

over 400 archeological sites, some of which are over 12,000 years old.

Mr. President, this bill will not in any way affect the management of Lake Meredith. The average visitor will notice no difference. Existing activities, such as hunting on these public lands, will be preserved unchanged. Oil and gas production, of which there is a considerable amount in the Lake Meredith area, will continue unchanged.

No visitor fees will be charged as a result of this legislation. I might add that the NPS already has the authority to charge entrance fees at Lake Meredith. It is the same authority that they have for other units of the National Parks System. This bill will not change that authority. The NPS has chosen not to charge entrance fees at Lake Meredith simply because they felt that the nature of the park made it too difficult administratively to collect such fees.

This legislation would grant long-overdue recognition to this area and would codify the long-standing and amicable relationship between the NPS, the Bureau of Reclamation, and the CRMWA. Mr. President, this legislation is most timely and helpful to the Panhandle area. I urge its passage by the Senate.

AMISTAD NATIONAL RECREATION AREA

Mr. GRAMM. Mr. President, I rise today in support of H.R. 967, a bill to establish the Amistad National Recreation Area which is a title of the pending bill H.R. 2570.

This legislation would create a unique resource at the International Amistad Reservoir along the Texas-Mexico border near Del Rio, TX. This area is managed by the National Park Service in conjunction with the International Boundary and Water Commission under a memorandum of agreement. Therefore, this bill would recognize the significance of these resources and establish a permanent method of preserving them.

Along the banks of the reservoir are prehistoric cave sites which contain numerous examples of rock art and pictographs and document nearly 10,000 years of continuous prehistoric occupation. In addition, there are numerous other cultural resources in the surrounding area resulting from early efforts to settle the area and the second transcontinental railroad.

The Amistad Reservoir is visited by nearly 1 million people each year, and the area is a popular site for outdoor activities, including fishing, boating, scuba diving, and hunting.

Mr. President, this legislation would ensure that these important artifacts, which are significant to the Nation, are preserved for the education and enjoyment of future generations of scholars and tourists. I thank you for this opportunity and urge my col-

leagues to give their approval to this bill.

SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARKS

Mr. GRAMM. Mr. President, I rise today in support of H.R. 4811, which will expand the boundaries of the San Antonio Missions National Historical Parks, which is a title of the pending bill.

This legislation would add over 300 acres to this system of parks which comprise one of the greatest concentrations of Spanish Colonial architecture in the New World. A recent study identified additional historic resources that were not included when the parks system was originally designated. These include the Rancho de las Cabras, the working ranch which supported Mission Espada, in Floresville, TX.

The Missions National Historical Parks are the 10th most popular tourist destination in Texas. Local leaders estimate that over 1 million visitors tour the missions annually. During the economic summit of last July, First Lady Barbara Bush hosted a tour of Mission San Jose for the spouses of the G-7 leaders.

In addition, a citizens group, Los Compadres de San Antonio Missions National Historical Park, has supported the park through extensive private fundraising efforts. These efforts have resulted in physical improvements to the park, including the new visitors center at Mission Concepcion, as well as archeological research and architectural restoration.

This legislation would also permit the development of additional visitors centers and interpretive displays at the missions. It is my hope that these improvements can be completed in time for the upcoming quincentennial celebration of Christopher Columbus' discovery of the New World so that visitors will be provided with additional information regarding the role of the missions in the development of Texas and the West.

These parks play an important role in the economy of San Antonio and the surrounding area and are strongly supported by the community. Mr. President, I urge my colleagues to show their support for the missions as well and to act favorably upon this legislation.

Mr. DECONCINI. Mr. President, I rise today in strong support of H.R. 2570 the Arizona Desert Wilderness Act of 1990. This legislation represents almost 2 years of continuous work by the Arizona congressional delegation and I am proud to have played role in its drafting and ultimate enactment.

