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TITLE: CALIFORNIA DESERT PROTECTION ACT OF 1993

TEXT:

[*S4127]

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to grant floor privileges to Judy Lee and Joe Jackson for the purposes of this bill.

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

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to add John Glenn as a cosponsor of this legislation.

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

Mrs. FEINSTEIN. Madam President, that would raise our cosponsors of this legislation to 48.

The issue before the Senate to be voted on very shortly is whether this area, the centerpiece of the bill, the East Mojave-hopefully, national park-will be able to become a national park or will become a BLM monument.

It is my very strong view, and I know you share this view, Madam President, that the bill will not be complete unless the East Mojave is in fact a national park. There are reasons.

First of all, the Mojave qualifies as a national park. The Department of the Interior evaluated the Mojave in 1979 and in 1987, and I quoted from officials of the Interior Department both in 1979 and 1987 where they found that the Mojave should be added to the National Park System based on the sensitivity of the area, based upon the resources of the area, and based on the fact that it is a point of confluence between three major ecosystems.

This administration supports park status of the Mojave. That means the President supports park status and the Secretary of the Interior supports park status. In addition, the Committee supports park status and rejected an amendment to turn it into a BLM monument.

Californians, as I have now pointed out three times, support park status for the Mojave. By independent poll, 75 percent of those polled said they would favor the Mojave National Park without hunting. The BLM monument status would provide a lesser level of protection.

And let me say it really is a question of mission. The mission of the National Park Service is to run a national park, to have a coordinated approach to see that the park is protected and that the resources are managed for public understanding and enjoyment. There would be a visitor center. The mission of the Bureau of Land Management is a totally different mission. Its protective status is less.

The points I have tried to make with all of the charts that I showed yesterday-the beautiful and tender flowers, the Joshua trees, the piñon trees, the wild animals-is that all of those things are sensitive resources. All of us who support park status for the Mojave-the 9 major environmental organizations, the 36 cities, the 18 counties, the 15 major newspapers who have editorialized in support of this legislation-we all believe the mission of the National Park Service is much more conducive to managing the resources in this area than is the mission of the Bureau of Land Management.

The distinguished Senator from Wyoming, and I respect the Senator, and he has been here for a long time and has had a great deal of experience with parks, certainly more so than I have nationally, although I would like to believe I have more experience in California than the Senator from Wyoming, has stated that he retains the mineral withdrawal for the Mojave subject to valid existing claims. However, it must be pointed out that BLM regulation of mining of valid existing mining claims would not be as stringent as under the National Park Service. Large open pit mines could occur, and this would scar this very sensitive landscape and destroy scenic vistas. The original Cranston legislation did not do this, but my amendments specifically protect every active mine and every mine that has secured approval to mine. Those are protected by the legislation.

So I contend that if we want to protect the Mojave, the best agency to provide that protection is in fact the National Park Service. The BLM has the mission to manage for multiple use, many different uses. The Park Service's mission is protection of resources for the enjoyment of future generations, and that is where a Mojave national park would play a role. Sensitive resources, tender resources, resources subject to oblivion could be [*S4128] protected for our children and our grandchildren.

Thank you very much, Madam President.

I yield the floor.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER (Ms. Moseley-Braun). The Senator from Wyoming.

Mr. WALLOP. Madam President, what is the time status?

The PRESIDING OFFICER. There are 11 minutes and 28 seconds for the proponent; 5 minutes and 20 seconds for the opponents.

Senator Wallop has 11 minutes.

Mr. WALLOP. Madam President, there are a couple of things that need to be said. I again stress that the argument between ourselves and the Senators from California and others is not about whether the desert should be protected. That must be nothing but a shibboleth, to suggest otherwise.

It has been, from the beginning, my purpose, my statement, that we have followed precisely the devices and the desires of the Senator from California by using her language; our findings are her findings; her findings are our findings. So it is not a question of whether or not it should be protected.

Now, the National Park Service manages other things besides parks. They manage national seashores, national monuments, national historic sites, scenic areas, and in their mind, there is no distinction between the management requirements of one over the other depending upon its title.

So the point that the Senator from Wyoming has been trying to make is that that desert, which

all of us agree deserves protection, in the East Mojave is not going to have a rosy light shining on it if the Park Service manages it and a yellow light shining on it if the BLM manages it.

The Senator was speaking of the mission of the BLM. The mission of BLM or any other land managing agency is to do what Congress tells it to do. And in this instance, we would be telling it how to manage it.

The question is, and it goes back-and I will state it again and again and again and again-to whether or not we, for our own political reasons, are willing to jeopardize the rest of America's National Park System in order to add one new national park to it just for the name "park"; or whether or not our purpose is sincere, within the budget constraints that exist in America, in protecting a piece of ground that all of us say, yes, deserves protection.

There is an agency under whose budget auspices this now falls, whose personnel are now experienced with it and trained on it, who have managed it to the extent that those pictures can be taken. There is an agency which has the money to do this.

There is another agency in which the money does not exist, and the money is going to have to be taken out of Yellowstone Park, Yosemite Park, Point Reyes, Redwoods, Glacier, Great Smoky Mountains, Shenandoah, Indiana Dunes, and all the rest of the National Parks in the 49 States and the territories. There is no money, Madam President.

And the Secretary of the Interior, notwithstanding, is not capable of willy-nilly transferring funds within his agency. That is an authorization that this Congress must do, that this Appropriations Committee must allow. It has not, and there is no reason to suppose that they might, because traditionally they have not and have refused to.

So what you have here is not an argument over the value of the desert or the experience in the desert, but an argument over whether or not, for political reasons we pry loose resources from the rest of America's national parks to take care of a new park, the protection of which would be assured, notwithstanding if we were to allow it to remain in the hands of the BLM as a national monument.

The sign on the gate makes no difference to the extent of the experience inside the gate.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Madam President, I suggest the absence of a quorum, with the time to be equally charged.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. JOHNSTON. Will the Senator yield me 2 minutes?

Mrs. FEINSTEIN. Madam President, I yield 2 minutes to the Senator.

Mr. JOHNSTON. Madam President, I rise in strong support of the bill and in opposition, reluctant opposition, to the amendment of my friend from Wyoming.

As I said this morning, his point, which is that the National Park Service is underfunded at this time, is a very appropriate and valid point. I expect to support him in every arena on increasing the resources for the National Park Service, which make up collectively less than one-tenth of 1 percent of the budget. And I believe the American public would support adequate funding for the National Park Service, and I am with him on that issue.

But, Madam President, adding this park and these wildlife areas, some 94 percent of which are already in public ownership, is not going to burden the National Park Service. It is simply something that not only can be done within present resources, it should be done.

Every Secretary, every public official in America today who has examined this park says, yes, it is appropriate; it is needed; it is vital to make a national park out of the California desert.

Madam President, I hope all Senators will join together not only in support of this bill, but to kill this amendment. But, in killing this amendment, I hope we will join with the Senator from Wyoming in giving in later arenas, in later times, support for the National Park Service to maintain the great park system which we have in this country.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

Mr. WALLOP. Madam President, if the Senator will withhold. I thought she had wanted to speak further, and she probably does.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, let me talk just a couple of minutes about the studies. There is a lot of wingding that goes on around this thing. The two studies mentioned in 1979 and 1987 have no management review. They are not traditional studies that the Park Service does when asked to study the qualifications of a given area. That much is true.

They were what the Park Service calls sort of quick and dirty. The poll that the Senator quoted, that 75 percent of the people in California favored a park, is not what the question was in the Field poll. The Field poll asked: "Did the desert deserve protection?" Seventy-five percent of the people said, "Yes, the desert deserves protection." They did not ask if it ought to have park status. The Field poll question was about whether or not the desert deserves protection.

I am not quarreling with those 75 percent of Californians who say that the desert deserves protection. ; But the fact of it was that they were not asked the question about park status.

At any rate, I say to my friend from Louisiana, who says this is not going to burden the Park Service, the Secretary's own report says that it burdens it to the tune of \$ 125 million, short of spending for construction, short of the design of programs and everything else. Just for maintenance, \$ 125 million over the next 5 years; that is what Secretary Babbitt's Department of the Interior says. Madam President, it is going to burden the Park Service. It is not going to

undo the Senator from Wyoming if it goes into a park; it is going to undo the Park Service. That is the point.

The question again arises not over whether or not the desert should be protected. The question arises under whose auspices that protection should take place and how do we protect the National Park Service from the willy-nilly raid of Members of Congress from [*S4129] both parties who believe the only living sign of commitment happens to be a NPS sign on the gate instead of a National Monument sign on the gate. The protection of the land within those boundaries and inside the gate will not be distinguishable one from the other. What will be distinguishable, one from the other, is whether or not the National Park Service has the resources, manpower resources and financial resources, to undertake the willy-nilly obligations we continue to heap upon it.

Madam President, I yield back the remainder of my time.

Mr. JOHNSTON. Will the Senator yield me 1 minute?

Mrs. FEINSTEIN. The Senator will yield.

Mr. JOHNSTON. Madam President, simply to reply to the statement of my friend that it would cost \$ 125 million to administer this by the National Park Service, I think that figure is correct. It is a 5-year figure. The thing that was not mentioned, however, is the fact that the majority of that is BLM activities which would have to be carried on anyway. The figures we have are that the additional funding needed to manage the Mojave, which is the national park part of this, is, for 1995, \$ 911,000; \$ 1.8 million for 1996; \$ 2 million for 1997; or a 6-year total of \$ 13 million. While it is a sizable amount of money, the management of the total system, which is some 6.3 million acres, most of that is a cost that is already incurred because it is already BLM land, as I mentioned. Some 94 percent of this is already owned, most of that, by the Federal Government, in part by the State government. So it is already being managed.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from California has 2 minutes remaining.

Mrs. FEINSTEIN. Madam President, I will not use the 2 minutes. Just to summarize, I ask my colleagues to vote "no" on this amendment. A vote "no" on the amendment would say S. 21 will go ahead, create the East Mojave as a national park. As a rationale, I point out, by actual poll and question asked, 70 percent of the people living in the desert counties support park status for the Mojave and 75 percent of the people statewide support the Mojave National Park.

With respect to the cost, as Senator Johnston has just said, we believe and the Department of the Interior confirms that they can handle that cost. The two Senators from the State, for the first time in 8 years, are together on this question. The committee voted on this question and approved park status for the Mojave. The President supports the park status; the Secretary of the Interior supports the park status; and the head of the National Park Service has said that this area is totally meritorious and deserving of park status. The question is one of mission. The mission should be that of the National Park Service, not the Bureau of Land Management.

I thank very much both the committee chairman and ranking member for their very civil discourse on this subject. I yield the floor.

Mr. JOHNSTON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on amendment 1620 offered by the Senator from Wyoming (Mr. Wallop). The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama (Mr. Shelby) is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri (Mr. Bond) and the Senator from Indiana (Mr. Coats) are necessarily absent.

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

The result was announced-yeas 35, nays 62, as follows: (Rollcall Vote No. 87 Leg.)

YEAS-35

Bennett	Brown	Burns
Byrd	Cochran	Coverdell
Craig	D'Amato	Danforth
Dole	Domenici	Durenberger
Faircloth	Gramm	Grassley
Hatch	Hatfield	Helms
Hutchison	Kassebaum	Kempthorne
Lott	Mack	McCain
McConnell	Murkowski	Nickles
Packwood	Pressler	Simpson
Smith	Stevens	Thurmond
Wallop	Warner	

NAYS-62

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

NOT VOTING-3

Bond

Coats

Shelby

So the amendment (No. 1620) was rejected.

Mrs. FEINSTEIN. Madam President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Madam President, I rise today in support of the legislation before the Senate.

This is an issue that the full Senate has waited to consider for a number of years.

With the diligence and perseverance of the Senators from California, Senator Feinstein and Senator Boxer, the full Senate now has the opportunity to consider this bill.

I commend my colleagues from California and thank them for their hard work in bringing this important bill before the Senate.

However, I feel it is only appropriate that we also pay tribute to our former colleague from California who introduced legislation on this issue back in the 99th Congress.

Almost 10 years ago, Senator Alan Cranston recognized the need to provide greater protection for the California desert.

Interior Secretary Watt had shown great reluctance to protect the fragile desert ecosystem from the harms of commercial activities, hunting, and off-road vehicle use.

Working with a number of conservation groups, Senator Cranston drafted legislation, S. 2061, to place 9.4 million acres of the southern California desert under the protection of the National Park Service.

Needless to say, this was a controversial bill.

Numerous interest groups ranging from off-road vehicle enthusiasts to the National Public Lands Advisory Council opposed this bill.

After reelection in 1986, Senator Cranston reintroduced the California Desert Protection Act, S. 7, in 100th Congress.

Judging from the bill number alone, it is clear that this legislation was a high priority for the Senator from California. However, the opponents of this bill mounted a campaign to defeat it. Mining interests charged that the bill was ill conceived. The Department of the Interior officials testified in opposition to the bill.

At the end of the 100th Congress, S. 7 was not enacted. However, our former colleague from California would not back down.

In the 101st Congress, the California Desert Protection Act was reintroduced as S. 11. This time around the opponents of this bill changed tactics. They alleged that Senator Cranston was trying to play politics with our national defense and our natural resources.

This time defense Secretary Cheney weighed in, complaining about the impact of the legislation on military overflights.

At the end of the 101st Congress, S. 11 was still in committee.

So, after three Congresses, and a variety of campaigns to kill the California Desert Protection Act, some might consider the issue dead.

Why bother reintroducing it?

This bill was a clear casualty of the gridlock that had consumed the legislative process under the Reagan and Bush administrations.

And yet, when the Senate reconvened for the 102d Congress, Senator Cranston introduced S. 21, the California Desert Protection Act.

[*S4130] He was undaunted by the past inaction on his bill and remained committed to providing greater protection for the fragile desert ecosystem in his State.

It was apparent that he would not back down in the face of opposition from a number of interest groups, and yet, he remained willing to negotiate a compromise and address legitimate concerns with the bill.

Unfortunately, a compromise could not be reached before our former colleague retired.

S. 21, as introduced in the 102d Congress, was not reported out of committee.

Fortunately, the fight for the protection of the California desert resumed in the 103d Congress.

Senator Feinstein introduced the California Desert Protection Act, S. 21, the bill we are considering today.

Senator Feinstein deserves a tremendous amount of credit for her efforts in moving this legislation along.

She has negotiated among various affected groups and so far has prevailed in the face of opposition posed by interest groups such as the National Rifle Association.

While both Senators Feinstein and Boxer have helped bring this bill before the full Senate, undoubtedly, the debate on this issue today has been shaped by previous debates in the Energy and Natural Resources Committee in prior Congresses.

This is a bill that has been pending in the Senate since 1986 because former Senator Alan Cranston recognized an intrinsic value to protecting the California desert.

He knew that mining, grazing, and other interests would oppose his efforts, yet he had a vision for the California desert that transcended the immediate financial gain from exploiting the natural resources in the area.

When he introduced the first version of his California Desert Protection Act on February 6, 1986, he stated that his legislation would provide permanent, lasting protection for the beauty and wildness of the California desert.

Moreover, he stated that "Our goal has been to establish in law the most appropriate pattern of protection to assure that all Californians and visitors to the desert will have the full value of these lands."

Although it is over 8 years later, I am pleased that the Senate now has the opportunity to take

one step closer to accomplishing that goal.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent that Gary Ziehe of my staff be granted floor privileges.

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

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Madam President, we are trying to get this bill ready for final passage. We have a number of amendments to deal with, but we would like to get a unanimous consent agreement so as to deal with all of those amendments. If I may state to Senators the amendments we have heard about until now, so that when we eventually propound our unanimous consent request, we would include these amendments. I hope some of these amendments will go away. I am asking all Senators at this point to let us know if they have an amendment.

The amendments we know about at this time are an Inouye amendment with respect to the Timbisha Shoshone Tribe, which has been agreed to; a Feinstein amendment to allow construction of single family homes within the Mojave National Park; a Wallop second-degree amendment to the Feinstein amendment to apply that provision to all parks nationwide; a Feinstein amendment to restore all Federal lands within the Lanfair Valley to the Mojave National Park; a Wallop second-degree amendment to that; a Bennett amendment to require that 90 percent of private lands within the **wilderness** in park units be acquired within 10 years or else the authority to designate such areas would expire-that would be without a second-degree amendment; a Craig amendment to exclude 1,920 acres of the Pleuss-Stauffer mining claims from the Mojave National Park; two Brown amendments-one on trails and one on fees; three Murkowski amendments-one on hunting, one on access to the park lands, and one on private property; a Hatfield amendment on PILT, that is, payment in lieu of taxes; a Hatch amendment on law enforcement; and a Johnston amendment with respect to the Delta bill already passed the Senate.

Madam President, those are all of the amendments that I have been told might possibly be offered. I think most of those will not be offered.

Mr. WARNER addressed the Chair.

Mr. JOHNSTON. I am asking Senators to let us know as quickly as possible about their amendments so that we might wind this bill up this evening, hopefully early this evening.

Mr. WARNER. Mr. President, if the Senator will yield.

Mr. JOHNSTON. Excuse me. I did have a Warner amendment as well.

Mr. WARNER. I thank the distinguished Senator. To inform the Senate of the subject matter, it is to create again parks legislation with reference to a series of Civil War battlefields in the Commonwealth of Virginia.

Mr. JOHNSTON. Have these already been passed in the Senate?

Mr. WARNER. They have not. This is a new concept, a new piece of legislation which my colleague, Senator Robb, and I are offering to the Senate. It has had a hearing in the

committee, very brief hearing, and it is ready to proceed.

Mr. JOHNSTON. All right. And that is one Warner amendment?

Mr. WARNER. That is correct. I think it should be designated Warner -Robb amendment.

Mr. JOHNSTON. Warner -Robb amendment.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER (Mrs. Boxer). The Senator from Wyoming.

Mr. WALLOP. Madam President, the Senator from Oregon has informed me that the PILT amendment will not occur.

Mr. JOHNSTON. There is one down.

Mr. WALLOP. The Lanfair amendment, if offered by the Senator from California, who said that I would potentially have a second-degree amendment, and that should be more properly phrased "second degree" or "substitute."

Mr. JOHNSTON. Second degree or substitute. If that is offered.

Mr. WALLOP. Yes. At this moment, I have no way of knowing of any others.

I urge my colleagues to tell me if there are others and, if so, what they might be. I state to my friend that that does not sound like it arrives before the correspondents' dinner this evening, but perhaps by early tomorrow.

Mr. JOHNSTON. I say to my friend that I expect most of these to go away. Regarding the two principal amendments, the Bennett and the Craig amendments, I will shortly ask unanimous consent to limit each of those to 1 hour of debate equally divided, and it is my guess that they can probably finish faster than that. I think most of these will probably go away or will be dealt with by agreement. At least that is my hope.

AMENDMENT NO. 1621

(Purpose: To protect Indian tribal lands, and for other purposes)

Mr. JOHNSTON. Madam President, I send an amendment to the desk on behalf of Senator Inouye and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana (Mr. Johnston), for Mr. Inouye , proposes an amendment numbered 1621.

Mr. JOHNSTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 152, between lines 14 and 15, insert the following:

(c) Study .-

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

[*S4131] (2) Report .-Not later than 1 year after the date of enactment of the California Desert Protection Act of 1993, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

Section 707(b)(3) on page 155 is amended to read as follows: "(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California."

Mr. JOHNSTON. Madam President, this is an amendment submitted on behalf of the Senator from Hawaii (Mr. Inouye) who is chairman of the Indian Affairs Committee. This deals with a study concerning the Timbisha Shoshone tribe, and it has been cleared.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1621) was agreed to.

Mr. JOHNSTON. Madam President, I move to reconsider the vote.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1622

(Purpose: To direct the Secretary of the Interior to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes)

Mr. JOHNSTON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana (Mr. Johnston) proposes an amendment numbered 1622.

Mr. JOHNSTON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. JOHNSTON. Madam President, this amendment amends this bill to include portions of a bill already passed by the Senate, reported out of the Energy and Natural Resources Committee, and passed on the floor of the Senate by unanimous consent earlier, dealing with the Delta Commission. What it does, in effect, is take that part of the bill that relates to the Department of the Interior over which our sister committee on the other side-that is the Natural Resources Committee-has jurisdiction and includes as part of this bill. That has been cleared.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1622) was agreed to.

Mr. JOHNSTON. Madam President, I move to reconsider the vote.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Madam President, there are two amendments previously referred to, a Bennett amendment and a Craig amendment. In both instances, we have agreed to have 1 hour of debate, equally divided, with no second-degree amendments in order and the first amendment to be the Bennett amendment and the second in order to be the Craig amendment.

If I have correctly stated that, I ask unanimous consent that the Bennett amendment pertaining to a requirement for 90 percent of private lands to be acquired, have 1 hour of debate equally divided between Senator Bennett and Senator Feinstein , with no second-degree amendments in order, to be followed immediately, without intervening business, by the Craig amendment relative to the exclusion of 1,920 acres of the Pleuss-Stauffer mining claims, also to be considered under a 1-hour time agreement, equally divided between Senator Craig and Senator Feinstein , with no second-degree amendments in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1617, AS MODIFIED

Mr. WALLOP. Madam President, I ask unanimous consent that Senator Hatch be added as a cosponsor to amendment No. 1617 offered by the Senator from California (Mrs. Feinstein), and myself this morning and that the amendment be modified with the following language, which I will now send to the desk. This language is technical in nature and has been agreed to by the committee staffs on both sides.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1617), as modified, is as follows:

On page 118, beginning on line 5, revise section 103(g) to read as follows:

(g) Law Enforcement Border Activities. -Nothing in this Act, including the designation as **wilderness** of lands within the Coyote, Fish Creek Mountains, and Jacumba **wilderness** areas

designated in section 102 of this Act, the **Wilderness** Act, or other land management laws generally applicable to such areas, shall restrict or preclude continued law enforcement and border operations within such areas, including the use of motor vehicles and aircraft by the Immigration and Naturalization Service, the Drug Enforcement Administration, the United States Customs Service, or State and local law enforcement agencies in such manner and subject to such restrictions as may be determined by the Attorney General of the United States or Secretary of the Treasury, as appropriate, in consultation with the Secretary.

