. This bill preserves a unique and irreplaceable ecosystem which is too easily disrupted and scarred. It preserves beautiful scenic treasures, recreational opportunities, archeological resources, unique habitat and

at-risk-species.

California cannot afford to lose anymore of its **wilderness**. Nor does it need to, for the economic potential of these lands for meaningful resource development is limited. As the population of California and America continues to grow, so will the need for areas of **wilderness**, for recreation, habitat protection, and solitude. The sad fact of life in late 20th century America is that **wilderness**, if not protected will be irredeemably lost.

[\*H10943] The noted author, Wallace Stegner, recently graciously provided a forward for "**Wilderness** at the Edge," a book devoted to the Utah BLM **wilderness** proposal. What he wrote in that book seems apt today.

We were born of **wilderness** and we respond to it more than we sometimes realize. We depend upon it increasingly for relief from the termite life we have created. Factories, powerplants, resorts, we can make anywhere. **Wilderness**, once we have given it up, is beyond our reconstruction.

Mr. Speaker, we have an opportunity with this bill to guarantee the integrity of the California desert **wilderness** for generations to come. We cannot accomplish the impossible task of reconstructing **wilderness**, as Mr. Stegner pointed out. So I urge my colleagues to join with me today in supporting this far-sighted effort to save a vestige of the original America by casting a vote in favor of H.R. 2929.

Mr. DREIER of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Thomas].

Mr. THOMAS of California. Mr. Speaker, I guess it is pleasing to see that there is no ban on fiction on this floor. We are discussing the rule, and I do want to focus on the rule.

We will have plenty of time to debate the bill in terms of its substance and those of us who represent the areas that are being affected by this legislation will have ample time to illustrate over and over again the fact that not only were we not consulted but that the degree of arrogance on the side of those individuals who are now offering what they indicate to be a compromise can once again simply be shown not to be true by an examination of this bill.

When I discussed in my earlier testimony that this bill is a sham in terms of any serious consideration of the substitute that is the true son of the 15-year process, I heard some snickers over on that side of the aisle.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNulty). The Chair would remind Members not to characterize the motivation of other Members of the body.

#### PARLIAMENT INQUIRY

Mr. THOMAS of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS of California. Mr. Speaker, under the rule, if it were to pass, and the first amendment in order under the rule, if it were to pass, are the other amendments, all of which apply to H.R. 2929, in order?

The SPEAKER pro tempore. If offered, those subsequent perfecting amendments could still be considered, since all points of order against them would have been waived under the pending

resolution.

Mr. THOMAS of California. If offered, they could be considered. In order words, this rule was written with the idea that there was supposed to be a substitute bill for the underlying bill passed by the Committee on Interior and Insular Affairs, but if in fact that substitute is passed, all the amendments applying to the underlying bill, the bill that came out of the Committee in Interior and Insular Affairs, are considered as though they are in order anyway. And that is what I am talking about in terms of the word characterized as perhaps inappropriate in explaining behavior.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Let me respond to the gentleman from California to tell him that the situation, as he just properly described, has been told to us by the Parliamentarian and was the result of inartful drafting of the rule by the Committee on Rules, if my colleagues on the Committee on Rules do not mind my saying that.

We had not intended that to take place. We had beileved and intended that if the substitute of the gentleman from California [Mr. Lewis] were to be adopted, that that would be the end of it.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

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

Mr. THOMAS of California. Mr. Speaker, does the gentleman have any characterization of the underlying bill in terms of its artful or inartful drafting as well?

Mr. BEILENSON. Mr. Speaker, of course not.

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. Hoagland].

Mr. HOAGLAND. Mr. Speaker, I am proud to rise in support of the California Desert Protection Act.

I support the California Desert Protection Act, H.R. 2929 before us today. As one who went to college in California and who has spent considerable time exploring the deserts and rivers of the West, I am very enthusiastic about this bill. And one of the reasons I intend to vote for the California Desert Protection Act is that it addresses the protection of threatened and endangered species.

This bill calls for the designation of a new national monument in an area where threatened desert tortoise habitat is located, to be called the Mojave National Monument. The desert tortoise is threatened with extinction and may become extent unless we act now to preserve and protect its habitat in the California desert. In just 50 years, the desert tortoise population has declined so dramatically that where there used to be 1,000 tortoises per square mile, there are now as few as 20 to 50 per square mile.