As the Senate considers this legislation, a brief history of how we arrived at this point is in order. H.R. 2570 represents the consensus Arizona congressional delegation position on wilderness in our State. It is, with several ex-

ceptions, identical to S. 2117, the second wilderness bill that my colleague Senator McCAIN and I have introduced this Congress. The first, S. 1080, was introduced last May and it would have designated as wilderness 895,150 acres of Bureau of Land Management and Fish and Wildlife Service lands. That legislation, for the most part, adopted the BLM recommendations on suitable acreage for wilderness designation in my State. At that time, I stated that we were introducing that legislation to elicit a thorough and candid analysis of this issue by our colleagues and constituents. Also, last year in the House, the senior member of the Arizona delegation, Chairman UDALL, introduced two wilderness bills that would have placed over 2.7 million acres of Federal land in the wilderness preservation system.

Our second wilderness bill, S. 2117 and the bill before the Senate today, H.R. 2570, reconciles the differences between Chairman UDALL's original bill and S. 1080.

Mr. President, I am happy to tell you and the Members of this body that my goal of a thorough and candid analysis has indeed been accomplished. After many months of discussions among members of the Arizona delegation, hearings both in Arizona and Washington, meetings with constituents and staff, we have arrived at the bill before you today—a consensus Arizona wilderness bill. This bill reflects what, in my opinion, is widespread agreement throughout my State on what wilderness should be in Arizona. While it does not contain everything that everybody wanted, this legislation is a fair and balanced wilderness bill.

This consensus bill designates, as wilderness, approximately 1.1 million acres out of the 2.1 million acres of BLM land currently in wilderness study status in Arizona. The land that is not designated as wilderness by this act will be released to multiple-use management. A particular emphasis of this bill is the protection of Arizona's rapidly disappearing desert riparian areas. Out of the seven riparian areas considered for wilderness suitability by the BLM, six are included in the wilderness preservation system and one, the Gila Box, will be made a National Riparian Conservation Area.

The major difference between Senator McCAIN's and my original bill and S. 2117 and H.R. 2570 is the inclusion of two large wildlife refuges: The Kofa and Cabeza Prieta National Wildlife Refuges. When we introduced our first bill last year, I had concerns that the designation of these refuges as wilderness would impact the ability of the refuge managers to manage the very significant wildlife resources within them. However, in testimony before the House Interior committee, John

Turner, the Director of the Fish and Wildlife Service, allayed these concerns. He stated:

(T)he analysis and selection of management methodologies that comprise the requisite minimum tools for use in a wilderness area have not precluded positive management actions.

And—

On the KOFA Refuge, maintenance of approximately 80 existing wildlife watering facilities and construction of 7 new sites has occurred since the original [wilderness] proposal was submitted to Congress. On the Cabeza Prieta Refuge, similar habitat management efforts have also been implemented. We have modified methods of personnel and material transport from wheeled vehicles to helicopters where appropriate, but such modifications have not caused us to deary or forgo in any manner management actions considered necessary to further our mission in the administration, protection, and enhancement of the lands and wildlife for which we are responsible.

There are a number of other issues concerning this wilderness bill that I would like to touch upon briefly. The vast majority of the wilderness areas designated by this bill are in a desert environment with very little, if any, water associated with them. The question of whether a wilderness designation implies an additional water right has always been very controversial in the West and it was difficult for the delegation to reach a consensus on this issue. However, we in the Arizona delegation consider ourselves fortunate to have two outstanding water lawyers, JON KYL and JOHN RHODES. They worked with Chairman UDALL and the Arizona Department of Water Resources to draft an amendment to the House bill that addresses the issue of the Federal reserve water rights in wilderness areas. I do not believe it is an issue as to whether or not the creation of a wilderness area creates a reserve water right. Rather, I believe it to be an issue of how and in what arena these water rights will be quantified. The language that was adopted by the House states clearly that it is Congress' intent that these reserve water rights be quantified and clarified in the courts of the State. Furthermore, the language declares that this approach only applies to this bill. It is my belief that these issues should be resolved on a State-by-State basis. The water language in this bill is an Arizona solution for an Arizona wilderness bill.