Mr. HATCH. Madam President, I rise to urge my colleagues to support the Wallop-Hatch amendment to the California Desert Protection Act of 1993. We believe the bill fails to adequately address the legitimate needs of Federal and State law enforcement. In short, the bill could unduly hamper significant law enforcement activities in the desert and along the border. It could enhance the flow of illegal drugs and aliens into the United States by subjecting Federal law enforcement activities to the approval of the Secretary of the Interior.

I am concerned about the potential conflict which may arise between the duties of the Immigration and Nationalization Service (INS), the Drug Enforcement Administration (DEA), and the Customs Service (Customs) and the designation of certain lands in the desert as **wilderness**. In order for these Federal law enforcement agencies to perform their congressionally mandated duties and complete their mission in a responsible manner, they need unlimited access to lands protected by this bill. A **wilderness** designation significantly restricts the use of motorized vehicles and aircraft. Such a designation only allows foot traffic or horseback. As the Department of Justice wrote in its letter to the Energy Committee-

(**Wilderness** designation) would make an already difficult job almost impossible in view of the desolation and summertime temperatures of the areas in question. In light of the short response time mandated by the close proximity to major highways to one of the areas used by smugglers to pick up their loads, both aliens and narcotics, our officers need to use motorized vehicles for operations in these areas.-Department of Justice, Office of Legislative Affairs, Letter to Hon. J. Bennett Johnston, August 4, 1993.

In an effort to address the needs of law enforcement, the bill permits continued border operations by the INS, DEA, or Customs within the desert area provided they are in accordance with existing interagency agreements. However, should Customs and DEA want to modify or amend their activities or agreements, the bill requires the approval of the Secretary of the Interior. I believe this is inappropriate. The potential exists for significant conflict between law enforcement agencies and the Department of the Interior. Requiring the acquiescence of the Interior Department before any new or amended law enforcement activities take place could unduly hamper our law enforcement activities.

The southwest border is a major transshipment point for illicit narcotics. According to the Customs Service, tons of marijuana and cocaine are seized each year as a result of law enforcement activities along the border. According to the INS, over several thousand illegal aliens are captured each year along the southwest border. Congress must not irresponsibly compromise the success these agencies enjoy in the name of **wilderness** protection.

The Wallop-Hatch amendment removes Interior's veto authority over law enforcement activities. It ensures law enforcement agencies will retain [*S4132] needed authority to determine applicable law enforcement policies within the **wilderness** area.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 1623

(Purpose: To provide that certain designations will not occur until substantially all inholdings have been acquired by the Federal Government)

Mr. BENNETT. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah (Mr. Bennett) proposes an amendment numbered 1623.

Mr. BENNETT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill insert the following new section 902:

SEC. 902. AUTHORITY TO DESIGNATE AREAS.

(a) The designation of Joshua tree National Park, Mojave National Park, the expansion and designation of Death Valley National Park, and the designation of any area as **Wilderness** or its retention under this Act, together with any other provisions of this Act or any other Act, to the extent they are applicable to each such area as a result of the passage of this Act, shall not take effect until the Secretary has required not less than 90 percent of the private lands within the exterior boundaries of such area (referred to as "inholdings" for the purpose of this section) and has placed a notice in the federal register to that effect. If, subsequent to having received notification as provided under subsection (b), any owner notifies the Secretary in writing that he does not wish to be acquired his land shall not be considered to be an inholding for the purposes of this section. If acquisition and notice has not been made within ten years from the date of enactment of this Act with respect to any of the areas referred to in this section, the designation of such area and the application of any other provisions of this Act or any other Act, to the extent they are applicable as a result of the designation of the area by this Act, to such area shall expire and such area shall be administered thereafter under the laws applicable to such area in the absence of this legislation.

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall ascertain the ownership of each inholding and shall notify the owner thereof in writing of the passage of this Act and the effect of the proposed designation on continued use of such parcel, including, but not limited to, any limitations or restrictions on access to such parcel across federal lands. The notice shall be specific and detailed with respect to any limitations or restrictions which the Secretary would impose or enforce upon the formal designation of the area, including, but not limited to, construction of facilities or the operation of the inholding for commercial activities.

Mr. BENNETT. Madam President, this amendment deals with an issue of basic fairness. The Federal Government has, for years, acquired lands for the purpose of national parks, national monuments, **wilderness** areas, other national park uses and national land uses, which lands surround private lands that have come to be known as inholdings. That is, lands that are held by private individuals inside lands that are owned by the Federal Government.

Obviously, these inholdings are of little or no economic use to the individuals who have them most of the time. I suppose there are some situations where an inholding can be considered of some value. But, overwhelmingly, the majority of these inholdings are robbed of their economic

value and, many times, of their recreation or scenic value, simply because they are completely surrounded by Federal lands.

The Federal Government has embarked on a program to acquire these inholdings, and we have seen as park after park has been created, as **wilderness** area after **wilderness** area has been created, Federal promises to acquire these inholdings and pay fair market value for them. The Constitution requires nothing less. If you take land for a public purpose, under the Constitution, you have to pay for it.

The fact of the matter is, however, that the Federal Government has not paid for these lands. The promise has been made, but it has not been fulfilled. Again and again, the Federal Government says, well, we will pay for it next year, or a name that I have turned into a verb, the Federal Government has decided to Scarlett O'Hara this problem-think about it tomorrow.

Well, we are doing the same thing with S. 21. We are acquiring lands that would create inholdings. And we promise, eventually, to pay for them. I think it is time to put a little teeth in that promise. In the committee, I proposed an amendment that said that we cannot call this a national park until these inholdings are paid for, and I put on a time limit of 5 years, saying the Federal Government has 5 years in which to acquire these inholdings and pay people their fair market value, or it cannot call this a national park.

I think that is enough of a spur to get this done.

I was told: No. You are being unreasonable. The Federal Government cannot move that far. Please withdraw your amendment.

I did. And I come to the floor today with this amendment that says not 5 years but 10, not 100 percent, not all of the inholdings but 90 percent. That means the small landholder who would hold up the whole process by holding out his little farm house is now ruled out of his command situation that he would have if we called for 100 percent.

So, I believe the bill meets the objections that were raised in committee. I think it qualifies for consideration on the floor, and I think, as I said at the outset, it is a matter of basic fairness.

Ten years is sufficient time for the Federal Government to inventory and purchase these lands. In many cases they will not have to purchase them outright. Land swaps are available, and the Federal Government could say to an inholder: We will trade you X number of acres over here of BLM land or other Federal land for your lands. And as a result we will not have to come up with any cash.

But one way or another, within a 10-year period, the Federal Government will have to make good its word and meet its constitutional responsibility to pay for that which it takes or this particular area will lose its designation as a national park.

That is not catastrophic, Madam President. That really will not change the way these lands are managed. As the senior Senator from California has made clear, most of these lands are under Federal control right now. So they would stay under the Federal control they are currently under. They would simply no longer be designated a national park.

Mr. JOHNSTON. Madam President, will the Senator yield for a question?

Mr. BENNETT. I am happy to yield.

Mr. JOHNSTON. I preface the question by saying the Senator from Utah has been a star on the committee giving leadership in so many areas and we consider him to be not only a very capable Senator but our best business adviser on the committee, someone who has real business

experience.

In the spirit of someone who has real business experience, I want to ask him what he thinks is the effect of this amendment on the Catellus Corp. where there are some 430,000 acres of inholdings that is in East Mojave of which some 300,000 acres are owned by Catellus. If we adopted the amendment of the Senator from Utah and there was a requirement that in effect the national park would go into effect only if you acquired 90 percent of the inholdings, then what is the Senator's judgment. The first question is, would that constitute, in effect, a veto power to Catellus?

Mr. BENNETT. In my opinion that would not constitute a veto power. Even though Catellus is large, they have not abdicated their constitutional rights to be compensated for that which constitutes a taking. I know there will be argument they still own the land but they cannot use it if it is in the park designation.

I yield further to the distinguished chairman.

Mr. JOHNSTON. My question is if in order to have a national park you must acquire 90 percent of the private lands and if almost two-thirds of the private lands are owned by one corporation, could not that corporation by withholding its consent to sell, keeping in mind there is no eminent domain authority here, by refusing the consent to sell would they not then have a veto over the whole National Park System designation?

Mr. BENNETT. Madam President, I agree that under one set of circumstances it would appear that they would have a veto. Congress continues to meet. If they would refuse to sell, I [*S4133] believe we could sit down then and draw up a national park that could exclude those inholdings in such a fashion as to allow the park to proceed in a proper fashion. I do not have any indications that they would be that recalcitrant with respect to this particular piece of land.

Mr. JOHNSTON. I ask the Senator a second question and maybe even a more salient question which is, as a businessman if the Senator from Utah was in the position of the Catellus Corp., keeping in mind they would have this ability to veto this national park, which in turn is supported by 70 or 75 percent of the people of California, does the Senator from Utah not agree with me that it would considerably enhance their ability to negotiate with the Federal Government over the price of the land which would be essential to make this national park? Would he agree with that?

Mr. WALLOP. Madam President, if the Senator will yield to me for a second, I ask unanimous consent that-

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. BENNETT. Let me respond briefly.

Mr. WALLOP. I want to get the time equally divided here because the time is being run by the other side.

Mr. BENNETT. I see. I thank the Senator.

Let me respond very quickly to my chairman. I believe in national parks. I believe that the national park designation is a better designation, frankly, than the **wilderness** designation because it allows people into it while the **wilderness** designation usually does not.

I think that the two Senators from California have worked very hard to create a logical solution here. I may not agree with their ultimate decision, but I believe they have acted in good faith.

At the same time, I still believe in private property rights, and I believe that people who own private property, even private property that is surrounded by land the Government covets for a national park, should not be treated in a cavalier fashion even if they are large and by virtue of their large land holdings have a degree of advantage thereby. I believe that we have to recognize some basic fundamental rights that people have, and I know from personal experience that many members of the Interior Department who administer Federal lands in which there are inholdings regardless of their size treat those inholdings as Federal land and as the private fiefdoms of the Federal bureaucrats. And the only way I can see to see to it that that does not happen with this land is to offer the amendment I have offered.

I yield further to the chairman.

Mr. JOHNSTON. I understand the Senator's answer to be yes, that he does agree with me that this would enhance the bargaining power of Catellus if the amendment of the Senator from Utah passes.

Mr. BENNETT. I think that is self-evident, Madam President.

Mr. JOHNSTON. I thank the Senator.

Mr. BENNETT. And I say I do not find any heartburn in that.

Mr. WALLOP. Madam President, will the Senator yield me 30 seconds?

Mr. BENNETT. I am happy to yield to the distinguished ranking member.

Mr. WALLOP. I say the other side of that coin to the chairman of the committee is Secretary Babbitt who had said that he would force them to accept whatever offer he makes or remain inholdings forever. The other side of that coin is the arrogant abuse of the power not to pay a fair market value.

What we are trying to get at here is directly the basis of what the Senator from Utah is trying to say.

Mr. BENNETT. Madam President, I am reminded by my staff also that my amendment deals with this issue on an area-by-area basis. Therefore, there are areas where there are no Catellus holdings at all, and indeed if a large Catellus holding in one area held up the designation there, it would not affect the designation in other areas.

I do not believe that this amendment would be one, as it has been characterized, that it would gut the bill. I think, to the contrary, it would establish some public confidence in the Federal Government's stability in terms of its promises.

The amendment, I believe, provides the Government with the incentive to offer fair prices because there is a time limit on it.

We all know the experience of having a seller who is in some distress and a buyer who is perfectly willing to wait him out, and that is the circumstance we are in with respect to inholdings all across the country. I do not want that situation to occur here.

I want the Federal Government to have incentive to offer a fair price, if not to Catellus, who has a degree of leverage, to every inholder that is there.

Madam President, there are billions of dollars of private lands across the country that the Department of the Interior has promised to purchase. Many of these landowners have been waiting for years to have the Government pay for the land that they have agreed to purchase.

But there is no spur anywhere to get the Federal Government to act. I am trying to use this bill as a device to create such a spur because I think our citizens deserve it.

I reserve the remainder of my time in response to whatever arguments may come forth.

Mr. JOHNSTON. Madam President, I make an inquiry. I think the Senator's amendment has not yet been offered. Is the time nevertheless running on that?

The PRESIDING OFFICER. The Senator did offer his amendment.

Mr. JOHNSTON. It has been offered?

Mr. BENNETT. Yes.

Mr. JOHNSTON. I thank the Senator.

Will the Senator from California yield me 2 minutes?

Mrs. FEINSTEIN. Certainly.

Mr. JOHNSTON. Madam President, I share the concern of the Senator from Utah for private property rights and may in another context and on another bill join with him in that concern.

However, Madam President, this would be a particularly harmful amendment. First of all, it would grant superior bargaining power to the inholders. If they knew that in order to designate the park the Department of the Interior would have to acquire 90 percent of the private lands within the area, then the withholding of that which it takes to achieve 90 percent would defeat the whole park, thereby increasing their bargaining power immensely. That is the first thing, and that is just bad business.

Second, Madam President, it would put these inholdings ahead of all other inholdings all over the country.

I would like to get more money for inholdings and more money for park land. I put in a bill which substantially increased that level, up to \$ 1 billion a year. I think we ought to have that amount of funding. But we do have limited resources for acquisition of inholdings.

Suppose we have another threatened area where they are getting ready to build a big subdivision within an inholding. And suppose it is the considered judgment of Congress that we needed to acquire such a piece of property. I have in mind, for example, the Virgin Islands National Park, where they have a couple of areas down there where they are getting ready to build subdivisions.

Does that mean that we would have to acquire this particular property before any other, that we put these inholders at the head of the list? It does mean that, Madam President. And I do not think it would be the intent of this body to put these inholdings ahead of all others in the National Park Service.

I think we ought to deal fairly with these people. I think, frankly, that many of them would like to sell their property to the National Park Service, because it is very hard to get access to many of these areas. That is my guess.

But the Constitution, first of all, protects these people. No private property can be taken for public purposes without just compensation. Moreover, the inholdings are not affected, in the sense that you could continue to do on these inholdings most anything you want to do, and that would be proper to do, from the building of homes or whatever, until and unless they are

acquired.

So, Madam President, I think this would be a particularly bad amendment. Not only would it be bad, it would defeat the purpose of this bill, but it would also be just a terrible precedent for other parks that have already been created around the country.

[*S4134] Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 26 minutes and 45 seconds remaining.

Mrs. FEINSTEIN. Thank you, Madam President

Madam President, I rise to oppose the amendment.

I must say, I hate to oppose the Senator from Utah. He has been very decent on this bill. He helped us get it out of committee and I very much appreciate that support and the counsel and advice he has provided.

Nonetheless, in a sense, what this amendment would do is strip Congress of its authority to designate national parks and **wilderness** areas proposed in this bill, and it would give individuals owning lands in the bill, veto power over both the Congress and the President.

Essentially what it does is subject the fate of millions of acres of park lands and **wilderness** to a small minority of individuals who refuse to sell or delay the acquisition process beyond 10 years.

This bill has no legislative taking of private property. I, too, believe in private property rights. In 9 years as mayor of San Francisco, despite all of the importuning, I never, ever used the right of eminent domain, because I basically, philosophically, believe that there should be a willing seller and a willing buyer.

However, the failure here to acquire as little as 10 percent of the inholdings would nullify park or **wilderness** designations and **wilderness** study areas.

I think this amendment would also set a very dangerous precedent. In the 121-year history of national parks, Congress has never made the designation of parks or **wilderness** areas contingent upon the acquisition of inholdings.

Let me give you a scenario that could occur if the Bennett amendment is adopted as part of S. 21 and passed by Congress and signed by the President.

The act designates a **wilderness** area of approximately 52,000 acres. This includes 30 acres of private land out of 52,000, less than one-tenth of 1 percent of the area.

The model for this example is the proposed Sacatar Trail **Wilderness**. At the end of 10 years, the Department of the Interior has completed acquisition of 26 of the 30 acres-87 percent-of private land. But the Bennett provision is in place and would require acquisition of 90 percent of the land owned by willing sellers. The congressional designation of the 52, 000-acre **wilderness** would not go into effect, even though all but 4 acres would belong to the public and even though considerable effort had gone into acquiring 26 acres of the 30 acres. Clearly, one of the very real problems is that the existence of the park beyond 10 years is tied to the acquisition of lands from owners who are willing sellers.

If you put a time limit on it, virtually all-and I believe all-owners may be willing to sell at some price. The fact is, that very few would be willing to sell at fair market value. They would instinctively know that there would be no such thing as fair market value. The roof could be the basement because, in fact, they would have control. They would be able to sink a whole designation if they refused to sell.

So I really think that it is an amendment that would give unusual power to one small inholder who quite possibly could either hold up an entire park or **wilderness** designation for a very high amount of money. I do not believe we would want to give that right to any single individual anywhere in the United States.

It is also my belief that there would be very few national parks in the history of this country if such an amendment had been in place. As a matter of fact, I do not believe there would be any parks at all on the east coast if this amendment had been in place.

So I agree with the chairman of the committee, Madam President, that this amendment should be rejected.

Thank you very much.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I appreciate the comments by the distinguished Senator from California and I repeat my admiration to her for her work on this bill.

I must, however, disagree with her comments about history. In the early days of the national parks, no national park was created until all inholdings had been acquired. The legislation was not brought to the floor of the Congress until such action had been taken.

I am told a historic example of that, among others-she referred to the east coast-is the Everglades National Park was created after 100 percent of the inholdings had been acquired. That was the pattern in national parks historically through the 1920's and 1930's when the park system was growing.

We changed the pattern as a Nation. In the 1950's and 1960's, the pattern was the national parks would be authorized and then in the authorizing language it would say, "contingent upon acquiring all of the inholdings." So that the parks were authorized in advance of the acquisition, but it did not become effective until 100 percent of the inholdings had been acquired.

If we are going to take the historical argument, Madam President, my amendment is in the historical pattern and it is the pattern we have followed in the last 15 or 20 years that violates this. ;My amendment goes back to the historical precedent that was set when the National Park Service was created.

So, I thank the Senator from California for raising the issue of history but I call her attention to the comments in my minority views in the report from the committee that lists all of the national parks that historically were not acquired until the inholdings had, in fact, been picked up by the Federal Government. I am in the proper, I believe, historical perspective of taking us to where we historically have been as a Nation rather than moving in a new direction.

Madam President, I am happy to yield such time as he may require to the distinguished ranking minority member of the committee, Senator Wallop .

Mr. WALLOP. Madam President, there is something really important in play here. Senators should

be aware of it.

The Senator from Louisiana, the able chairman of the committee, was talking about that hammer that is put in the hand of the landholder. The other side of that coin is: Do you wish the Government to have the hammer over the citizen? Who is serving whom in this Government? Is the citizen responsible to his Government or is the Government responsible to the citizen?

The reason that point becomes so compelling is because Secretary Babbitt, on this bill, talking about Catellus, said that he could force them to accept whatever offer he makes or allow them to remain in inholdings forever. That is an arrogance of Government that this country should tolerate at no level. It is not a question of whether it is a big corporation or a small individual, no one should tolerate that kind of behavior from a Government. And that is not a philosophy which Congress should endorse, though we have, I grant you, in the past. This Congress, both parties, have become more and more statist; have given more and more power to Government, more and more often seeking to satisfy the convenience of governing rather than service to the governed.

Under this amendment, the Department will have 10 years to acquire at least 90 percent of the private inholdings which we want to be acquired. If the areas are not important enough for that to happen, then the authority to designate them will lapse. That is not a big and threatening event. There is no threat to any Federal lands posed by this amendment. The desert is already being managed in an exceptional manner and Secretary Babbitt does not need any additional authority to protect and preserve it. The massive intrusions on private property posed by the legislation-even though I grant the Senator there is no taking that is implicit here, the fact of it is that people cannot function with their property when it is surrounded by the Government. The Government has the last say. If they do not want to pay you, you do not get paid. All over America we are doing this. At some point in time maybe citizens serving in this Chamber will recognize that citizens outside of this Chamber have a [*S4135] right to property as part of this democracy.

It is a very important point that is being made here. If we cannot deal honestly and fairly with the citizens of America who own property, then we cannot deal honestly and fairly with the citizens of America in any other dimension of governing, whether in the taxation of them or the health care of them or any other kinds of thing. If we cannot say to people that if your property is in the interest of all Americans and that all Americans have an obligation to acquire it and that we will do this fairly and openly, then we do not deserve to be Members of the U.S. Senate. It is very simple. Democracy is pinioned upon property, and property is pinioned upon fairness in treatment of the Government.

The question goes back to who should hold the hammer? The Secretary of the Interior or the citizen? Have we come to the point that our trust in Government is so implicit that one man can say these people can take my price or remain inholdings forever? Or are we still at the point where we say this Government is actively seeking to serve the people that it says it wishes to represent?

I thank the Senator from Utah.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Utah has 9 minutes and 45 seconds.

The Senator from California has 21 minutes and 53 seconds.

Mr. BENNETT. I thank the Chair.