Why this drastic decline? The pressures from civilization have brought the tortoise to a perilous point in its existence: predation on young tortoises from ravens who flock to trash dumps and road kills for carrion; off-road vehicles that compact the desert soil, and crush the animal's burrow, affording the tortoise no respite during the day from the brutal desert sun; or vehicles that crush the eggs in the burrow.

Another animal fighting to survive in the harsh California desert is the desert bighorn sheep. This animal requires vast areas of **wilderness** land over which to roam. It cannot survive if it is confined to isolated islands surrounded by seas of development. The gene pool of any species cannot be confined to only a few individuals or the species will suffer grave consequences over

time.

The desert bighorn has also suffered from cattle who forage for the same grasses and who carry diseases to which the bighorn have developed no tolerance. Mining activities have taken a toll because huge amounts of water are necessary for heap-leach mining, water that is also vital to bighorn survival.

Opponents of H.R. 2929 argue that the Bureau of Land Management plan for the California desert is enough to protect the resources while allowing multiple use of the land. In my opinion, this is simply not the case.

The fact that the desert tortoise is listed by the Department of the Interior as a threatened species is evidence that the BLM's plan is inadequate. Indeed, in 1980, when the BLM first issued its plan, the Council of Environmental Quality praised the BLM for its superlative inventory of the resources of the desert, but CEQ also criticized the plan. Quoting portions of the BLM's own environmental impact statement, the Council said, "Eight officially listed species would receive substantial impacts to their habitats, contributing to extirpations in some cases and possible extinction in others." CEQ also pointed out that the EIS found, "Of 70 special wildlife habitat areas, 71.4 percent would receive either negative or severely negative impacts."

These are just two of the creatures who have found an ecological niche in the California desert. There are many others as well. The desert offers a home to more than 750 species of wildlife alone, but of these, nearly 100 are on the brink of extinction.

We must act now to keep these and other animals from extinction and to provide protection for the unique ecosystems that still flourish in the California desert. I urge my colleagues to vote for H.R. 2929.

Mr. LEHMAN of California. Mr. Speaker, will the gentleman yield?

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

Mr. LEHMAN of California. Mr. Speaker, I thank the gentleman for his excellent comments here and would only say in support of them that 40 percent of the endangered [\*H10944] desert tortoises that we find dead in the East Mojave have bullet holes in them.

#### PARLIAMENTARY INQUIRIES

Mr. DREIER of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DREIER of California. Mr. Speaker, I would like to ask what the procedure would be if we were to ask unanimous consent to have the Committee on Rules correct the problem that was acknowledged by the gentleman from California [Mr. Beilenson].

The SPEAKER pro tempore. The manager of the rule could offer an amendment to the rule. No one else can.

Mr. BEILENSEN. Mr. Speaker, the manager of the rule is advised to advise his friend, the gentleman from California, that he has not been authorized by the Committee on Rules to offer such an amendment.

Mr. DREIER of California. Mr. Speaker, what would be the procedure then if we would like to proceed and have the Committee on Rules take that action?

The SPEAKER pro tempore. (Mr. McNulty). That could be the prerogative of the manager of the rule or by a vote on the rule.

Mr. WALKER. I have a further preliminary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Would it not be possible to defeat the previous question on the rule and offer an amendment at that point to clean up the rule that the manager of the rule himself has admitted is flawed?

The SPEAKER pro tempore. If the previous question is defeated, a germane amendment to the rule would be in order.

Mr. WALKER. So, therefore, the way the House can correct it, if the gentleman from California is not permitted to do so because he does not have instructions from the Committee on Rules, the way for the House to correct a rule that we have now had an admission of a flaw is to defeat the previous question and thereby be able to offer a correction?

The SPEAKER pro tempore. An amendment to the rule would be in order if the House does not order the previous question.

Mr. WALKER. I thank the Chair.

Mr. DREIER of California. Mr. Speaker, I yield 30 seconds to my friend, the gentleman from Bakersfield, CA, Mr. Thomas.

Mr. THOMAS of California. Mr. Speaker, I request the attention of the gentleman from California [Mr. Beilenson]. I want to tell my friend that I apologize for the statement that I made in terms of characterizing the behavior. Clearly, by his admission that there was a mistake and there was a misunderstanding in the drafting of the rule and Members were not aware of what they were doing, that clearly explains the way in which the rule was written.