There is an additional water issue that affects only two proposed wilderness areas; the Swansea Wilderness Study Area [WSA] and the Rawhide Mountains WSA. It is my understanding according to the participants in the water rights discussion, that this issue was not part of the agreement on the water rights language, that this issue was not part of the agreement on the water rights language. These two areas are in the Bill Williams water-

shed. This watershed contains the only significant unappropriated water rights in the State and the Arizona Department of Water Resources has indicated that there is a pending application for the unappropriated water in this watershed. It is our intent that the priority date for the reserve water right created by this legislation is the priority date of enactment and therefore, junior to both senior vested rights and pending applications for unappropriated water filed before the date of enactment.

Another wilderness issue that the Arizona delegation addressed was the issue of management of wildlife in wilderness areas. It is my personal opinion that Congress needs to further clarify and define the appropriate role of wildlife managers and Federal agencies in the management of wildlife within the wilderness areas designated by this legislation. As I stated earlier, many of the areas designated as wilderness by this bill are in a desert environment. Development pressures have greatly reduced the natural habitat of many species of wildlife. For example, the migratory patterns of the desert bighorn sheep have been disrupted by roads and other man-made obstacles. This prevents this species, in many instances, from seeking out its natural waters. In many of the areas designated as wilderness by this legislation, there do not exist natural sources of water and as a result the wildlife managers have had to undertake measures to provide it. The Arizona delegation wanted to ensure that these practices would be able to continue in wilderness areas. The bill before us today reflect this desire. We came to the conclusion that by including the wilderness wildlife management guidelines developed by the International Association of Fish and Wildlife Agencies in the committee report with a statutory reference in the bill, this will state, clearly, that wildlife management is compatible with wilderness.

Concerning cattle grazing, the delegation agreed that the guidelines contained in the Colorado bill, Public Law 96-560, have been successful in allowing for the proper management of livestock grazing in wilderness areas. The committee report includes these guidelines and the bill we are considering today contains a statutory reference to them.

As I stated earlier, a particular emphasis of this bill is the protection of Arizona's rapidly disappearing riparian areas. With the indulgence of the committee, I would like to take a moment to highlight two of these areas and outline briefly issues that we would like to have addressed by the committee. The one area that, in my mind, typifies the cooperative spirit in which this bill was drafted in White Canyon. White Canyon is located

within an hour's drive of Arizona's largest metropolitan area. It is an area of tremendous beauty containing a deep and dramatic gorge with a perennial stream flowing through it. A significant number of wildlife species make their home in White Canyon. These include the mountain lion and black bear as well as a number of special status species. A major mining company, ASARCO Minerals, expressed to the delegation very significant concerns that the creation of this wilderness area would hamper its ability to develop its significant mineral resource in the vicinity. At the suggestion of the Arizona congressional delegation, ASARCO, wilderness proponents and BLM sat down and came to an agreement that will allow this area to become a wilderness area. It was agreed that with a modest boundary adjustment and report language recognizing the possible existence of this mine and stating that the designation of this wilderness area is not intended to prevent them from developing their resources outside the boundary, they would be able to continue with plans for this mine. The committee report accompanying this bill contains this language.