Mr. JOHNSTON. Will the Senator yield me 2 minutes?

Mrs. FEINSTEIN. I will be happy to, Mr. Chairman.

Mr. JOHNSTON. Madam President, with respect to the statement that the Secretary of the Interior, Mr. Babbitt, was described as making to the effect that if they do not sell to us at the price we want, then we will let them remain in inholding forever, the context of the statement—and the statement, as I understand it, was in questioning before the committee. Mr. Babbitt was asked whether or not the Catellus Corp., which owns about 300,000 acres within the areas designated by S. 21, would be likely to accept a land exchange with the Department of the Interior which would give Catellus some other good land which they could use. And I think what the Secretary said, and what he meant, was that they were likely to accept a fair deal because as an inholder they were not likely to be able to use that land as well as they could the land for which they would exchange for, in other words, lands outside the park.

The key here is that Catellus is now an inholder within the BLM lands. If this bill passes they would be an inholder in national park land, still surrounded on all sides by Federal property. So if they wanted to build a subdivision and build a road to the subdivision, then they could be frustrated in that demand by the fact that they are a BLM inholder just as surely as if they were a national park inholder.

There was no intent of the Secretary of the Interior to, in effect, be abusive in this power of acquisition. To the contrary, I think the whole sense of what the Secretary was saying is Catellus would be much better off being within a national park and with an exchange of land than they are today. In effect, he was saying that Catellus would be in no position to make exorbitant and extravagant demands on the National Park Service.

There is only one way that Catellus would have the ability to make extravagant and disproportionate demands on the National Park Service and that is if the amendment of the Senator from Utah is agreed to. Then you would have no national park unless they agreed. So you could acquire all the other land, all the other inholdings, spend millions of dollars on them, and then come to Catellus and, on bended knee, say, will you accept? And they would have the authority, the power to prevent this national park from being designated simply by withholding a fair price.

It would give them an enormous power to negotiate an extraordinary, extravagant, disproportionate, and improper price because it would give them a veto over this national park and, in fact, it would put this national park and the inholders ahead of every other national park inholder in the whole country. In all of the 50 States and the territories, they would be No. 1. That would be an extraordinarily bad thing to do, Madam President, and I hope we will defeat the amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, in response to the distinguished Senator from Utah, in trying to understand this problem a little bit more cogently, I would like to read into the Record a portion of a memorandum from Mr. Will Kriz, the chief land acquisition officer of the National Park Service, and I quote:

Had a provision such as the Bennett amendment been included in acts creating other park units, there would be no National Park System as we know it today. The few park units that would exist today are the national monuments that were declared on Public Lands pursuant to the Antiquities Act, national parks such as Great Smoky and Shenandoah that were acquired by States and

donated to the Federal Government and small units, such as presidential birthplaces, where the essential lands were donated to the Government by the owners. Most other park units contained private land to a small or large extent, but acquisition of a significant amount of that private land was essential to the optimum existence of the unit. Had the acquisition of those lands been dependent on an indication of the owners' willingness to sell in advance of some 10-year-hence drop-dead date, the parks simply could not have been established.

I would point out that even in the Everglades situation, it is my understanding that 110,000 acres were added to the Everglades Park in 1987. Those lands were not purchased up front.

Madam President, I believe that this amendment on this bill would really set an ominous tone for national parks in the future. I do not really understand why it is on this bill because this national park and the **wilderness** areas are very different from other national parks. They are, for the most part, wild. They are remote. They have incredible natural resources, as I have pointed out. The flowers, the big horn sheep, the golden eagles, the burros, the desert tortoises, the deer, the lava beds, the table-top mountains, the hundreds of petroglyphs that go back thousands of years, dinosaur tracks—all of those things make this area unique. It is not in a dense urban area. It is not in an area where there are a lot of private inholdings.

There is one area which we looked into that the Senator might be interested in, which was exempted by the bill, called Lanfair Valley, which is right here on the map. I would like to share with the Senator what we found when we went to the San Bernardino County assessor's office for information on this nearly 300,000 acres.

According to the San Bernardino assessor's reference books, there are less than 20 structures on the private lands in all of Lanfair Valley. Property taxes are being paid on only 10 single-family residences, 3 mobile homes and 5 miscellaneous structure-like cabins. This is just one small part of the desert, but you can see how really "unbuilt" the areas are.

Now it is true, there are some large inholdings owned by Catellus. What the chairman said is absolutely correct, but I have been through most of those areas and you will not find major subdivisions or big estates. Probably the largest private inholdings, aside from Catellus, would be some of the ranches in the area. We have, by prior unanimous consent agreement, provided that those ranches be able to continue their grazing in perpetuity, subject to appropriate regulation by the Park Service. But, nonetheless, those are probably the largest single inholdings where there is grazing on both public and private land.

I must say, I find this a very difficult amendment because I believe it would end up killing the bill. I have no doubt that even in this area where you have just 20 buildings, you could find someone who would say, "Aha, I'm not going to sell. I'm going to hold out," and then the whole area is jeopardized because of it; the price is the limit. I do not look at that as the private individual or the Government giving preference to one or the other. I think it creates an unfair situation where you give one individual unusual bargaining power that is not afforded, really, to a [*S4136] single individual in any other piece of legislation that has produced **wilderness** or national park designation.

So I believe very strongly that this amendment, respectfully, should be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, my friends on the other side of this argument raise a series of important points that need to be responded to. I will leave Mr. Kriz to his examination of history

and be satisfied with my own. We, obviously, disagree as to what the past history of national parks has been. I believe, as I stated earlier, that the past history was that you acquired inholdings first and the park later, and it has only been in the last 20 years that we have strayed away from that view.

However, let us go to some of the more important issues that have been raised.

The distinguished chairman, Mr. Johnston, talked about putting these inholdings ahead of all others. He said that would be unfair to the others, and I agree with him.

The Senator from California says, Why is this on this bill? It really is not that relevant to this bill, and I agree with her. But the distinguished chairman said something else, too, that I agree with. He said, "I'd like more money to pay for the inholdings. I'd like to see the inholdings get taken care of across the country." And I agree with that, and that is why this amendment is being offered and that is why it is being offered to this bill.

It is being offered to this bill because this is the only vehicle we can find at this point and it is being offered to put these people first because that is the only hammer we can find to deal with the issue of inholdings. The attitude of inholdings on the part of the Federal administrators of land has been to treat them as if they were Federal land and to postpone forever the issue of trying to pay for them.

At some point, the Congress has to stand up and say "forever has finally come." At some point we have to start doing the right thing. So if not this bill, which bill? If not putting these people first, which people do we put first? Where do we start? I decided to start here because the matter of simple fairness says we have to get this done.

Reference has been made to Secretary Babbitt's statement. There have been quotations about it both ways. I would like to quote from the hearings verbatim what Secretary Babbitt did say with respect to this matter. And I quote:

One way to do trades on a predictably equal value basis is to look at the rest of the BLM base outside of these areas and say to Catellus: We would like to block you up; the lands are roughly of equal value, and if you do not want to do it we would be happy to let these inholdings just sit in this area as inholdings forever.

That is exactly what Secretary Babbitt said, not paraphrasing one way or the other.

In my own State of Utah, we have seen examples where people have been trying to get some relief from the pressure of inholdings, and again and again, they run into the bureaucratic attitude that says: We do not have to listen to you; we do not have to pay you, and we have the right to deal with your land as if it was our land, and we are going to act in that fashion.

I believe somewhere, the elected representatives of the people have to say to those bureaucrats: This is not your land, it is our land; you have promised to buy it from us; you have made a deal with us. The time has come for you to live up to your obligations.

And if there is no other vehicle for me to get that point across than this one, I am going to take this one because it is the vehicle available. I thank the Chair.

(Mr. JOHNSTON assumed the chair.)

Mrs. BOXER. Mr. President, I wonder if the senior Senator from California would yield me 4 minutes at this time.

Mrs. FEINSTEIN. If I might inquire, Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from California has 11 minutes 39 seconds.

Mrs. FEINSTEIN. I will be happy to yield 5 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I want to thank my colleague, my friend, our leader on this very important issue, to give this desert the protection that it deserves.

I want to speak very strongly against the amendment of a Senator for whom I have a tremendous amount of respect. I do understand why he would offer it at this time. What the Senator is saying is, he does not like the way the Federal Government goes about buying these national parks. He wants to change things, and he is going to start with the Desert Act. I totally understand that.

I have to say to the Senator that I served in the House of Representatives for 10 years. I was very fortunate that right before I got my seat in the House, the House and the Senate passed the Golden Gate National Recreation Area, which is a unit of the National Park System, and the Point Reyes National Seashore and there were significant inholdings in those areas. As the Member of Congress from that district, I set about to get the funding for those parks, and we have done very well, but it has taken a while to do it.

I say to my friend I share his concern that we should move faster. I am very pleased to support the chairman's bill that would allow us to go further into the land and water conservation fund and have more funds available for parks and make acquisitions more quickly.

But I wish to make a point to my friend. In the law, it is very clear that if there is hardship, you can move forward with acquisition. In the law, it is very clear that you have to have a fair appraisal of the land. I say to my friend that over all that period of time there was great excitement in my district about these parks, which attract millions and millions of visitors, and we always had the cooperation of the inholders, the landholders within the park. If they had a problem and they wanted to get out sooner, we were able to move forward if there was hardship involved.

Most of the time they were happy because they were able to continue their farming, continue their work on the property as long as it did not interfere with the activities of the park.

So I think the Senator makes a very good point. I think he is raising, if you will, a red flag and saying to us, listen, Members of the Senate, we really owe it to these people to come in and buy them out.

I do not have any problem with that. But I say to my friend, if this passes today, the first thing you will be doing is giving one property owner, really, a way to blackmail the Park Service, because imagine, as the Senator from Louisiana, the chairman, has stated, what would happen when everyone knew that that particular landholder could actually destroy the park, just bring it down, if he did not get the price he wanted.

So I think it is bad public policy to go that way. I have here a list I have received from the Park Service, I say to my friend, of the various national parks and the inholdings still left in many of these. I have to tell you there is even one in Utah. Golden Spike is one where there are still inholdings, and I do not know that the Senator would want to take away the national park designation. I doubt it. Perhaps he could add to this debate on that. But there is the Valley Forge area, there is the George Washington Birthplace National Monument, there is more land still in the Golden Gate--

Mr. BENNETT. Will the Senator yield for a clarification?

Mrs. BOXER. Absolutely.

Mr. BENNETT. This amendment would not take away the national park designation of any other park.

Mrs. BOXER. I totally understand. What I am saying to the Senator, it would take the designation away from this park if in a certain number of years all the inholdings had not been bought. And I am just suggesting to the Senator, since he is willing to do it to this park in California, what if I got up and offered an amendment on a park in Utah? I think the Senator might object.

So I am just suggesting to the Senator that when you move an amendment like this on a bill that is definitely concentrated on this park, no other park, not a park in Utah, I understand, I still think it is important for [*S4137] us to note that there are other inholdings all across the country, including one in Utah and in California and other places. If it is good for one park, one might reach the conclusion that it might be the Senator's intention to move for other parks if, in fact, he thinks it is good for this park.

I know he is not singling out the desert. I know that. I know he has been most helpful in helping us get to this point. So I just wanted to say as someone with a lot of experience, fortunately, for me, in representing national parks and seeing them come together--

The PRESIDING OFFICER (Mr. Wellstone). The time has expired.

Mrs. BOXER. I ask unanimous consent for 30 additional seconds.

Mrs. FEINSTEIN. One additional minute.

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

Mrs. BOXER. I thank my friend for yielding me 1 additional minute. We all bring to the table our experiences, and I wish to say to my friend from Utah I share his view that we need to move as quickly as we can with fair appraisals and not let people twist in the wind when they are placed in a park.

On the other hand, I do not want to see us give one property owner undue leverage and be able to, if you will, extort us as we put this park together. I certainly do not want to pass anything in this Chamber that would jeopardize this national park for future generations. I do not want to be here and have my friend, Senator Feinstein , after all this work, and Senator Cranston before her, and all of us who have worked so hard for this moment, have to wait for 10 years to see if we really get a national park. I just do not think it makes too much sense for us to go that route.

So it is with great respect that I will oppose this amendment. I urge my colleagues to vote "no" on this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. Mr. President, I yield the remainder of my time and call for the yeas and nays.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator yields back the remainder of her time.

Is there a sufficient second?

Mr. BENNETT. Mr. President, how much time do I have remaining?

Mrs. FEINSTEIN. I am sorry. I beg your pardon. I thought the Senator's time had expired. If it has not, I will withdraw my--

The PRESIDING OFFICER. The Senator has 5 minutes 28 seconds. But the regular order would be to ascertain whether there is a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI and Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. BENNETT. I have concluded my arguments. The Senator from Alaska would like some time. Therefore, rather than yielding back the remainder of my time, I would yield my time to the Senator from Alaska. And I thank the Senator from California for her courtesy.

The PRESIDING OFFICER. The Senator from Alaska has up to 5 minutes.

Mr. MURKOWSKI. I thank the Chair, and I thank my friend from Utah, who is the author of the pending amendment.

This body has heard some very compelling arguments that obviously address the manner in which the California desert should be managed from the standpoint of the interests of the sponsors of the legislation before this body.

Mr. JOHNSTON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MURKOWSKI. Yes.

Mr. JOHNSTON. Mr. President, we have the Bennett amendment on which time will soon expire, on which the yeas and nays have been ordered, to be followed by the Craig amendment, on which there is a 1-hour time limitation. Senator Bennett has stated he is willing to have the vote stacked for the convenience of our colleagues. If there is no opposition, I ask that the vote on the Bennett amendment and the Craig amendment occur at the conclusion of the debate on the Craig amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, let me advise the floor manager that we have no assurance at this time on this side as to the actual intention of the Senator from Idaho with regard to the Craig amendment.

Mr. JOHNSTON. We already have unanimous consent that he has 1 hour reserved.

Mr. MURKOWSKI. That is correct. But I wanted the Record to note that he is not committed at this time with regard to his intention to bring up that amendment.

Mr. President, I ask that I might continue.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MURKOWSKI. So, Mr. President, the point I want to make in defense of the Senator from

Utah, who has brought to bear, I think, a crucial responsibility that we all share, is the recognition that we are creating a liability as a consequence of the anticipated passage of S. 21.

The PRESIDING OFFICER. When the Chair asked whether there was any objection to the unanimous consent request of the Senator from Louisiana, the Senator from Alaska reserved the right to object and then spoke. The Chair was not sure whether the Senator was objecting.

Mr. MURKOWSKI. No. I have no objection.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is granted.

Mr. MURKOWSKI. Mr. President, I wonder if my time may start now.

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

Mr. MURKOWSKI. Regarding the amendment offered by Senator Bennett concerning the backlog of land acquisitions facing the Department of the Interior, this amendment is not only responsible in its effort to address a responsibility that we all share, but it is critical from the standpoint of Federal land management and from the standpoint of simple fairness to private property owners that are going to be affected by this legislation.

I really do not think those that are critical of the amendment offered by Senator Bennett have reflected adequately on what this does. Let me speak as the junior Senator from Alaska, who has personally experienced the injustice done to inholders by this process. My State of Alaska has been a State now for 35 years. In all of the efforts to address fairness to the inholders in my State, there has only been one inholder that has seen remuneration by the Federal Government for the inholding that was taken by the Federal Government.

Mr. President, there are hundreds of inholders in Alaska that are still waiting for the Federal Government to step up and provide them with a fair settlement. In the meantime, their land is tied up. It is impossible to borrow on it; it is impossible to develop. What the Senator from Alaska understands is that the backlog, currently, of inholders waiting for adjudication by the Federal Government exceeds several billions of dollars. What we are doing here today is suggesting that the Federal Government acknowledge, through this authorization, another billion dollars of liability that the Federal Government would have to put somewhere out there behind the other billions of dollars that are due property holders, inholders that have not been paid. The justice of that just escapes the Senator from Alaska.

This is what Senator Bennett is trying to get at in his amendment. It is not an original idea, but his purpose is to recognize that for most of this century, the approach of the Federal Government when they were designating conservation units, which included private inholdings, and when we established the National Park System, such as the Everglades or Big Ben, we delayed the actual designation of the area until the Secretary had acquired all of the private inholdings. We did that in fairness to the landowners and also because we recognized that the Federal Government needed to require the inholder to properly manage the area for the purposes for which we were designating it. We are not addressing that adequately in this debate, other than by the Senator from Utah in his sense to try to drive some responsibility [*S4138] as we address the disposition of S. 21.

In the late 1960's and early 1970's, areas such as the Boston National Historic Parks, Sleeping Bear Dunes, and others were delayed. They were delayed, Mr. President, until the Secretary had acquired sufficient lands to properly manage the units. Our emphasis had begun to shift away from this fairness to the landowner and was directed at what was necessary for effective management. We have developed for the landowners what is known as the Cape Cod formula, which allows the owners to retain the right of use and occupancy during their lifetimes.

Those considerations now have been abandoned in a rush to designate any proposal which any person manages to introduce. We now measure our success in how many acres we add-and we really do, Mr. President. That is why this legislation is going to pass, because we measure our success in how many acres we add and how many new units we designate, not in terms of what we are doing to the National Park System or, importantly, the affected landowners. We are just saying we are going to authorize this, but we are not saying that we have the responsibility of determining how we are going to appropriate to pay for it. That is what I find unacceptable about the bill that is before us.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURKOWSKI. I ask unanimous consent that I may be allowed another 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, **wilderness** is another measure which has lost any sense of judgment. It is now only a function, again, of acreage, and it is a function of press releases in the media. We do not worry about whether there is any "**wilderness**" character at all. Much of this is not in the minds of those who judge **wilderness** in the state of a natural **wilderness** area. We have seen this. We have seen checkerboarded lands without the possibility of a **wilderness** experience, unless we use the heavy hand of the Federal Government to make life unbearable for the inholders at the same time, and that is not fair.

As I said before, I can testify what the heavy hand of the Federal Government has done to my constituents in Alaska. During the hearing before the committee, the Secretary described his approach to dealing with land exchange for the extensive holdings of the Catellus Corp.. We recall that. His precise words were:

If you do not want to do it, we would be happy to let these inholdings just sit in these areas as inholdings forever.

Is that a responsible statement for the Secretary of the Interior to make? In other words, you either take our offer, or you can rot. I do not think it is fair. It is not the way the Federal Government should deal with the citizens of this country.

Finally, Senator Bennett 's amendment brings a measure of sanity to a process that has run amok, and his amendment would allow every one of the proposed designations to go forward if-and only if-the Federal Government has a will to carry out the legislation, only if we are willing to acquire 90 percent of the private lands which the owners want to sell within a unit that will be designated. If there is no will to acquire the lands, either because of funding limitations or because there has never been a real Federal interest in the lands in the first place, the area will not be designated.

Finally, I think we should consider seriously placing this type of sunset amendment on all park measures. It is simply irresponsible to keep designated areas that do not have the slightest qualification to be considered as a unit of the National Park System.

So I congratulate the Senator from Utah. His proposal, I think, mirrors the way the Congress should do business. I support the amendment and urge my colleagues to do so.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I believe this now constitutes the end of debate on the Bennett amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSTON. Under the unanimous-consent agreement, we have 1 hour now on the Craig amendment. I understand that Senator Craig may use substantially less than the 1 hour. So I want to tell our colleagues that a vote is likely to occur in much less than an hour. If Senators are counting on a full hour, they should be disabused of that thought because I am hoping that we can go to a vote very soon.

Mr. President, we are making great progress on the number of amendments. There are two Feinstein amendments which may or may not be offered and second-degree amendments to those.

Other than those, the principal amendments remaining if they are going to be offered are: Senator Brown has two amendments on trails and on fees. Senator Murkowski has three amendments on hunting, access, and private property. We have a placeholder for Senator Metzenbaum . I am advised that that may not require a vote. Senator Warner has a placeholder, and that may not require a vote.

So, in effect, Mr. President, the two Senators who will have amendments are Senator Murkowski and Senator Brown .

I ask Senator Murkowski if he knows at this time whether he will have the amendment and, if so, if he is willing to enter into a time agreement at this time or will he be.

Mr. MURKOWSKI. Mr. President, I would like to confer. I have yet to see whether Senator Craig is coming to the floor, but it is my understanding that he would, and I believe Senator Brown 's amendment may be subject to a question as of yet to allow us a little time. I am sure we can resolve this very soon.

Mr. JOHNSTON. Mr. President, I hope we can confect a hotline to send out right after this vote whereby we could get a unanimous consent which would have all the amendments in order which are to be offered and, if possible, get time agreements on those amendments. If so, we could finish up tonight, depending on what Senator Murkowski and Senator Brown wish to do, and, if not, we ought to be able to finish up at a reasonable time tomorrow.

I would ask, particularly Senator Brown and Senator Murkowski , during the debate on the Craig amendment and during the vote on the Bennett amendment to determine whether they will need a placeholder, and the same is true of Senator Metzenbaum and Senator Warner .

As I understand it, Senator Feinstein has a minor boundary modification. Is that amendment ready to go and has that been cleared?

Mrs. FEINSTEIN. Yes, it is.

Mr. JOHNSTON. Mr. President, if the Senator is ready, we would like to do that at this time while we are waiting for Senator Craig . Is the Senator ready on that?

Mrs. FEINSTEIN. We need a moment more on this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PLUESS-STAUFER CLAIMS

Mr. CRAIG. Mr. President, it was my intent at this time to offer an amendment to the California desert **wilderness** bill as we debate it here today on the floor, S. 21. But because I had hoped that this would be an amendment that would pass and attempted to acquire the cooperation with the Senator from California and have not been able to do so, it is not my intent to offer this amendment at this time but for a few moments this afternoon, prior to pulling the amendment, to discuss the essence of it and the importance of this legislation and the kind of impact that I believe it would have on **wilderness**, the California Desert, and the existing operations of this marvelous piece of public property in our Nation.

