

(For message, see proceedings of the Senate of Tuesday, February 27, 1990, at page S1732.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LEHMAN of California). Pursuant to the provisions of House Resolution 344, the Chair desires to inform Members that the official picture of the House while in session will be taken immediately after the approval of the Journal when the House convenes on Wednesday, March 14, 1990.

RE-REFERRAL OF H.R. 2894, RE- MOVAL OF LIMITATION ON AMOUNT OF WATER ANNUAL- LY SUPPLIED TO CITY OF DENISON, TX

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the consideration of the bill, H.R. 2894, and that it be referred to the Committee on Public Works and Transportation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1096, PROVIDING FOR USE AND DISTRIBUTION OF FUNDS AWARDED TO SEMI- NOLE INDIAN TRIBE

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1096), to provide for the use and distribution of funds awarded the Seminole Indian in dockets 73, 151, and 73-A of the Indian Claims Commission, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The Speaker will appoint the conferees upon his return to the Chair.

ARIZONA DESERT WILDERNESS ACT OF 1990

The SPEAKER pro tempore. Pursuant to House Resolution 338 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2570.

□ 1257

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2570) to provide for the designa-

tion of certain public lands as wilderness in the State of Arizona, with Mr. MAZZOLI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes and the gentleman from Arizona [Mr. RHODES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I am very pleased that this bill is here. I yield such time as he may consume to the gentleman from Arizona [Mr. UDALL], the esteemed chairman of the committee and the driving force behind this legislation.

Mr. UDALL. Mr. Chairman, it is a great pleasure today to rise in support of H.R. 2570, the Arizona Desert Wilderness Act. This measure is half of a package of bills aimed at substantially completing the wilderness review process in my State of Arizona. The other half of this package, H.R. 2571, addresses four wildlife refuges in Arizona and is currently before the Merchant Marine and Fisheries Committee.

Today's measure addresses public lands under the jurisdiction of the Bureau of Land Management. For many years, the BLM lands were considered the leftovers, the lands not good enough for the parks, refuges, or forests. But anyone who has experienced these lands knows what a terribly mistaken notion this is. The lands proposed for designation as wilderness include richly varied desert mountains steep canyons, and meandering desert rivers that are literally streams of life. They include lands with a fascinating array of plant life and wildlife habitat, all of which have adapted to the harsh conditions of the desert. Many areas have rich cultural resources that need protection. These, truly, are lands of undisputable national significance.

BLM inventoried more than 2 million acres of its lands for its wilderness review and recommended a little over half for designation as wilderness. As introduced, this legislation proposed about 1.4 million acres of wilderness. Over the course of a year of intensive discussions and negotiations with innumerable individuals and interests in Arizona, a process that involved everyone in the Arizona congressional delegation, we arrived at the compromise that is before the House today.

This bill proposes about 1.1 million acres, just about the figure BLM arrived at. Frankly, we could have had more acreage in this bill, but in the tough bargaining that produced the final compromise, I felt that it was more important to have quality than quantity. All but one of the study areas with major riparian resources are protected by this bill. The largest

and most diverse areas are retained and even expanded, such as the Arrastra Mountains. And many of the smaller and more delicate areas are protected as well.

Mr. Chairman, we have made innumerable adjustments to accommodate mining and other commercial interests. We have incorporated language specifying that grazing, where established prior to wilderness designation, may continue in a manner compatible with wilderness, including, where necessary, the use of motorized equipment. We have incorporated language outlining appropriate terms and conditions for the continuation of wildlife management activities in wilderness areas. And perhaps most importantly, we release from wilderness study management about 950,000 acres of BLM lands.

We have extended the creative model of the San Pedro Riparian National Conservation Area to the controversial Gila Box in southeastern Arizona. Probably the single most controversial study area in the BLM inventory, Gila Box was not recommended by BLM but was proposed for wilderness in my bill. The conservation area is not just a compromise providing some less than wilderness level of protection, however. It is a different notion, really. We have established an area for specific purposes, with all uses and activities within the area to be managed in a way that is compatible with and promotes those purposes. Moreover, we have not just replaced a study area with a conservation area, we have expanded it to include other related riparian areas, including Bonita Creek and additional portions of the Gila River. This is a very strong conservation tool. I want to thank Congressman KOLBE for his hard and diligent work on this very important product.

Mr. Chairman, over the long and arduous road that brought us here, we have labored endlessly over mining claims and hunting permits, management plans and cherrystems, water rights, boundaries, and interests of great complexity. We strive to meet the tests that all our acts here strive to meet—of fairness and balance, of reasonableness and common sense, of vision and practicality. I think we have done a good job on those important counts.

But for just a moment today I would like to also lift our thoughts above these matters and touch on what we are really doing here. Mr. Chairman, each generation has its important tasks to complete. The generations of Udalls before me met their challenge to tame the wilderness, to settle it and make it a home for succeeding generations.

But the challenge of our generation is different. We must show ourselves

capable not only of conquering nature but also of caring for it and aware that we are not only masters of our world but also its dependents. It is important that those who come after us know that we cherished these living deserts, their waters and all the life that regenerates itself there season after season, generation after generation. In wilderness, we value that which man did not create and by restraining man's altering hand, we hope to honor this powerful work.

Long after our own footsteps have been forgotten, these places will remain. Their eloquent stillness will bear testimony that we as a people are grateful for our chance to walk upon this Earth and that we have the strength, the courage and the wisdom to leave at least these places as we found them.

□ 1300

Mr. VENTO. Mr. Chairman, I reserve the balance of my time.

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

Mr. RHODES. Mr. Chairman, it has been a long road to get H.R. 2570 on the floor. Before I begin my remarks, I would like to say one thing. It is customary when we reach a point such as this where a delegation is united on legislation that directly impacts the entire State for us to stand here and congratulate each other on the tremendous work we have done, and certainly I would do so and will. But I think it is very appropriate that we take a moment to recognize the fact that without our staffs, both the committee staff, minority and majority, and the personal staff of every Member of the Arizona delegation, both House and Senate, this never would have been accomplished. They have put in literally thousands of hours working on very contentious issues, and I know I speak for all of my colleagues in the delegation in thanking them and also in thanking the staff of the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. MILLER] for their invaluable assistance in getting us to this point as well.

Mr. Chairman, on balance this is a good bill. It has evolved from a very lengthy, open public process. Virtually every interest group involved has been heard and fully considered by the delegation and by the committee.

H.R. 2570 releases from wilderness study roughly as many acres, almost a million, back to multiple use management as it designates as wilderness, which is about 1.1 million, and that is a pretty good balance. Personally I am an active supporter and will continue to be an active supporter of multiple use management, and the concepts of multiple use management which is why having nearly 1 million acres released from restrictive wilderness

study management is important to me, to my constituents, to hunters, to miners, outdoor enthusiasts, ranchers, and thousands of others who enjoy the public use of our lands in the West.

I also recognize that some of the very special and sensitive desert lands and the relatively few desert riparian areas deserve special protection, and that special protection is provided by this bill.

Because this is a consensus bill, there are geographical areas in the bill that many think should have been left out. There are geographical areas not in the bill that I know many think should have been included. I have a special concern about three specific areas that I think I should mention. They include the Gila Box, the Needles Eye, and Upper Burro Creek, and Lower Burro Creek.

First of all as to the Gila Box, difficulties abounded with this particular area, but they were resolved and reconciled by the development of a new riparian national conservation area. I especially want to congratulate my colleague, JIM KOLBE, for the enormous amount of time and effort that he put in, not only in devising this management device, but also in getting consensus agreement as to how to handle this particular area.

□ 1310

This bill designates Upper Burro Creek as a wilderness area, and releases from wilderness management Lower Burro Creek.

My preference would have been to release them both. My basic concern has been with the potential impact the wilderness designation may have on continued operation and expansion and jobs recommended to the nearby Cyprus Bagdad Copper Mine. I want to make it abundantly clear that the language of the committee report and my supplemental views include the proposed expansion of the Cyprus Mine, include and recognize, the proposed expansion of the Cyprus Mine. Our clear intent is that this wilderness designation for Upper Burro Creek will have no adverse impact on the present operation of the mine, nor the proposed expansion of the mine and its related tailing ponds and tailing ties. The continued operation and expansion of the mine is crucial to the town of Bagdad, and to hundreds of Cyprus employees and their families.

Likewise, the report language recognizes and protects the existing water system for the town of Bagdad, and recognizes that it is available for maintenance, for repair, and for expansion when necessary.

I am also concerned about over 6,000 acres private subsurface mineral rights in the Upper Burro area. In my view this amounts to taking of private property rights and should have been ex-

cluded, or the area should not have been designated. As for Needles Eye, this area has a high voltage power line running through it. The power line will be upgraded and replaced in the future, and although statutory language is included to include the existing right-of-way, it should not have been designated.

I am pleased with other important parts of this bill. We have included statutory and report language to protect continued grazing where established prior to the designation, and we have included statutory and report language to allow wildlife and wildlife habitat activities, facilitating and management to be maintained and improved.

The most important issue, and the most difficult issue in coming to this point in this bill has been the issue of water rights. This issue is not over, and I want to emphasize this point. This issue is not over, whether or not there should be a Federal reserve water right for wilderness purposes in Arizona. There should be, and it is recognized in this bill. On that, my colleague from Arizona and I depart from many of our colleagues in this body, and some in the other body, on both sides of the aisle. Nonetheless, I recognize and respect their viewpoints and convictions on this vital issue, and will continue to respect them.

My concern is not with the reserving of the right, but where and in what form these reserve water rights are quantified and adjudicated. It should be done in Arizona, in our courts, and under our system. That has been the focus of our debate.

I am pleased to advise my colleagues that virtually at the very last moment we have been able to reach agreement on this issue. At the appropriate time I will be offering on behalf of all my colleagues in the Arizona delegation, with the exception of the gentleman from Arizona [Mr. STUMP], an amendment which makes a specific reference to our intent that these reserve water rights should be quantified and adjudicated in the courts of the State. This amendment would resolve the existing conflict between bill language and report language regarding the nature of the wilderness water right, and it further asserts that this water language applies to this bill, not to any past or future bills in other States. It is not to be determined or cited as precedent in future legislative consideration. We believe this compromise addresses our concerns in Arizona. We do not expect or intend that this language will address concerns in other western States. That is a matter that will be decided in the future, on a case-by-case and State-by-State basis.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Arizona [Mr. RHODES] has consumed 8 minutes.