An area that is also worthy of mention is Upper Burro Creek. This area was not recommended for wilderness by BLM because the State of Arizona owned three key sections bordering the 8.5 miles of Burro Creek within the WSA. Those State land sections have since been acquired by BLM making it a much more manageable wilderness area. This unit consists of a steep, scenic canyon along Burro Creek and a large mesa. Upper Burro Creek is estimated to contain more than 25 percent of the wildlife species occurring in Arizona; more than any other BLM WSA. This area also contains many National Register quality archaeological sites. Santa Fe Minerals still holds substantial subsurface mineral rights within the Upper Burro Creek wilderness area. It is important for me to note at this point that this company has been a responsible corporate entity in Arizona. This is evidenced in part by the fact that Santa Fe negotiated the exchange of approximately 140,000 acres of subsurface mineral rights which enabled eight areas to be designated as wilderness by this bill. I have significant concerns that we are forcing this company to enter into another exchange so that they will not have to deal with the difficulties inherent with developing their resources in a wilderness area. Accordingly, at both Senator McCAIN's and my request, statutory language was included in the bill to make it clear that it is Congress' intent that it is in the public interest to acquire the private subsurface mineral estate within the wilderness area.

Mr. President, Senator McCAIN and I have a number of amendments that are, for the most part, technical in nature. Those that are not include an amendment clarifying that the flood control operations of Alamo Dam and the dams of the Colorado River are not to be affected by this legislation. Also, responding to the concerns of the senior Senator of New Mexico, we are offering an amendment that clarifies that the creation of the Gila Box Riparian National Conservation Area will not impact the allocation of water to the State of New Mexico pursuant to the Colorado River Basin Project Act of 1968.

Mr. President, in coming to agreement on this wilderness bill, Arizona has once again demonstrated why its delegation is unique among those in Congress. We don't always see eye-to-eye on every issue, but we are able to put aside partisan differences for the good of the State we serve. This consensus wilderness bill is further example of this cooperative spirit. Each and every member of the Arizona delegation has made his mark on this legislation.

I particularly want to thank my colleague, Senator McCAIN, for his tireless efforts in working with me on this bill. Without the hard work of Senator McCAIN and John Raidt of his staff, we would not be in a position to pass this legislation. It has been a pleasure to work with the both of them.

I also want to say a few words about my good friend, MO UDALL, chairman of the House Interior Committee. Over the years, he has earned my respect and admiration for his leadership on natural resource issues. He kept the delegation moving forward toward a compromise bill. His commitment to seeking this work completed has been an inspiration to me.

I want to also express our appreciation to the Governor of Arizona, Rose Mofford and her staff, particularly Bill Plummer of the department of water resources and Duane Shroufe with the game and fish department. Their expertise and counsel has been helpful and appreciated by this Senator. Their suggestions have been constructive and have made the Arizona wilderness bill a better bill.

Mr. President, almost 60 percent of the total landmass in Arizona is owned by the Federal Government. In Arizona, we are fortunate to have outstanding land managers who administer this land. The process by which this bill was drafted has once again reinforced this fact in my mind. The Arizona Desert Wilderness Act designates both BLM and Fish and Wildlife Service lands as wilderness. Beau McClure and Dean Bibbes of the BLM and Mike Spear, Jennifer Fowler-Propst, Bob Schumaker, and Milton Haderlie of the Fish and Wildlife Service deserve special recognition for all of their as-

sistance to the delegation as we proceeded with this legislation.

I also want to extend my gratitude to Chairman JOHNSTON and Senator McCLURE for their efforts in ensuring the timely consideration of this legislation. Also, the chairman and ranking member of the Public Lands Subcommittee, Senator BUMPERS and Senator WALLOP, have played a critical role in the passage of the Arizona Desert Wilderness Act. Their counsel, and that of their staff—David Brooks, Tom Williams, and Jim Beirne—has been constructive and in my opinion, resulted in a better bill. The Arizona delegation has worked long and hard to get to this point and without their assistance it would have all been for naught.

As codrafters of this legislation, I have a number of issues I would like to raise with my colleague Senator McCAIN, in order that our intent concerning this bill is clarified.

PRIVATE OWNERSHIP WITHIN THE WILDERNESS AREAS DESIGNATED BY H.R. 2570

Within the boundaries of the upper Burro Creek Wilderness Study Area for example, there are approximately 6,000 acres of private mineral estate beneath the federally owned surface estate. H.R. 2570 was amended to include language stating that it is Congress' intent that private mineral estates should be acquired by the Secretary of the Interior in as timely a fashion as possible.