Mr. President, I rise to discuss an amendment in behalf of Pluess-Staufer of California—a calcium carbonate company with claim holdings in the Lanfair Valley section of the California desert.

The purpose of this amendment is very straightforward—it would extend [*S4139] the Lanfair Valley exclusion to three more sections, sections containing approximately 35 placer claims and 10 millsite claims of the Pluess-Staufer holdings. While this additional exclusion would comprise 1, 920 acres, it is very small in comparison to the 8 million acres of new parks and **wilderness** areas contained in S. 21. Yet these three sections contain the purest of what are very rare deposits of calcium carbonate. I am told there are more gold mines in California than there are calcium carbonate deposits in the entire North American continent.

This commodity is very unique and very rare; it takes quite a few geological occurrences, including volcanic activity, to make it pure and, yes, even edible in the form of antacids and calcium supplements. Calcium carbonate can also be used as whitening—a nontoxic filler and extender used in a large number of products—ranging from carpet backing, plastics, PVC pipe, paint, paper, and other building products. It is much stronger and more durable for construction purposes than limestone—a fact that should not go unnoticed by the Senator from California, particularly given the need to replace billions of dollars worth of homes and office buildings in the aftermath of the recent earthquakes in her home State.

But more importantly, Mr. President, this deposit has an estimated mineral value of approximately \$ 6.2 billion and a mine life of more than 100 years. Once this operation has been permitted, over 400 high-paying jobs will be created in the Lanfair Valley area.

This amendment does not provide Pluess-Staufer an automatic right to mine; it simply allows them to seek permission to mine the claims that the company has spent nearly \$ 500,000 to develop. I should also point out that just across the valley from the Pluess-Staufer operation is another mine—the Viceroy Gold Mine—which I commend the Senator for carving out of the proposed East Mojave National Park. While the Viceroy mine is operational, Pluess-Staufer is not; it simply asks to be given the same treatment, to be taken out of the proposed park and have an opportunity to become operational.

In her remarks to the Senate yesterday, the senior Senator from California said that she had addressed all the mining industry concerns. But as I have pointed out, that is not strictly the case. In fact, several months ago, the California Desert Institute asked the Senator to exclude roughly 600,000 acres of mining claims from the proposed park and **wilderness** designations contained in this legislation. Regrettably, for the most part, the Senator could not accommodate that request.

My amendment would exclude a very small part of that suggested acreage from S. 21 and

salvage some extremely valuable calcium carbonate deposits. This amendment is one of fairness and common sense. It will create, and keep, jobs in California and produce a much needed commodity for a variety of important industries nationwide.

Mr. President, it was my intent to offer an amendment that would have exempted 35 placer claims and 10 millsite claims of Pluess-Stauffer Co. holdings, or about 1,900 acres out of this some 8 million acres of public land that I thought were important for the future of our country.

I say that although you and I might not understand the importance of a calcium carbonate deposit. Clearly, the land that I am talking about that the Senator from California refuses to exempt from **wilderness** classification would involve about 6.2 million dollars' worth of potential assets, some 100 years of mine life, and over 400 high-paying private jobs if this property were allowed to go forward for development.

Well, I also understand that this is in California and, although it is public land, we worked very closely in the committee on which I serve, the Energy and Natural Resources Committee to try to resolve this issue. And I must say, in all fairness, that the Senator from California was very cooperative in making a lot of the changes that many of us felt was necessary to make on some of these important issues.

I have now three times been to the California desert. I have had the privilege to see much of this marvelous property. And I must say, in all fairness, that as the Bureau of Land Management through the decade of the 1970's brought all of the interests of California together to strive for a responsible management plan, there was at that time a phenomenal give and take recognizing both the mineral assets and resources of that public land, while at the same time recognizing the importance of some, if not major portions of it, for environmental protection. And out of that was a tremendous public process which resulted in a lot of the protection that is already in existence today and that I thought was a reasonable approach toward the management of these lands.

In fact, when I was in the House, I worked very closely with the Congressman whose district largely embodies the California desert area, Congressman Jerry Lewis . It was our intent at that time to take the BLM management plan and the **wilderness** recommendations of that plan and put it into place.

But the bottom line was, that was not good enough for urban California. For some reason, they got caught up in the mystique that you could just spread the boundaries, protect the land, and somehow the future would be better. Well, we all know that is not quite the case. The future will not change because the desert today is substantially protected.

But what will change in the future is the opportunity to use some of the phenomenal mineral resources of what many geologists would call the last great treasure house of America. Public land mineral resource is now being locked away in S. 21. That is a disappointment. Because, while it remains inside the boundaries of the State of California and it can clearly be argued to be a California resource, it is a national resource both from the standpoint of protecting this beautiful desert or portions of it or the environment and, for environmental reasons, for future generations. You and I agree on that.

But I think what we also agree on is that we have enough foresight that we do not lock away the resources from which our industrial base will have to continue to operate on for all of the years to come.

The Los Angeles basin yesterday touted the miraculous recovery that it is experiencing coming out of a major earthquake that devastated the Los Angeles area. Much of the aggregate that is rebuilding the Santa Monica Freeway flowed from the desert of California. It did not come from Los Angeles County. It came from outside the area. It was the wealth and the resource of the desert that rebuilt the devastated Los Angeles basin from this earthquake.

What about the next earthquake and the next one that will ultimately come in an area as geologically unstable as that whole region of the Pacific coastline? That is of concern today.

That is why I, serving as the ranking Republican on the Mining Subcommittee, worked very closely with the Senator from California, Senator Feinstein, to assure that many of these properties, for purposes of future use beyond just the environmental protection purposes, would be saved. Many of them were, and I thank her for that kind of foresight.

But I was disappointed that she could not agree that in this particular area the great opportunity of 400 jobs would simply be walked away from; a 1,900-acre area out of an 8 million-acre complex of parks and protected lands and preserves and reserves all in the name of the environment, all in the name of the unique wildlife resource that comes in the desert of our southwestern part of the United States.

Well, that is the bottom line. That is part of the debate. It is an important ongoing question.

I know the Senator has the votes to pass her **wilderness** bill, and I congratulate her for the tremendous effort she has put forward in this. Because, in all fairness, I will tell you she has worked very hard to educate and to better understand the issues of the California Desert.

Many of us had worked with this piece of legislation for over a decade now, trying to resolve some of these disputes. But I will tell you that not all has been resolved. And, of course, not all can be perfect when one attempts to make compromises between what will and will not be used or protected in our public land resources.

[*S4140] I have before me and would like to make a part of the Record a variety of responses from tremendous groups of Californians. I ask unanimous consent that this be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

California Outdoor

Recreation League, Inc.,

Newberry Springs, CA, April 7, 1994.

Re S-21 the California Desert Protection Act.

Hon. Larry Craig.

Dear Senator: Certainly, there is not a senator from any of the other forty-nine states who would do to your state and your constituents that which you are asked to do to California and our residents. That is, vote "aye" on S-21, The California Desert Preservation Act. This will take 8.3 million acres of the nation's most mineralized area out of any present and future mineral extraction potential. The fifty amendments are a farce, a smoke screen, and 8.3 million acres is true.

I have no mining interests but I do have an avid interest in the well being of our San Bernardino County, the state and nation.

According to the U.S. Bureau of Mines there are 701 existing mine sites in only the 1.5 million acres listed for the East Mojave National Park. There are many more throughout the desert. It is also a fact that any one of our frequent windstorms and flash floods, in summer, moves more desert lands in an hours than all of the land disturbed by mining in the last hundred years. (We

had such a sand storm yesterday, April 6th., enough to take the paint off an auto in minutes.)

We, who live here, have long recommended 1.5 to 2 million acres of appropriate land be put into **wilderness**, the remainder does not qualify for **wilderness** designation. There are power lines, railroads, pipeline corridors, and ranches in the valleys, as well as the many mineral deposits. There is one eighty mile by approximately one mile strip of deposits that indicate Rare Earths running directly across the strip of deposits that indicate Rare Earths running directly across the 1.5 million acre proposed National Park. (See enclosure for its uses.)

Furthermore, the National Park Department should not be put upon for the outlandish cost to develop such harsh and dangerous lands. Taking out the mines and putting in usable roads, alone, would be prohibitive. At my location, temperatures range from 14 to 124 . The record for Death Valley is 134 . This is not a hospitable climate for tourists.

In addition to the Rare Earths, with it's many new uses, there are forty-five minerals currently available. Much of California's economy and employment comes from the building materials, such as cinder for blocks, dolomite, cement, limestone, sand and gravel. Please consider the economic disaster when these commodities are no longer domestically available.

Do not let the uninformed urban environmentalists, whom have rarely seen the desert, make the decision for you. Very few have ever visited our desert. If they had we would have seen them.

I do not wish history to be able to look back and blame the 1994 U.S. Congress as the body who hindered the well being of our great nation.

Please vote "no" on S-21.

The bulk of the 8.3 million acres to be closed to multiple use by S-21 is in San Bernardino County. This means total disaster to jobs and economic stability. As a fellow Republican please vote "No." My deepest gratitude to you.

Thank you.

Hildamae Voght.

See enclosures.

(From the Land Rights, Gloversville (NY), November 1993)

Economic Importance of East Mojave Desert's Industrial Minerals in Everyday Life

(By Hildamae Voght)

Minerals, the basis of our everyday life, come from the earth. Mineral deposits are found where they exist, not where we want them to be. They are usually found in treeless, rough terrain, with harsh torrid temperature, and so it is on the California Desert. It is one of the most mineralized areas of the world, a fact widely accepted by professional engineers and geologists.

Eighty-one mineral commodities are mined, have been mined, or have the potential to be mined here. According to the U.S. Bureau of Mines, 34 separate mineral commodities are currently produced from the California Desert. California ranks second in the nation with an annual production of non-fuel minerals with an estimated value of \$ 2.839 billion in 1989. California led all states in the production of borate, portland cement, diatomite, calcined gypsum, construction sand, cinder, and gravel, tungsten, yttrium and rare earths. California ranked second in the

production of natural calcium, chloride, feldspar, gemstones, industrial sand and gravel, sodium compounds, mercury, magnesium compounds and gold. Production of sodium borate and calcium borate from the California Desert during 1989 accounted for 100 percent of the U.S. production and rare earths 97 percent.

And all this happens on only 9.7 million acres of the 25 million acres of the California Desert. However, 8.3 million acres of the 9.7 million acres would be closed to any industrial use by the proposed California Desert Protection Act, Senate bill, S. 21 and House bill, H.R. 518.

The urbanites, who carry the votes, and the legislators, who pass the laws, do not realize that of the 25 million acres, the military has 3.1 million acres and are petitioning for expansion; 7.4 million acres are in private holdings, cities, communities, homes, and industry; and 4.8 million acres are contained in Death Valley and Joshua Tree National Monuments and in State Parks, leaving only 9.7 million acres of the highly mineralized lands for the needed products.

Today, we tend to think Tums, toothpaste and cosmetics come from the drug store, sidewalks and house foundations from cement trucks and watches from Japan. According to the Bureau of Mines, each American uses approximately 40,000 pounds of new materials each year. You say, "Oh, that can't be." You step out of bed onto the carpet (calcium carbonate limestone is used in the carpet backing). You go into a ceramic bathroom, with tile floor (clays and other minerals), faucets of metal are kept shiny with cleansers (silica, pumice, diatomite, feldspar, and limestone). You use toothpaste (calcium carbonate/limestone/sodium carbonate), powder (talcum), other minerals. How about the dishes and glassware you use for breakfast? Clay, sand, and potash. You glance at your gold watch to see if you have time to read the morning news. Think about the metals used to bring that paper to your yard. Maybe you stop to change the kitty litter; it takes six minerals. You step out onto the cement driveway to get into your car. There, you really are into metals and perhaps it has a heavy plastic body. That takes much boron to give it tensile strength needed to be sturdy. Borates are found in only two areas in the world—a small supply in Turkey and throughout California's Mojave Desert. Boron has hundreds of other valuable uses.

Are you beginning to get the picture? Most people pass their days with no thought of the role mining plays in their lives. They know where to buy things they need but seldom consider the origins. It even takes minerals to fertilize the fields that grow the vegetables we eat. Organic grown vegetables do best in a mineralized soil. Without minerals we could not till our soil, build our machines, supply our energy, transport our goods or maintain our everyday life beyond the primitive.

It all starts with a hole in the ground. We are in trouble if we forget that, and we cannot dig minerals except where they are in the earth. California's East Mojave Desert is where there are some 81 known minerals, and who knows how many yet undiscovered ones?

Mining is just one economic product of the desert and it is being rigidly regulated with mandatory reclamation laws. Also don't believe the story that miners may own federal lands for \$ 2.50 an acre. Very few acres are patented today. Most are leased and development of a mine runs into thousands and often millions of dollars, plus several years to get all of the permits and mitigation in place.

Senate bill S. 21 by California's U.S. Senator Dianne Feinstein, and the House companion bill H.R. 518 by Representatives Richard Lehman and George Miller, call for 8.3 million of the 9.7 million acres of mineralized East Mojave lands to become national parks and **wilderness** lands. As a result of the proposal, the acreage would be off the state tax rolls, and the creation of jobs would be halted.

While the bulk of the desert lands are bare rough mineral laden terrain, there are grassy valleys in between where some sixteen ranching families homesteaded five generations ago. These are

the true stewards of the East Mojave. Over the years, the Taylor Grazing Act has allowed ranchers to develop water use on the federally leased rangeland. These ranchers have developed hundreds of miles of pipelines to transport water for their stock and wildlife alike. The proliferation of the Big Horn Sheep on the rangelands is evidence of these efforts. If ranching is forced out in twenty-five years, as S. 21 contemplates, wildlife will deteriorate as it has in Death Valley and Joshua Tree National Monuments on either side of the East Mojave.

S. 21 would also adversely affect existing recreational uses. Recreation is a third major use of the California Desert. Only one hundred and fifty miles from Los Angeles and Orange County the area is an outlet for families seeking weekend recreation away from the crowded city. Then there are the sand dunes, 500,000 acres (2 percent of the desert) that are open for the off-road users. Much of the economy of the desert cities along I-15 and I-40 depend upon this trade.

There is a basic fallacy being perpetrated by supporters of S. 21-namely that the Desert is a "fragile" ecosystem. However, the Desert is not "fragile." It is tough. The cloud bursts of summer and the sandstorms throughout the years move more of the landscape than all of the mining that has ever occurred in the East Mojave. Given the significant adverse effect S. 21 will have on the nation's mineral production, wildlife, and current recreation patterns, we ask our national legislators to come see for themselves before making any decisions for the area.

[*S4141] The Lanthanides in Your Life-Mined at Molycorp Inc.'s Mountain Pass Plant, Mountain Pass, CA

Exemplified by these 46 products-rare earths:

1. X-ray image intensification (La and Gd phosphors).
2. Colored glassware (Nd/Se pinks and reds, Pr greens, Ce/Ti yellows).
3. Melting crucibles (Y-stabilized silicon nitride).
4. Automobile wheel spider and rim (Re-silicide treated steel).
5. Styrofoam items (Ce in styrene production catalysts).
6. Bathroom tile (Pr provides the yellow).
7. Cigarette lighter flints (2/3 re metal: 1/3 iron).
8. Color TV (The red is Eu-activated Y-oxysulfide).
9. Blood sample tubes and ampoules (Ce glass blocks ultraviolet).
10. Rocket nose cone (Si
3 N
4 heat-stabilized with Y
2 O
3).
11. Microwave waveguides (Y-iron, Y-aluminum and Y/Al-Gd garnets).

12. Hydrogen storage systems (LaNi₅ is the reversible "sponge").
13. Clear container glass (Decolorized by the cerium process).
14. Gasoline by cat cracking (Zeolite catalysts are La/Ce activated).
15. TV faceplates (Ce in glass prevents browning).
16. The new 3-prime fluorescents (Eu +2 & Eu +3 phosphors for blue and red).
17. Corn-growing fertilizers (Ce in shift catalysts for ammonia process).
18. Exhaust gas catalysts (Ce stabilizes gamma-alumina beads).
19. Camshaft and follower (High strength re-nodularized cast iron).
20. Electrical capacitors (Nd controls temperature coefficient).
21. Precision laser rod (Of Y₅Al₆O₁₂ crystal-YAG).
22. Silicon nitride grinding media (Y in mix for strength and hardness).
23. Watt-saving screw-in fluorescent lamp (Eu and Tb phosphors).
24. Welder's mask with eye-protecting glass (Both Pr and Nd needed).
25. Flat, enlarging and inverting fiber-optics windows (Hi-index la glass).
26. Drive motor of tape deck (Powerful SmCo₅ magnet armature).
27. Fastest glass polishing compound (CeO₂).
28. Ophthalmic glasses (High index la glass, Ce polished).
29. Optical lenses and prisms (Low dispersion in high-index la glass).
30. Photographic filters (Nd, Pr and Er tinted; Ce to block UV).
31. Miniaturized walkman earphone speakers (Sm-cobalt magnets).
32. Simulated diamonds (Y-stablized cubic zirconia; also YAG).
33. Glass laser rod (Nd is the optimum energized Ion).

34. Window for space and furnace sighting (Ce versus UV: Hollow versus IR).
35. Ceramic turbine impeller (Y-stablized silson nitride, HIP formed).
36. Automobile crankshaft (Of ductile iron, necessarily Re/Mg treated).
37. Transformer oil-level gage glass (Ce-glass stops UV degradation).
38. Rare earth silicide (As added to linepipe and oil-country steels).
39. Single-crystal boule before slicing (Y-orthoaluminate electronic devices).
40. Engine combustion control O
2 sensor (Y-stablized ZrO
2 with Pt electrodes).
41. Railroad and airport signal lenses (Nd and Pr colored glasses).
42. Bubble-memory crystal substrates (With Gd/Ga boule before cutting).
43. False teeth (Eu gives that slight iridescence to make them "natural").
44. Motor armature and stator without windings (Re/Co permanent magnets).
45. Aerospace turbine blades (Protected by FeCrA/Y coatings).
46. Line printer mechanism (Potted SmCo
5 magnets drive the type line).

Western Building

Material Association,

Olympia, WA, April 8, 1994.

Hon. Larry E. Craig,

U.S. Senate,

Washington, DC.

Dear Senator Craig: On Tuesday, April 12, 1994, the Senate will be voting on the California Desert Bill (S-21). S-21 would be the largest withdrawal of Federal land in history in the lower 48 states. It will involve the invasion of millions of dollars of private land and private rights.

There is a reported cost of \$ 300 million to the Federal government. With President Clinton talking savings in government, where will these dollars come from?

The continuing trend and the amount of property being taken from private ownership and the tax rolls is of mounting concern. This bill appears to be another case of the government being

unwisely influenced by special interest group pressure.

We would be interested in your position on S-21. We urge you to vote NO on S-21.

Sincerely,

Mary E. Murphy,

Executive Director.

California Mining Association,

Sacramento, CA, April 8, 1994.

Re: S. 21 (Feinstein)-Oppose.

Hon. Larry Craig,

Washington, DC.

Dear Senator Craig: The California Mining Association (CMA) continues to oppose S.21 and appreciates your efforts to this extent. Senator Feinstein has indicated that she has satisfied the mining industry by the amendments she has proposed to S.21 and that the bill will not cost jobs.

This is not true. Senator Feinstein has placated a few in mining and has reduced the impact on current jobs. She has not, however, reduced the long range impact of jobs in California or potential jobs from mineral exploration in the California desert.

Within 20 years there will be few, if any, active mines in the desert. Senator Feinstein has not taken the role of a representative who is sensitive to an entire industry. S.21 has had no substantial changes since its introduction. The result of its passage will be to close the desert to mining, an industry so vital to the economic stability of the state and the nation.

CMA commends you for your efforts to oppose provisions of S.21 and we respectfully request your continued opposition to the bill.

Sincerely,

Carolyn Clark,

President.

Smith's Ranch,

Twentynine Palms, CA, April 8, 1994.

Dear Senator: We are begging you: Oppose S. 21 and its companion H.R. 518. We are told by government employees of every agency that this is a "done-deal". California's two rookie Senators Feinstein and Boxer refuse to enter the California desert and hear us.

The California Desert Conservation Act is working. Bureau of Land Management multiple-use is working.

S. 21 blatantly ignores criteria and legal definitions of true "**Wilderness**". Our county-our state-this nation cannot afford such a massive closure.

Please, please, stop this waste. We are fourth-generation Californians, we know our desert. S. 21 must be stopped. Joshua Tree National Monument deserves national park status, but certainly not at the cost of the entire East Mojave Desert.

If a filibuster is our only defense, so be it. Please show this nation the power which rests in our nation's Capital. We are on our knees begging. Stop S. 21.

Santa Barbara, CA,

April 10, 1994.

Re: S. 21, the California Desert Protection Act.

Hon. Larry E. Craig.

Dear Senator Craig: Thank you for your opposition to this bill. I heard on one of the Sunday political talk shows that western senators are likely to filibuster this bill. I hope so. I am an amateur geologist and a taxpaying California Republican who has lived the last 30 years of my life in Santa Barbara, Ca. and spent most of my free time exploring our beautiful desert. I am all for preserving it-but this bill is a lockout. My husband and many of my friends are totally frustrated with our California Senators Feinstein and Boxer. We have appealed to them regarding the Desert Bill; however, all appeals are totally ignored.