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

I rise first to recognize the outstanding job done under the leadership of Chairman UDALL with regard to the Arizona wilderness bill—H.R. 2570. This measure is the first BLM wilderness bill that we have brought before the House. I think the gentleman from Arizona [Mr. UDALL], is blazing a new path in terms of setting policy with regard to these important BLM wilderness measures that will be coming before the Congress for the next decade, dealing with our important public BLM lands. As the chairman said, that too often the BLM areas have been looked upon as lands of little value. The truth is, as we look at these lands now, we recognize the tremendous natural resources, the Sonoran Desert, the Mohave Desert, in the Southwest for example, qualities that persist in many of them, the very unique ecosystem, and the biological diversity that persists, the silent desert, are indeed very special almost magical resources, clearly we have all learned a great deal under the leadership of the gentleman from Arizona [Mr. UDALL], in terms of the value of Arizona. As Members look at the map of reapportionment, we notice that Arizona now has a lot of folks moving to Arizona from other parts of the country. Therefore, I think Chairman UDALL's sales pitch with regard to Arizona as being a very special place is appropriate, and obviously will be recognized by the 1990 Census numbers that will surely emphasize the importance of this special State. These BLM wilderness areas are very special areas, these public lands.

The Chairman mentioned to me that 10 million acres of BLM lands exist in Arizona. This bill, the Arizona desert wilderness bill, seeks to put about 1.1 million of those 10 million into wilderness categories, which means that once designated as wilderness the qualities that make them very special today will be preserved. The bill has introduced, of course, designating 53 separate wilderness areas, 1.4 million acres but through the committee process and the achievement of consensus, that has been reduced to about 39 areas. Actually about 300,000 acres less than the 1.4 million in the initial measure. However, one of these areas that have been so special like the Gila Box have been conserved, through the hard work of the Arizona delegation this will be designated a national conservation area under BLM land management scheme in this substitute before the House.

Two additional areas that are very important—I was amazed to learn about the quality of these areas in committee—are outlined in the com-

mittee report will remain wilderness study areas, which I think will someday be addressed in substantive way for wilderness classification. We are putting off making a decision until a later date for the Baker Canyon area and cactus plain wilderness study areas.

The bill, of course, embodies changes worked out by the subcommittee and the full committee, agreed to by the Arizona delegation. I want to thank the entire Arizona delegation. We, in some cases, agreed to disagree on issues, but I think there has been a good professional working relation with the staff and with the members, especially the gentleman from Arizona [Mr. RHODES], who serves well on our committee and subcommittees of the Committee on Interior and Insular Affairs.

Mr. Chairman, I rise in strong support of this bill.

The Subcommittee on National Parks and Public Lands, which I chair, held all-day hearings on the bill last summer in Phoenix and Lake Havasu City, AZ, and another hearing here in Washington, DC, in September.

The reported bill embodies changes worked out in the subcommittee and full committee and agreed to by the Arizona delegation. The wilderness designations would be reduced to a total of 39 areas, amounting to almost 1.1 million acres in all, while two areas would remain in their present status as wilderness study areas. The reported bill would also designate a new national conservation area, the Gila Box Riparian National Conservation Area, amounting to about 21,000 acres to be managed by BLM in a manner essentially identical to the way the existing San Pedro National Conservation Area, also in Arizona, is managed now.

The rest of the BLM wilderness study areas in Arizona, amounting to some 947,200 acres, would be released from study status and returned to multiple-use management.

The reported bill would more precisely and clearly address the management of wildlife in BLM wilderness, essentially by affirming BLM's present guidelines; similarly, it affirms existing guidelines for grazing of livestock in those newly-designated areas where that use has been established.

In summary, the reported bill represents a very high degree of balance. It is a good bill, a wilderness bill that protects outstanding resources that rival any elsewhere in the Nation, and does so in a way that recognizes the need for a balanced approach and the importance of continued development of resources on some of the public lands. I am proud to have worked with the chairman to develop it. I think he sets a high mark for others that will propose BLM wilderness bills to this House.

There is one area in which there was not complete agreement among the Arizona delegation and members of the committee when the bill was ordered reported. I refer to the language regarding the process which would be followed for quantification of water and water rights reserved by the bill.

The present language in the bill is quite appropriate in my judgment and all that is needed. But I have been striving to understand my Arizona colleagues' concerns and remain flexible today concerning possible revision, so long as the national interest and essential legal principles of water rights are properly protected—a subject and topic of great concern with regards to public land policy.

Mr. Speaker, I want to join in congratulating the Arizona delegation and especially our esteemed chairman, Mr. UDALL, for their hard work on this bill. I urge its approval by the House.

□ 1320

Mr. Chairman, I reserve the balance of my time.

Mr. RHODES. Mr. Chairman, I yield 8 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I support this bill to designate 39 areas as wilderness to be managed by the Bureau of Land Management. I do so because I believe that the wilderness areas we preserve today will be the areas we most cherish tomorrow.

This bill designates seven wilderness areas totaling 74,000 acres in my district, and releases seven areas from study status, for a total of 70,000 released acres. In addition, and perhaps most important, it designates the 20,000-acre Gila Box Riparian National Conservation Area. This designation is the most appropriate for an area which contains some wilderness qualities, but requires more restorative management to enhance the resource to its potential.

Conservation Area status will provide for preservation of this remarkable approach is the San Pedro Riparian National Conservation Area which was designated by Congress near the end of the 100th Congress. That designation has been a remarkable success. The Bureau of Land Management has made the San Pedro a showcase of intelligence management emphasizing its most outstanding values.

In my statement, I would like to discuss each of the areas being designated for wilderness or conservation, and some of the issues thereto.

GILA BOX

This section represents the most significant compromise achieved in this bill. When this process began, the local communities, ranchers, and the managers of one of the world's largest copper mines stood opposed to designation of the Gila Box as wilderness.

On the other side were hikers, rafters, hunters and a variety of environmentalists who felt that protection was absolutely vital for the area. Some even suggested making the area a national park. It was a situation made to order for protracted conflict and disagreement.

After considering all the issues, I concluded that this most definitely deserved protection, but that wilderness was not the most appropriate management strategy to pursue. I think all of Arizona is united in its appreciation for riparian areas, and the unique vegetation and wildlife that makes its home streamside. Protection of our riparian areas is and should be a state-wide priority.

But the kind of intense use this area has seen, its extreme proximity to a huge open copper mine and associated tailings—less than a mile away in some areas—and the type of management the area requires calls for a unique, flexible and restorative kind of management. It is tailor made for conservation area designation, one that requires the area be preserved, protected and enhanced.

There are three issues of particular concern to some of the citizens and businesses in the vicinity of the Gila Box. One is the question of grazing within the conservation area. Report language from the committee identifies the fact that grazing is a long standing historical use within the conservation area. It also notes that allotment management plans currently in place are designed to remove cattle from the streamside habitat along the Gila River and Bonita Creek. These efforts should continue in the name of riparian habitat enhancement. I consider this kind of management, through the use of pumps, watering facilities and fences to be consistent with the bill's requirement for enhancement of the riparian area.

Under these circumstances, with appropriate steps being taken to eliminate grazing in the river bottom, I believe grazing is acceptable and appropriate within the conservation area and for public lands adjacent to the conservation area.

Within the conservation area, the Corps of Engineers has a withdrawal for an authorized flood control dam, called the Camelsback Dam. This dam has a poor cost/benefit ratio, and its certificate of withdrawal is scheduled to expire in 1992. The NCA designation is not intended to deauthorize the dam. If flood control strategies can be found outside of the conservation area to benefit residents in the Gila Valley, then the Camelsback Dam authorization should be considered sufficient authority to provide that flood control.

Finally, the Phelps Dodge Corp. has agreed not to oppose designation of the Gila Box National Conservation

Area because of language included in the bill and committee report assuring that their activities outside of the Area would not be restricted or regulated more strictly because of the designation of the NCA. What is in the conservation area is in; and what is out, is out.

Therefore, conservation area regulations should not apply outside of the conservation area. There is no "buffer zone" created by designation of this area. If clean air or clean water laws, on their own, require more strict enforcement of mining activities, so be it. But that regulation should not hinge on the designation or existence of this conservation area.

The Gila Box Riparian National Conservation Area will be a valuable asset to the communities in Graham and Greenlee County. This unique and special designation will provide appropriate protection, but will permit a variety of recreational activities that will be extremely attractive to tourists from the crowded cities, as well as to the residents of more rural parts of Arizona.

WHITE CANYON

The White Canyon Wilderness Area is another site of significant compromise between environmentalists and mining interests. In this case, significant mineral claims lie just adjacent to the wilderness area. Asarco, Inc., negotiated with members of the Arizona Wilderness Coalition and agreed to boundary modifications to give them a greater degree of comfort about the proximity of their mining operation to the wilderness area. Mining just outside the area should not detract from the wilderness qualities within because of the topographical features of the wilderness area.

Committee report language discusses the possibility that the Forest Service should study the wilderness qualities of land immediately to the north of the BLM wilderness area. This area was somehow excluded from study leading up to the RARE II bill of 1984. While we do not require its study in this legislation, we do recommend that a study be undertaken at an appropriate time within the framework of the Forest Service planning schedule.

BLACK ROCK

At the appropriate time in this debate, I will offer an amendment to clarify the rights of private land owners, the land management agencies and the public relative to the Black Rock Wash Road in the San Carlos Apache Indian Reservation. I will reserve my discussion of this designated area until then.

NEEDLE'S EYE

Although the Needle's Eye wilderness lies immediately outside my district, I want to express my concern about how the BLM will manage the area. Bisecting almost the entire area

is an old power line serving the town of San Carlos in the San Carlos Apache Indian Reservation. That right of way is owned by the Bureau of Indian Affairs and is permanent. Yesterday, I introduced legislation to divest the Federal Government of the San Carlos Indian Irrigation project, which operates and maintains this power line. Upon enactment, the Arizona Public Service Co. will take title to the line.

An upgrade of this line is of extreme importance. Most of the area where the power line crosses is inaccessible by motorized vehicle anyway. When the upgrade takes place, helicopters will be used, consistent with the Wilderness Act's minimum tool requirement.