Mr. McCAIN. The senior Senator from Arizona is correct. Because development of the private mineral estate is likely to be incompatible with the wilderness values of the area. I believe that it would be in the public interest for the Secretary to acquire the private mineral estate ownership by exchange not only in this wilderness area, but the others designated by this legislation. H.R. 2570 was amended which will hopefully facilitate such exchanges. This provision is contained in section 101(j) of H.R. 2570.

Mr. DeCONCINI. I thank the Senator. He and I are in agreement on this issue. It is certainly in the public interest for the Secretary to use his existing authority to acquire the private mineral estate in the wilderness areas designated by this legislation and I hope he would do so in as timely a fashion as possible.

SANTA RITA AMENDMENT

Mr. McCAIN. The intent of title V of Public Law 100-696 was: First, to satisfy the debt of the State of Arizona for State land taken by the Bureau of Reclamation for construction of the Central Arizona Project [CAP]; and second, to provide for the acquisition of all State lands described in the act through exchange or eminent domain. The eminent domain authority was included because of the uncertainty under Arizona law whether the State would have exchange authority. The

Arizona Supreme Court, in a subsequent decision, held that it did not.

The legislation identifies six State areas—Black Canyon Corridor, Lake Pleasant, Catalina State Park, Arivaca Lake, Madera-Elephant Head and Buenos Aires National Wildlife Refuge—for Federal acquisition and provides for the termination of several withdrawals on four Federal parcels to allow for disposal—Santa Rita Experimental Range, Red Mountain, and Fish and Wildlife Service's lands in the Havasu and Imperial National Wildlife Refuges. Title V was a plan worked out between the Federal and State land management agencies to better serve the public and to improve the management and administration of the lands involved.

Appraisals for the CAP, Federal and State land areas reflects a Federal deficit of \$26.5 million. In an effort to accomplish the intent of title V, the BLM and the State looked to section 28 of the State's Enabling Act to satisfy the CAP debt and looked at public lands outside those specifically identified in title V to compensate the State for lands to be taken by eminent domain.

Unfortunately, the Department of the Interior Field Solicitor has determined that section 501 of the act precludes the use of section 28 of the Enabling Act to satisfy the CAP debt and that lands other than those specifically described in the act cannot be used to compensate the State for lands taken by eminent domain.

This opinion is inconsistent with the intent of title V. The authors of the legislation had no intention or expectation that section 501 of the act would eliminate the option of using section 28 of the State's Enabling Act to satisfy the remainder of the CAP debt to the State. Furthermore, this opinion is inconsistent with the intent of the law as described in section 502(a), which is to acquire all State lands listed in the act. Therefore, technical amendments to title V of Public Law 100-696 clarifying our original intent are necessary. The amendments will allow the satisfaction of the CAP debt, the acquisition of all State trust lands described in title V and the transfer of lands to the State which have value for the school trust.

Mr. DeCONCINI. That is correct. These amendments clarify that title V does not preclude the State's selection rights for the CAP compensation under section 28 of the State's Enabling Act. The amendments reaffirm that section 502(b) authorizes compensation in the form of additional public lands determined by the Secretary of the Interior to be of equal value to lands taken from the State by eminent domain. Also, the amendments clarify that lands described in section 507 can

be used as compensation for State lands acquired under the act.

Mr. McCAIN. That is correct. Title V provides an additional authority, not the sole authority, for satisfying the CAP debt. It is also important to point out that this clarification of section 502(b) does not establish new exchange authority. It is strictly limited to the payment in public lands for the State lands described in title V that are taken by eminent domain.

Mr. DECONCINI. That is my understanding also. The Arizona Supreme Court has ruled that State exchanges are unconstitutional and that a constitutional amendment is required to allow future exchanges. Although a constitutional amendment will be on November's ballot, there is no assurance that the initiative will pass. If it does not pass, the possibility of being able to acquire in the foreseeable future these State lands, which have very significant natural resources values, will be lost. Therefore, it is extremely important that these technical amendments be made at this time so that the results of our efforts in 1988 can be realized.

Mr. McCAIN. I ask unanimous consent that a letter from the Arizona State Land Department requesting the clarification involved in these amendments be included in the RECORD. Also, we are expecting a letter from the Department of the Interior in the near future requesting that clarifying technical amendments be introduced so that the intent of title V can be realized.

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

ARIZONA STATE LAND DEPARTMENT,
Phoenix, AZ, September 24, 1990.

HON. JOHN McCAIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR McCAIN: I am writing to ask for your support for including a Technical Amendment to Title V of the Arizona-Idaho Conservation Act of 1988 as part of the Arizona Wilderness Bill. The amendment would enable the Arizona State Land Department and the Departments of the Interior and Agriculture to proceed with the Santa Rita Public Lands Exchange that was authorized by the Arizona-Idaho Conservation Act.

The Santa Rita Public Lands Exchange will allow the State and the Federal Government to reposition state trust and federal public lands with major environment benefits. Trust lands inside parks, wildlife refuges and archeological areas will become Federally owned, and Arizona's University system will acquire the Santa Rita Experimental Range, an important wildland research area.

The Santa Rita Project has been three years on the making and is authorized by State legislation and Title V of the Arizona-Idaho Conservation Act. Unfortunately, Title V does not do all that we set out to do. It confines the State's selection rights to the Santa Rita Experimental Range and it does not authorize the Bureau of Land Management to add additional Federal

lands to compensate the State for the higher value Trust lands that are designated for Federal acquisition by Title V.

We have reviewed the technical amendment that has been prepared for inclusion in the Arizona Wilderness Bill, and wholeheartedly endorse its inclusion so that we can proceed with the Santa Rita Public Lands Exchange project that is so vital to both Arizona, and the Departments of the Interior and Agriculture.

Please support the amendment.

Sincerely,

M.J. HASSELL,
Commissioner.

SAFFORD DOMESTIC WATER SUPPLY

Mr. DECONCINI. In addition to designating BLM and Fish and Wildlife Service lands as wilderness, H.R. 2570 also created the Gila Box Riparian National Conservation Area. This conservation area encompasses approximately 20,900 acres of prime riparian habitat along the Gila River and Bonita Creek. It is my understanding that the city of Safford obtains approximately 80 percent of their domestic water supply from Bonita Creek. Additionally, there are also several water delivery facilities within the conservation area that the city must have access for maintenance purposes. It is our intent that Safford's water supply from Bonita Creek as well as their ability to maintain these facilities not be adversely impacted by the designation of the Gila Box Riparian National Conservation Area.

Mr. McCAIN. I am in absolute agreement with my colleague in this regard. It is my understanding from the BLM that there is a road that runs along Bonita Creek and is used by the city of Safford to maintain their water delivery facilities. The BLM feels that there is adequate administrative authority for them to continue to allow this use in the conservation area. It is my expectation that as the BLM prepares its management plan for the Gila Box Conservation Area, this historical use be recognized and allowed to continue.

WATER RIGHTS

Mr. McCAIN. Mr. President, as my colleague, Senator DECONCINI, alluded to previously, the water rights language in this bill is the product of long and arduous negotiations involving a number of parties including, among others, members of the Arizona congressional delegation and the Arizona Department of Water Resources. I think that the language included in the bill is a sound and rational approach to deal with this controversial issue. However, after the bill was marked-up, an additional issue was raised concerning the Federal reserve water right created by this legislation and its relationship to pending applications for water filed with the Arizona Department of Water Resources. Two areas designated as wilderness by this legislation are in the Bill Williams watershed which contains the only sig-

nificant unappropriated water in the State of Arizona. The city of Scottsdale has an application pending for the unappropriated water rights in this watershed. It is my understanding that under Arizona water law, the Arizona Department of Water Resources is bound to approve applications for water rights if they do not, among other things, conflict with vested rights. In view of the fact that the priority date of pending applications is the date they are filed with the Arizona Department of Water Resources and the priority date of the reserve water rights created by this legislation is the date of enactment, it is my understanding that the Federal reserve right would be considered junior to pending applications. Without commenting on the merits of this application, we believe that Arizona law allows the Arizona Department of Water resources to consider the pending application unimpeded by the existence of the Federal right.