We feel the bill in its present form will further damage our already crippled economy by eliminating businesses and jobs that have been operating for years in the desert with no ecological damage.

Thank you for your hard work on our behalf. Our country desperately needs people like you in the government, especially during these times.

Yours truly,

Nancy K. Ulmer.

Twentynine Palms, CA,

April 11, 1994.

Immediate Attention on Senate Bill S. 21

Dear Senator: The desert cities remain steadfast in their opposition to Senate bill S. 21. Please see the poll results from the Desert Heartland in San Bernardino County.

Please join with the full Republican delegation in opposition to this unacceptable expenditure. We are requesting a filibuster to kill this bill in this Congress.

Major issues of contention include:

1. The taking of over 500,000 acres of private property and the associated loss of property tax to fund public education and health and safety services.
2. The creation of 6.37 million acres of new **wilderness** despite studies demonstrating over half the proposed areas are non suitable under existing federal guidelines.
3. Ignoring the public hearings and opposition from the desert communities in favor of the radical special interests of the Sierra Club, **Wilderness** Society, and Earth First.
4. Wasteful deficit spending in the billions to acquire the private property and keep people out of areas where the routes and trails date back to California's earliest history.
5. The loss of jobs in mining, ranching, and recreation industries affecting the economy of the whole State of California.
6. Senator Feinstein wants this Bill in her re-election resume despite the actual consequences to our desert communities.

Jim Bagley,

Mayor Pro Tem.

[*S4142] Lone Valley Mining District,

Lucerne Valley, CA, April 1, 1994.

Subject: California Desert S-21. Loss of 500 Jobs or more for 100 years-Smart Ranch Carbonate Deposit, Proposed Big Horn Mountain **Wilderness** in San Bernardino Mountains, San Bernardino National Forest (former Granite Peak RARE II area 12,500 acres excluded from 1983 Cranston-Wilson Forest Service **Wilderness** Act)

Hon. Senator Diane Feinstein,

Hon. Senator Barbara Boxer,

U.S. Senate,

Washington, DC.

Dear Senators Feinstein and Boxer: As you may be aware S-21 / HR 518 includes about 140,000 acres of National Forest adjacent to the California Desert Conservation Area. All of these "RARE II Areas" were found unsuitable by Senators Cranston and Wilson in the RARE II process in the early 1980's because of cabins, roads, mines, and other impacts of man and because of high mineral potential in some RARE II areas.

In S-21 / HR 518 the 12,500 acre Granite Peak RARE II was lumped with the adjacent BLM Big Horn Mtn. WSA which comprises most of the Ruby Mining District in the NE San Bernardino Mountains outside the San Bernardino Mountains. The Ruby Mining District has been an area of small scale gold mining for more than 100 years. It is roaded with many RS 2477 or class 4 and 5 U.S. Geological Survey Roads as are portions of the Granite Peak RARE II Area, now included in the S-21 / HR 518 "Big Horn Mountain" proposed **wilderness**.

Your California "Desert" bill proposes to make **wilderness** out of about 50% or more of one of the more important carbonate deposits that is currently under small scale operation, but is the

most important reserve for the existing carbonate rock producers in the adjoining Lucerne Valley Limestone producing District, the largest supplier in the Western U.S.A. The "Smart Ranch Limestone Deposit" has been classified by the State of California (1989) for mineral extraction. It is a major mineral deposit granted protection from incompatible land use by the State of California (1989) for the benefit of society. This deposit is at least as important as the one in the New York Mountains (Pluess-Stauber) mentioned by Governor Pete Wilson in the accompanying letter (attached) to Senator Feinstein. In fact, it is probably more important because it is about 150 miles closer to the 'California' Market area, saving about \$ 10/ton in transportation costs for many millions of tons of valuable mineral commodities.

The State Report Mineral Classification of the Smart Ranch Limestone Deposit of 1989 was approved after thorough field examination by the State Geologist and a year-long public hearing process. The U.S. Geological Survey Studies in the area indicate it may be three thousand feet deep. It's reserves will extend the life of The Lucerne Valley Limestone District for many years. This is significant because this district produces about \$ 200 million dollars in finished products each year and sustains thousands of jobs in California in addition to local jobs in mining, processing and transportation.

Senators, the simplest solution to this problem with S-21 / HR 518 is to exclude The "Granite Peak RARE II Area" and the San Bernardino National Forest proposed **Wilderness** from the "Desert Bill." California cannot afford to have more of its industrial job base destroyed. Your assistance in resolving this economic loss would be greatly appreciated.

Most sincerely,

Lori White,

Coordinator for Governmental Affairs.

Enclosures: Mineral Classification, Smart Ranch Limestone Deposit. OF 89-12, State Board of Mines and Geology, Sacramento (Summary & Map)

(From the California Department of Conservation, Division of Mines and Geology; DMG Open-File Report 89-12)

Mineral Land Classification of the Smart Ranch Limestone Property, Big Bear City and Rattlesnake Canyon Quadrangles, San Bernardino, County, CA, for High-Grade and Cement-Grade Limestone

Note: This deposit meets the state's minimum value for classification with the top two (2) inches of the deposit. The U.S. Geological survey estimates it's up to 2,000+ ft, deep!

EXECUTIVE SUMMARY

In response to a petition submitted under the provisions of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Geologist has investigated and subsequently classified portions of the Big Bear City and Rattlesnake Canyon quadrangles, San Bernardino County, for both high-grade limestone and cement-grade limestone resources. The property, referred to as the Smart Ranch Limestone Property, is currently under claim by members of the Fife family, represented by Donald L. Fife.

This study is an evaluation of the high-grade and cement-grade limestone potential of the 5,3000-acre Smart Ranch Limestone Property based upon data provided by the petitioner, Donald L. Fife. The date was analyzed and confirmed by means of a two-day field examination of

the property in December, 1988 and April, 1989. This report explains the classification of the property and presents the conclusions reached in this study. It is intended for use by the State Mining and Geology Board (Board), the petitioner, and the lead agencies who have decision-making authority in the area.

For a mineral deposit to be considered significant and therefore eligible for classification as MRZ-2, it must meet criteria established by the Board for material quality, marketability, and economic value. The significance of the resources was determined by evaluating the quality of the deposit and its suitability as a marketable commodity, and by calculating the available volume, tonnage, and value of both the high-grade and cement-grade limestone resources contained within the property. Data necessary to evaluate the property were compiled from geologic literature, proprietary files, and limited field study by Division of Mines and Geology (DMG) staff.

It is concluded that:

High-grade and cement-grade limestone resources occur in the study area.

Part of the deposit classified as MRZ-2 for high-grade limestone contains resources that meet the published specifications for use as limestone whiting.

Part of the deposit classified as MRZ-2 for cement-grade limestone contains resources that meet the published standards for use in cement.

Limestone resources within the Smart Ranch Limestone Property exceed the minimum threshold value of 1 million 1978 dollars (approximately 1,740, 000 1987 dollars) established by the Board for both high-grade and cement-grade limestone.

The Smart Ranch Limestone Property has been classified as MRZ-2 for high-grade limestone and MRZ-2 for cement-grade limestone as shown on Plate 1.

(From the California Mining Journal, September, 1989)

Huge Wollastonite Deposit Jeopardized by Desert Closure bill

Fawnskin, CA.-The National Association of Mining Districts (NAMD) has advised the House Committee on Interior and Insular Affairs, Subcommittee on National Parks and Public Lands, of yet more problems with HR. 780 (Levine companion bill to Cranston Desert Bill S.11).

NAMD points out that this bill encompasses dozens of existing mining districts with mining potential and proven reserves, one of the most obvious being the world class Hunter Mountain Wollastonite deposit. It was first discovered by a small miner-pro prospector in the late 1950s. The deposit has been drilled and millions of tons of this valuable non-metallic energy conserving mineral are proven and reserves are shown in reports by the California Division of Mines and Geology, according to NAMD.

The Hunter Mountain Wollastonite deposit is in the early stages of development with enough production to prove its economic value, said the NAMD report. The association went on to say that while this mineral commodity may not have the romance of gold, silver, or base metals that were the prime interest in this mining district in the past, wollastonite plays an exceptionally important role in conserving energy. Wollastonite significantly lowers the fuel consumption for firing certain ceramics and related products. In paints and plastics it also saves resin feed stocks derived from crude oil by replacing them in significant amounts. Not only does wollastonite conserve a strategic commodity-crude oil, says NAMD-but it is one of the few safe substitutes for

asbestos in many industrial products.

HR. 780 would lock up more than 8.5 million acres in the Mojave Desert in the southwestern United States, primarily in California. HR. 780 would vastly increase the geological area designated as "**Wilderness**" and National Parks, and would remove over 13,000 square miles from present or future productive use. The area involved is larger than the states of Maryland, Delaware and the District of Columbia.

Geology and Mineral Wealth of the California Desert

(By Donald L. Fife and Arthur R. Brown)

(From the South Coast Geological Society, Santa Ana, CA, Oct. 11-12, 1980)

FORWARD

The California Desert is a vast region that includes all of southeastern California from Owens Valley on the north to Imperial Valley on the south; from Antelope Valley on the west to Death Valley on the east. The boundaries of the Desert, drawn arbitrarily in places, encompass 25 or 30 percent of California-an area equal in size to the State of Ohio or Pennsylvania.

This area was selected by the South Coast Geological Society for its 1980 project to focus on the diverse geology and to document some of the California Desert's tremendous mineral wealth. The South Coast Geological Society is a nonprofit independent organization of more than 100 earth scientists in Southern California. This volume has been produced and published by the volunteer efforts of numerous geologists and others interested in the Desert. The papers in this volume represent many thousands of hours of work from individuals, private corporations, academic institutions and local, state and federal governments.

A study released September 30, 1980 by the Bureau of Land Management listing the "known in-place value" of 25 selected energy [*S4143] and mineral commodities valued them at greater than \$ 600 BILLION in 1978 dollars for a portion of the desert. It is obvious that the total mineral wealth of the California Desert far exceeds one TRILLION 1980 DOLLARS.

The difficulty of the task of "inventorying" mineral potential of such a large and diverse area is not generally appreciated by the layman. The objective of making a "real inventory" is so monumental that no organization has the time nor the financial resources to complete an accurate inventory. An undertaking of this magnitude may not even be feasible over such a vast region as the California Desert. The very words "exploration" and "discovery" allude to the complexities of geology and mineral economics.

In 1920 uranium was a curiosity, not an economically valuable element; in 1940 europium and cerium had few or no commercial uses, nor did zeolites prior to 1960; and in 1970 aggregate producers would not have considered deposits with 20 percent waste. However, deposits of these commodities are now economic in the proper context. Uranium exploration now abounds in the California Desert, and on the Southern California urban fringe, aggregates are profitably mined with up to 50 percent waste!

This volume is intended to bring to the reader a perspective on one of the most diverse and complex geologic regions in the United States. The greatest land use decision in the history of the State of California is being considered with little understanding by the general public of the importance to the economic well-being of the nation.

Mineral Resources of the California Desert and Their Significance to California's Economy 1A1

(By Shirley C. Anderson)

ABSTRACT

The

Mining jobs affect the region directly and indirectly. Direct effects include providing mining wages, mining equipment, sales, transportation and other services sold to the mining industry. Indirect effects include wages and salaries in industries in which mining products are used to manufacture other goods and services.

The California desert mining industry directly and indirectly supports 17, 276 people in the five-county area of Imperial, Inyo, Kern, Riverside and San Bernardino. It employs 20,354 people in Southern California.

Each \$ 1 million in mineral production (current desert production is \$ 1.3 billion) directly accounts for 12.8 jobs in the five-county area; 15.1 jobs in the greater Southern California region.

Value added, which reflects direct effects on regional employment and the production of materials, equipment, and services supported by that employment, accounts for \$ 754,799 per \$ 1 million production in the five-county region (\$ 981.2 million total) and \$ 898,422 per \$ 1 million production in the Southern California area (\$ 1.1 billion total).

Within the five-county region, every \$ 1 million of minerals production annually accounts for \$ 26,439.04 (\$ 34.3 million total in local taxes and \$ 41,877.18 (\$ 54.4 million total) in state taxes. For the greater Southern California region, each \$ 1 million in production accounts for \$ 28,854.39 (\$ 37.5 million total) in local taxes and \$ 47,182.85 (\$ 61.3 million total) in state taxes.

Precluding resource development from this mineral rich area, as would occur under the California Desert Protection Act, is not necessary. Mining companies are able to meet and exceed stringent environmental regulations in order to produce materials needed by our society, while providing a strong economic base to the desert region.

(From the Orange County Register, Apr. 9, 1994)

Feinstein Announces Senate Reelection Bid

U.S. Sen. Dianne Feinstein formally launched her re-election campaign Friday in San Francisco, promising "to devote my next six years to creating jobs and eradicating violence."

The 60-year-old freshman senator told a rally of about 300 supporters that during her first 17 months in office she has proven she can make a difference in the Senate. She cited her efforts to ban assault weapons and enact a California Desert **Wilderness** Act as her major achievements.

Lone Valley Mining District,

Lucerne Valley, CA, April 2, 1994.

Re: S-2 "Big Horn Mountain **Wilderness** in San Bernardino N.F. 12,500 acres.

Attn: J. Mark Eaton, et al.

Subject: Request for GAO Audit and Investigation for Misappropriation of Funds, Abuse of Discretion, and Probable Criminal Actions, Staff of the San Bernardino National Forest, Big Bear Ranger District 1990-1993.

Hon. Jesse Helms,

Agricultural Committee, SD-403 Dirksen Building, Washington, DC.

Dear Senator Helms: This is a request to investigate a series of events that have occurred in the San Bernardino National Forest over the past few years. The attached criminal complaint, newspaper articles and photographs outline what appears to be illegal use of funds and abuse of discretion, costing the taxpayers perhaps \$ 100-\$ 200,000 in wasted funds.

The individuals associated with these actions appear to be Supervisor Gene Zimmerman, former District Ranger Rebecca Aus, Minerals Officer George Kenline and others. It is my understanding that the SBNF archeologist was sent into Horse Thief Flats by Ranger Rebecca Aus with a bulldozer to bury the evidence (debris) of the historic rock cabin blown to "kingdom come" by the U.S. Marines in September 1991. From the observations of myself and others, the September 1991 incident included not only blowing up the historic cabin but detonating high explosives in the nearby sensitive riparian habitats of Arraster Creek and the miners root cellar (alleged "WWII ammo bunker") at the Horse Thief Spring. This was follow up with four (4) high explosive charges that "bombed out" Forest Service Road 3N03A and started dozens of small forest fires on my family's mining claims.

The cost of these activities and the resulting fire suppression activities probably cost the taxpayers \$ 100-\$ 200,000 dollars. Fire suppression activities took 4 to 5 hours according to the U.S. Forest Service and California Division of Forestry Fire dispatchers logs (attached). According to the San Bernardino National Forest geologist burying the fragmented remains of the historic cabin (the evidence,) rebuilding Road 3N03A and dragging junk cars onto our Smart Ranch Limestone quarry staging area cost another \$ 40-\$ 50,000 dollars.

In addition, our roads are being blocked and destroyed along 3N03 apparently using misappropriated state "Green Sticker" OHV funds (see attached complaint to State of California).

Your assistance in this matter would be greatly appreciated. Not only are the taxpayers' funds being used questionably; our small family mining business is losing thousands of dollars per month and is being destroyed.

Most sincerely,

Donald L. Fife,

Certified Professional Geologist, AIPG #4735.

Certified Mail,

January 12, 1993.

Subject: Copy of letter sent to Mr. David C. Scheper, Chief of the Criminal Complaints Division, U.S. Department of Justice.

Leon Sneed,

Inspector General, USDA, 14th Street & Independence Ave. SW., Washington, DC.

Gentlemen: Enclosed is a copy of a letter sent to the U.S. Department of Justice. This letter documents what appears to be a serious illegal act or acts by employees of the federal government, in the San Bernardino National Forest.

Sincerely yours,

Larie K. Richardson,

General manager, Right Star Inc.

Certified Mail,

January 9, 1992.

Subject: Falsification of Official Document (Back dated USFS letter "10/10/90") to deny approval of an Operating and Reclamation Plan for an existing mine by the staff of San Bernardino National Forest.

Mr. David C. Scheper,

Chief, Criminal Complaints Division, Department of Justice, Los Angeles, CA.

Gentlemen: This is a citizens' request for investigation into what appears to be a serious illegal act or acts on the part of several employees of the federal government, in the San Bernardino National Forest, (1824 S. Commercenter Drive, San Bernardino, CA).

BACKGROUND STATEMENT FOR COMPLAINT

On or about April 10, 1990 the undersigned Donald L. Fife, representing the Fife family owners, and Larie Richardson, representing Right Star Inc. met Rangers Rebecca Aus and George Kenline at the existing Smart Ranch Limestone quarry at the west end of Lone Valley. The purpose of this meeting to discuss our plans for submitting an operating and reclamation plan for producing highgrade limestone from the quarry periodically mined since 1949. Two major government projects adjoin the quarry (The Dobie Landfill, and the Lone Valley Off Highway Vehicle (OHV) trail system). These projects were recently approved with an Environmental Assessment (E.A.) We were told it would take about 3-4 months to get a permit to produce limestone and this led us to believe we would be producing from this existing quarry by August 1990. It is now approaching three years; far in excess of reason to reactivate an existing mine using inplace infrastructure.

A very complete "Operating and Reclamation Plan" for an estimated maximum 40,000 tons of limestone/year was prepared by Larie Richardson and Donald Fife, working with U.S. Forest Service specialists in geology, biology, archeology, planning, hydrology, etc.

This plan was submitted to the U.S. Forest Service, Big Bear Ranger District on or [*S4144] about July 15, 1990. Under National Environmental Policy Act standards (NEPA), the Forest

Service has thirty days to review the plan. If the Forest Service does not respond, the plan is automatically approved. We didn't expect any problem as we were told by USFS that "this was one of the most complete and professional plans that has ever been submitted to the Big Bear Ranger District." Only a few minor items were questioned by U.S. Forest Service staff.

The Operation and Reclamation Plan was revised to respond to Forest Service staff questions. This revision was sent by Certified Mail to the Big Bear Ranger District, and was received on or about August 22, 1990, triggering a NEPA 60-day review period which would expire on October 21, 1990.

October 21, 1990 came and went without any notice or objection from the USFS, and according to NEPA regulations, our revised plan was thus automatically approved. Upon checking with Larie Richardson to make sure there was no legal notice received by him or Right Star, Inc. by the deadline, Mr. Fife called Mr. Buster Lamoure, our permitting consultant in Montana. Prior to his retirement, Mr. Lamoure was Chief of Land and Minerals for the USFS in Washington DC and he is an expert on federal permitting regulations. Mr. Lamoure requested Mr. Fife arrange a field meeting at the Smart Ranch Limestone quarry with Charles Irby, Forest Supervisor, and Rebecca Aus, District Ranger, the persons responsible for the reclamation plan approval.

After several unsuccessful attempts to reach Ranger Aus or her assistant Ranger George Kenline in the Big Bear Ranger District, Mr. Fife was successful in reaching Ranger Ernie Dierking, Land and Minerals Officer in The San Bernardino N.F. Headquarters in San Bernardino. Mr. Dierking set up a meeting at the Smart Ranch quarry on November 1, 1990 with staff of the Big Bear Ranger District, the San Bernardino N.F. Headquarters, representatives of Right Star Inc. and the Fife family as suggested by Buster Lamoure and requested by Mr. Fife.

On the morning of November 1, 1990, Messrs. Ernie Dierking and George Kenline, staff of the San Bernardino National Forest, met with Messrs. Larie Richardson and John Klinge of Right Star Inc., Mr. Buster Lamoure, consultant to Right Star and Messrs. Donald Fife and consultant Dick Brown, representing the owners. To our great surprise, on November 1, 1990, Mr. George Kenline hand-delivered to Mr. Larie Richardson a letter (Certified Mail R.R.R. #P 104 794 594) dated October 10, 1990 (See exhibit A) regarding the Operating and Reclamation Plan submitted on August 22, 1990. This letter dated October 10, 1990 was never received by Right Star or Fife until the field meeting of November 1, 1990 . . . which was more than a week past the legal deadline. This Forest Service letter denied approval of our operating and reclamation plan for a maximum of 40,000 tons per year, and required a costly and time consuming Environmental Impact Statement (EIS). Under NEPA regulations, the

permit was automatically approved since the Big Bear Ranger District had not denied our revised plan by October 21, 1990.

We are now in our third year of attempting to permit an already existing mine; thousands of additional dollars have been paid directly to the USFS to speed up the EIS because they claimed they didn't have staff to do the EIS in a timely fashion. The Big Bear Ranger District said if Right Star paid the USFS, staff would work on the project on an overtime basis or extra staff would be put on the EIS project.

It seems that everything has been done to misinform the public about this project and to make it controversial, such as: (1) Suppressing the fact that this is an existing quarry periodically operating since 1949; (2) misinforming the press that the proposed operation was for 200,000 tons/year rather than the actual maximum of 40,000 tons/year; (3) illegally blasting historic structures and a public access road (3N03A) out of existence in the proposed adjoining Big Horn **Wilderness** area in order to qualify portions of the Smart Ranch Limestone deposit as a roadless **wilderness**; (4) dumping junk cars in our quarry staging area to give us a bad public image; and (5) targeting Right Star and other limestone producers with biased studies alleging that several specific plants are endangered and were "limestone endemic," growing only on

limestone, when the only areas they looked at were on the 5% of the National Forest underlain by limestone. In one field season, an independent Botanist working in the field found most of the five allegedly endangered plants growing on other soil/rock types such as dolomite, scarn, schist, quartzite and granite that make up about 80% of the San Bernardino National Forest! Now the Big Bear Ranger District refuses to process our applications because they are waiting for the newly alleged endangered limestone plants to be listed as "rare and endangered," based on their biased information.