It should be made clear that transfer of title of this line to APS should not effect the right of way. There really is no effective way to move or relocate the line. The Bureau of Land Management declared this area as suitable for wilderness despite the power line, because of its antique condition. Therefore, this act should not be construed as preventing this right-of-way from being renewed.

WATER RIGHTS

For the last several years, Congress—and more importantly, the courts—have been wrestling with the issue of Federal water rights in wilderness areas. Language to be offered today by Mr. KYL, Mr. RHODES, and Chairman UDALL will successfully identify the rights of the States to adjudicate Federal water rights under State law and State procedures.

The doctrine of "first in time, first in right" is important to protect. It offers certainty to water users throughout the State, and preempts severe conflicts that would take place if newer rights were to impinge on historical uses.

The Rhodes-Kyl amendment ensures that State procedures will apply to Federal reserved rights within wilderness areas. The wilderness areas we designate will not suffer as a result. The Federal Government has shown that it can and will aggressively pursue wilderness water rights within State court.

For the sake of the rule of law, the prevention of chaos and the orderly disposition of water priority, the Rhodes-Kyl amendment deserves the support of the House.

Representative RHODES, KYL, and Chairman UDALL deserve a great deal of credit for finding a satisfactory resolution to this extremely complicated and technical question.

CONCLUSION

This wilderness bill was built upon the efforts of many—not just seven members of the House and Senate and their staffs. Ranchers, conservationists, miners, local elected officials,

hunters—to name only a few—were involved at every step and at every turn in this process. The final product represents to the extent possible a consensus. A perfect consensus was, regrettably, not achieved in the final analysis. While I regret this failure, I believe all points of view were fairly considered in this legislation.

Wilderness debates are difficult, because they focus on values as much as they focus on facts. That's why it's easy for reasonable people to disagree about the appropriateness of wilderness designation in specific areas.

It's up to elected representatives to make such difficult judgments based on the information available. Some difficult decisions have been made here—some unpopular decisions as well, I imagine. But all in all, this bill is positive for the State and the Nation.

It's not just a matter of local pride when I say that Arizona has some of the most beautiful areas in the country. We have more national parks and monuments than any other State in the Nation. We also have more Riparian National Conservation Areas than any other State in the Nation. And, by the time the 101st Congress comes to an end, we will have the first statewide BLM wilderness bill enacted into law.

Mr. VENTO. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER], who is the chairman of the Subcommittee on Water, Power and Offshore Energy Resources of the Committee on Interior and Insular Affairs. Let me say here that I want to thank the gentleman from California for his assistance in working on this bill, especially with reference to the water language.

Mr. MILLER of California. Mr. Chairman, I would like to extend my compliments to Chairman UDALL and the members of the Arizona delegation in putting together the Arizona Desert Wilderness Act. I can appreciate the long hours and hard work that went into this bill.

In particular, I would like to say that I appreciate the hard work and difficult decisions that Chairman UDALL, Mr. RHODES, and Mr. KYL had to make to reach an agreement on the water rights language that is being offered here today.

My understanding of the language in the amendments is that: There is an express reservation of water to the Federal Government sufficient to fulfill the purposes of the wilderness areas set aside by this bill; the Secretary of the Interior is directed to take all those steps necessary to protect the reserved water rights; and one of the steps the Secretary would take would be to file a claim in an appropriate stream adjudication in the Arizona State courts to quantify those claims.

This language does not amend the McCarren Act. This language does not prevent the Secretary from going to the Federal courts to protect the Federal reserved water rights, as the Secretary may do today, should that action be necessary.

The language of the amendments reflects our expectation that the Secretary will seek to quantify the reserved water for the areas protected by this bill in an appropriate stream adjudication in the Arizona State courts. I understand that there are several major stream adjudications, covering about 90 percent of the streams in Arizona, already underway. The Federal Government has been joined in these adjudications and that is the forum where the reserved water rights for much of the area covered by this bill is likely to be quantified. There appears to be only two major areas, included in wilderness in this bill, which is not part of a stream adjudication already. It is my expectation that this area will be part of a stream adjudication at a later date and that the Secretary will participate in that adjudication.

Again, I would like to compliment Chairman UDALL and his colleagues from Arizona for their hard work and their willingness to make the compromises necessary to develop this water rights language.

□ 1330

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Chairman, I oppose the creation by Congress of a Federal reserved water right for wilderness. H.R. 2570 does just that.

Water is the lifeblood of the West, vital to our economy and way of life. We have fought hard over the years to maintain State preeminence, and it's good to see our efforts have met with at least some success.

In Idaho and the West, we believe water belongs to the States and that water issues should be resolved in State jurisdictions.

In an ideal world, States and their representatives in Congress could remain silent, knowing that States rights would remain States rights, and that outside forces would not intrude. Unfortunately, those days have passed.

Today we must fight for States' water rights at every level. We must not only confront an intrusive Federal Government, but also overactive courts and the legal system.

The Colorado decision of 1985, *Sierra versus Block*, asserted Federal water claims. And that decision was augmented by still other decisions diluting our States' positions and assuming greater Federal control.

To confuse things further, a court in New Mexico has concluded the opposite of the Colorado decision.

The courts have placed a huge cloud over water rights, creating an atmosphere of uncertainty. As a result, to remain silent is to risk the complete loss of State control.

Legislation that creates Federal wilderness must expressly state that such a designation does not establish a Federal water right. This is a matter Idaho's two Senators and I have brought to Congress time and time again.

A failure to explicitly state the intent of legislation on water rights can lead to the courts deciding what water rights are created—it can lead to the creation of an implied water right for wilderness.

As a Representative from Idaho, I cannot let that happen.

It is my duty to take out an insurance policy against the intrusion of the courts and the Federal Government into a States rights issue. And, together with Senator JIM McCURE, I'll continue to do so.

In Idaho, water is a matter of States rights. It has always been and always will be. We must not allow the Federal Government or courts to decide how a State manages its waters.

In addition, we should not be creating wilderness areas before the BLM makes its final recommendations concerning wilderness study areas. To do so would be to deny Congress the benefit of that organization's information and guidance.

Because the legislation before us today creates a Federal water right and for the aforementioned reason, I must oppose H.R. 2570.

Mr. VENTO. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I rise with genuine pleasure to support this important legislation and to commend the gentleman from Arizona [Mr. UDALL] and the Arizona delegation for bringing it forward. It is significant legislation, and it has been artfully crafted. It is a tribute to Chairman UDALL that this legislation is in its current condition. This is the man who is, perhaps, respected as much or more than anyone in the Congress on environmental and wilderness issues, and I commend him especially for the attainment of this important legislation today.

Mr. Chairman, I have in a small way been involved in the process which gave rise to the Arizona Desert Wilderness Act. Last year I traveled to Arizona to assist the gentleman from Minnesota [Mr. VENTO] at his request to help chair hearings in which the merits of protecting this land was debated. We had more than 150 witnesses on one day. The result of this equitable process is a fair bill which would designate 1.1 million acres of Bureau of Land Management land as

wilderness. It will allow 60 million acres to remain as wilderness study areas and to establish a national conservation area as well.

Mr. Chairman, wilderness is precious and limited. Man cannot create it. He can only protect it or destroy it. Wilderness cannot defend itself; only wise laws and wise government can. What we fail to protect now will ultimately lose its true character forever.

Mr. Chairman, we have protected some of our national forests as wilderness, but little of our desert lands. This act will serve to set aside a portion of our arid lands to preserve their beautiful and irreplaceable scenic treasures. It will also stop the destruction of wildlife habitat, rare plants, and archeological resources caused by marginal economic exploitation and offroad vehicles.

Mr. Chairman, I have spent a great deal of time studying the issues of protecting wild desert lands as a result of my own efforts to save 5.1 million acres of BLM lands in my own State. As we must protect the portion of the high desert ecosystem of the Colorado Plateau in Utah, we should also protect some of the Sonoran Desert of Arizona. This act will serve that latter goal very well.

Twenty-five years ago, Mr. Chairman, people such as the gentleman from Arizona [Mr. UDALL] had the foresight to create the wilderness preservation system. It is time now to implement that act to protect the totally natural character of some of our remaining desert lands, and that is what this bill today will accomplish.

Mr. RHODES. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I, too, rise in support of the addition of this important wilderness to the State of Arizona or in the State of Arizona. This is a bill about the future, and I think it is important that we lay these lands aside for future generations to enjoy, much as we have enjoyed the wonderful wilderness and lands in the State of Arizona in the past.

With respect to the water rights which are a very important part of this bill, we are doing two very critical things. One, we are designating reserved water rights to accompany this wilderness, which I think is critical to the preservation of the wilderness as we know it. Second, because we have very good proceedings for adjudicating water rights in the State of Arizona pursuant to State law, we are saying that the quantification of these wilderness water rights, these reserved water rights, should be in the State courts of Arizona, and we will be requesting approval of an amendment which specifically provides for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State

of Arizona in which the United States is or may be joined and which is conducted in accordance with the McCarran amendment.

The point of this, Mr. Chairman, is to ensure that the State court proceedings in which most of the water rights are currently being adjudicated in the State of Arizona will be the forum in which these water rights will be adjudicated as well. Under the McCarran amendment generally there is an option for the Federal Government to litigate reserved rights either in Federal or State courts. We are not upsetting that option in any other cases. We are saying in this case that we, the Congress, being the people who create this water right, are exercising the option of going into the State courts if there are proceedings there in which the Federal Government is or may be joined as a party and which are conducted in accordance with the principles of the McCarran amendment.

Mr. Chairman, we believe this is the best way to ensure that all of the rights are adjudicated vis-a-vis each other, that there will not be duplicative proceedings. We anticipate that there could be a situation in which the Federal Government needed to go into Federal court for the protection of water rights and for some other reason in some other way not to quantify the water rights, and that right would certainly continue to exist for the Federal Government, but for the quantification of the rights, that would be done in the State court proceedings under our proposed amendment.

With all of those thoughts in mind, Mr. Chairman, this is a bill which we are all proud to support, and I urge my colleagues to support it.