Mr. DECONCINI. My distinguished colleague has correctly assessed the situation with respect to the Swansea and Rawhide Mountains Wilderness Areas, the two areas in the Bill Williams watershed. Our intent always has been that the priority of date of the rights is the date of enactment and therefore junior to senior vested rights and pending applications filed before the date of enactment.

BLACK ROCK WASH ROAD

Mr. DECONCINI. It is my understanding this amendment is intended to provide authority to the Secretary of the Interior and the Secretary of Agriculture for signing, fencing and maintenance of that section of Black Rock Wash Road located within the boundary of the San Carlos Apache Reservation.

Mr. McCAIN. That is correct. This is a matter of particular concern to Congressman KOLBE who has requested the addition of this amendment. The Black Rock Wash Road is the sole access route for ranchers whose homes are adjacent to the Santa Teresa Wilderness area. In addition, the BLM and Forest Service need to use the road for administrative purposes. Therefore, upkeep of the road is important and the reason we are authorizing cooperative agreements to provide for maintenance.

Mr. DECONCINI. There is some question as to whether the portion of Black Rock Wash Road located within the reservation boundary is a tribal road or a public road, how is that question affected by this amendment?

Mr. McCAIN. This amendment does not expressly or impliedly attempt to address the road ownership question. Resolving this longstanding controversy is beyond the scope of the wilderness bill and it would be inappropriate to address it in H.R. 2570.

WHITE CANYON

Mr. DECONCINI. Mr. President, in a number of areas that we have considered for wilderness designation, there have been many existing mining claims and, additionally, a lot of expressed interest in mineral potential. By working cooperatively with the mining interests, the wilderness proponents, and the Bureau of Land Management, we have arrived at agreements that have allowed us to make some significant wilderness recommendations.

One such area that has been included in this bill is the White Canyon Wilderness Area. However, an additional concern of the mining interests in this area is the long planned development of significant mineral resources not far from the wilderness boundaries.

In making this recommendation, we are fully aware that these mining activities, as the company points out, could impact the White Canyon Wilderness in terms of noise, dust, vehicle emissions, or the other unusual by-products of mine development. Nonetheless, Senator McCAIN and I have agreed that wilderness designation is very important in providing other protection to this unique and beautiful canyon.

Mr. McCAIN. That is certainly correct, Mr. President. This is a very significant riparian area and one which we felt deserved to be given wilderness protection. It is within a short driving distance from Phoenix, Arizona's largest metropolitan area; and, will certainly be under increased recreational pressure in the upcoming years. I think it is significant to also point out that the proposed mining operations are downstream from the canyon and that neither water quality nor quantity in the canyon should be affected in any way.

Mr. DECONCINI. Mr. President, Asarco Mining Co., which is the company with mining interests in the area, has been very cooperative from the start in working with the Bureau of Land Management and with the Arizona congressional delegation. They are willing to forego future mining opportunities within the canyon area, but have expressed serious concerns as to how wilderness designation would effect mining operations which are planned in the immediate vicinity. Again, there is no doubt that dust, noise, and other impacts of normal mining activities could be detected within the boundaries of the White Canyon Wilderness area.

Knowing that, we have recommended this wilderness designation with the expressed understanding that it is not our intent, nor the intent of Congress, to limit or restrict normal mining activities because of those effects. In fact, language was included in the committee report addressing this con-

cern. The committee recognized that large-scale mining operations may be developed in relatively close proximity to the boundaries of the White Canyon Wilderness and it is not our intent to establish a wilderness area to impede or unduly limit those normal activities.

Mr. McCAIN. I would further point out, Mr. President, that the development and operation of these mining activities would be subject to all relevant Federal environmental laws and regulations and to all State and local laws, regulations, and permit requirements and I would hope that the company will do everything to mitigate impact to the greatest extent possible.

SAN CARLOS INDIAN COMMUNITY LAND CLAIMS

Mr. McCAIN. Certain lands within the Gila Box Riparian National Conservation Area are subject to claims by the San Carlos Apache Indian Tribe. Is it correct to say that the inclusion of these lands within the NCA is not intended to decide or in any way adversely affect the claims of the San Carlos Apache Tribe?

Mr. DECONCINI. That is right. The inclusion of lands in the NCA is not intended to affect the claims of the San Carlos Apache Tribe. If through appropriate legal channels the boundary of the reservation is determined to include lands within the NCA, adjustment of the tribal boundary would in no way be affected or prejudiced by the NCA status.

Mr. McCAIN. Would the Senator agree that the inclusion of the lands claimed by the San Carlos Apache Tribe within the NCA will provide the area with more protection for the lands pending the resolution of the tribe's claims, than it would without the special status, where the land would be subject to mineral claims and other uses, and that the more protective NCA status benefits the tribe should its claims be found to be meritorious?

Mr. DECONCINI. I believe that clearly to be the case.

The PRESIDING OFFICER. If there is no objection, the bill is deemed read the third time and passed.

EXECUTIVE SESSION

UNANIMOUS-CONSENT AGREEMENT

Mr. SANFORD. Mr. President, as in executive session, I ask unanimous consent that when the Senate proceeds to consideration of Executive Calendar No. 12, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it be considered as having been advanced through the various parliamentary stages up to and including the presentation of the resolution of ratification. *Provided further*, That the resolution be considered under a time limitation of 10 minutes,

to be equally divided and controlled by the chairman and ranking member of the Committee on Foreign Relations, or their designees; that the reservations, understandings and declarations recommended in Senate Executive Committee Report 101-30 be considered as having been adopted and treated as original text for purposes of further amendment; that the following four amendments to be offered by the Senator from Rhode Island, Mr. PELL, for himself, and Mr. HELMS, be considered en bloc and be the only amendments in order: An amendment to strike the first reservation dealing with Federal-State issues; and amendment to insert an understanding on the same subject; an amendment to part C of the first understanding dealing with lawful sanctions; and an amendment to the resolution dealing with the deposition of the instrument of ratification; that the time for the amendments offered by the Senator from Rhode Island [Mr. PELL] be provided from the time on the resolution; that following the using or yielding back of time on the amendments and resolution, the Senate conduct two back-to-back votes, one on the en bloc amendments if a rollcall vote is ordered and on the resolution of ratification; that no motions to recommit be in order; that after the completion of the votes or vote, the Senate return to legislative session.

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

The PRESIDING OFFICER. The clerk will report the resolution of ratification.

The assistant legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein) That the Senate advise and consent to the ratification of The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by unanimous agreement of the United Nations General Assembly on December 10, 1984, and signed by the United States on April 18, 1988, *Provided That:*

1. The Senate's advice and consent is subject to the following reservations:

(1) That the United States shall implement the Convention to the extent that the Federal Government exercises legislative and judicial jurisdiction over the matters covered therein; to the extent that constituent units exercise jurisdiction over such matters, the Federal Government shall take appropriate measures, to the end that the competent authorities of the constituent units may take appropriate measures for the fulfillment of this Convention.

(2) That the United States considers itself bound by the obligation under Article 16 to prevent "cruel, inhuman or degrading treatment or punishment," only insofar as the term "cruel, inhuman or degrading treatment or punishment" means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States.