The October 10, 1990 letter (exhibit A) denying our permit appears to be falsified (backdated) with specific intent of denying us of our Constitutional, Civil and Property Rights to use our property. The content of the October 10, 1990, letter itself is incriminating-the last paragraph states; "The next meeting with you is scheduled for November 1, 1990 at the mine site." This November 1, 1990 meeting was not even conceived until after the October 21, 1990 deadline; and it was at the specific suggestion of Buster Lamoure to Donald Fife that he arrange the meeting on November 1, 1990 at that location which was accomplished via Ranger Ernie Dierking in the San Bernardino National Forest headquarters.

Mr. CRAIG. The National Association of Mining Districts, a group that I worked very closely with in California; the mining interests that employ thousands and thousands of people in the desert.

But another group that really went unspoken to in a lot of this was the California Outdoor Recreation League, off-road vehicle people.

When we were in Palm Springs several years ago holding hearings, we met with thousands of these people who pour out of the urban areas of the Los Angeles basin into the deserts of California on a weekend basis to recreate on their RV's and get out into the countryside. Much of this land has now been taken off limits to that kind of recreation. And that is a disappointment, because public land and public land resources, while we ought to protect them, also ought to be able to be utilized by people instead of telling the American public "No, that is off limits. You can't touch it."

Well, let me tell you there is an awful large part of the California desert that in the middle of the summer you just cannot walk out into. You do not walk out into 100-plus degree temperatures, but you do ride out into it on four-wheel drive vehicles, or RV's, or those kinds of recreational type facilities. Much of that is denied and, of course, in a **wilderness** area, all motorized vehicles are denied.

That is part of the debate. This issue has been thoroughly debated. I will not ask my amendment be read and placed before the Senate for consideration. I am disappointed that we could not have made a few other adjustments that really would have accommodated jobs, the kind of jobs we are talking about here, some 400 jobs that would have put a lot of high-paying salaries into some of those rural communities in the California Desert. But that is not the will of the Senator from California today.

But I do in all respect appreciate the kind of work she has put in to accommodate many of the broad interests, as we deal with this issue. Having said that, Mr. President, and having asked all of this be printed in the Record , I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I think we are about to get everything worked out. There is one minor boundary modification amendment which is left to be done. It has been cleared. Am I correct, that the boundary modification has been cleared?

Mr. CRAIG. The Senator is correct. It has been cleared by the minority.

Mr. JOHNSTON. In that case, I ask it be in order for the Senator from California to offer a minor boundary modification amendment prior to the vote on the amendment.

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

AMENDMENT NO. 1624

(Purpose: To amend the boundary of the Mojave National Park to exclude approximately 170 acres of private land at Nipton and Goffs on the park boundary)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mrs. Feinstein) proposes an amendment numbered 1624.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 135, line 22, strike all through page 136, line 4 and insert in lieu thereof

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

Mrs. FEINSTEIN. Mr. President, this is a technical amendment. It amends the boundary of the Mojave National Park to exclude approximately 170 acres of private land, at Nipton and Goffs, in those two locations. The private lands have some improvements on [*S4145] them; they are located on the Mojave park boundary; and the private property owners do not wish to sell their land to the Federal Government.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1624) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1623

Mr. JOHNSTON. Mr. President, I think we now go to the Bennett amendment, to vote on it. We are in hopes this constitutes all the amendments. We will see as Senators show up on the floor. There may be some conversation prior to final passage. There may be a vote or two. But we are

in hopes this is final and we put Senators on notice, if they have further business on this bill, to let us know. Otherwise, we will be going rapidly toward final passage.

Mr. WALLOP. Mr. President, have the yeas and nays been ordered on the Bennett amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WALLOP. I thank the Chair.

VOTE ON AMENDMENT NO. 1623

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama (Mr. Shelby) is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri (Mr. Bond) is necessarily absent.

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

The result was announced-yeas 34, nays 64, as follows:
Leg.)

(Rollcall Vote No. 88

YEAS-34

Bennett	Brown	Burns
Coats	Cochran	Coverdell
Craig	D'Amato	Danforth
Dole	Domenici	Faircloth
Gorton	Gramm	Grassley
Hatch	Hatfield	Helms
Hutchison	Kempthorne	Lott
Mack	McCain	McConnell
Murkowski	Nickles	Packwood
Pressler	Simpson	Smith
Stevens	Thurmond	Wallop
Warner		NAYS-64

Akaka	Baucus	Biden
Bingaman	Boren	Boxer
Bradley	Breaux	Bryan
Bumpers	Byrd	Campbell
Chafee	Cohen	Conrad
Daschle	DeConcini	Dodd
Dorgan	Durenberger	Exon
Feingold	Feinstein	Ford
Glenn	Graham	Gregg
Harkin	Heflin	Hollings
Inouye	Jeffords	Johnston
Kassebaum	Kennedy	Kerrey
Kerry	Kohl	Lautenberg
Leahy	Levin	Lieberman

Lugar	Mathews	Metzenbaum
Mikulski	Mitchell	Moseley-Braun
Moynihan	Murray	Nunn
Pell	Pryor	Reid
Riegle	Robb	Rockefeller
Roth	Sarbanes	Sasser
Simon	Specter	Wellstone
Wofford		NOT VOTING-2
Bond	Shelby	

So the amendment (No. 1623) was rejected.

Mr. WALLOP. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, as I understand it, there are only two amendments that are still viable, one by the Senator from Virginia, Mr. Warner , and one possible amendment by Senator Murkowski , and also an amendment with which we will agree by Senator Brown . I wonder if we would be ready for a unanimous-consent request that only those three amendments be in order.

Mr. WALLOP. Has the Senator received information from Senator Hatfield ? I would be willing to enter into the consent, but I would reserve that place for him. We know the circumstances under which--

Mr. JOHNSTON. All right. Therefore, I ask unanimous consent that the only amendments in order would be an amendment by Senator Brown with respect to park fees, by Senator Murkowski with respect to hunting, by Senator Warner with respect to national parks, Civil War national parks, a Johnston amendment, which would be a place holder amendment, and a Hatfield amendment which would be a payments-in-lieu-of-taxes amendment.

Mr. WALLOP. I have not been informed by the Senator from Arizona that he has withdrawn his amendment.

Mr. JOHNSTON. With only relevant second-degree amendments.

Mr. WALLOP. Yes. But I would say again that I have--

Mr. JOHNSTON. Relevant to the amendment to which it is offered.

Mr. WALLOP. Yes. But I have not been informed by the Senator from Arizona (Mr. McCain), that he has withdrawn his amendment on overflights.

Mr. JOHNSTON. I was not advised of that, but I would ask that we put in a McCain amendment on overflights under the same conditions of no second degree-only second degrees which are relevant to the amendment to which they are offered.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BUMPERS. Mr. President, I understood that the Senator from Virginia wanted to offer an amendment. Is that correct?

Mr. JOHNSTON. Yes.

Mr. WARNER. Yes, that is correct.

Mr. BUMPERS. Is it in the agreement?

Mr. WARNER. Yes, it is in the agreement. But I thank my distinguished colleague from Arkansas.

The PRESIDING OFFICER. Is there objection? The Senator from Alaska.

Mr. MURKOWSKI. I would defer to the Senator from Wyoming.

The PRESIDING OFFICER. There being no objection, the unanimous-consent request is agreed to.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. It is my understanding the Senator from Alaska wishes to proceed, but I would like to make one observation.

On the vote just taken, the Senate has come down squarely on the side of giving the Government the biggest hammer in dealing with people. The argument was who should have the biggest hammer when it comes to the acquisition of private property: Is it the obligation of this Congress to see to it that the Government is operated for the convenience of the Government or is it the obligation to see to it that it is operated for the convenience and service of the people.

We came down this time on the side of the Government. I regret that. But I think the Senate will be advised that there will be more than one opportunity to see to it we make a statement that the private property right of the citizens of this country is a very significant right that ought not to be so casually dismissed.

I yield to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I thank my colleagues.

Mr. President, I was prepared to offer an amendment concerning private property rights relative to the application of S. 21 and what it does and how it threatens private property.

On the other hand, there may be a better opportunity and a more opportune time to bring that issue before this body.

I had also given some thought to offering an amendment with regard to access and to ensure inholders of the right to have egress and exit into their own lands. But I am convinced that there is another opportunity that might be better directed toward addressing that injustice.

However, with regard to S. 21, the California Desert Protection Act, there is one segment that I feel very strongly about. That is title V because title V of the bill and the creation of the Mojave National Park creates a reality that I do not think has been considered adequately by the

sponsors of the legislation, because it would dictate that all hunting-Mr. President, all hunting-would be prohibited despite the fact that the East Mojave is and has been a traditional area for hunting, managed [*S4146] by the State of California Department of Fish and Game, and I might say managed quite effectively.

The National Park designation would also prohibit a number of wildlife enhancement programs in the area. I intend to go into these in some detail because these very activities have helped create what has become an extraordinary set of wildlife values that this bill jeopardizes by its very nature.

In effect, this body is being sold a bill of goods. As it stands now, this bill is an absolute catastrophe, an absolute disaster, for wildlife in the East Mojave Desert. Some of you would ask why, when we are talking about creating a **wilderness**, are we also talking about creating a park? Well, Mr. President, designating this area as a park-with a large area designated as **wilderness**-prohibits the enhancement programs and the active management which has been so efficiently performed under the State department of fish and game in California.

Designating this area as a park prohibits habitat enhancement activities. But these are precisely the activities that have led to the abundant wildlife populations now being used to justify the designation as a park.

I would venture to say that 90 percent of my colleagues are not aware of what the terminology means to the maintenance of the natural wildlife in the area. In a park which includes **wilderness** -and in the case of S. 21 we have what we call park **wilderness**-there is no hunting, but there also is no feeding. No feeding. You cannot bring in feed during a time of severe drought or a time of severe winter. No enhancement of any kind is going to be allowed in this area.

What does that mean? Healthy wildlife populations in the desert environment require active and not passive management. But this legislation allows no management because there will not be any access into the area. We really have to gain access to the East Mojave to restore its habitat.

We have seen evidence over the years that the natural areas containing water have been damaged by the wild burros and the salt cedar, a nonnative plant that consumes considerable water. But with access to the area by the BLM-and working with the State department of fish and game, working with private organizations, off-highway vehicle clubs, environmental groups, private landholders, and hunting clubs-we have restored those areas, those natural springs, and we have built numerous rain catchment basins or guzzlers, as they are called. These water sources are vital to all wildlife in the desert-all wildlife: deer, bighorn sheep, quail, chukar partridge, you name it.

There are 771 such water sites for wildlife in San Bernardino County. And their periodic repair requires heavy bags of cement and equipment that cannot be carried in on foot. Much of this effort has come from volunteers and private donations. Mr. President, all this will be limited to what you can haul in on your back. For all practical purposes, it will simply be eliminated.

Mr. President, look at some of the wildlife benefits that we have seen. We have seen the growth of the bighorn sheep as a consequence of management, management that has been dependent on access. We have been able, through utilization of vehicles and helicopters, to make the range bloom. The bighorn sheep has been a real success story in California. Now we are talking about sealing off this vast region. Mr. President, the spirit of conservation is being dampened severely by closing off this huge area of the East Mojave as a consequence of this proposed legislation.

So the implications are significant for wildlife populations. And I think they support my contention that this bill, as far as wildlife is concerned, is an absolute disaster.

I said about 11/2 million acres of East Mojave is home to the desert bighorn sheep. The sensible thing to do and the right thing to do for the wildlife was to separate certain areas of the eastern Mojave and designate them as national park preserves. This would have allowed traditional activities on behalf of the wildlife to continue. While this would also allow hunting, that is not the main point. The health and well-being of the local wildlife populations is the issue here.

Mark my words, Mr. President. Californians associated with management and Californians who appreciated the growth of these wildlife populations are going to rue the day that this body adopted the restrictive access provisions in S. 21. The variety, the abundance of wildlife in this area has been directly attributed to the interests of sports people and those having access and those who have built and maintained the guzzlers. The guzzlers are the water catchments that benefit the varieties of wildlife.

Altogether, as I have said previously in my reference, there has been a lot of money spent-tens of thousands of dollars, and uncounted volunteer man-hours by various groups to reopen these springs. In 1992 alone over \$ 8,000 and some 19,000 manhours of labor were donated to ensure the welfare of the East Mojave wildlife.

These efforts of enhancement, Mr. President, will be abandoned. They will be lost. So those who commit to game management based on sound science and technology will have no access into the area. Many of the animals, obviously, will have to rely on the springs' natural state. That cannot be improved upon under the bill. Indeed, if the water supplies begin to dwindle, game herds also will dwindle because no one can have access into these areas to provide for the necessities.

According to the State of California-and I would refer specifically to a letter that we have from Mr. Boyd Gibbons with regard to his concern over this legislation-the animals will suffer if this area is made into a national park.

Mr. President, I further note that last year when the issue was before the Energy Committee, Mr. Gibbons, who is director of the California Department of Fish and Game, wrote the following:

We have to gain access to the East Mojave to restore its habitat.

Because of our active involvement in the East Mojave, the desert bighorn sheep has come back from its low levels of the early 1900's to the viable populations that Californians enjoy today.

The bighorn sheep population in the Old Dad Mountains, near Baker in San Bernardino County, is a source stock for reestablishing sheep populations elsewhere in their historic range. From this productive herd, we have captured and relocated more than 200 bighorn sheep safely, efficiently, and with minimum disturbance to the desert, because we've been able to use vehicles and helicopters.

Mr. President, this spirit of sensible, practical, professional wildlife game management will be lost if this bill is passed. The spirit of conservation, as I have said, must not be dampened by closing off the East Mojave to hunting. One would ask an obvious question, and I am sure it moves some of my colleagues: Why is hunting important to the "spirit of conservation"? Those are the words of the California State wildlife director. There are two answers: First, the hunters have a major and significant interest in wildlife conservation. It is that interest that has led to the donation of time and money-both in vast quantities-to the rehabilitation and the health of all wildlife in the East Mojave. Repeating that, it is "all wildlife." There is no species in the East Mojave that has not benefited from professional game management and access for water-source rehabilitation.

The second question is perhaps economic, but the reality is that hunters pay for licenses and tags, and with today's tight budget, that is an important factor for fish and game managers

everywhere. In this case, money from a nonrefundable application fee for bighorn sheep tags goes straight back into bighorn sheep research, management, and improvement of the area.

So the designation of the East Mojave as a national park preserve is the appropriate action by this body. As a national park preserve, the Park Service would have had jurisdiction but not the dictatorial power it has under this bill, and the real interests of wildlife populations would be protected. We have in Alaska some park preserves where hunting is allowed, and we know that in these areas you have the capability of professional game management, the utilization of the research and real benefits to the resource itself. I offered an amendment in committee, and it was rejected almost on a straight party line. I think the vote was 9-11. I was very much inclined to offer a specific hunting amendment today on this bill. But what is important [*S4147] is the welfare of the resource, and I am hopeful that the other body, the House, is prepared to address this matter and to make these changes. So I do not intend to offer the amendment today.

But the Members of this body would be well advised to take the time to think deeply about this matter. The spirit of conservation rests with those willing to put their time and money into ensuring that wildlife thrives and repopulates.

It does not lie with those who really enjoy feeling environmentally "aware," but who in their narrow-minded desire to raise preservation for preservation's sake to the level of a religion, are willing to watch wildlife populations degraded by lack of attention and management.

I am reminded of John James Audubon, who himself was an avid hunter. I suggest that he would be shocked at how skewed our perception of conservation has become and appalled at what we are doing in this restrictive legislation. In the opinion of the Senator from Alaska, it is a travesty, and in an all-too-real sense, it is a crime against sensible, science-based natural resource management. I can only hope that the House is perceptive enough to address it more realistically.

On the other hand, I commend the Senator from California for the manner in which she has been open to constructive changes in this legislation. Unfortunately, our minds have not been able to mesh on the merits of professional game management in the Mojave, with regard to the extraordinary game resources that are there and the tremendous record that the State of California has had in enhancing and managing those game resources.

So I commend the Senator on the overall effort, but I stand my ground on the concern over the game resources that are going to be, I think, substantially reduced as a consequence of this. I speak today for the desert bighorn sheep, and I conclude my remarks.

I thank the Chair and yield the floor.

AMENDMENT NO. 1625

(Purpose: To establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, and for other purposes)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

This is known as the Shenandoah Valley Battlefield Partnership Act of 1994.

The PRESIDING OFFICER (Mr. Wofford). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. Warner), for himself and Mr. Robb , proposes an amendment

numbered 1625.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. WARNER. Mr. President, I want to be very brief, because I have had the cooperation, procedurally, from the two managers, and I see the distinguished Senator from Arkansas, who is the chairman of the subcommittee within which the jurisdiction rests for this proposed piece of legislation. The Senator from Arkansas and I have taken the floor many times in this Chamber to discuss certain historical facts relating to the Civil War, and I hope that we will have a few minutes this afternoon to address this very important amendment.

This amendment applies to eight pieces of land, battlefields in the valley of Virginia, fought over by two famous military figures in American history-Gen. Stonewall Jackson, one of the most revered men in the State of Virginia, and Gen. Philip Sheridan. These are eight pieces of ground, hallowed ground, ground which is visited each year by literally hundreds of thousands of Americans and other visitors of this country, your constituents, my constituents. Indeed, I had not seen one or more of these battlefields myself until over the past 2 years. I had the opportunity to visit it while we were putting this legislation together. Senator Robb is a cosponsor with me. My staff assistant, Ann Loomis, and I, and others from the Park Service, historians, have traveled every one of these battlefields. It is fascinating. I urge my colleagues, given the time some day, to go learn for themselves about this piece of history in the 1860's.

But it is eight pieces of ground that are going to be donated to the United States of America, to the people of this country, or in some manner integrated into this national park in such a way it does not require the taxpayers to spend the money.

Several of these pieces of ground have been held in the same family since that epic struggle. Those families want to continue, but they want to share this property with citizens all across this Nation.

This is a unique piece of legislation. Yes, it is a national park, but it is a national park created in cooperation with landowners donating the property or otherwise acceding to certain provisions which enable it to be shared with visitors in partnership with the local communities anxious to preserve this ground against further encroachment from sprawling growth of small towns and large towns in the local area. That is why we call it a partnership, and I think you will find, I say to my colleagues with all due respect, that this can serve as a model for the future to hold down the costs associated with the creation of national parks.

The distinguished Senator from Wyoming, the ranking member on this committee, is very concerned and properly so. I supported him earlier today in his amendment to hold down the costs associated with national parks, and I hope that he and other Senators would look at the uniqueness of this bill and consider it on its merits and also as a model piece of legislation to guide other Senators and Members of Congress as they desire to create parks in their own community.

The Shenandoah Valley National Battlefields Partnership Act is the product of an in-depth study by the National Park Service which was authorized by the Congress in 1990.

In the draft report issued in 1991, the Park Service conducted field surveys of 15 battlefields in the valley and concluded in their analysis that because of their size and unprotected status, the battlefields of the Shenandoah Valley were its most important, most neglected, and most

threatened resource.

Mr. President, throughout my service in this body, I have been actively involved in the preservation of several Civil War battlefields in Virginia. One of my first legislative initiatives was to sponsor legislation in 1980 to expand the boundaries of the Manassas National Battlefield Park by 1,522 acres. While some battlefield preservation efforts in Virginia have been accomplished by a consensus of support from local governments, the preservation community and the Federal Government, other battlefield issues have involved a great deal of acrimony.

I am pleased today that I bring to the Senate legislation which represents a significant investment of time, understanding, and accommodation by preservation groups and local governments which has resulted in legislation to protect and preserve these treasures of our American heritage.

Each party interested in fostering the protection of the Shenandoah Valley battlefields has worked for the past year to craft a consensus proposal that recognizes the limits on the Federal Government's resources to acquire substantial acreage in the valley and balances the needs of property owners and local governments to provide for their economic future.

The Shenandoah Valley National Battlefields Partnership Act can be, I believe, a responsible method of preserving unprotected, yet significant Civil War sites.

While authorizing limited Federal acquisition of eight battlefields in the valley, the core of this legislation is to foster and encourage an atmosphere of cooperation between the Federal Government, State and local governments, property owners, and preservation groups who currently own some of this historic property.

Local governments will benefit from, and have endorsed, the creation of a new national park within their jurisdictions because they recognize that the Park Service can provide technical assistance about the location of Civil War engagements. This assistance will allow local governments to plan appropriately for new growth and development within their borders.

[*S4148] Mr. President, specifically, my legislation establishes the Shenandoah Valley National Battlefields consisting of the boundaries of 1,140 acres of 8 battlefields throughout the valley.

They include Stonewall Jackson's Valley Campaign of 1862 of the battles of McDowell, Cross Keys, and Port Republic; the Gettysburg Campaign in 1863 marked by the Second Battle of Winchester; the Lynchburg Campaign of 1864 at the Battle of New Market; and Union General Sheridan's Valley Campaign of 1864 of the battles of Fishers Hill, Toms Brook, and Cedar Creek.

As the Park Service's draft report identified more than 33,000 acres as core battlefield engagement areas, I propose the creation of the Shenandoah Valley National Battlefields Commission to make recommendations on which of these core areas should be added to the battlefields.

These recommendations will be developed as the Commission discharges its duties of preparing a heritage plan with the assistance of the Park Service and active public involvement. The heritage plan must be approved by the Secretary of the Interior and transmitted to the Congress for approval. The heritage plan will identify the final boundaries of the battlefields and identify which areas are part of the core engagement areas and which areas contributed in a significant way to the historical events that occurred in the valley from 1862 to 1864.

Mr. President, there is no question about the value of these properties. They are essentially undisturbed and continue to tell an important story of the military strategy employed during the battles of Thomas J. "Stonewall" Jackson's valley campaign of 1862 and the battles associated with Union Gen. Philip Sheridan's "Burning" of the Shenandoah Valley in 1864.

Approximately one-third of the recorded events of the Civil War occurred in Virginia. Dyer's "Compendium of the War of the Rebellion" records 297 incidents of armed conflict in the Shenandoah Valley during the Civil War: 6 battles, 18 engagements, 21 actions, and 252 skirmishes. The Shenandoah Valley-referred to as the "Granary of Virginia"-was the richest agricultural region in Virginia, providing provisions to the Confederate forces. In addition, the Confederates used the valley as a natural corridor for invading or threatening invasion of the North, while the Union forces realized the importance of denying the valley's use to the Confederacy.

One of the most brilliant and most studied military campaigns in history was Stonewall Jackson's Valley Campaign of 1862. During this campaign, Jackson's army of 17,000 men defeated 3 Northern armies with a combined strength of 33,000 in a single month, winning 5 battles: McDowell, Front Royal, Winchester, Cross Keys, and Port Republic. Most importantly, Jackson's valley campaign created a strategic diversion to draw strength from the Federals' advance on Richmond. It was Robert E. Lee who unleashed Jackson in the valley. Lee realized the importance of creating a diversion in the valley to keep Union troops from moving toward Richmond.

Jackson's performance during the 1862 valley campaign had transformed this southern, VMI professor into a military legend. As James McPherson recounts in "Battle Cry of Freedom":

Jackson's victories in the Valley created an aura of invincibility around him and his foot cavalry. They furthered the southern tradition of victory in the Virginia theater that had begun at Manassas * * * Stonewall became larger than life in the eyes of many northerners; he had gotten the drop on them psychologically, and kept it until his death a year later.

Confederate advances preceding August 1864-including Jubal Early's victories at the Battle of Cool Springs and the Second Battle of Kernstown-led Lt. Gen. Ulysses S. Grant to instruct Gen. Philip H. Sheridan to put an end to the Confederate threat to the lower Shenandoah Valley. In October 1864, Sheridan introduced the concept of total warfare to the Shenandoah Valley-later to be referred to as "The Burning" or "Red October."

In Sheridan's own words he described his actions in the fall of 1864 in this way:

I have destroyed over 2,000 barns, filled with wheat, hay, and farming implements; over 70 mills, filled with flour and wheat * * * When this is completed, the Valley from Winchester up to Staunton, ninety-two miles, will have but little in it for man or beast.

Even with the incredible devastation wrought by Sheridan during the Battle of the Opequon, the Battle of Fishers Hill, and the Battle of Tom's Brook, the Confederates refused to surrender the valley, even successfully pulling off a surprise attack on Union forces at Cedar Creek.

However, Sheridan counterattacked, and as James McPherson states in "Battle Cry":

Within a few hours Sheridan had converted the battle of Cedar Creek from a humiliating defeat into one of the more decisive Union victories of the war.

With the Confederate threat in the Valley eliminated, Sheridan moved on to Petersburg to participate in the final campaign of the Civil War in Virginia.

The events which occurred in the Shenandoah Valley during the Civil War deserve a permanent place in history, just as Manassas, Gettysburg, and Antietam. As stated in the National Park Service's 1991 draft study of the civil war sites in the valley:

Few regions in the United States have experienced the horrors of systematic destruction, and the

memories are still close to the surface for many long-time valley residents. Family histories are filled with stories that relate to the hardships of that time. It took a generation to repair the savages of "The Burning" and another generation before life in the Valley returned to its pre-war condition. There can be found there today a fierce pride in ancestors who survived the war and who struggled to rebuild all that was lost.

The history of the Civil War in the Shenandoah Valley bears witness to the devastation and waste of warfare, but more importantly, it underscores the irrepressible human will to survive, to rebuild, to carry on. The historic events and the human players of the Valley-heroic and the tragic alike-have contributed significantly to the texture of our American cultural heritage.

Mr. President, I am confident that these battlefields will make a very positive contribution to the Park Service's preservation of this tragic chapter in our American history. These lands are important to our understanding of the events that occurred from 1862 to 1864 when the momentum and tide of the Confederacy's struggle turned and the Union forces began to take hold.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I, first of all, express my sincere admiration and respect to the distinguished Senator from Virginia for having labored in the vineyards for a very long time in an effort to get the Shenandoah Valley battlefields the national designation they deserve.

I am on the advisory council to the Association for the Preservation of Civil War Sites, which is based in Fredericksburg. They have been very interested in this legislation. Every Civil War buff is interested in this legislation.

As chairman of the subcommittee that is considering this bill, I can tell you that we are working as diligently as we can to draft language that will accomplish precisely what the Senator wants.

There are a lot of interests to be accommodated, but any time you can get local governments, private individuals, and the Federal Government all involved in protecting an area that badly needs to be preserved, the language has to be drafted very carefully.

I am hoping that the Senator's staff and the subcommittee staff will have this bill in final draft form. I hope they will have the language in final draft form by the time we go to the next markup in the full committee.

I have to say with all candor to the distinguished Senator from Virginia he is much more likely to find opposition on his side of the aisle than he is on this side. But having said that, I think the bill has tremendous merit. It is certainly at the present time my intention to support the bill very strongly.

When the Senator asked me about offering the amendment on the California Desert Protection Act, I appealed to his good nature to offer it and perhaps not go to a vote on it at this time with the knowledge that I am going to do everything I can to assist him in passing this bill.

The chairman of the committee is seated on the floor, and I know he shares my hope that we go to markup on this just as soon as we can get the amendment drafted.

[*S4149] I want to make my commitment to the Senator from Virginia now if he would be willing to postpone action on this amendment until we can draft the amendment to his bill, then I will do everything I can to accommodate him.

Mr. WARNER. Mr. President, I thank my good friend and colleague, the Senator from Arkansas, and I would just like to engage in a brief colloquy on several technical changes.

I feel that this bill indeed does need some drafting because this is a bit of an innovation to ask landowners to make the land available for public inspection and to assume associated risk with tort liabilities with visitors coming on, and that is an important provision of the bill we have to work out, and that to me is one of the reasons why this delay would be in the interest of getting a bill that can meet that requirement as well as others. That is visitor access.

This land, I stress, some of it will remain in private ownership, private ownership, which is unique, am I not correct, in the formation of a public park like this?

Mr. BUMPERS. It is always the thorniest issue we have to deal with, I say to the Senator.

Mr. WARNER. I thank my good friend.

I wish to inform the managers at this time I will ask that the amendment be withdrawn, and I accept the assurances of my distinguished colleague from Arkansas and the managers of this bill that we will proceed to fair consideration in the forthcoming markup and we will once again address this matter on the floor of the Senate.

I would just hope my friend from Arkansas would further make the commitment that perhaps the debate on the final bill could take place in the hours of 1 to 3 in the morning as we did the Manassas bill and kept up about a third of America on C-SPAN watching us on battle engagements that the two of us and other Senators joined in during the course of that historic moment. I remember it very well.

I also remember my position lost and that the Senator from Arkansas won.

Mr. BUMPERS. As I have said, and this sounds a little self-serving, but I say it again, in the 19-plus years I have been in the Senate, that is the only time, about 9 o'clock that evening, on the Manassas battlefield bill that Senators have actually walked into this Chamber-this in a way is a terrible admission-have walked into the Chamber, sat in their seats, not having a clue as to what that bill was about, and sat at rather rapt attention for about 2 or 3 hours while the Senator from Virginia and I gave them little Civil War battlefield lessons on the battles of Manassas. And I think they voted that night based on what they heard in the debate and not by weighing their mail or telephone calls or anything else.

I thought it was one of the healthiest moments I ever witnessed. Actually I won. So I feel that way. I feel it was a healthy thing for the country, especially the United States Senate.

Mr. WARNER. Mr. President, I acknowledge the win by the distinguished colleague from Arkansas but in a way Virginia won because there is a magnificent addition to a park that has been in existence for many years, preserving the history of the first and second battlefields of Manassas, and while in the early 1980's I was successful in persuading the Senate to add a large section to it, it was the legislation that the Senator from Arkansas and I worked on that made a third important addition to that historic park, and I would hope that we would have a similar, although less contentious this time, debate on this matter.

Mr. BUMPERS. If I could make one observation to show the Senator my good faith, I was also an author of a bill to establish the Civil War Battlefield Sites Advisory Commission. As the Senator knows, James McPherson and others of his stature were on that. They studied all the battlefields of the Civil War and came back to Congress and presented us with the battlefields that they thought were most important from an historical standpoint, the battlefields that were most threatened by development or encroachment.

I am more or less committed to that Commission because it was my legislation and in the future it is my intention to only champion those sites that they very studiously selected as the sites

most in need of preservation. While portions of the Senator's bill, may be at slight variance with the Commission's report, I am willing to work with the Senator to accommodate his concerns.

Mr. WARNER. Mr. President, I thank my distinguished colleague and I thank the managers.

I would like the Record to reflect that the Park Service did a study of this area in 1990 and there the Park Service recommends the incorporation of the sites I referred to in this amendment.

Mr. ROBB. Mr. President, I rise today as an original cosponsor and strong supporter of the amendment offered by my senior colleague from Virginia, Senator Warner, to help preserve for future generations the many significant Civil War battlefields in the Shenandoah Valley of Virginia. The amendment would create a new national park in Virginia and establish a commission, made up of local landowners and historians, to devise a plan for further preservation in the Valley.

Virginia is filled with many places that summon images of the Civil War; but few places can evoke a sense of truly being there like Virginia's Shenandoah Valley. I do not think there is any doubt that the Shenandoah Valley is rich in Civil War history-it is the site of both Gen. "Stonewall" Jackson's 1862 valley campaign and General Sheridan's 1864 Union campaign. In fact, a visitor to the area in 1994 would see the same view Stonewall Jackson had over 130 years ago. While rich in history, this area is also rich in controversy, spurring a complex public debate between preservationists and private property owners. Despite all of this present conflict, agreement has been reached with this piece of legislation and I am pleased to point out that this amendment before us today is a result of cooperation and compromise.

It is the product of a grassroots effort by preservationists, local government officials, local residents, and private property owners, who came together to find a way to preserve our national heritage without unduly infringing on the rights of property owners. It is not often that you find a legislative effort that enjoys such a wide range of participants and supporters. This bill encourages cooperative agreements between the Federal Government and private individuals. This is the bill's strength and its backbone. This bill is indeed about partnership and is named accordingly.

It is time to complete work on this legislation. A great part of Virginia's cultural and historical heritage hangs in the balance. We can look to Stonewall Jackson himself for guidance: "If this valley is lost, Virginia is lost." This is as true today as it was in 1862. I urge the committee to move to this bill quickly and act on this legislation before the opportunity is lost.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

So the amendment (No. 1625) was withdrawn.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1626

(Purpose: To establish the New Orleans Jazz National Historical Park in the State of Louisiana)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I ask that the amendment be inserted at the end of the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. Johnston), for himself, Mr. Breaux , Ms. Moseley-Braun , and Mr. Cochran , proposes amendment numbered 1626.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill, insert the following new title:

TITLE --

SECTION 1. SHORT TITLE.

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

SEC. . FINDINGS AND PURPOSE.

(a) Findings.- The Congress finds that:

[*S4150] (1) Jazz is the United States' most widely recognized indigenous music and art form. Congress previously recognized jazz in 1987 through Senate Concurrent Resolution 57 as a rare and valuable national treasure of international importance.

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

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

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

SEC. . ESTABLISHMENT.

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

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

(1) Lands which the Secretary of the Interior (hereinafter referred to as "the Secretary") may

designate for an interpretive visitor center complex.

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

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

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

(ii) If any of the sites evaluated are found to meet the standards of the National Historic Landmark program and National Park Service tests of suitability and feasibility, and offer outstanding opportunities to further the purposes of this title, the Secretary may designate such sites as part of the historical park, following consultation with the owners of such sites, the city of New Orleans, the Smithsonian Institution, and the New [*S4179] Orleans Jazz Commission, and notification to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

SEC. 4. ADMINISTRATION.

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

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

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

(c) Interpretive Center.- The Secretary is authorized to construct, operate, and maintain an interpretive center in the historical park on lands identified by the Secretary pursuant to section 3(b)(1). Programs at the center shall include, but need not be limited to, live jazz interpretive and educational programs, and shall provide visitors with information about jazz-related programs, performances, and opportunities.

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

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

(1) the Secretary, after consultation with the New Orleans Jazz Commission established pursuant

to section 7, is authorized to enter into cooperative agreements with owners of properties that are designated pursuant to section 3(b)(3) which provide outstanding educational and interpretive opportunities relating to the evolution of jazz in New Orleans. The Secretary may assist in rehabilitating, restoring, marking, and interpreting and may provide technical assistance for the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the National Park Service will have reasonable rights of access for operational and visitor use needs, that rehabilitation and restoration will meet the Secretary's standards for rehabilitation of historic buildings, and that specify the roles and responsibilities of the Secretary for each site or structure;

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

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

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

SEC. . ACQUISITION OF PROPERTY.

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

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

SEC. . GENERAL MANAGEMENT PLAN.

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

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

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

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

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

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

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

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

SEC. . ESTABLISHMENT OF THE NEW ORLEANS JAZZ COMMISSION.

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

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

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

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

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

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

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

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

[*S4151] (7) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Director of the Louisiana State Museum with recognized expertise in the interpretation of jazz history or traditions related to jazz in New Orleans.

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

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

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

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

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

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

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

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

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

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

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

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

[*S4180] (6) assist the Secretary in providing funds to support research on the origins and early history of jazz in New Orleans; and

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

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

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

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

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

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

carry out its duties.

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

SEC. . AUTHORIZATION OF APPROPRIATIONS.

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

Mr. JOHNSTON. Mr. President, this amendment adds a new title at the end of S. 21. The amendment incorporates the text of a bill which has been reported out of the Energy and Natural Resources Committee overwhelmingly and awaits passage here. I know of no objection to its consideration on the floor of the Senate.

What the amendment does is create the New Orleans Jazz National Historical Park, the cost of which would be \$ 1 million a year or less.

Mr. President, jazz is a uniquely American art form and New Orleans likes to think of itself as the cradle of jazz. What this bill would do would be to propagate jazz in the country by having an archive for jazz, education for jazz, particularly in the Dixieland jazz epitomized by Louis Armstrong, who is perhaps the best known New Orleanian who engaged in jazz, as well as the performance of jazz.

We do not have in mind the acquisition of private property. Rather, it will be through cooperative agreements and using in some respects leased land, in other respects using existing buildings.

Mr. President, this park has now been studied by the National Park Service, and this amendment incorporates the results and recommendations of the study.

This amendment will, in fact, preserve and propagate jazz as practiced in the city of New Orleans. It would be administered in coordination with the Jean Lafitte National Park and Preserve, and we believe it would be one of the jewels in the crown, to be sure a small one and an inexpensive one, but a very important one, because it would preserve this uniquely American art form.

I ask for favorable consideration of the amendment.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I oppose this amendment, though I will not call for a vote on it.

This is an amendment that is the reflection of dozens of other amendments over the years and is the point I was trying to make in the morning hour. We add and we add to this poor benighted agency we call the National Park Service and we are killing it with a thousand hooks.

It is not that I have an objection to a jazz park. It is not that I had an objection to a Mojave Park. It is that I cannot understand how people who feel responsible can add to this burden and continue and continue and continue. When comes the final straw?

A few years back, we put in the house of the famous Mexican painter, Georgia O'Keeffe. After awhile, we had to take it back. A little while ago, we had the orchestra leader Lawrence Welk's dwelling.

Mr. President, the Park Service and America's concept of parks has been so good that all of us somehow or another seek to satisfy a constituent by making yet another park. One of the worst that we have done is in the State of the occupant of the Chair, and I regret to say it, is Steam Town. It costs millions of dollars to the National Park Service to create an entity that is not worthy of being called a national park.

That is not to say that I do not believe that a jazz park is contrary to the interests of the National Park Service, although the Director said that he could not afford it when he testified about it.

But, I say to my colleagues that we might just as well pile them all in there and then someday we will have a National Park Service that can no longer function and we will have then the opportunity perhaps to get the Secretary of Interior, who refuses to prioritize, the Director of the Park Service, who refuses to give us the issue that has been directed of him about which parks and which park properties we should keep and which are the priorities in which we should acquire them. They refuse to do that. Why? Because it is political.

Everybody in here has put a park on because it is in his own direct political interest and by prioritizing, the National Park System is going to have to say, "Yes, I want the Senator from Louisiana's park but not the Senator from Wyoming's park." And no matter how it comes to that decision, he is going to be found hateful by somebody, so they refuse to do it.

The Director of the National Park Service and the Secretary of Interior are allowing the park system to degrade in this country before our very eyes. We are doing it again.

I will not stand in the way of this amendment, but I say to the Senate that I will raise this question on park after park and issue after issue until we come to grips with the fact that this marvelous entity we have created called a National Park Service is being killed by the very people who praise it every day.

Mr. President, I yield the floor.

[*S4152] The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment

The amendment (No. 1626) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WILDLIFE MANAGEMENT IN CALIFORNIA DESERT

Mrs. FEINSTEIN. Mr. President, there has been active public participation in installation and maintenance of wildlife watering devices in many of the Bureau of Land Management **wilderness** areas designated under this bill.

In recognition of these activities, the desert bill includes language clarifying State jurisdiction over fish and wildlife and allowing management activities to maintain and support fish and wildlife populations and their habits. This language is identical to language in the recent enacted Arizona Desert **Wilderness** Act.

It is my understanding that this language gives the Bureau of Land Management the discretion to allow the use of motorized vehicles in **wilderness** areas on a case by case basis to maintain

these wildlife watering devices, commonly referred to as guzzlers. The vehicles are used to transport pipes and other necessary equipment.

As the sponsor of S. 21, it is my intent that the Bureau of Land Management utilize the authority provided in this bill and continue to work with the public in the continued maintenance of these devices and use motorized vehicles when appropriate.

I would like to ask the manager of the bill if he concurs on this matter.

Mr. JOHNSTON. I agree with the Senator from California.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, there also have been longstanding events such as organized horseback rides that have taken place in some **wilderness** areas and park units designated under S. 21. For example, Equestrian Trails, Inc., has an annual horseback ride through Death Valley National Monument. I understand the National Park Service and Bureau of Land Management have worked cooperatively with the sponsors of the event. It is my intent that this cooperative relationship continue within the units of the National Park System and **wilderness** areas designated under the desert bill.

I would like to ask the manager of the bill if he agrees that these events may continue in the areas designated under S. 21.

Mr. JOHNSTON. I agree with the Senator from California.

Mr. Mc CAIN. I would like to take this opportunity to ask Senator Johnston and Senator Wallop a question regarding the section of the California Desert Protection Act dealing with military overflights.

Mr. JOHNSTON. I would be pleased to respond to the Senator.

Mr. Mc CAIN. The Committee has recognized the importance of low-level military flight training exercises that take place in desert regions of Arizona and California, that continuation of these activities is critical to national defense and that they are not incompatible with the protection of areas designated as **wilderness**.

In this bill, as in the Arizona **Wilderness** bill, the ability of the military to conduct these essential flight training exercises is protected. However, the language in the California bill is not identical to the language in Public Law 101-628.

Would the chairman agree that the language in the Arizona bill is consistent with and is as protective of overflight activities as the pending legislation? Isn't it the intent of the committee that training exercises, whether conducted in Arizona or California, shall not be restricted or precluded by the Arizona Desert **Wilderness** Act, the California Desert Protection Act, nor the **Wilderness** Act?

Mr. JOHNSTON. Mr. President, I agree with the Senator. We do not intend for the designation of **wilderness** to infringe on the ability of the military to conduct exercises above designated **wilderness** land in Arizona or California.

Mr. WALLOP. I agree. The committee recognizes the importance of these exercises, that they are not incompatible with designated **wilderness** and that they will be permitted to continue.

Mr. Mc CAIN. Mr. President, I thank the distinguished chairman and the distinguished ranking Republican for his courtesy and his response to my inquiry.

MINING OPERATIONS

Mr. CRAIG. Mr. President, I wish to take a moment to commend the senior Senator from California for her efforts to exclude from the park and **wilderness** boundaries of this legislation several sizeable and important mining operations. I know that she went to great lengths to do so and I am grateful for her willingness to accommodate the mining industry to the extent she could and I am sure they do as well. These mineral operations-gold, borates, and so forth-provide well-paying jobs and are vital to the economic prosperity of the California desert area. But, Mr. President, there is still one troubling aspect about these exclusions I would like to raise with the senior Senator and that is the issue of suitability.

Because these mining operations are adjacent to park and **wilderness** boundaries, I believe they may encounter some access problems or other problems associated with mining and mineral exploration activities. I sincerely hope that is not the case, and I will remain optimistic that this is not the case.

But as the Senator from California may be aware, there are also efforts being made by this administration to put certain areas off limits to natural resource development simply because of their close proximity to a park or **wilderness** boundary. Similar language is found in H.R. 322, the House version of mining law reform and we may soon be in conference with the House on that issue.

It is my hope that the senior Senator from California would not only oppose any mining law reform bill which contains a suitability provision, but that she would oppose future efforts, regulatory or otherwise, that would jeopardize the exclusions for mining operations she has made in this desert protection legislation. I do not think for a moment that it would be the Senator's desire to allow that to happen, but I wonder if she would be willing to comment on this particular subject.

Mrs. FEINSTEIN. Mr. President, I appreciate the concerns of the senior from Idaho. I am sure he can appreciate the fact that I am very reluctant to take a position on a bill which has not yet been finalized. I realize that the mining industry plays an important role in the economy of my State. I made numerous boundary adjustments to accommodate their concerns and did so in a good faith effort to not preclude further development. I would say to the Senator from Idaho that I will make every effort to ensure that the exclusions I have made are retained in any final California Desert Protection bill.

Mr. CRAIG. I thank the senior Senator from California for her clarification.

Mr. SIMPSON. Mr. President, I will join with my colleague, the senior Senator from Wyoming (Mr. Wallop), to vote against this legislation. I believe that designating this particular area of land in California as a "**wilderness**" is a major departure from tradition. "**Wilderness**" has a unique meaning: it is an area that has remained nearly untouched by man and is valuable because of its unique and pristine quality-being "untouched" by human activity. That is not to say that there can be no record of human presence, only that such a presence did not alter or otherwise change the fundamental character of the wild country.

From what I have heard in this debate, most of the land which is now to be designated as **wilderness** does not fit that basic, fundamental, criteria.

Despite receiving negative ratings from some of the more vocal environmental groups, my voting record shows that I have always supported legislation to protect our country's true **wilderness** resources. **Wilderness** land is one of the great treasures which our generation must protect for future generations. However, I do not believe that we should continually search for new areas which really do not fit with the traditional **wilderness** designation.

[*S4153] It is clear from the debate that this area for which "**wilderness**" designation is being sought has been extensively managed for multiple use. Many of the local communities depend on the multiple use and recreational opportunities currently available on these lands.

I share the concerns expressed by my colleague from Wyoming that once the National Park Service gains control of all of these lands, we will see a severe restriction of recreational use. Indeed, if our experience in Wyoming is any guide, we will soon see efforts to permanently "lock up" vast areas from all but a select few.

It is also true that for much of this area, land management policies will not be changed. The BLM already manages much of this land as **wilderness**.

So, then, this legislation becomes nothing more than a "land grab" between two Federal agencies. Tragically, however, that will result in even greater cutbacks in services and funding for our existing national parks. Senator Wallop has been very clear on that critical point.

Mr. CRAIG. Mr. President, before we close debate on this legislation, I want to say a few words about the reserved water language which is in the measure. I will reluctantly defer to my colleagues from California on the bill because it concerns their State, and they will have to explain to their constituents what they have done. I certainly expect they will extend the same courtesy to me when we take up legislation which affects my State of Idaho.

Although once again we are passing legislation which says the reserved water rights language is not a precedent, it is becoming abundantly clear that the misguided language from the Arizona **Wilderness** legislation is a prerequisite for having **wilderness** legislation enacted. The committee did not even allow us to pass an amendment which would have cleaned up an erroneous characterization of the McCarran amendment.

What particularly concerns me is the continuing laissez-faire approach which the Energy Committee takes with respect to water. I am troubled that the committee won't ask simple questions about whether any water is needed, if water is needed then how much, and whether it is absolutely essential to preempt State law. I'm also concerned that the committee ignores questions concerning how much this legislation will cost, how many additional personnel will be required, or what the annual costs of management will be.

That attitude is especially perplexing when we are dealing with Southern California. For the past two Congresses, every critically needed reclamation bill has been held hostage to legislation dealing with the Central Valley project. The effect of that legislation, and the implementation by the Department of the Interior, will be to put even more pressure on Southern California to find additional water supplies. I suppose they will look to the Colorado, but I do not understand why California would choose to enact a broad and undefined reservation of water given, California's water law.

California has a mix of appropriation and riparian doctrines for surface waters. The Federal Government holds riparian rights under State law. The reserved rights doctrine, as my colleagues know, is an appurtenancy doctrine, and therefore, the Federal Government already holds riparian rights under State law.

The Federal Government also holds groundwater rights under California law. Has anyone asked why those correlative rights as well as the riparian rights are not adequate? Has anyone asked what the effect of the reserved rights language will be on the desert communities? Perhaps some just don't want to know the answer.

Mr. President, I also find it perplexing that the California delegation would seek to override California's public trust doctrine. What possible need is there for the California delegation to

embrace the Arizona **Wilderness** language and override California law? Why should they negate the public trust doctrine? The answer to me seems simple. If they didn't we would not be debating this legislation.

Mr. President, I will not offer any amendments because I do believe that this is a local decision which only affects California. I wish the delegation had taken a different approach or at least had proposed their own language crafted to address California's water law rather than blindly adopting the Arizona language and reaffirming the policy that only language which passes the litmus test is allowed to be brought up. I attended the field hearing on this bill and it was abundantly clear that the delegation could have responsibly addressed the needs of each area within the context of California water law. They chose not to, but because the Senators agree, they should be allowed to live by their decision.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that it be in order to consider an amendment by the Senator from California (Mrs. Feinstein) to ensure private property owners be allowed to build or improve residences on private land within the Mojave National Park. This, I believe, has been worked out on both sides.

Mr. WALLOP. It has. But before we take a vote on it, I would like to make an observation about it.

Mr. JOHNSTON. I ask unanimous consent that it be in order to consider the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1627

(Purpose: To ensure private property owners be allowed to build or improve residences on private land within the Mojave National Park)

Mr. JOHNSTON. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. Johnston), for Mrs. Feinstein , proposes an amendment numbered 1627.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 145, line 25 strike "title." and add "title: Provided, however, That the construction, modification, repair, improvement, or replacement of a single-family residence shall not be determined to be detrimental to the integrity of the park or incompatible with the purposes of this title."

Mr. WALLOP. Mr. President, it had been my intention, and I have assured the Senator from California that I would not exercise that intention, of second-degreeing this amendment. She makes a compelling argument in favor of allowing owners of single-family residences in the proposed Mojave National Park to occupy private land, to construct, modify, replace or improve those residences.

Now the backlog of authorized but unacquired lands within our National Park System is absolutely staggering and many of these lands are occupied by single family dwellings. And there is no way in our lifetime that this service will be able to properly compensate those owners of private property who, in many cases through no fault of their own, landed in the middle of a park.

In the interim, they are paying taxes. They cannot sell their house because the Park Service will eventually buy it, or so they say. They cannot improve their house because the Park Service views it as incompatible with the purposes of the park. They cannot reconstruct it if it burns down. They cannot add a garage. They cannot add a room or a deck unless they want the property to be condemned. They cannot get the price they wish without going to court and seeing the Government's deep pockets run them up a legal bill that takes anything that they might get extra out of the process of administration.

These people throughout the rest of America are left in limbo, and no relief is in sight short of an amendment similar to that of the Senator from California [*S4154] which provides the residents of Mojave with some relief. They are special residents. They are constituents of the Senator from California. But I have constituents, and all of us, I believe, who have parks in our States have constituents whose property is trapped, whose rights are confounded by a Federal Government whose arrogance is unbounded in its willingness to abuse the property and feelings of good and ordinary Americans.

This is a good amendment. I support it. I wish somehow or other we could find the way to extend the same privileges to other Americans. We in this Congress, and in those that have preceded us and I daresay in those that are coming, find it in our hearts absolutely simple to trample the rights of good and ordinary citizens of this country in the name of protecting property for future generations.

Mr. CRAIG. Will the Senator yield?

Mr. WALLOP. I will be happy to yield.

Mr. CRAIG. Mr. President, let me express my agreement with the expressions of the Senator from Wyoming that this is an excellent amendment. But I hope it is a reflection of the sentiment of the Senate that public policy well ought to recognize the right of private property owners and inholders in the ability for them to utilize in responsible ways their property instead of the very dictatorial way that we have allowed to go forward.

We have records replete with horror stories of Federal bureaucrats operating in very, very heavy-handed ways as it relates to the right of the private property owner effectively and responsibly, within the context of scenic values and all of those kinds of things, to manage their property, to do what this amendment allows to be done in a responsible way. I hope if I were to come with a similar amendment in behalf of the citizens of Idaho, who find themselves locked in these kinds of circumstances -and in several instances it has occurred and I have had to go to the issue and to the agency and ask them to back away from the little black book that some of their folks on the ground use to play this "I am more powerful than thee on your private land" attitude-I hope this will be a reflection of a growing sentiment in the U.S. Congress that private property owners have legitimate and responsible rights under our Constitution. If we will not pay, if we will not reimburse through scenic easement and other types of easement that would somehow keep whole the private property owner, I hope that we would recognize the importance of this kind of legislation as being our sentiment in public policy.

I thank the Senator for yielding.

Mr. WALLOP. Mr. President, I will not continue this except to say one of the experiences I have

had since I have been on the Energy and Natural Resources Committee was meeting a gentleman in Kentucky, in a national park, who had an inholding that he could not get the National Park Service to acquire. It was his family's only resource. He, unfortunately, was stricken with cancer. He had no means of getting from the Government what was his entitlement. So we had to suggest to him he hire bulldozers to begin to bulldoze a property which he adored in order to gain the attention of the Government so they would pay him for his property.

I say to the Senator from California, this ought to be a precedent. It ought not to be one that is forgotten once the residents of East Mojave are taken care of. We are doing bad things to Americans, and we better realize it. The backlog is growing, and our ability or desire to take care of it is diminishing.

Mr. President, as I spoke I would have offered an amendment to extend the same privileges offered to California residents to other residents in parks in other States.

It is a fair and equitable way to deal with all private property owners in parks and should alleviate the taking of rights without compensation issue to some degree.

As I considered this issue, I could not help but think how I would feel about residents in Yellowstone and Teton Parks-in my own State of Wyoming, building onto their properties. I really would not care much for it. But I also do not care much for those residents being deprived of their rights as property owners.

But then, Yellowstone and Teton do not have the massive inholding problems that are evident here in the East Mojave. Yellowstone and Teton, or for that matter Yosemite are without question the type of areas that have unrivaled park values.

No one would question their qualifications to be included in the U.S. National Park System.

But many people have questioned the qualifications of the East Mojave to be included in the U.S. National Park System.

The only thing that has made this area of desert with its historic structures and its remote canyons seem like park material is the fine management of the area by the Bureau of Land Management.

If there is something wrong with the idea that we should extend the right of owners of inholdings in the East Mojave area to all inholders in all parks in the system, then maybe there is really something wrong with the quality of the East Mojave area.

Maybe East Mojave is not up to the standards we have set for National Parks like Yellowstone, Grand Teton, Yosemite, Kings Canyon, or Sequoia National Parks.

I ask my colleagues to either approve my amendment to extend this right to all parks in the system, or to reject both my amendment and the amendment giving this right to landowners in the Mojave.

When we get to the subject of approving East Mojave as a national park, I plan to submit an amendment which will recognize the good condition of this diverse area of multiple uses by allowing the Bureau of Land Management to continue to operate the area as a national monument.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1627) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, we are now prepared, I think, to accept the Brown amendment, which I trust will be the final amendment. Do we know about Senator Hatfield ?

Mr. WALLOP. We still have no word from the Senator from Oregon, and I am not certain whether or not we have accepted the colloquy from the Senator from Arizona.

Mr. JOHNSTON. I believe the colloquy from the Senator from Arizona has been worked out. We have agreed to it. It is just being typed up.

Mr. WALLOP. I would say about that colloquy, that the reason we have it is because we failed to act appropriately on it when we did it in the first place. Again, dealing with these public land issues, what happened was we chose to duck the issue sufficiently so that we are now faced with a colloquy, trying to bring the Arizona **wilderness** areas into the same kind of circumstance that would be the case that we had if the California Desert plan passes. It is a lesson, again, that we ought to do the whole job the first time, because we knew that what has happened was going to happen and it need not have.

The colloquy basically says we had it in mind to treat those lands the same way that the Senator from California has to treat the lands in her State. We accept the colloquy as well.

But I still say to my friend I will try to find out what the circumstance of Senator Hatfield is while Senator Brown offers his amendment.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1628

(Purpose: To direct the Secretary to study and make recommendations regarding fees set by Federal facilities managers)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. Brown) proposes an amendment numbered 1628.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

[*S4155] SEC. . FEDERAL FACILITIES FEE EQUITY.

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

(b) Fee Study. -The Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the Appropriate Committee of the House of Representatives and the Senate Committee on Energy and Natural Resources of the United States Senate and any other relevant committees by May 1, 1996, which shall-

(1) identify all federal lands and facilities that provide recreational or tourism use; and

(2) analyze by state and region any fees charged for entrance, recreational or tourism use, if any, on federal lands or facilities in a state or region, individually and collectively.

(c) Recommendations. -Following completion of the report in (b), the Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the Appropriate Committees of the House and the Energy and Natural Resource Committee of the United States Senate and any other relevant committees by May 1, 1997, which shall contain recommendations, which the Secretary deems appropriate for implementing the congressional intent outlined in (a).

Mr. BROWN. Mr. President, the amendment involves three parts. One is a simple statement of policy. It is to suggest there should not be discrimination in the kind of fees we levy across this country; discrimination among the States and discrimination between the various regions of the country. In other words, we ought to be working toward a uniform policy that affects the Nation fairly and evenhandedly.

Second, it calls for a study of the fees we charge for entrance to public facilities, whether they involve tourism or other public facilities.

Third, it calls for recommendations to achieve the policy statement that is for evenhandedness and fair treatment. It relates specifically to this bill because it is not beyond the realm of possibility that fees will relate, but its ramifications are broader than that. I think it moves us toward a position of equity for the whole Nation.

My understanding is both sides have agreed to this and signed off on it. I yield the floor.

Mr. JOHNSTON. Mr. President, we accept this amendment. We think it is good. We are glad to accept it at this point.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1628) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, while we wait to hear from the Senator from Oregon (Mr. Hatfield), I want to express my appreciation to several members of the staff who have worked particularly hard on this legislation.

Kathy Files Lacey, of Senator Feinstein 's staff, was formerly a member of Alan Cranston's staff and has literally spent thousands of hours working on this legislation. She knows it inside out, is a great resource, has a great institutional memory, and has been invaluable in the passage of this legislation.

I also want to recognize the work of David Brooks, Tom Williams, Mike Harvey, Jason Dilg, Diane Balamoti, and Susan McGill of the Energy Committee majority staff; and on the minority side, Gary Ellsworth, Jim Beirne, Jim O'Toole, Jim Tate, Marian Marshall, and Kelly Fischer, who have done particularly good work. All of those staff members have.

When a bill is passed in 1 day, sometimes it is easy to think it was an easy task to get it through. But these staffers who worked hard on it, as well as Senator Feinstein particularly, know this bill is a monumental task, one of the most complicated, one of the most difficult, involving more interests, more people, more groups, more controversy, more difficulty than most bills that ever see the light of day on the floor of the Senate.

So my hat is off to these staffers, first of all, and most especially to Senator Feinstein who has worked very, very hard on this bill.

Let me also, Mr. President, commend the ranking minority member, my dear friend, Senator Wallop from Wyoming, who, in his persuasive and reasoned way, I hope has brought the attention of the Senate to a very important issue, which is the issue of the underfunding of the National Park Service. At less than one-tenth of 1 percent of the Federal budget, it is hardly a contributor to the Federal deficit, and we should not hold hostage this very small and very important part of the budget because entitlements are going up. We really ought to find a way adequately to fund it.

If we just went to one-tenth of 1 percent of the budget, we would probably take care of the National Park Service's needs. We are at substantially less than one-tenth of 1 percent.

So I know the Senator from Wyoming will continue to work for adequate funding for the National Park Service, and I will be at his side, and the distinguished Senator from West Virginia (Mr. Byrd), in whose subcommittee this lies. We will use all of our best efforts to persuade them and other Members of the Senate that this, in fact, is something the Senate ought to do.

I also thank the Senator from Wyoming for being so reasonable, along with the Senator from California (Mrs. Feinstein), in working out amendments. The way legislation gets to be good legislation is by this cooperative effort on behalf of both the majority and the minority.

While there are deeply held differences about the bill, there was never any obstruction. There was never any debate other than constructive debate on this bill. So I think both sides, particularly Senator Feinstein and Senator Boxer , but also Senator Wallop , Senator Craig , Senator Bennett , and others, who worked on this deserve a lot of credit for making, in my judgment, the bill better and for allowing it to go through, for allowing the Senate to work its will on this bill.

Mr. President, my commendations to all of those people.

At this point, I yield the floor, and I hope we will find out soon whether we are ready for third reading.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER (Mr. Feingold). The Senator from Wyoming.

Mr. WALLOP. Mr. President, I say to my friend, we are not. There is still a possibility that Senator Hatfield will offer his PILT amendment yet tonight. They are trying to work it out. They are close to having it worked out, but it is not worked out, and it is his intention to offer it if it is not.

Let me say to the Senator from California that she has been fair and square with me on these issues. I felt deeply about them, still do, and intend to vote against this bill. But it has not been because she has not been a very square shooter in the dealings which we have had, both through the committee and through our staffs personally, and I thank her for that.

I say to my friend from Louisiana that I echo the praise and thanks to his staff and my staff that he issued. There is no sense in going through their names one by one again, but they are unique, I think, perhaps amongst Senate staffs for their ability to work constructively together. As Senator Johnston pointed out, they do not agree on a number of things, but they do agree on not allowing that to stand in the way of constructive progress.

We have had some remarkable disagreements which have been resolved and some which have been resolved by others, those sitting in the Senate on one side or the other. But they have never allowed that to get in the way of the professional relationship on both sides.

I particularly thank the staff of the Senator from Louisiana for keeping that arrangement with my staff. They feel it, they work on it, and they are professionals completely. My thanks to everybody.

I had clearly wished that the amendments had turned out a different way, but that is why we are here. This is an arena and not a stage. What we have done is indulged in the combat of ideas. The Senate has spoken, and I am perfectly willing to accept that. I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

[*S4156] Mrs. FEINSTEIN. Mr. President, thank you very much. I would like to respond to those comments by saying that I think this has been an exercise, really, in government at its finest: The ability to work with talented people of differing points of view to achieve something.

To begin with, I want to say, particularly to the committee chairman, whose help and advice has been unparalleled all the way through this, that I am just very grateful for all that he has done to have been of help to me. It has been very, very meaningful.

The Senator from Wyoming, the ranking member of the committee, although we have not always agreed on this issue, I want to say to him that I have developed a very real liking and a very real respect. I want to thank him for that. I do agree, I think our dealings have been aboveboard and honest. He has been a square shooter with me, and I respect that very, very much.

Mr. President, I say to Senator Johnston that I am very grateful to him for recognizing Kathy Lacey. I should tell the Senator from Louisiana that my nickname for her is "Britannica" because as much as an encyclopedia, she retains facts and figures in a way that I have never thought possible. Her work on this bill, I am sure, has put some circles under her eyes, but I hope she feels they are worthwhile; that we have delivered, in fact, a good bill to the House of Representatives.

I would also like to thank Senator Bumpers, chairman of the subcommittee. Without his help, the bill would not have gotten the push it needed to move ahead.

And I would like to particularly thank two people on each side of the aisle. One of them is Senator Nighthorse Campbell whose vote was vital. We sat down and we worked out his

problems. And also Senator Hatfield , whose vote at a critical time was very vital. I am very grateful for his support. He keeps his word and he keeps his commitment. That, to me, is the sign of a real class act.

I would also like to thank what are now 49 cosponsors of the bill. They have listened, they have asked questions, they have studied, and they have come forward and helped.

Last, but far from least, my colleague and friend, Senator Boxer , who, when I approached her and said I was going to do this, would she be the primary cosponsor, she said of course. She was there in the beginning with an energy and a spirit and absolute consistency. It is clear from everything I know about this body and particularly about the 7- to 8-year history of the bill, that unless both Senators from the State were in agreement, this bill would not be where it is today.

So I thank her as well.

Mr. President, I thank the chairman and the ranking member. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Could the Chair tell me the parliamentary matter before this body?

The PRESIDING OFFICER. S. 21 is pending.

Mr. REID. I thank the Chair.

Mr. President, there have been many statements made on this floor the last couple of days about the area that this legislation encompasses.

Now, I have been, of course, to Death Valley. As you know, the entryway that carries most of the people to Death Valley is in Nevada, and I know a lot about Death Valley. I know a little bit about the Joshua Tree Monument, this area through here. But I would venture a bet to anyone in this body that I know more about this area than anybody in the Senate and probably in the City of Washington. I was born and raised right over the border in a little place called Searchlight, NV. Mr. President, I can remember as a little boy my father gathering up the four children, the Reid boys. It did not happen often, but he said, "We are going to go to Paiute Springs."

In this very arid area there is very little water. Where I was born and raised, we did not have trees. There was no water. Once in a while somebody would try to grow a tree. It would not live very long because there was simply a lack of water.

But Paiute Springs is a remarkable place. It is a place that used to be a cavalry outpost called Fort Paiute. When we went there as boys, it still had the walls up. You could walk where the cavalry was actually there. It was an area that was built to protect the mail routes, U.S. mail,

from particularly the native Americans.

We would go there, Mr. President. It was a washout of this very dark volcanic rock. In a place where there should not be water, water gushed out of the side of this mountain. It washed down through what we called the gully, and there were lots of birds. This was one of the rare places where there were lots of birds.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. REID. Certainly.

Mr. JOHNSTON. If the Senator would allow me to make a unanimous consent request, then go to third reading, then again to be recognized?

Mr. REID. That is fine with the Senator from Nevada.