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Mr. RHODES. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I simply rise briefly to express my concern about the principle of the expressed reservation of water rights as set forth in this particular piece of legislation. I certainly recognize the hard work that has gone into it, the recognition of the problem; but the concept of State appropriation of water is vital to our arid Western States, and I must rise in opposition to the notion of an expressed reservation. Even though it does refer to the State appropriation process for the development of the volume question, I am afraid that over the years we will simply go to court and say that water rights have been expressly reserved and that in fact the courts will then set that volume amount.

Therefore, Mr. Chairman, I rise in opposition.

Mr. RHODES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding me this time.

I rise to speak regarding H.R. 2570, not because I pretend to be an expert in the problems of Arizona, but because of the precedents in this bill that relate to developing and establishing wilderness in other Western States. My district involves territory that will be subject to the California Wilderness bill. You could easily place five Eastern States in my congressional district and yet a relatively small group of people are trying to decide how much wilderness should be accommodated there.

In our case, the Congress felt the issue was so important that we established a process whereby a public commission met for several years to hear all the parties involved. We spent \$8 million over 4 years doing that. At the end of it, a very few people decided to walk away from the public process and develop their own desert wilderness bill behind closed doors.

In this case, at least the delegation has been negotiating in a prolonged and bipartisan way.

I must say, I do have serious reservations about the water language that is a part of this bill.

On the other hand, I am rather pleased that this bill does set three positive precedents which should be followed as we fashion a California bill. First, it returns 950,000 acres to multiple use.

Second, it allows for the upgrade and expansion of utility corridors. Third, it recognizes the 1964 Wilderness Act's preservation of grazing rights where they do exist. These precedents should be maintained and held over, if you will, as preconditions for passage of the California bill.

Having said that, my greatest concern now about this bill is that an accommodation has not been made that is acceptable to the Arizona Member that has 75 percent of the land, and that individual, of course, is my colleague, the gentleman from Arizona [Mr. STUMP].

Indeed, items that affect Members' individual districts dramatically and directly should be settled to that Member's satisfaction before we move such bills out to the House floor.

Mr. RHODES. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I thank my colleague for yielding this time to me.

I would like to express special thanks to my colleague, the gentleman from Arizona [Mr. RHODES], a member of the committee. I would also like to tell Chairman UDALL how much I ap-

prelate his having hearings in Arizona last year to accommodate us, and I appreciate the efforts of my colleagues in the Arizona delegation to try to resolve the question of wilderness designations.

However, Mr. Chairman, I must rise in strong opposition to H.R. 2570, the Arizona Desert Wilderness Act. Almost 75 percent of the 1.1 million acres of public lands being designated to the wilderness system by this bill are located in my district. This bill does not represent a reasonable balance between the multiple use of our public resources and environmental concerns.

It is no secret that I am a strong multiple use advocate. Yet I recognize that there are unique lands in our State which could be added to the wilderness system. However, wilderness advocates would have you believe that the designation of 1.1 million acres of BLM lands as wilderness represents the only opportunity to save these lands, and that the lands are incapable of being managed otherwise in a responsible manner. Wilderness designations may, in fact, remove the flexibility necessary to manage public resources in a way which preserves and enhances the land for the future.

When we designate wilderness areas, we are not just preserving those lands for future generations, but we are in fact telling future generations that we do not trust them to make the right decisions on how to best use and manage public resources.

We also cannot ignore our responsibility to the present. At a time when Arizona's economy is in need of new stimulation, it makes no sense to me to impose additional constraints on new and needed economic development.

Specifically, the inclusion of two areas in this bill illustrate my point, and generally, the inclusion of lands which have been determined to hold moderate to high mineral potential cannot be ignored for Arizona's future or the future of this country. With regard to mineral potentials, not all of the lands which have been considered or will be designated by this bill have been inventoried for mineral potential. In addition, it should be noted today in Arizona, there already exists more than 2 million acres in wilderness, there are 2.5 million acres of National Park lands, and another 2.5 million acres of wildlife refuges, effectively precluding mineral entry in 7 million acres, not to mention the multitude of lands included in the half-dozen or so military installations in Arizona.

An area upon which no conclusion could be reached is the 57,800 acres of the Cactus Plain Wilderness Study Area. One of the factors why its status could not be resolved, and it will remain classified as a wilderness study area, is the proximity of the new townsite for the town of Parker. The town is located in La Paz County, a county

of 4,400 square miles, in which only 141,000 acres is privately owned—the remainder being public lands, wildlife refuges, a military installation, State lands, and Indian reservation.

Immediately adjacent to Cactus Plains, and a separate unit only by virtue of a concrete-lined portion of the Central Arizona Project water canal, is an area called East Cactus Plains which is being designated wilderness. The quality of the lands in East Cactus Plains have far more value as wilderness than those in Cactus Plains.

But aside from the questionable wilderness values of Cactus Plains, it is inevitable that the area will see a tremendous growth of residential and commercial development, including an airport facility. There is no doubt but that the encroachment of development will be an adverse pressure on managing Cactus Plain as a wilderness area. The town is currently surrounded on all sides by an Indian reservation, and the new townside offers the opportunity for growth and economic development. The potential of the new townsite being bounded by the reservation on the west and a wilderness area on the east leaves little optimism for growth. The ability of the BLM to manage the area as wilderness under such encroachment must be considered, as should the opportunities for those who will be in the immediate vicinity to use the area for a variety of recreation purposes.

The inclusion of the Upper Burro Creek Wilderness Area also troubles me. Included in the 27,390 acre area are 6,400 acres of private, subsurface mineral rights owned by Santa Fe Minerals. While Santa Fe has over the last few years negotiated the exchange of more than 140,000 acres of subsurface mineral rights to clear the way for the designation of 8 wilderness areas included in this bill, and the Havasu National Wildlife Refuge included in H.R. 2571, the inclusion of Upper Burro Creek will force the company to look toward yet another exchange rather than be encumbered with the difficulties of developing their holdings in a wilderness area.

Further, Upper Burro Creek is within a mile or so of an existing copper mine, owned by Cyprus Minerals. That mine contributes more than 620 jobs and in 1989, generated about \$2 million in tax revenue to the economy of the area and the State. The designation of Upper Burro Creek will undoubtedly have an adverse impact on the operation of the mine, and can only throw the future expansion of the mining operation into serious doubt.

In an overzealous effort to protect public lands from human intrusion, we are too often sacrificing the historical use of lands by a public which deserves consideration in their use and access

to public resources. Mr. Chairman, Arizona is the sixth largest State in the Union—with more than 113,000 square miles and over 72 million acres. Yet, only 18 percent of the State is privately owned. Consequently, every decision we make regarding public resources is extremely critical.

While we heard and responded to some of the concerns which have been expressed by those Arizonans who are directly affected by the decisions in this bill, I do not believe that this bill is in the best interest of Arizona's future.

Mr. Chairman, I urge my colleagues to take a hard look at the contents and the consequences of this bill, and to vote no.

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

Mr. Chairman, I simply would like to say in closing that I and all my colleagues do appreciate the efforts of the gentleman from Arizona [Mr. STUMP]. We recognize his concerns. He and his staff worked just as hard as anybody else on this issue.

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

Mr. VENTO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2570

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona Desert Wilderness Act of 1990".

SEC. 2. WILDERNESS DESIGNATION AND MANAGEMENT.

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

(1) Certain lands in Mohave County, Arizona, which comprise approximately 23,600 acres, as generally depicted on a map entitled "Mount Wilson Wilderness" and dated February 1990, and which shall be known as the Mount Wilson Wilderness.

(2) Certain lands in Mohave County, Arizona, which comprise approximately 31,070 acres, as generally depicted on a map entitled "Mount Tipton Wilderness" and dated February 1990, and which shall be known as the Mount Tipton Wilderness.

(3) Certain lands in Mohave County, Arizona, which comprise approximately 27,530 acres, as generally depicted on a map entitled "Mount Nutt Wilderness" and dated February 1990, and which shall be known as the Mount Nutt Wilderness.

(4) Certain lands in Mohave County, Arizona, which comprise approximately 76,600 acres, as generally depicted on a map entitled "Warm Springs Wilderness" and dated February 1990, and which shall be known as the Warm Springs Wilderness.

(5) Certain lands in Mohave County, Arizona, which comprise approximately 15,900 acres, as generally depicted on a map entitled "Aubrey Peak Wilderness" and dated February 1990, and which shall be known as the Aubrey Peak Wilderness.

(6) Certain lands in La Paz County, Arizona, which comprise approximately 14,630 acres, as generally depicted on a map entitled "East Cactus Plain Wilderness" and dated February 1990, and which shall be known as the East Cactus Plain Wilderness.

(7) Certain lands in Mohave and Yavapai Counties, Arizona, which comprise approximately 41,600 acres, as generally depicted on a map entitled "Rawhide Mountains Wilderness" and dated February 1990, and which shall be known as the Rawhide Mountains Wilderness.

(8) Certain lands in Mohave, Yavapai, and La Paz Counties, Arizona, which comprise approximately 129,525 acres, as generally depicted on a map entitled "Arastra Mountain Wilderness" and dated February 1990, and which shall be known as the Arastra Mountain Wilderness.

(9) Certain lands in La Paz County, Arizona, which comprise approximately 25,287 acres, as generally depicted on a map entitled "Harcuvar Mountains Wilderness" and dated February 1990, and which shall be known as the Harcuvar Mountains Wilderness.

(10) Certain lands in La Paz and Maricopa Counties, Arizona, which comprise approximately 22,865 acres, as generally depicted on a map entitled "Harquahala Mountains Wilderness" and dated February 1990, and which shall be known as the Harquahala Mountains Wilderness.

(11) Certain lands in Maricopa County, Arizona, which comprise approximately 20,600 acres, as generally depicted on a map entitled "Big Horn Mountains Wilderness" and dated February 1990, and which shall be known as the Big Horn Mountains Wilderness.

(12) Certain lands in Maricopa County, Arizona, which comprise approximately 30,170 acres, as generally depicted on a map entitled "Hummingbird Springs Wilderness" and dated February 1990, and which shall be known as the Hummingbird Springs Wilderness.

(13) Certain lands in La Paz, Yuma, and Maricopa Counties, Arizona, which comprise approximately 94,100 acres, as generally depicted on a map entitled "Eagletail Mountains Wilderness" and dated February 1990, and which shall be known as the Eagletail Mountains Wilderness.