I hope the gentleman can understand my feeling in terms of an interpretation, when we are supposed to have been given a fair shot at something, but clearly the way it is structured it did not indicate that there was an opportunity at all because all of the other amendments were going to apply to the underlying bill anyway.

I want to apologize to the gentleman in terms of my characterization of the motivation, since he has indicated that it was in fact a mistake.

Mr. BEILENSEN. Mr. Speaker, if the gentleman will yield, I appreciate what the gentleman says but this gentleman had not been offended, and I think my colleagues had not been offended by the gentleman's remarks.

Mr. DREIER of California. Mr. Speaker, I yield 1 minute to the gentleman from Redlands, CA, Mr. Lewis.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding this 1 minute.

Mr. Speaker, I rise for two purposes. First, I want to address myself to the comments of the gentleman from Nebraska. I want very much to associate myself with his remarks about the need for protecting the environment of the desert. Indeed, it is a very complex ecosystem, a tremendous challenge for all of us.

That is precisely why we reviewed all the elements of the desert and why there were 4 years of

public hearings. Those elements have been taken carefully into consideration under the substitute that will be before us shortly.

Beyond that, Mr. Speaker, I want to express my appreciation to the Members of the Committee on Rules, both the presiding member from the majority side as well as my colleague, the gentleman from California [Mr. Dreier], for the cooperation they have extended to us during the process of trying to develop this rule. Indeed, they have been more than helpful as far as my interests are concerned.

The SPEAKER pro tempore. All time of the gentleman from California [Mr. Dreier] has expired. The gentleman from California [Mr. Beilenson] is recognized for 30 seconds to close debate.

Mr. BEILENSON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were -- yeas 256, nays 160, not voting 18, as follows:

(See Roll No. 418 in the ROLL segment.)

1716

[\*H10945] The Clerk announced the following pair:

On this vote:

Mr. Torricelli for, with Mr. Doolittle against.

Messrs. PORTER, BARTON of Texas, and IRELAND changed their vote from "yea" to "nay."

Messrs. MARTINEZ, DWYER of New Jersey, HUTTO, and ORTON changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

**[Roll No. 418]**

YEAS -- 256

Abercrombie  
Andrews (ME)  
Annunzio

Ackerman  
Andrews (NJ)  
Anthony

Alexander  
Andrews (TX)  
Applegate

Aspin	Atkins	AuCoin
Bacchus	Barnard	Beilenson
Bennett	Berman	Bevill
Bilbray	Blackwell	Bonior
Borski	Boucher	Boxer
Brewster	Browder	Brown
Bruce	Bryant	Bustamante
Byron	Campbell (CO)	Cardin
Carper	Chapman	Clay
Clement	Clinger	Coleman (TX)
Collins (IL)	Collins (MI)	Condit
Conyers	Cooper	Costello
Cox (IL)	Coyne	Cramer
Darden	DeFazio	DeLauro
Dellums	Derrick	Dicks
Dingell	Dixon	Donnelly
Dooley	Dorgan (ND)	Downey
Durbin	Dwyer	Dymally
Early	Eckart	Edwards (CA)
Edwards (TX)	Engel	English
Erdreich	Espy	Evans
Fascell	Fazio	Feighan
Flake	Foglietta	Ford (MI)
Ford (TN)	Frank (MA)	Frost
Gejdenson	Gephardt	Geren
Gibbons	Glickman	Gonzalez
Gordon	Guarini	Hall (OH)
Hall (TX)	Hamilton	Harris
Hatcher	Hayes (LA)	Hefner
Hertel	Hoagland	Hochbrueckner
Horn	Hoyer	Hubbard
Huckaby	Hughes	Hutto
Jacobs	Jefferson	Jenkins
Johnson (SD)	Johnston	Jones (GA)
Jones (NC)	Jontz	Kanjorski
Kaptur	Kennedy	Kennelly
Kildee	Kleczka	Kolter
Kopetski	Kostmayer	LaFalce
Lancaster	Lantos	LaRocco
Laughlin	Lehman (CA)	Lehman (FL)
Levin (MI)	Levine (CA)	Lewis (GA)
Lipinski	Long	Lowey (NY)
Luken	Manton	Markey
Martinez	Matsui	Mavroules
Mazzoli	McCloskey	McCurdy

McDermott	McHugh	McMillen (MD)
McNulty	Mfume	Miller (CA)
Mineta	Mink	Moakley
Mollohan	Montgomery	Moody
Moran	Murphy	Murtha
Nagle	Natcher	Neal (MA)
Neal (NC)	Nowak	Oakar
Oberstar	Obey	Olin Orton
Olver	Ortiz	Pallone
Owens (NY)	Owens (UT)	Pastor
Panetta	Parker	Payne (VA)
Patterson	Payne (NJ)	Penny
Pease	Pelosi	Peterson (MN)
Perkins	Peterson (FL)	Poshard
Pickett	Pickle	Rangel
Price	Rahall	Reed
Ravenel	Ray	Roemer
Richardson	Roe	Rowland
Rose	Rostenkowski	Sabo
Roybal	Russo	Sarpalius
Sanders	Sangmeister	Scheuer
Savage	Sawyer	Serrano
Schroeder	Schumer	Skaggs
Sikorski	Sisisky	Smith (FL)
Skelton	Slaughter	Staggers
Solarz	Spratt	Stenholm
Stallings	Stark	Swett
Stokes	Studds	Tallon
Swift	Synar	Taylor (MS)
Tanner	Tauzin	Torres
Thomas (GA)	Thornton	Unsoeld
Traficant	Traxler	Visclosky
Valentine	Vento	Waters
Volkmer	Washington	Wheat
Waxman	Weiss	Wilson
Whitten	Williams	Wyden
Wise	Wolpe	
Yates		

NAYS -- 160

Allard	Allen	Anderson
Archer	Armey	Baker
Ballenger	Barrett	Barton
Bateman	Bentley	Bereuter
Bilirakis	Bliley	Boehlert

Boehner	Broomfield	Bunning
Burton	Callahan	Camp
Campbell (CA)	Chandler	Coble
Coleman (MO)	Combest	Coughlin
Cox (CA)	Cunningham	Dannemeyer
Davis	DeLay	Dickinson
Dornan (CA)	Dreier	Duncan
Edwards (OK)	Emerson	Ewing
Fawell	Fields	Fish
Franks (CT)	Gallegly	Gallo
Gekas	Gilchrest	Gillmor
Gilman	Gingrich	Goodling
Goss	Gradison	Grandy
Green	Gunderson	Hammerschmidt
Hancock	Hansen	Hastert
Hefley	Henry	Herger
Hobson	Holloway	Hopkins
Horton	Houghton	Hunter
Hyde	Inhofe	Ireland
James	Johnson (CT)	Johnson (TX)
Kasich	Klug	Kolbe
Kyl	Lagomarsino	Leach
Lent	Lewis (CA)	Lewis (FL)
Lightfoot	Livingston	Lowery (CA)
Machtley	Marlenee	Martin
McCandless	McCollum	McCrery
McDade	McEwen	McGrath
McMillan (NC)	Meyers	Michel
Miller (OH)	Miller (WA)	Molinari
Moorhead	Morella	Nichols
Nussle	Oxley	Packard
Paxon	Petri	Porter
Pursell	Ramstad	Regula
Rhodes	Ridge	Riggs
Rinaldo	Ritter	Roberts
Rogers	Rohrabacher	Ros-Lehtinen
Roth	Roukema	Santorum
Saxton	Schaefer	Schiff
Schulze	Sensenbrenner	Shaw
Shays	Shuster	Skeen
Smith (NJ)	Smith (OR)	Smith (TX)
Snowe	Solomon	Spence
Stearns	Stump	Sundquist
Taylor (NC)	Thomas (CA)	Thomas (WY)
Upton	Vander Jagt	Vucanovich

Walker  
Weldon  
Young (AK)  
Zimmer

Walsh  
Wolf  
Young (FL)

Weber  
Wylie  
Zeliff

NOT VOTING -- 18

Brooks  
de la Garza  
Hayes (IL)  
Mrazek  
Sharp  
Torricelli

Carr  
Doolittle  
Lloyd  
Myers  
Slattery  
Townes

Crane  
Gaydos  
Morrison  
Quillen  
Smith (IA)  
Yatron