(14) Certain lands in Maricopa County, Arizona, which comprise approximately 15,250 acres, as generally depicted on a map entitled "Signal Mountain Wilderness" and dated February 1990, and which shall be known as the Signal Mountains Wilderness.

(15) Certain lands in Maricopa County, Arizona, which comprise approximately 61,000 acres, as generally depicted on a map entitled "Woolsey Peak Wilderness" and dated February 1990, and which shall be known as the Woolsey Peak Wilderness.

(16) Certain lands in Maricopa County, Arizona, which comprise approximately 14,500 acres, as generally depicted on a map entitled "Sierra Estrella Wilderness" and dated February 1990, and which shall be known as the Sierra Estrella Wilderness.

(17) Certain lands in Maricopa and Pinal Counties, Arizona, which comprise approximately 34,400 acres, as generally depicted on a map entitled "Table Top Wilderness" and dated February 1990, and which shall be known as the Table Top Wilderness.

(18) Certain lands in Pima County, Arizona, which comprise approximately 5,080 acres, as generally depicted on a map entitled "Coyote Mountains Wilderness" and dated February 1990, and which shall be known as the Coyote Mountains Wilderness.

(19) Certain lands in Pima County, Arizona, which comprise approximately 2,065 acres, as generally depicted on a map entitled "Baboquivari Peak Wilderness" and dated February 1990, and which shall be known as the Baboquivari Peak Wilderness.

(20) Certain lands in Gila County, Arizona, which comprise approximately 9,201 acres, as generally depicted on a map entitled "Needle's Eye Wilderness" and dated February 1990, and which shall be known as the Needle's Eye Wilderness. The right-of-way reserved by right-of-way reservation A-16043 dated October 20, 1986, together with the right of ingress and egress thereto, shall not be affected by this Act, and the existing powerline utilizing such right-of-way may be operated, maintained, and upgraded, subject to reasonable requirements to protect wilderness values.

(21) Certain lands in Graham County, Arizona, which comprise approximately 6,590 acres, as generally depicted on a map entitled "North Santa Teresa Wilderness" and dated February 1990, and which shall be known as the North Santa Teresa Wilderness.

(22) Certain lands in Graham County, Arizona, which comprise approximately 10,883 acres, as generally depicted on a map entitled "Fishhooks Wilderness" and dated February 1990, and which shall be known as the Fishhooks Wilderness.

(23) Certain lands in Cochise County, Arizona, which comprise approximately 11,998 acres, as generally depicted on a map entitled "Dos Cabezas Mountains Wilderness" and dated February 1990, and which shall be known as the Dos Cabezas Mountains Wilderness.

(24) Certain lands in Graham County, Arizona, which comprise approximately 6,600 acres, as generally depicted on a map entitled "Redfield Canyon Wilderness" and dated February 1990, and which shall be known as the Redfield Canyon Wilderness.

(25) Certain lands in La Paz County, Arizona, which comprise approximately 18,805 acres, as generally depicted on a map entitled "Gibraltar Mountain Wilderness" and dated February 1990, and which shall be known as the Gibraltar Mountain Wilderness.

(26) Certain lands in La Paz County, Arizona, which comprise approximately 15,755 acres, as generally depicted on a map entitled "Swansea Wilderness" and dated February 1990, and which shall be known as the Swansea Wilderness.

(27) Certain lands in La Paz County, Arizona, which comprise approximately 29,095

acres, as generally depicted on a map entitled "Trigo Mountain Wilderness" and dated February 1990, and which shall be known as the Trigo Mountain Wilderness.

(28) Certain lands in Yuma County, Arizona, which comprise approximately 8,855 acres, as generally depicted on a map entitled "Muggins Mountain Wilderness" and dated February 1990, and which shall be known as the Muggins Mountain Wilderness.

(29) Certain lands in Yavapai and Maricopa Counties, Arizona, which comprise approximately 9,200 acres, as generally depicted on a map entitled "Hells Canyon Wilderness" and dated February 1990, and which shall be known as the Hells Canyon Wilderness.

(30) Certain lands in Maricopa County, Arizona, which comprise approximately 63,600 acres, as generally depicted on a map entitled "North Maricopa Mountains Wilderness" and dated February 1990, and which shall be known as the North Maricopa Mountains Wilderness.

(31) Certain lands in Maricopa County, Arizona, which comprise approximately 72,004 acres, as generally depicted on a map entitled "South Maricopa Mountains Wilderness" and dated February 1990, and which shall be known as the South Maricopa Mountains Wilderness.

(32) Certain lands in Mohave County, Arizona, which comprise approximately 38,400 acres, as generally depicted on a map entitled "Wabayuma Peak Wilderness" and dated February 1990, and which shall be known as the Wabayuma Peak Wilderness.

(33) Certain lands in Mohave County, Arizona, which comprise approximately 27,390 acres, as generally depicted on a map entitled "Upper Burro Creek Wilderness" and dated February 1990, and which shall be known as the Upper Burro Creek Wilderness.

(34) Certain lands in Yavapai County, Arizona, which comprise approximately 11,840 acres, as generally depicted on a map entitled "Hassayampa River Canyon Wilderness" and dated February 1990, and which shall be known as the Hassayampa River Canyon Wilderness.

(35) Certain lands in Pinal County, Arizona, which comprise approximately 5,800 acres, as generally depicted on a map entitled "White Canyon Wilderness" and dated February 1990, and which shall be known as the White Canyon Wilderness.

(36) Certain lands in Mohave County, Arizona, which comprise approximately 8,700 acres, as generally depicted on a map entitled "Tres Alamos Wilderness" and dated February 1990, and which shall be known as the Tres Alamos Wilderness.

(37) Certain lands in Cochise County, Arizona, which comprise approximately 19,650 acres, as generally depicted on a map entitled "Peloncillo Mountains Wilderness" and dated February 1990, and which shall be known as the Peloncillo Mountains Wilderness.

(38) Certain lands in Yuma County, Arizona, which comprise approximately 21,860 acres, as generally depicted on a map entitled "New Water Mountains Wilderness" and dated February 1990, and which shall be known as the New Water Mountains Wilderness.

(39) Certain lands in Gila and Graham Counties, Arizona, which comprise approximately 12,711 acres, as generally depicted on a map entitled "Aravaipa Wilderness Additions" and dated February 1990, and which

shall be added to and managed as part of Aravaipa Wilderness.

(b) **MANAGEMENT.**—Subject to valid existing rights, the wilderness area designated by this Act shall be administered by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

(c) **MAP AND LEGAL DESCRIPTION.**—As soon as practicable after enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior.

(d) **NO BUFFER ZONES.**—The Congress does not intend for designation of wilderness area in the State of Arizona to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e) **FISH AND WILDLIFE.**—As provided in paragraph (7) of section 4(d) of the Wilderness Act, nothing in this Act or in the Wilderness Act shall be construed as affecting the jurisdiction or responsibilities of the State of Arizona with respect to wildlife and fish on the public lands located in that State.

(f) **LIVESTOCK.**—(1) Grazing of livestock in wilderness areas designated by this Act, where established prior to the date of the enactment of this Act, shall be administered in accordance with section 4(d)(4) of the Wilderness Act and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101-405).

(2) The Secretary is directed to review all policies, practices, and regulations of the Bureau of Land Management regarding livestock grazing in Bureau of Land Management Wilderness areas in Arizona in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

(g) **WATER.**—With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved rights shall be the date of enactment of this Act. The Secretary of the Interior shall file a claim for the quantification of such rights in an appropriate stream adjudication, and shall take all steps necessary to protect such rights in such an adjudication. The Federal water rights reserved by this Act shall be in addition to any water rights which may have been previously reserved or obtained by the

United States for other than wilderness purposes.

(h) **WILDLIFE MANAGEMENT.**—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas, where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines such as those set forth in appendix B of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101-).

SEC. 3. CONGRESSIONAL FINDING.

Excepting for the Baker Canyon area (AZ-040-070), and the approximately 57,800 acres of public land as generally depicted on a map entitled "Cactus Plain Wilderness Study Area" dated February, 1990, the Congress hereby finds and directs that all public lands in Arizona, administered by the Bureau of Land Management pursuant to the Federal Land Policy and Management Act of 1976 not designated as wilderness by this Act, or previous Acts of Congress, have been adequately studied for wilderness designation pursuant to section 603 of such Act and are no longer subject to the requirement of section 603(c) of such Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

SEC. 4. GILA BOX RIPARIAN NATIONAL CONSERVATION AREA.

(a) **PURPOSES.**—In order to conserve, protect, and enhance the riparian and associated areas described in subsection (b) and the aquatic, wildlife, archeological, paleontological, scientific, cultural, recreational, educational, scenic, and other resources and values of such areas, there is hereby established the Gila Box Riparian National Conservation Area (hereafter in this section referred to as the "conservation area").

(b) **AREAS INCLUDED.**—The conservation area shall consist of the public lands generally depicted on a map entitled "Gila Box Riparian National Conservation Area" dated February 1990, and comprising approximately 20,900 acres.

(c) **MAP.**—As soon as practicable after the date of enactment of this Act, a map and legal description of the conservation area shall be filed by the Secretary with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Such map shall have the same force and effect as if included in this section. Copies of such map shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior, and in appropriate office of the Bureau of Land Management in Arizona.

(d) **MANAGEMENT OF CONSERVATION AREA.**—(1) The Secretary shall manage the conservation area in a manner that conserves, protects, and enhances its resources and values (including the resources and values specified in subsection (a)), pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, including this section.

(2) The Secretary shall allow only such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established. Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area

shall be permitted only on roads specifically designated for such use as part of the management plan prepared pursuant to this section.

(e) **WITHDRAWAL AND WATER.**—(1) Subject to valid existing rights, all Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and all amendments thereto.

(2) Congress hereby reserves a quantity of water sufficient to fulfill the purposes (as specified in subsection (a)) for which the conservation area is established. The priority date of this reserved right shall be the date of enactment of this Act. The Secretary shall file a claim for the quantification of this right in an appropriate stream adjudication, and shall take all steps necessary to protect such right in such adjudication. The Federal water right reserved by this paragraph shall be in addition to any other water rights reserved or obtained by the United States.

(f) **MANAGEMENT PLAN.**—(1) No later than two years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the conservation area in order to fulfill the purposes for which the conservation area is established. The management plan shall be developed with full public participation and shall include provisions designed to assure protection of the resources and values (including the resources and values specified in subsection (a)) of the conservation area. For the purposes of this section, the term "management plan" means the plan developed under this subsection.

(2) The management plan shall include a discussion of the desirability of the inclusion in the conservation area of additional lands, including the lands not in Federal ownership that are contiguous to the boundary of the conservation area (as depicted on the map referenced in subsection (b) or as hereafter adjusted pursuant to subsection (g)) and within the area extending two miles on either side of the centerline of Eagle Creek from the point where Eagle Creek crosses the southern boundary of the Apache National Forest to the confluence of Eagle Creek with the Gila River (this area is hereafter referred to in this section as the "Eagle Creek riparian area").

(3) In order to better implement the management plan, the Secretary may enter into cooperative agreements with appropriate State and local agencies pursuant to section 307(b) of the Federal Land Policy and Management Act of 1976.

(4) In order to assist in the development and implementation of the management plan, the Secretary may authorize appropriate research, including research concerning the environmental, biological, hydrological, cultural, and other characteristics, resources, and values of the conservation area, pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976.

(g) **ACQUISITION AND BOUNDARY ADJUSTMENTS.**—(1) The Secretary is authorized to acquire non-Federal lands or interests therein within the boundaries of the conservation system unit or within the Eagle Creek riparian area.

(2) The Secretary is authorized to adjust the boundaries of the conservation area so as to incorporate within the conservation area any lands or interests within the Eagle

Creek riparian area that may be acquired after the date of enactment of this Act as well as public lands within that portion of the Eagle Creek riparian area west of the centerline of Eagle Creek that the Secretary finds appropriate in order to properly manage such acquired lands as part of the conservation area. Any lands or interests so incorporated shall be managed as part of the conservation area.

(3) No lands or interests therein owned by the State of Arizona or any political subdivision of such State shall be acquired pursuant to this subsection except through donation or exchange, and no lands or interests within the conservation area or the Eagle Creek riparian area shall be acquired from any other party or entity except by donation, exchange, or purchase with the consent of the owner of such lands or interests.

(h) **NO BUFFER ZONES, AND SO FORTH.**—The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area not permitted in the conservation area shall not preclude such activities or uses up to the boundary of the conservation area to the extent consistent with other applicable law.

(i) **ADVISORY COMMITTEE.**—The Secretary shall establish an advisory committee to advise the Secretary with respect to the preparation and implementation of the management plan. Such advisory committee shall consist of seven members appointed by the Secretary. One member shall be appointed from nominations supplied by the Governor of Arizona and one member each shall be appointed from nominations supplied by the supervisors of Graham and Greenlee Counties, respectively. The remaining members shall be persons with recognized backgrounds in wildlife conservation, riparian ecology, archeology, paleontology, or other disciplines directly related to the purposes for which the conservation area is established.

(j) **REPORT.**—No later than five years after the date of enactment of this Act, and at least each ten years thereafter, the Secretary shall report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the implementation of this section, the condition of the resources and values of the conservation area, and the progress of the Secretary in achieving the purposes for which the conservation area is established.

(k) **ENFORCEMENT.**—Any person who violates any regulation promulgated by the Secretary to implement this section shall be subject to a fine in accordance with applicable provisions of the Sentencing Reform Act of 1984 (18 U.S.C. 3572) or to imprisonment for at least six months but no more than one year, or both such fine and imprisonment.

(l) **AUTHORIZATION.**—There are hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this section.

AMENDMENTS OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer a series of technical amendments, which have been cleared with the minority.

The Clerk read as follows:

Amendments offered by Mr. VENTO:

Page 2, line 22, change "78,800" to "90,800".

Page 3, line 11, change "Yavapai" to "La Paz".

Page 3, line 19, change "129,525" to "128,760".

Page 4, line 24, change "94,100" to "89,000".

Page 9, line 2, change "72,004" to "60,800".

Page 9, line 12, change "Mohave" to "Yavapai".

Page 10, line 3, change "Mohave" to "Yavapai".

Page 10, line 14, change "Yuma" to "La Paz".

Page 10, line 15, change "21,880" to "21,880".

Page 13, line 21, change "H. Rept. 101—" insert "405".

Page 13, line 22, change "CONGRESSIONAL FINDING." to "AREAS RELEASED".

Page 16, line 18, change "reserved" to "which may have been previously reserved".

Page 19, line 1, strike "AND SO FORTH".

Page 19, line 5, change "not" to "that would not be".

Page 19, line 7, after "activities or uses" insert "on such lands".

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

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

There was no objection.

Mr. VENTO. Mr. Chairman, these are simply technical amendments in nature. As I said, they have already been cleared with the minority. They correct some typographical errors in the committee substitute, revise some section headings, revise acreages to reflect the recalculations made by the Bureau of Land Management and make similar technical changes. I know of no objection to them and I urge their adoption.

I would be happy to yield to the manager on the part of the minority, if he wishes, for concurrence in my technical amendments.

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

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

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

Mr. Chairman, we have reviewed the technical amendments. We agree with them, and we have no objection to them.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's comments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota [Mr. VENTO].

The amendments were agreed to.

□ 1350

AMENDMENTS OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. KOLBE: Page 6, after line 24, insert the following: "The Secretary of the Interior, acting through the Bureau of Indian Affairs, shall administer that portion of the Black Rock Wash Road located within the boundaries of the San Carlos Apache Reservation so as to allow reasonable use of the road for private and administrative purposes and may permit limited public use of such road for the purpose of access to the public lands outside the reservation boundary."

Page 13, after line 21, insert the following:

(l) **AMENDMENT.**—Section 101(a)(23) of the Arizona Wilderness Act of 1984 (98 Stat. 1487) is amended by striking "the governmental agency having jurisdictional authority may authorize limited access to the area, for private and administrative purposes, from U.S. Route 70 along Black Rock Wash to the vicinity of Black Rock;"

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

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

There was no objection.

Mr. KOLBE. Mr. Chairman, the intent of this amendment is to clarify rights and uses along a road which passes through the San Carlos Indian Reservation on its way from U.S. Route 70 to several ranches and the North Santa Theresa Wilderness Area. This amendment should resolve longstanding questions which have put the private landowners, the tribe and the land management agencies in a perpetual state of potential conflict.

This amendment clarifies that the administration of the road is the responsibility of the Secretary of the Interior, working through the Bureau of Indian Affairs. This ensures that decisions will be made with utmost sensitivity to the needs of the San Carlos Apache Tribe, as well as the ranchers who live between the reservation and the wilderness, and the land management agencies and public visitors.

There is some question extant about whether the Black Rock Wash Road, where it passes through the reservation, is a tribal road or a public road. This amendment does not attempt to answer that question. Emotions run too high, and the stakes are too great for that kind of confrontation to be joined here. Rather, within that uncertainty, this amendment endeavors to establish a structure and a process which will meet the needs of all concerned parties.

The San Carlos Apaches have legitimate concerns about the possibility that increased public access along the Black Rock Wash Road could lead to increased vandalization, looting of cultural resources, or other criminal activities. They assert that their law enforcement capabilities in this remote area require the implementation of a permit system so that they can keep

tabs on those who enter their reservation.

This system is not to be applied to the private landowners whose only access to their land is through the reservation. At this time, these families are not required to obtain permits. Based on recognition, the tribal authorities allow these non-Indian families to proceed to their homes and to their grazing allotments. Those that are not recognized are stopped.

However, this is a haphazard system which creates tensions and uncertainties. I intend to convene a meeting with the tribal chairman of the San Carlos Apaches, and to include the Bureau of Land Management, the Forest Service, and the private landowners, to see if this system can be refined and coordinated.

Many members of the public will no doubt want to visit the new North Santa Theresa Wilderness, and the adjacent Santa Theresa Wilderness designated in the 1984 Arizona RARE II Act. Such visits should not be denied, but they can be managed through a permit system that is flexible and accessible. Such a permit system will serve to protect both the San Carlos Apache's and the ranchers in the area.

This permit system should not be extended to the ranchers themselves. They have the right to all reasonable access they may desire so they can carry out their daily activities. Working together with the tribe, they can ensure that problems along the road are reported and repaired. The potential for mutual cooperation and assistance between the tribe and the ranchers is great.

If the designation of wilderness is responsible for increased traffic along Black Rock Wash Road, I am prepared to advocate increased appropriations for the San Carlos Apaches for both law enforcement and maintenance. Funds for these activities are authorized under the Snyder Act, and not by the Arizona Desert Wilderness Act of 1990.

Mr. Chairman, I offer this amendment in an attempt to make the designation of the North Santa Theresa Wilderness a constructive vehicle for resolving longstanding frictions. I ask for the support of the House membership in this effort so that the rights of the tribe, the private inholders, the land management agencies and the public will be clear.

Mr. VENTO. Mr. Chairman, I rise in support of the amendments en bloc.

Mr. Chairman, just briefly, I want to rise in support.

I have consulted with the chairman, the gentleman from Arizona [Mr. UDALL], on this amendment. Obviously the amendments en bloc repeal a section of the law that was written in the Wilderness Act of 1984, and it further goes on to direct the Secretary of the Interior to provide, and to try to re-

solve these access problem for private inholders, for public land management purposes, and for some public use with regard to access to the wilderness.

This amendment, we think, is necessary and feel that it is appropriate to place in the bill so that we can resolve this particular issue in Arizona.

We look forward to working with the gentleman as the administrative procedure emanates from this legislative direction.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Arizona [Mr. KOLBE].

The amendments were agreed to.

AMENDMENTS OFFERED BY MR. RHODES

Mr. RHODES. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. RHODES: Page 13, strike lines 1 through 11 and in lieu thereof insert the following:

"(g) WATER.—(1) With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved rights shall be the date of enactment of this Act.

"(2) The Secretary of the Interior and all other officers of the United States shall take all steps necessary to protect the rights reserved by paragraph (1), including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of Arizona in which the United States is or may be joined and which is conducted in accordance with the McCarran Amendment, 43 U.S.C. 666."

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

"(4) The federal water rights reserved by this Act are specific to the wilderness areas and national conservation area located in the State of Arizona designated by this Act. Nothing in this Act related to reserved federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made pursuant thereto." Page 16, strike lines 10 through 19 in their entirety and in lieu thereof insert the following:

"(2)(A) Congress hereby reserves a quantity of water sufficient to fulfill the purposes (as specified in subsection (a)) for which the conservation area is established. The priority date of this reserved right shall be the date of enactment of this Act.

"(B) The Secretary of the Interior and all other officers of the United States shall take all steps necessary to protect the right reserved by this paragraph, including the filing by the Secretary of a claim for the quantification of such right in any present or future appropriate stream adjudication in the courts of the State of Arizona in which the United States is or may be joined and which is conducted in accordance with the McCarran Amendment, 43 U.S.C. 666."

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

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

There was no objection.

Mr. RHODES. Mr. Chairman, let me say for the record that this amendment is cosponsored by myself, the gentleman from Arizona [Mr. KYL], the gentleman from Arizona [Mr. KOLBE], the gentleman from Arizona [Mr. UDALL], and the gentleman from Minnesota [Mr. VENTO].

As I mentioned in my remarks during general debate, this issue concerning water rights and the adjudication of water rights has been the most difficult for us to resolve during our negotiations on the bill. There has been honest disagreement on both sides as to just exactly how this issue should be addressed. Again, let me reiterate that the question is not the existence of a Federal reserve water right. That has always been in the bill. It has always been agreed to by all parties to this debate. That is not the issue.

The issue is how, where, and when should that right be quantified and adjudicated. Our concern has been the forum in which those rights should be determined. It has been our concern that they be done in Arizona, that they be adjudicated in the Arizona courts under the Arizona system.

This amendment, which is now agreed to by all those who have been engaged in this debate, speaks to those concerns raised by those of us from Arizona worried about this particular issue, and I particularly want to thank my colleague, the gentleman from Arizona [Mr. KYL], for the work he put in on helping us to be able to come to closure on this issue.

The amendment makes specific reference to our intention that these reserve water rights should be quantified and adjudicated in the courts of the State. The amendment resolves the conflict between existing bill language and existing report language regarding the nature of the wilderness water right.

I need to elaborate on that briefly. These wilderness water rights will not necessarily be greater than any existing Federal water rights which the United States may have acquired for any other purposes. That will be determined in the State quantification process, and in any case, no existing Federal water rights are intended to be relinquished or diminished in any way under this amendment.

This language was supported by the State of Arizona, specifically by the Arizona Department of Water Resources.

Finally, the amendment asserts that the water language applies to this bill, the Arizona Bureau of Land Management Wilderness bill, and not to any past or future wilderness bills in any other State. It is our firm belief that these issues related to water should be resolved on a State-by-State basis as each State's BLM and Forest Service wilderness bills are brought to the floor of this House for consideration. We have no intention, no intention, that the solution to this problem that we have found for our State should be imposed upon any other State. We believe the compromise addresses our concerns for Arizona.

As I have just said, we do not expect that they will address or resolve concerns in other States.

Mr. Chairman, at this point, I would like to engage the chairman, the gentleman from Minnesota [Mr. VENTO], in a colloquy with respect to these amendments and certain portions of them.

Mr. Chairman, is it your understanding that in order to quantify the Federal reserved water rights being created, the Secretary of the Interior would file a claim in an appropriate stream adjudication in the courts of the State of Arizona?

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

Mr. RHODES. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. The McCarran amendment allows the United States to be joined as a defendant in a general stream adjudication in State courts. It is my expectation that when the United States is so joined, that the Secretary will participate under the McCarran amendment to adjudicate the Federal reserve water rights created by H.R. 2570 in the Arizona State court system.

Mr. RHODES. Although the Secretary retains the right to file in the Federal district court in cases in which the United States is not joined, would the amended bill require that he file there?

Mr. VENTO. No. The amendments do not amend the McCarran amendment, so neither the State court option nor the Federal court option would be mandated. However, with regard to the Federal reserve rights being created for wilderness areas in Arizona, we expect that the Secretary act to quantify such rights through the State system, when afforded an appropriate opportunity to do so consistent with the McCarran amendment.

□ 1400

Mr. RHODES. Does the gentleman anticipate a filing by the Secretary in Federal district court with respect to the Gila or Little Colorado River systems?

Mr. VENTO. We have been informed that the pending State adjudications of the Gila and Little Colorado River systems presumably may serve as the appropriate forum for quantification of the rights reserved by the bill related to those systems. Further, it is my understanding that if the Secretary were to file for claims on those systems in the Federal district court, the proceedings would probably be removed to State court.

Mr. RHODES. Does the gentleman or the committee anticipate a filing by the Secretary in Federal district court with respect to the Federal reserved rights being created on the Bill Williams River?

Mr. VENTO. No State adjudication is currently pending for the Bill Williams. The committee does not intend to prompt a premature adjudication on the Bill Williams, as was noted in the committee's report. Based on what we know now, we do expect that the Secretary would more than likely file for quantification of rights in a future Bill Williams adjudication in the courts of the State of Arizona at the appropriate time.

Mr. RHODES. Mr. Chairman, I thank the gentleman for his participation. I would remind the Committee of the Whole and the House that this has been a hard fought amendment. We are pleased to be joined in it by our colleagues. I would urge its adoption.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words. Before we wind up tonight, I want to respond to the compliments that have been showered upon me. I want to return the compliments, especially to my colleague, the gentleman from Arizona [Mr. RHODES]. The gentleman has been almost an instant leader since he came to the committee. He is responsible, long suffering, innovative, and just a genuine good legislator.

The gentleman could have ducked the issue. He could have sabotaged what was going on here at several points. But, working with the gentlemen from Arizona, Mr. STUMP, Mr. KOLBE, and Mr. KYL, they have a lot to be proud of. I think Arizona in looking back will have to say this is one of the finest hours of our congressional delegation.

Mr. Chairman, I support this amendment. I join in the colloquy, which has accurately stated my position.

Mr. Chairman, I am extremely pleased that we have been able to arrive at an understanding on this very important matter. The issue of Federal reserved water rights for wilderness areas created by this act is without doubt among the most hotly contested and complex of the many issues we have faced in this legislation.

Over the past several months, there have been very detailed discussions between myself, my colleagues in the Arizona delega-

tion and the relevant subcommittee chairmen. We have learned a great deal in the course of those discussions, which led directly to the agreement now before us. I believe this amendment is an important and appropriate clarification of the language previously agreed to by the Interior Committee.

Those concerned that the water rights reserved by H.R. 2570 be adjudicated and quantified in Arizona State courts under Arizona water law can expect that they will be. At the same time, we have left the McCarran amendment fully intact and protected the ability of the United States to defend its rights in appropriate court proceedings.

I want to associate myself entirely with the colloquy that has just been entered into regarding the meaning and intent of the amendment and say that I share their interpretation.

Mr. Chairman, I want to commend Mr. RHODES, Mr. KYL, Mr. MILLER, and Mr. VENTO for the diligent and patient work on this amendment. It is important work and I am pleased to support it.

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

Mr. Chairman, I rise in support of the amendments en bloc and have joined as an author of it myself with Chairman UDALL. These amendments would revise the language in the bill dealing with the reservation of water rights. The first amendment would apply to the water rights reserved with respect to the 39 wilderness areas designated by the bill, and also would state that nothing in the bill should be construed as a relinquishment of any other Federal water rights in Arizona.

The second amendment is similar, but relates specifically to the reservation of a water right related to the Gila Box Riparian National Conservation Area that would be established by section 4 of the bill.

Mr. Chairman, these amendments would require the Secretary of the Interior and all other officials of the National Government to take whatever steps may be necessary to protect the water rights that would be reserved by the bill. One of those steps would be the filing of claims for the quantification of the amounts of water reserved by the bill, in any present or future appropriate stream adjudication in the Arizona courts in which the United States is joined under the McCarran amendment, and which is conducted in accordance with that provision of existing law.

As a practical matter, Mr. Chairman, that is exactly what we would expect would happen in any event, whether or not this language is included in the bill. In fact, the committee has been told that about 90 percent of the streams in Arizona are already the subject of State adjudications, and after enactment of this bill the water rights reserved by the bill will be added to the matters dealt with in those proceedings. And, for the major

river system not now in adjudication, the Bill Williams River, the major concern of the State, as explained to us, is that adjudication not occur too soon. Neither the bill as reported nor these amendments would require that. This is explained in detail in the committee's report, and that discussion will remain applicable after adoption of the amendments.

Still, Mr. Chairman, I support the amendments because it seems appropriate to include their explicit reference to State stream adjudications.

At the same time, the amendments would leave intact the existing law and practice in this area, specifically the McCarran amendment, which provides the basis for concurrent Federal and State court jurisdiction over adjudication of Federal water rights. This is a most important point, because I am convinced that this existing law is sound and works well, not only in Arizona but in other States as well.

The existing law is not "broken," Mr. Chairman, and so Congress should not be "fixing" it in the context of this bill.

As to the part of the amendments that disclaim any intent to relinquish any existing Federal water rights, that is really only a rewording of what is now in the bill. I believe that the bill as it stands means and accomplishes the same thing, but the gentleman from Arizona [Mr. RHODES], and others have raised questions about it, and prefer the rewording included in the amendments. I believe that the effect is exactly the same, and so I support the rewordings.

So, Mr. Chairman, to summarize, these amendments would leave existing law, including the McCarran amendment intact. They would not change the jurisdiction of the Federal courts. They would not reduce the procedural options now available to officials of the national government to protect the rights of the United States or to enforce or implement such Federal laws as the Endangered Species Act. They would not require quantification in State courts. However, they would accurately reflect a congressional expectation that these the Federal reserved water rights will presumably be quantified in the State courts of Arizona in adjudications in which the United States has been joined under the provisions of the McCarran amendment.

Thus, Mr. Chairman, these amendments en bloc maintain the same careful, sound balance between Federal and State judicial jurisdiction and procedures as reflected in the McCarran amendment and other existing law and practice.

The amendments deserve the strong approval of the House and I urge their adoption.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Arizona [Mr. RHODES].

The amendments were agreed to. Are there any further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLIPPO) having assumed the chair, Mr. MAZZOLI, Chairman of the Committee of the Whole House on the State of the Union, reported that Committee, having had under consideration the bill (H.R. 2570), to provide for the designation of certain public lands as wilderness in the State of Arizona, pursuant to House Resolution 338, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to. The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The vote was taken by electronic device and there were—yeas 356, nays 45, not voting 30, as follows:

[Roll No. 18]

YEAS—356

Ackerman	Billrakis	Carper	Davis	Klecza	Regula
Akaka	Bliley	Carr	de la Garza	Kolbe	Rhodes
Alexander	Boehrlert	Chandler	DeFazio	Kostmayer	Richardson
Anderson	Boggs	Chapman	DeWine	Kyl	Ridge
Annunzio	Bonior	Clarke	Dickinson	LaFalce	Rinaldo
Applegate	Borski	Clay	Dicks	Lagomarsino	Ritter
Archer	Bosco	Clement	Dingell	Lancaster	Roe
Aspin	Boucher	Clinger	Dixon	Lantos	Rohrabacher
Atkins	Boxer	Coleman (MO)	Donnelly	Laughlin	Ros-Lehtinen
Baker	Brennan	Coleman (TX)	Dorgan (ND)	Leach (IA)	Rose
Ballenger	Brooks	Collins	Douglas	Lehman (CA)	Rostenkowski
Barnard	Broomfield	Condit	Downey	Lehman (FL)	Roth
Bartlett	Browder	Conte	Dreier	Lent	Roukema
Bateman	Brown (CA)	Conyers	Duncan	Levin (MI)	Rowland (CT)
Bates	Bruce	Cooper	Durbin	Lewis (GA)	Rowland (GA)
Bellenson	Bryant	Costello	Dwyer	Lightfoot	Roybal
Bennett	Buechner	Coughlin	Dymally	Lipinski	Russo
Bentley	Bunning	Courter	Dyson	Livingston	Sabo
Bereuter	Bustamante	Cox	Early	Lloyd	Salki
Berman	Callahan	Coyne	Eckart	Long	Sangmeister
Bevill	Campbell (CA)	Crockett	Edwards (CA)	Lowey (NY)	Sarpalius
Bilbray	Cardin	Darden	Engel	Luken, Thomas	Savage
			English	Lukens, Donald	Sawyer
			Erdreich	Machtley	Saxton
			Espy	Madigan	Scheuer
			Evans	Markey	Schiff
			Fascell	Martin (NY)	Schneider
			Fawell	Martinez	Schroeder
			Felghan	Mataul	Schuette
			Fish	Mavroules	Schulze
			Flake	Mazzoli	Schumer
			Filippo	McCloskey	Sensenbrenner
			Foglietta	McCollum	Sharp
			Frank	McCurdy	Shaw
			Frenzel	McDade	Shays
			Frost	McDermott	Sikorski
			Gallegly	McEwen	Slasky
			Gaydos	McGrath	Skaggs
			Gejdenson	McHugh	Slattery
			Gephardt	McMillan (NC)	Slaughter (NY)
			Geren	McMillen (MD)	Slaughter (VA)
			Gibbons	McNulty	Smith (IA)
			Gillmor	Meyers	Smith (NE)
			Gilman	Mfume	Smith (NJ)
			Gingrich	Miller (CA)	Smith (TX)
			Glickman	Miller (OH)	Smith (VT)
			Gonzalez	Miller (WA)	Smith, Robert
			Goodling	Mineta	(NE)
			Gordon	Moakley	Snowe
			Goss	Mollohan	Solomon
			Gradison	Moody	Spence
			Grandy	Moorhead	Spratt
			Grant	Morella	Staggers
			Green	Morrison (CT)	Stangeland
			Guarini	Morrison (WA)	Stark
			Gunderson	Mrazek	Stearns
			Hall (OH)	Murphy	Stokes
			Hamilton	Murtha	Studds
			Harris	Myers	Swift
			Hastert	Nagle	Synar
			Hatcher	Natcher	Tallon
			Hawkins	Neal (MA)	Tanner
			Hayes (IL)	Neal (NC)	Tauke
			Hayes (LA)	Nowak	Tauzin
			Hefley	Oakar	Taylor
			Hefner	Oberstar	Thomas (GA)
			Henry	Obey	Torres
			Hertel	Olin	Torricelli
			Hiller	Ortiz	Towns
			Hoagland	Owens (NY)	Traffant
			Hochbrueckner	Owens (UT)	Traxler
			Holloway	Oxley	Udall
			Hopkins	Packard	Unseald
			Horton	Pallone	Upton
			Hoyer	Panetta	Valentine
			Hubbard	Parker	Vander Jagt
			Huckaby	Pashayan	Vento
			Hughes	Patterson	Visclosky
			Hutto	Paxon	Volkmer
			Inhofe	Payne (NJ)	Walgren
			Ireland	Payne (VA)	Walker
			Jacobs	Pesse	Walsh
			James	Peiosl	Watkins
			Jenkins	Penny	Waxman
			Johnson (CT)	Perkins	Weber
			Johnson (SD)	Petri	Wells
			Johnston	Pickett	Weldon
			Jones (GA)	Pickle	Whitten
			Jones (NC)	Porter	Williams
			Jontz	Poshard	Wilson
			Kanjorski	Price	Wise
			Kaptur	Pursell	Wolf
			Kasich	Quillen	Wyden
			Kastenmeier	Rahall	Wylie
			Kennedy	Rangel	Yatron
			Kennelly	Ravenel	Young (AK)
			Kildee	Ray	Young (FL)

NAYS—45

Arney	Hammerschmidt	Shuster
Barton	Hancock	Skeen
Brown (CO)	Hansen	Skelton
Burton	Heger	Smith, Denny
Campbell (CO)	Hunter	(OR)
Coble	Leath (TX)	Smith, Robert
Combest	Lewis (CA)	(OR)
Craig	Marlenee	Stallings
Crane	McCandless	Stenholm
Dannemeyer	Montgomery	Stump
DeLay	Nielson	Sundquist
Dornan (CA)	Roberts	Thomas (CA)
Emerson	Robinson	Thomas (WY)
Fields	Rogers	Vucanovich
Gekas	Schaefer	Whittaker
Hall (TX)	Shumway	

NOT VOTING—30

Andrews	Gallo	McCrary
Anthony	Gray	Michel
AuCoin	Houghton	Nelson
Byron	Hyde	Parris
Dellums	Koiter	Smith (FL)
Derrick	Levine (CA)	Solarz
Edwards (OK)	Lewis (FL)	Washington
Fazio	Lowery (CA)	Wheat
Ford (MI)	Manton	Wolpe
Ford (TN)	Martin (IL)	Yates

□ 1433

Messrs. STANGELAND, GALLEGLY, MORRISON of Washington, YOUNG of Alaska, and WAXMAN, changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2570, ARIZONA DESERT WILDERNESS ACT OF 1990

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical, conforming and grammatical corrections in the engrossment of H.R. 2570, Arizona Desert Wilderness Act of 1990.

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

There was no objection.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on H.R. 2570, the bill just passed.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall No. 18.

LEGISLATIVE BUSINESS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I ask for this time for the purpose of receiving the schedule for the rest of the day and for next week.

Mr. Speaker, I yield to my friend, the majority leader, the gentleman from Missouri [Mr. GEPHARDT].

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

The House has finished its business for the day. There will be no legislative business on tomorrow, March 1. The House will not be in session on Friday, March 2.

On Monday, March 5, the House will meet at noon, but again, no legislative business. Tuesday, March 6, the House will meet at noon to consider six bills under suspension, first,

H.R. 4077, regarding Farmers Home Administration delinquent loans and inventory.

H.R. 4099, to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

H.R. 1159, to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail.

H.R. 1109, California National Historic Trail and Pony Express National Trail.

H.R. 1243, requiring the Secretary of Energy to establish three Centers for Metal Casting Competitiveness Research.

H. Res. 17, to provide for the concurrence of the House to the amendments of the Senate to H.R. 1396, with an amendment.

On Wednesday, March 7, and Thursday, March 8, the House will meet at 10 a.m.

On March 7, the House will recess immediately and reconvene at 11 a.m. to receive His Excellency, the President of the Council of Ministers of the Italian Republic, Mr. Giulio Andreotti, in a joint meeting. Following the joint meeting, the House will reconvene for legislative business.

The House meets at 11 a.m. on Thursday, March 8, and legislative business will be H.R. 1231, to establish a Commission To Investigate and Report Respecting the Dispute Between Eastern Airlines and Its Collective Bargaining Units (veto override; 1 hour debate), and H.R. 3581, Rural Economic Development Act (subject to a rule).

On Friday, March 9, the House will not be in session.

On Tuesday, March 6, as I said, there will be six suspension bills. The votes will be held until after all of the suspensions have been considered. We will have votes on that day.

Mr. GINGRICH. Let me ask a couple of questions: Does the gentleman know, will the majority be ap-

pointing conferees on the TV violence bill, H.R. 1391?

Mr. GEPHARDT. If the gentleman will yield, we will be, but not this week. It will be sometime soon in the future.

Mr. GINGRICH. So, sometime after the week of the 6th?

Mr. GEPHARDT. It will not be next week. It will be sometime after that.

Mr. GINGRICH. Second, when will we have an anticipated vote schedule for the rest of March for Members who are trying to figure out when they will go back and forth to their districts?

Mr. GEPHARDT. We will provide for Members a March calendar before this week is out, either tomorrow or the next day. Most likely, tomorrow.

Mr. GINGRICH. Lastly, I noticed with some concern this morning, the fall in the durable goods order for January, and that brings Members back to the question of a tax bill, and the capital gains proposal by the President, or a modified version thereof.

Do you have any notion at this time as to when Members might expect the Committee on Ways and Means to be reporting such a bill?

Mr. GEPHARDT. As the gentleman knows, there is a capital gains bill in the Senate at this time. We will be proceeding on the budget, and our reconciliation, and obviously, tax and revenue measures in that context as well. Therefore, I believe there will be ample opportunities in the near future for Members of both sides to consider questions on the Tax Code.

Mr. GINGRICH. I only raised it because I think there is some very real concern about the danger of the economy sliding into recession, and we are looking, frankly, for some legitimate ways to accelerate economic growth. I appreciate the knowledge that we will, between the budget and other things, be getting on to that.

□ 1440

ADJOURNMENT FROM THURSDAY, MARCH 1, 1990, TO MONDAY, MARCH 5, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that then the House adjourns on Thursday, March 1, 1990, it adjourn to meet at noon on Monday, March 5, 1990.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednes-