

UNITED STATES



OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 100<sup>th</sup> CONGRESS  
SECOND SESSION

VOLUME 134—PART 21

OCTOBER 11, 1988 TO OCTOBER 14, 1988

(PAGES 29661 TO 31171)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1988

USSPRNCA00221

For the past 2 years, Senator STENNIS has served as chairman. Every member of the Senate can take pride in the achievement of the chairman this year of moving all 13 Appropriations bills through the Congress before the end of the fiscal year. JOHN STENNIS committed that the Congress would not resort to another continuing resolution or Omnibus Appropriations Act during the remainder of his tenure, and he fulfilled that promise. He has set for the Appropriations Committee a standard that I hope every member will join with me in a pledge to uphold as long as we are here.

JOHN STENNIS came to the Senate in 1947 with a promise to "plow a straight path". Few Americans have served their country as long as JOHN STENNIS. Only a select number have even approached the contributions made by the Senator from Mississippi.

As a gesture of our Nation's debt to JOHN STENNIS, the President announced in June that the next nuclear aircraft carrier will be named the U.S.S. *John C. Stennis*. This tribute only begins to testify to the work by this man to ensure the security of our Nation, and his steadfast support for the men and women of the Armed Forces.

I plan to be there for the christening of that vessel, at the side of a man I can only poorly pay tribute to today with words. That ship, built of steel, in command of all around it, and determined and dedicated in the performance of its mission, will be a better, living, tribute to a man who demonstrates every day in this body each of those qualities, the qualities that a Senator should demonstrate.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. If the Senator will yield, I am not sure I understand the availability of time. Is there a limitation at all? I want to respond.

Mr. FORD. Mr. President, I ask unanimous consent for the distinguished Senator from Mississippi to take as much time as he might desire to respond to the Senator from Alaska without the majority leader losing his right to the floor.

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

Mr. STENNIS. I thank the Senator. Let me say to the Senator from Alaska and to all Members of this body, I not only deeply and warmly appreciate the remarks of the Senator—naturally, I appreciate them. I will not overvalue them, I hope, but I will cherish them; I appreciate them from the bottom of my heart. I know you mean what you say and I appreciate your judgment as shown by the content of what you said.

I ought to point out, and will point out, a great deal of my knowledge in the field of the military, military sup-

plies, came from the Senator from Alaska. He was a lesson to me, every day, not varying in his exactness, his willingness to work, his willingness to help, his willingness to reach agreements and make recommendations to the body.

I just never did find him wanting in anything. If it was a matter of duty as a Member of this body, he would find time to do it whether he had the time or not. He was always ready and always prepared.

I appreciate his attitude toward his work here and achievements; his competence. He is of great value to all Members, I think, that have a chance to associate with him in their official work here. It has been my fortune to have been with him for many years.

When I was the chairman, I would look forward to a briefing from him on all the hard questions. There was a willingness behind the work, too, that I highly commend and point it out as a very fine example to others, particularly those that come in new.

If new Senators find a way to confer with him I find they get their bearings as they start their learning and he will stay with them, I know.

The Senator has added a lot to the strength of judgment of this body by his approach, to work out a thing no matter how long it takes and to do the sound, big thing, if I may use that term, for our Nation, for our duties, and responsibilities here in this body and generally through the operation of Government, year after year after year.

So I am among many here that appreciate his fine work and his attitude. It is not only effective, but it is encouraging to all the other Members. I warmly appreciate what you have said and I want to take the liberty of giving it out, one of the copies of the RECORD, at the appropriate time, and put it together with my own remarks.

Thank you very much. I appreciate the Senator from Alaska as a friend, too.

Mr. STEVENS. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I do not believe there is any other Senator who wishes to speak. I am not sure this motion is necessary to retain the floor for the majority leader, but I will do it anyhow.

I ask unanimous consent that we now go into a quorum call and when the quorum call is rescinded, the floor is retained by the majority leader.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. BYRD. Mr. President, is there a request before the Senate?

The PRESIDING OFFICER. The Chair knows of no request.

Mr. BYRD. Mr. President, I believe that it would be possible at this time to proceed with an amendment by Mr. KENNEDY under a 1-hour time limitation to be equally divided in accordance with the usual form with the proviso that no amendments be in order. It is shown in the category 3 amendments: Mr. KENNEDY, racial justice modification to death penalty. We talked about it.

Mr. McCLURE. Mr. President, will the Senator yield,

Mr. BYRD. Yes, I yield.

Mr. McCLURE. Is that amendment available to Members?

Mr. BYRD. Mr. KENNEDY is preparing it right now.

Mr. McCLURE. I have not seen it. I do not know whether it varies from or is identical to the one he offered at an earlier time on a different measure.

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

Mr. BYRD. Did a Senator wish to be recognized to speak in the meantime while Mr. KENNEDY is preparing his amendment?

Mr. DeCONCINI. I wonder if it would be possible to reserve 1 minute to pass a bill that has finally been cleared on all sides, S. 2840, Mr. President, introduced by myself, Senator McCAIN, and Senator McCLURE. It has finally been cleared. We have been working on it for about 10 days and I ask for the leadership's indulgence.

Mr. BYRD. It has not been cleared on the other side yet.

Mr. DOLE. We think it has. We need to make one phone call.

It has been cleared.

#### ARIZONA-IDAHO CONSERVATION ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 1007, S. 2840, and after passage of the bill, I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2840) to provide for the designation and conservation of certain lands in the States of Arizona and Idaho, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3682

Mr. DECONCINI. Mr. President, I send an amendment in the nature of a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) for himself and Mr. McCAIN proposes an amendment numbered 3682.

(The text of the amendment appears later in today's RECORD under Amendments Submitted.)

Mr. DECONCINI. Mr. President, I rise in strong support of an amendment in the nature of a substitute to S. 2840, an omnibus package of public lands bill which have enormous impacts for the State of Arizona. S. 2840, as reported by the Energy and Natural Resources Committee, contains the text of S. 2352, the Santa Rita Public Lands Exchange Act of 1988, H.R. 4519, a bill to authorize the exchange of certain lands in the States of Arizona and Florida, and S. 252, a bill to establish the San Pedro Riparian National Conservation Area. All of these bills are very important to my State and I want to take a few minutes to discuss each of them individually.

SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

Title I of the bill will establish the San Pedro Riparian National Conservation Area. It contains the text of S. 252. This legislation will place approximately 56,431 acres of unique BLM lands which run along a 31-mile stretch of the San Pedro River, in southeastern Cochise County, AZ, under the special management of a national conservation area. The San Pedro lands were acquired by the BLM from Tenneco, Inc. on March 6, 1986. The bulk of the lands include two Spanish land grants rich in cultural, archeological, paleontological, and wildlife habitat resources of unequalled significance in the Southwest. The Arizona State Director of the BLM, Mr. Dean Bibles, demonstrated brilliant foresight in his acquisition of this important resource area. The value of the lands comprising the San Pedro Riparian Area have been known for many years, and the acquisition of the lands by the BLM, utilizing the management scheme outlined in the pending legislation, will ensure the proper preservation of the San Pedro resources for years to come.

H.R. 568, the House companion measure, and S. 252, have the unanimous support of the entire Arizona congressional delegation. A great deal of effort has gone into crafting a bill which will guarantee the property is managed in a manner different from other public domain lands. Specific provisions have been included in the legislation restricting use so that the delicate riparian resources will not be

harmed in any way. For example, section 2 of the bill authorizes the Secretary of the Interior to limit access to the area at any time he feels the resources may be jeopardized by such use. Section 2 also withdraws the area from any form of mineral entry. The San Pedro Riparian National Conservation Area will be managed for the primary purposes of protecting the riparian, aquatic, wildlife, paleontological, scientific, cultural, educational and recreational resources.

The bill as introduced would have prohibited the issuance of any special use permits for the grazing of livestock for a period of 15 years. The purpose of this provision was for its research value. There are very few areas in the United States where we have been afforded the opportunity to evaluate the effects on riparian lands in the absence of grazing. At the request of certain committee members, however, this provision was eliminated from the reported bill. Nonetheless, language has been included in the committee report stating the committee's intent that no new grazing leases be issued for this area. Mr. President, I am content with that language as I hope it will accomplish the same goal as the original bill language. I would like to point out, however, that my desire for a livestock grazing moratorium for the San Pedro lands in no way reflects my desire to see a moratorium for other riparian lands. Livestock grazing is an important part of this Nation's tradition and is a very valuable management tool for many of our public lands. The San Pedro lands are very unique and I feel we must fully evaluate the sensitive resources of this important area before we permit any uses which may have an adverse impact.

The San Pedro Riparian National Conservation Area, I believe, will go down in history as one of the wisest Federal acquisitions. Its protective management under the provisions of the legislation now before this body will ensure its preservation for use and enjoyment by future generations. We have many, many individuals to thank for this accomplishment, and I want the record to reflect my sincere and genuine appreciation to all who worked so hard to put this piece of legislation together.

Mr. President, the amendment I am offering to the water rights section in title I of S. 2840, clarifies the process to be utilized by the Secretary of the Interior when claiming the Federal Government's reserve water right created by the establishment of the San Pedro Riparian National Conservation Area. The language included in the bill reported by the committee, requires the Secretary of the Interior to perfect the Federal reserved right in the general stream adjudication presently underway in the Superior Court

of the State of Arizona. The language further states that this adjudication is a McCarran amendment proceeding. Since markup of the San Pedro legislation, however, I have learned that a recent ruling of the Superior Court of the State of Arizona for the ongoing stream adjudication has resulted in an appeal. Depending on the outcome of that appeal, there may or may not be a legal challenge as to whether or not the adjudication is a McCarran proceeding. Therefore, it is necessary to amend the current bill language to direct the Secretary to quantify the reserved rights created by this title in the appropriate stream adjudication. This modification is necessary in order to allow for complete judicial review without prejudicing the outcome.

The amendment I have sponsored will delete the last sentence of the water rights language and insert the following: "The Secretary shall file a claim for the quantification of such rights in an appropriate stream adjudication."

Mr. President, this language will still ensure the filing of the Federal reserved claim to water in a general stream adjudication. However, if the ongoing adjudication is found to be in violation of the McCarran amendment, it will preserve for the Federal Government the opportunity to pursue its claims to water rights in whatever is the appropriate forum.

This amendment has the support of the conservation community, Arizona Indian tribes, and others.

SANTA RITA PUBLIC LANDS EXCHANGE ACT OF 1988

The text of S. 2352, contained in title V of the pending legislation, will enact the Santa Rita Public Lands Exchange Act of 1988. It is the product of many, many months of negotiation between Federal, State, local, and private individuals in the State of Arizona, to better manage hundreds of thousands of State and Federal lands within our State. It authorizes an exchange of Arizona State trust lands for Federal lands presently comprising the Santa Rita Experimental Range in southern Arizona. It also transfers to the U.S. Fish and Wildlife Service for refuge management, significant public domain lands presently under the jurisdiction of the BLM. This legislation will save valuable recreation and resource lands owned by the State of Arizona from development. For example, 5,500 acres of State lands within Catalina State Park will be added to the National Forest System. Likewise, 91,360 acres of State trust lands within the Buenos Aires National Wildlife Refuge will be transferred to the U.S. Fish and Wildlife Service and managed as part of the refuge.

Responsible in large part for the formulation of this ingenious series of land exchanges, are Dean Bibles, Ari-

zona State Director of the BLM, and Jean Hassell, Arizona State Land Commissioner. Both of these fine individuals are to be commended for their leadership in initiating the concept and helping to bring it to fruition.

Other exchanges which will take place when the bill is enacted include the following:

Approximately 50,811 acres of BLM lands within the Forest Service's Santa Rita Experimental Range will be transferred to the State of Arizona for research purposes;

Approximately 343 acres of Reclamation withdrawn lands within the Red Mountain Area will be transferred to the State of Arizona for an addition to the Salt River Pima-Maricopa Indian Reservation;

Approximately 2500 acres of Federal lands near Imperial and Lake Havasu National Wildlife Refuges will be transferred to the State of Arizona;

Approximately 60,000 acres of State trust lands noted for archeological significance on Perry Mesa in the Black Canyon Corridor will be transferred to the BLM;

Approximately 1,350 acres of State trust lands in the vicinity of Arivaca Lake will be transferred to the U.S. Forest Service;

Approximately 26,000 acres of State trust lands near Lake Pleasant and New Waddell Dam will be transferred to the Bureau of Reclamation and the BLM; and

Approximately 520 acres of State trust lands near Madera-Elephant Head will be transferred to the U.S. Forest Service.

In total, almost 240,000 acres of Federal and State trust lands in Arizona will change hands when this bill is enacted.

Mr. President, the transfer of the Santa Rita Experimental Range to the State of Arizona has been the subject of legislation enacted earlier this year by the Arizona State Legislature. The Santa Rita lands are very important for long-term range research. The State legislation provides for the continuation of this research by the University of Arizona. Under the provisions of the new State law, its use for research can only be changed by an act of the State legislature. I applaud the leadership in the Arizona State Legislature for this action, and, in particular, the efforts of State Senator John Hays, the sponsor of the legislation. I hope the State legislature will never make a decision to overturn this legislation.

The most controversial element in the land exchange legislation is the provision authorizing the transfer of approximately 42,000 acres of Fish and Wildlife Service lands within the Kofa National Wildlife Refuge to the BLM. The primary purpose of this provision was to eliminate a longstanding management dispute between the

Fish and Wildlife Service and the BLM.

Mr. President, it is with great reluctance that I offer an amendment to the pending legislation to strike the Kofa modification provision presently included in the bill as reported by the committee. This provision was included in the bill at my request, and although there was some concern expressed by members of the Energy and Natural Resources Committee during the markup, the Kofa modification provision was adopted with the overwhelming support of the committee.

When I introduced the Santa Rita Public Lands Exchange Act, my primary goal was to insure the protection of Catalina State Park and the Buenos Aires National Wildlife Refuge from the threat of development. The bill before us accomplishes that goal. However, since the Senate report was filed, I have been advised by my colleagues in the House that the inclusion of the Kofa provision in the final bill, will essentially insure that the remaining elements of the Santa Rita package, including Catalina and Buenos Aires, will fail. The chairman of the House Committee on Merchant Marine and Fisheries has informed me that the Kofa provision will most assuredly provide the perfect opportunity for him to resolve the Oregon Inlet controversy. Because protection of several important conservation units, included in the bill, are so critical to so many individuals in the State of Arizona, I am offering an amendment to strike the Kofa boundary provisions and other related provisions from the bill at this time.

This action is certainly regrettable. The arguments raised by those in the conservation community opposed to the Kofa modification notwithstanding, I remain convinced that the boundary modification is in the best interests of both the Fish and Wildlife Service and the Bureau of Land Management. Nonetheless, we have fought the battle, and with no clear victory in sight, I will retreat reluctantly and move to strike sections 506, 507, 508, and 510.

This amendment will eliminate any additions to the Kofa National Wildlife Refuge from the BLM; eliminate the designation of the New Water Mountains wilderness study unit as wilderness; eliminate the addition of approximately 80,000 acres of BLM lands to the Cabeza Prieta National Wildlife Refuge; and finally alter the authorization for full-time employee equivalents for the Black Canyon Corridor to five. Since all of these provisions were included in the original bill as part of the Kofa boundary modification, they too will fall with the Kofa deletion. I am, however, retaining section 509 which withdraws the Kofa National Wildlife Refuge from all forms of mineral entry. This provision

is critical to ensuring the long-term preservation of these wildlife lands from the threats of mineral development.

In lieu of the stricken provision, Mr. President, I have included a new section which directs the U.S. Fish and Wildlife Service to expeditiously approve or disapprove applications for rights-of-way access across the Kofa National Wildlife Refuge. This provision does not change existing law, it merely acknowledges the need to insure timely decisions on these applications.

In reference to the acquisitions to be made by the Secretary of the Interior of the State trust lands referred to in section 502, it is the clear intent of the sponsors of this measure that the BLM acquire all of the State trust lands in Catalina State Park and the Buenos Aires National Wildlife Refuge. If there are not sufficient lands remaining in the Santa Rita Experimental Range for all of the acquisitions authorized under section 502, I want the record to reflect that the sponsors intend for the Secretary to acquire all of the State trust lands in the Catalina unit and the Buenos Aires unit first. Placing these lands in the Federal systems should be the first priority.

#### ARIZONA-FLORIDA LAND EXCHANGE

Also included in this bill is the Arizona-Florida Land Exchange Act of 1988, H.R. 4519. This bill will effectuate a land exchange between the Federal Government and the Collier family in Florida. The Big Cypress Addition, Ten Thousand Islands National Wildlife Refuge and the Florida Panther Wildlife Refuge, which are environmentally significant lands in southeastern Florida, will be transferred by the Colliers to the Federal Government in exchange for approximately 68 acres of the Phoenix Indian School property located in Phoenix, AZ. In addition, the Collier family will pay \$34.9 million into a trust fund to meet the educational needs of Arizona's Indian children whose school is being closed as a result of this legislation. The remaining acreage will be used to provide the city of Phoenix with a 20-acre public park and to provide the Veterans' Administration with 16 acres for the expansion of the VA medical center and a future State nursing home for veterans. So the bill benefits everyone—the Indian community, the veterans, the city of Phoenix and the Federal Government.

H.R. 4519 was introduced in the House on May 3, 1988, and was favorably reported by the House Interior, the Veterans' Affairs and the Education and Labor Committees by July 14, 1988. The House passed the bill on July 27, 1988.

The Senate Indian Affairs and Energy and Natural Resources Com-

mittees held a joint hearing on this measure on July 25, 1988, to give all interested parties the opportunity to comment on the various components of the bill. We received testimony from the Arizona Indian community, the developer, the Federal Government, the environmentalists and the city of Phoenix. On September 14 and 15, H.R. 4519 was favorably reported by both committees. Because of concerns raised by Members of Congress, the General Accounting Office, and various newspaper accounts, this proposed land exchange was subjected to the intense scrutiny of five different congressional committees.

Much of the concern has focused on the land values involved in the exchange. Some critics have questioned the appraisal methods used to establish the value of the Florida and Arizona lands. The Arizona delegation recognized that to convince our colleagues that we had a fair exchange the appraisals of the two parcels of land had to be evaluated. GAO did a very careful analysis of the appraisals which provided the values used to negotiate the exchange agreement by the Department. GAO determined that the Florida land appraisals met all established standards. It is important to point out that the Department's negotiations did establish a value on the Florida lands which is 7 percent higher than the value assigned by the Government's appraisers but 23 percent less than the value assigned by Collier's appraisers.

While GAO found no fault with the basic appraisal of the Arizona land by the Government, it confirmed that determining the value of these lands would be more difficult because its ultimate value as commercial property is dependent on having specific zoning and building density in place. Everyone agreed that it would not be wise to adopt a speculative approach in setting the value of these lands. So the bill requires the city of Phoenix and the Colliers to go through the planning and zoning process to produce a specific plan for the development of the property before the 68.4 acres is disposed of.

At the point that the specific plan is developed, the legislation directs the Secretary of the Interior to obtain, at Collier's expense, a current, independent appraisal of the fair market value of the Phoenix property. Upon notice from the Secretary of the fair market value of that property, Collier will be provided an opportunity to close on the land exchange by adjusting the cash equalization payment so that the total price paid by Collier equals the fair market value as determined by the appraisal. However, in no event shall Collier obtain the property for less than the agreed upon price of \$80 million.

If Collier does not accept the offer to close on the land exchange at the price determined in the appraisal, the Secretary shall initiate a bidding process by soliciting and advertising for sealed bids for the Phoenix Exchange Property. Under this process, third parties will have 90 days to make an offer consisting only of cash in excess of the \$80 million offer of Collier in the proposed exchange plus an additional amount to reimburse Collier for its expenses incurred in the planning and zoning process. If a third party makes a superior offer, then exchange for the Phoenix property by increasing the total value of land and cash to an amount equal to 105 percent of the highest qualifying offer. If the Colliers decide not to match the highest qualifying offer, then the property goes to the highest bidder.

The cash proceeds from this sale will be used to acquire the Florida lands at the value negotiated last year—1987—and to reimburse the Colliers for the costs associated with the planning and zoning process. The balance of the money will be deposited into the Indian education trust funds.

In the meantime, the school will remain open until 1990. This will give the students and employees the time they need to make appropriate plans for their future education and employment. I insisted on providing the Indian tribes and the school with this additional time because I believe that we must protect the educational needs of the Indian students utilizing this school. The development of the individual education plans will require a minimum of 2 years. This bill gives the school administrators the time to work with the individual students and their parents to devise plans tailored to their needs. The employees of the school also deserve to have the full opportunity to find other employment. Many have worked at this school for a long time and the closing of the school will have a significant impact on them and their families. The additional time will give everyone time to prepare and make the transition to new schools and jobs in the least disruptive manner possible.

Throughout this entire process, I have been committed to seeing that the various interests in the State of Arizona were well served by this land exchange. I believe that we have achieved this and would urge my colleagues to join Senator McCain and me in support of this bill.

Finally, sections 406, 407, and 408 of title IV of the Arizona-Florida Land Exchange Act amend Public Law 93-531, the Navajo-Hopi Indian Relocation Act. Mr. President, I have always been very concerned with the adverse impact of Public Law 93-531 upon the Navajo families, who have lived on the 1882 reservation for generations, but must relocate from their homelands

due to this law. First, I have a fundamental disagreement with this law. I do not believe that requiring people to give up their homelands is the best way to resolve a conflict in tribal government claims to the 1882 reservation lands. I have urged my colleagues to reconsider this policy and adopt a more humane and comprehensive settlement of this dispute.

After all, the legal conflict in land claims by the Navajo and Hopi tribes was created by the Federal Government when it established the reservation in 1882. When the Executive order was written and signed by the President, the reservation land was set aside for use by both Navajo and Hopi tribes without indicating the specific property rights of each tribe. This has been erroneously represented by some to lead people to believe that no Navajos were living on or using these lands prior to the establishment of the 1882 Reservation. There was Navajo settlement of these lands as early as the 1700's although for about 4 or 5 years in the early 1860's many of the Navajo residents were forced to leave the area by the Federal Government.

But when the Federal Government signed a treaty with the Navajo people in 1868, the Navajo people were allowed to return to their ancestral homelands, which included the lands eventually set aside by the 1882 Executive order as a reservation to be used by both tribes. The 1868 Navajo Treaty failed to recognize that the Navajo homelands included what eventually became the 1882 and 1934 Reservations as well as the land designated by the treaty as the Navajo Reservation. So, when the Navajo people returned to what they considered their homelands, they resettled on those lands falling outside of the 1868 Reservation. When the Indian agent told them you can go home, they did exactly that and returned to what is now the 1882 Reservation. They did this as naturally as anyone would when they hear that they can go home. They did not do it to purposefully displace anyone nor were there any new residents of the land to be displaced by their return.

All of these facts can be verified by general and Navajo historical accounts of this area of the Four Corners region during the 18th and 19th centuries as well as by independent archeological and anthropological source documents. While one can say there was no Navajo Reservation before the establishment of the 1882 Reservation, by the same token there was no Hopi Reservation either. It would be more accurate to state that what became the 1882 Reservation was a part of the ancestral homelands of the Navajo people and the Hopi people both at different times in their histories as well as at the same time in recent his-

tory. Then in 1882 those lands were set aside as an Indian Reservation for both tribes. What the 1882 Executive order did not recognize was that the members of the two tribes used the lands differently. The Navajo people used the lands more intensively on a daily basis while Hopi use was more sporadic and site specific for religious purposes.

I point all this out to my colleagues because much of this has been overlooked in the effort to make it appear that one tribe has a greater right to the lands. In the end, the individuals who maintained day-to-day use of the lands over this period of time have been made to look like they somehow simply appeared on the lands after the 1882 Reservation was established. I cannot begin to imagine how frustrating it must be to be one of those families who has lived on those lands even before the Federal Government took an interest in the land and its residents to one day read that they were not there before the Government acted to set aside their lands in a reservation.

I believe that it is important to respect people no matter who they are. We all draw great strength from knowing our histories. We use our histories to define ourselves as a people no matter what culture we are from. Our histories provide an important basis on which we interact with other people. It is important to respect the historical records of all people, whether the records are oral or written. After all, all of history as we know it today started out the oral tradition. I urge everyone to remember this and would hope that we will give equal respect to the individual histories of the people who are caught in middle of this unfortunate twist of fate.

To my deep regret, I have not been able to convince Congress to change the policy of using relocation to resolve this land dispute. However, that has not stopped me from looking for ways to ease the trauma and problems which these families are experiencing as a result of the act.

My amendment incorporates a new statutory provision in Public Law 93-531. This provision requires the Commissioner to provide relocation benefits to the individuals in the chronological order they are certified as eligible for the benefits. However, the Commissioner is provided with the flexibility to give priority status on a case-by-case basis to those individuals who may require more immediate assistance due to medical, safety, or humanitarian reasons. The humanitarian reasons may include the readiness of individuals to move either as a single family or as part of an extended family group. The only exception to the chronological order requirement would apply to the families who were evicted from their homes in District 6

pursuant to the court order issued in the *Kabinto versus United States* case in 1972. The Commissioner must provide benefits to these families as a first priority.

I strongly believe that this new provision is critical. Because the original law does not spell out the priority in which individuals affected by the law are to be provided their relocation benefits, too many of these people have been forced to wait for years before they get the assistance. Many had to leave the Hopi Partitioned Lands because they could not repair existing homes or could not build a new home when the family grew in size or someone in the family got married. They applied in good faith for benefits and expected to be given the assistance they were eligible for. Unfortunately, many of them still are awaiting for those benefits to be provided so they can get a permanent replacement house. Frequently they resort to living in temporary shelters which are so substandard that no one should be living in them. They have come to be referred to as the refugees.

The new language will enable these people to get the assistance they are entitled so they can begin the process of rebuilding their lives and reestablishing themselves wherever they may choose to have a replacement house built. These people have been neglected for too long. They have paid a heavy enough price. Addressing their needs on a seniority basis is the only humane and equitable thing to do. My amendment will make sure that the resources are made available to those who need it now rather than focusing all resources on the people are still living on the Hopi partitioned lands. I have no disagreement with assistance being provided to the HPL residents when they decide they want to move but it should not done to the disadvantage of those who have already left.

The law has caused enough pain and misery. Despite the initial declaration that the relocation program would be generous and humane, we cannot state that we have fulfilled that promise. My intention is to bring us closer to making this law a little more tolerable for those who have to live with it on a daily basis. I still believe that the law is a mistake and that it has no place in the Federal Government's relationships with Indian people. I see changes like this one and the ones which were enacted as part of S. 1236, the Navajo Hopi Indian Relocation Amendments of 1988, as only steps in the process of correcting the mistakes we have made in addressing the Navajo-Hopi land dispute. One day I hope to see the Congress adopt a truly humane solution that is comprehensive and final. I have every intention of pursuing that goal in the coming year. I do not see relocation as the one and only solution to this problem.

Mr. President, the other two amendments are of a clarifying nature which were requested by Representative JOHN KYL. Section 407 will require the Commissioner to keep the funds which were appropriated to the Bureau of Indian Affairs for the development and settlement of the new lands under Public Law 99-190 in a separate account for all the annually appropriated funds.

Section 408 states a specific prohibition against denying relocation assistance with annually appropriated funds to families who have been determined as eligible for benefits regardless of where they live at the time they seek assistance. All families apply and are certified eligible pursuant to the provisions of Public Law 93-531. All annually appropriated funds are authorized by Public Law 93-531. This provision will protect any family who is entitled to benefits under Public Law 93-531.

Finally, I would like to address the chairman of the Senate Select Committee on Indian Affairs, Mr. INOUE, with some questions. In the past year, the Indian Affairs Committee considered amendments to the Navajo-Hopi Indian Relocation Act. The committee adopted amendments which are embodied in S. 1236 and which are consistent with the amendments incorporated in title IV of S. 2840. I want to ask the distinguished chairman if the purpose of these amendments is to promote the completion of the relocation effort and to provide relocation benefits to those families who are entitled to the benefits as expeditiously and humanely as possible?

Mr. INOUE. Mr. President, my response to the Senator from Arizona, Mr. DECONCINI, is yes. We want to facilitate the provision of relocation benefits in a manner that is humane and to make it clear that the Commissioner has the authority to ensure that no family is denied the ability to move from the HPL when they are ready to do so and request the assistance.

Mr. DECONCINI. Mr. President, in closing, I want to call attention to title VI of the substitute amendment. This title establishes the Mount Graham International Observatory. At this time, I will yield to my distinguished colleague from Arizona, Mr. MCCAIN, to explain the purpose of this title.

Mr. MITCHELL. Mr. President, I would like to clarify one point on the amendment to this bill with its sponsor, Mr. DECONCINI.

Mr. DECONCINI. I would be happy to respond to the chairman of the Subcommittee on Environmental Protection.

Mr. MITCHELL. Am I correct that the amendment leaves intact the existing administrative decisionmaking process for the Director of the United States Fish and Wildlife Service to either reject or approve applications

for utility rights-of-way on Kofa National Wildlife Refuge pursuant to section 4(d) of the National Wildlife Refuge System Administration Act?

Mr. DECONCINI. The Senator from Maine is correct. Nothing in this provision would change or amend the applications of the "Compatibility Test" under section 4(d) of the Refuge Administration Act to any future right-of-way applications.

Mr. MITCHELL. I thank my colleague from Arizona and would only ask further whether the reference in the text to processing pending applications "as expeditiously as possible" reflects anything more than good governmental practices for any Federal agency?

Mr. DECONCINI. The Senator is correct. The reference in this provision means that once an application is ripe for administrative review and the project sponsor is prepared to proceed with the project, the U.S. Fish and Wildlife Service must comply with all of the requirements of existing law in processing the application without unreasonable or inexcusable delays. It is not the intent of this language that provisions of existing environmental law be waived or modified in any manner.

Mr. MITCHELL. I thank the Senator for those clarifications, and for his work on this legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment (No. 3682) was agreed to.

Mr. MCCAIN. Mr. President, I am here today to express my strong support for S. 2840. This bill reported from the Senate Committee on Energy and Natural Resources on September 27, 1988, contains the provisions of several bills which will have a profound impact on lands within the State of Arizona. Due to the unique and significant nature of these provisions, I would like to address the merits of each bill individually.

#### THE SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

Upon enactment, S. 2840 would establish the San Pedro Riparian National Conservation Area. This 56,431-acre region would be a welcome and important addition to the lands already set aside in Arizona, and our country. Moreover, the preservation of this terrain is vital if we are going to protect the unique riparian area of the San Pedro River in Cochise County, AZ.

The San Pedro River, which runs through the proposed conservation area, is a long stretch of desert riparian habitat that cannot be found anywhere else in this country. While by no means pristine, this area is in good condition and deserves to be under the stewardship of those who can ensure its preservation.

In addition, the San Pedro area is home to an outstanding array of wildlife. Many rare raptors, such as the gray hawk, Harris hawk, and the black hawk have been spotted in the San Pedro. Even the rarely seen aplomado falcon has been sighted hunting for food in the area.

The San Pedro area, however, also contains more than 120 archeological, paleontological and historic sites. It is the site of the Presidio of Santa Cruz de Terrenate and the location of 11,000-year-old Paleo-Indian sites. The American Revolution-era Presidio is a fortress that is a part of Arizona history, and when one stands at the edge of the ruins they can view practically the same scene the Spaniards had over 200 years ago. Moreover, among the paleontological sites are those containing the fossils of extinct mammoths, camels, bison, horse and deer.

Mr. President, the establishment of the San Pedro Riparian National Conservation Area will assure that future generations of Americans will be able to utilize the recreational, wildlife, educational, and scientific benefits this region has to offer. This area deserves special designation and it is my hope that we can act on this legislation as quickly as possible.

#### THE ARIZONA-FLORIDA LAND EXCHANGE

Mr. President, S. 2840 contains the provisions of H.R. 4519 in its entirety. As you may know, H.R. 4519 provides for the closing of the Phoenix Indian School and sets forth a legislative plan for allocating the property at the site for future public and private uses. The legislation would ratify a proposed land exchange among the United States, Collier Enterprises, and the Barron Collier Co. Under the terms of the land exchange, the Colliers would transfer to the United States approximately 108,000 acres of environmental sensitive land in southwest Florida in exchange for approximately 68 acres of the 104 acres at the site of the Phoenix Indian School in Phoenix, AZ. The remaining 36 acres would be divided among the Veterans' Administration, the city of Phoenix, and the State of Arizona.

Mr. President, a lot of time and effort has been expended over the last 2 years in putting this land exchange together. Members of the Arizona congressional delegation have themselves been closely involved in the development of this exchange. This legislation has been the subject of open and extensive public debate, including three congressional hearings.

I believe the Arizona-Florida land exchange is in the best interest of the United States. Not only will 108,000 acres be added to the Big Cypress and the Florida Panther preserves, but 11.5 acres will be provided for the expansion of the existing Veteran's Administration Medical Center in Phoenix. In addition, 20 acres is guaranteed

to the city of Phoenix for use as a park, and 4.5 acres will be set aside for the State of Arizona should they elect to establish a State veterans' nursing home in the future. And finally, the Colliers would pay the United States \$34.9 million which would be used to establish two educational trust funds for the educational, child welfare, and facility construction needs of Arizona Indian tribes.

A number of questions have been raised concerning the value of the Florida property involved in this exchange. These questions are wholly the result of confusion about the details of the long process underlying the Collier-Department of the Interior negotiation process. Nevertheless, some clarification is required. These questions suggest that the Florida properties have not been properly appraised, and that large portions of the tracts involved in the exchange are underwater and are not actually owned by the Colliers.

First, with respect to the values of the lands, the U.S. Department of the Interior performed appraisals of three of the four tracts of Florida lands, following standard appraisal practice and procedures used for all Interior Department land acquisitions. These appraisals were based on sales of comparable property in the area, and fully comply with nationally accepted commercial appraisal standards.

With respect to the value of the fourth tract, the parties initially set an estimated value of \$26.6 million and agreed ultimately to rely on the outcome of a related Florida State Department of Transportation condemnation proceeding to confirm the accuracy of that value. In that proceeding, the value of the Collier land was determined pursuant to appraisals using standard Member of Appraisal Institute practices. These appraisals were undertaken and approved according to well-established Florida Department of Transportation and Federal Highway Administration practices. Under the Florida Department of Transportation proceeding, the value of the lands Collier owns and would convey under the exchange agreement was determined to be \$28 million. The result in the exchange at lower than its appraised value.

In short, all the values of the Florida lands were negotiated on the basis of standard commercial appraisal practices, undertaken by or on behalf of public agencies.

One of the four areas to be acquired in the exchange is the land within the Ten Thousand Island area. Approximately 4,000 acres in this area are below the mean high water line and are subject to an unasserted claim by the State of Florida. The remaining 15,000 acres of upland are clearly owned by Collier. In the exchange, the

this Act, the Secretary of Defense shall transmit to the Committees on Veterans' Affairs and on Armed Services of the Senate and the House of Representatives a schedule of reports on the Ranch Hand Study and on any other studies conducted by the Department of Defense in order to determine the possible long-term effects of phenoxy herbicides and contaminants on the health of the Air Force personnel who participated in Operation Ranch Hand in the Republic of Vietnam during the Vietnam era. The schedule shall provide for the preparation of annual reports and a final report.

(b) **CONTENT OF REPORTS.**—(1) The reports referred to in subsection (a) shall contain the following matters:

(A) A discussion of the progress made in the studies referred to in subsection (a) during the period covered by the report.

(B) A summary of the scientific activities conducted during such period and the findings resulting from such activities. Such summary shall be prepared by the scientists conducting such activities.

(2) Such a report need not contain (A) a discussion of progress discussed in any other report, issued by the Department of Defense under this section or otherwise, regarding a study referred to in subsection (a), or (B) a scientific summary included in any other such report unless such discussion or summary needs to be modified in order to be complete, accurate, and current.

(c) **TRANSMITTAL OF REPORTS.**—The Secretary of Defense shall transmit to the committees referred to in subsection (a) a copy of each report prepared under such subsection.

#### PART C—EFFECTIVE DATE

##### SEC. 241. EFFECTIVE DATE.

Except as provided as in section 211(i) of this Act, this title shall take effect on the date of the enactment of this Act.

In the table of contents set out in section 1(b), strike out the items relating to title II (including the items relating sections 201 through 207) and insert in lieu thereof the following:

#### TITLE II—AGENT ORANGE AND RELATED PROVISIONS

##### Sec. 201. Short title.

#### PART A—AGENT ORANGE PRESUMPTIONS, BENEFITS, RESEARCH, AND OUTREACH MATTERS

Sec. 211. Interim period for award of benefits for Vietnam veterans with non-Hodgkin's lymphoma and certain sarcomas.

Sec. 212. Presumptive service connection of chloracne.

Sec. 213. Presumptions relating to certain diseases.

Sec. 214. Diseases associated with effects of exposure to certain toxic agents or effects of service in the Republic of Vietnam during the Vietnam era.

Sec. 215. Results of examinations and treatment of veterans for disabilities related to exposure to certain herbicides or to service in Vietnam.

Sec. 216. Tissue archiving system.

Sec. 217. Feasibility studies.

Sec. 218. Outreach services.

Sec. 219. Report relating to research on treatments for exposure to dioxin and other toxic agents.

Sec. 220. Extension of health-care eligibility based on agent orange or ionizing radiation exposure.

Sec. 221. Income exclusion of certain payments for purposes of eligibility for certain needs-based veterans' benefits.

Sec. 222. Modification of procedures for consideration of certain studies.

Sec. 223. Definitions.

#### PART B—ADVISORY COMMITTEE ON SPECIAL STUDIES RELATING TO THE POSSIBLE LONG-TERM HEALTH EFFECTS OF PHENOXY HERBICIDES AND CONTAMINANTS

Sec. 231. Definitions.

Sec. 232. Advisory committee personnel and support.

Sec. 233. Advisory relationship.

Sec. 234. Reports.

#### PART C—EFFECTIVE DATE

Sec. 241. Effective date.

### IDAHO-ARIZONA CONSERVATION ACT

#### DECONCINI (AND McCAIN) ADMENDMENT NO. 3682

Mr. DECONCINI (for himself and Mr. McCAIN) proposed an amendment to the bill (S. 2840) to provide for the designation and conservation of certain lands in the States of Arizona and Idaho, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### TITLE I—SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA ESTABLISHMENT OF SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

SEC. 101. (a) **ESTABLISHMENT.**—In order to protect the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the public lands surrounding the San Pedro River in Cochise County, Arizona, there is hereby established the San Pedro Riparian National Conservation Area (hereafter in this title referred to as the "conservation area").

(b) **AREA INCLUDED.**—The conservation area shall consist of public lands as generally depicted on a map entitled "San Pedro Riparian National Conservation Area—Proposed" numbered AZ-040-OZ, dated January 1988, and consisting of approximately 56,431 acres.

(c) **MAP.**—As soon as is practicable after enactment of this title, a map and legal description of the conservation area shall be filed by the Secretary of the Interior (hereafter in this title referred to as 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 United States Senate. Each such map shall have the same force and effect as if included in this title. 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 the Bureau of Land Management offices of the State Director for Arizona, and the district office responsible for the management of the conservation area.

#### MANAGEMENT OF CONSERVATION AREA

SEC. 102. (a) **GENERAL AUTHORITIES.**—The Secretary shall manage the conservation area in a manner that conserves, protects, and enhances the riparian area and the

aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area. Such management shall be guided by this title and, where not inconsistent with this title, by the provisions of the Federal Land Policy and Management Act of 1976 (hereinafter in this title referred to as "FLPMA").

(b) **USES.**—The Secretary shall only allow such uses of the conservation area as he finds will further the primary purposes for which the conservation area is established. Except where needed for administrative or emergency purposes, the use of motorized vehicles in the conservation area shall only be allowed on roads specifically designated for such use as part of the management plan prepared pursuant to section 103 of this title. The Secretary shall have the power to implement such reasonable limits to visitation and use of the conservation area as he finds appropriate for the protection of the resources of the conservation area, including requiring permits for public use, or closing portions of the conservation area to public use.

(c) **WITHDRAWALS.**—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.

(d) **WATER RIGHTS.**—Congress reserves for the purposes of this reservation, a quantity of water sufficient to fulfill the purposes of the San Pedro Riparian National Conservation Area created by this title. The priority date of such reserve rights shall be the date of enactment of this title. The Secretary shall file a claim for the quantification of such rights in an appropriate stream adjudication.

(e) **ENFORCEMENT.**—Any person who violates any provision of this title or any regulation promulgated by the Secretary to implement this title shall be subject to a fine of up to \$10,000, or imprisonment for up to one year, or both.

#### MANAGEMENT PLAN

SEC. 103. (a) **DEVELOPMENT OF PLAN.**—No later than 2 years after the enactment of this title, the Secretary shall develop a comprehensive plan for the long-range management and protection of the conservation area. The plan shall be developed with full opportunity for public participation and comment, and shall contain provisions designed to assure protection of the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreation resources and values of the conservation area.

(b) **RECOMMENDATIONS.**—The Secretary shall, in the comprehensive plan referred to in subsection (a), develop recommendations to Congress on whether additional lands should be included in the conservation area.

(c) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with appropriate State and local agencies, pursuant to section 307(b) of FLPMA, to better implement the plan developed pursuant to subsection (a).

(d) **RESEARCH.**—In order to assist in the development of appropriate management strategies for the conservation area, the Secretary may authorize research on matters including the environmental, biological, hydrological, and cultural resources of the

conservation area, pursuant to section 307(a) of FLPMA.

#### ADVISORY COMMITTEE

SEC. 104. (a) **ESTABLISHMENT.**—The Secretary shall establish a San Pedro Riparian National Conservation Area Advisory Committee, whose purpose shall be to advise the Secretary with respect to the preparation and implementation of the comprehensive, long-range plan required pursuant to section 103 of this title.

(b) **REPRESENTATION.**—There shall be 7 members of the Committee, who shall be appointed by the Secretary. Members of the Committee shall be appointed for terms of three years, except that of the members first appointed 2 shall be appointed for terms of 1 year and 3 shall be appointed for terms of 2 years. The Secretary shall appoint one member from nominations supplied by the Governor of the State of Arizona, and one member from nominations supplied by the Supervisors of Cochise County, Arizona. The other members shall be persons with recognized backgrounds in wildlife conservation, riparian ecology, archeology, paleontology, or other disciplines directly related to the primary purposes for which the conservation area was created.

#### LAND ACQUISITION

SEC. 105. The Secretary may acquire lands or interests in lands within the boundaries of the conservation area by exchange, purchase, or donation, except that any lands or interests therein owned by the State or local government may be acquired by donation or exchange only. Any purchase or exchange of lands to be added to the conservation area shall require the consent of the owner of those lands or rights.

#### REPORT TO CONGRESS

SEC. 106. No later than five years after the enactment of this title, and every 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 United States Senate, on the implementation of this title. Such report shall include a detailed statement on the condition of the resources within the conservation area and of the progress of the Bureau of Land Management in achieving the purposes of this title.

#### AUTHORIZATION

SEC. 107. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

### TITLE II—CITY OF ROCKS NATIONAL RESERVE

#### ESTABLISHMENT OF CITY OF ROCKS NATIONAL RESERVE

SEC. 201. (a) There is hereby established the City of Rocks National Reserve (hereinafter referred to as the "reserve"), in order to preserve and protect the significant historical and cultural resources; to manage recreational use; to protect and maintain scenic quality; and to interpret the nationally significant values of the reserve.

(b) The reserve shall include approximately fourteen thousand three hundred and twenty acres as depicted on the map entitled "Boundary Map, City of Rocks National Reserve, Idaho" numbered P30-80,005 and dated October 1987. The map shall be on file in the offices of the National Park Service, Department of the Interior and the Offices of the Governor, State of Idaho.

(c) Within six months after the enactment of this title, the Secretary of the Interior (hereinafter in this title referred to as the

"Secretary") shall file a legal description of the reserve 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 legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (b). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior and the offices of the Governor of the State of Idaho.

#### PLAN AND MANAGEMENT OF RESERVE

SEC. 202. (a) To achieve the purpose of this title, the Secretary, acting through the National Park Service, in cooperation with appropriate State and Federal agencies, local units of government and local residents shall formulate a comprehensive plan for the protection, preservation, and interpretation of the reserve. The plan shall identify those areas or zones within the reserve which would most appropriately be devoted to—

- (1) public use and development;
- (2) historic and natural preservation; and
- (3) private use subject to appropriate local ordinances designed to protect the historic rural setting.

(b) Within eighteen months following the date of enactment of this section, the Secretary shall transmit the plan to the President of the Senate and the Speaker of the House of Representatives and to the Governor of the State of Idaho.

(c) At such time as the State or appropriate units of local government having jurisdiction over land use within the reserve have enacted ordinances or established regulations which in the judgment of the Secretary will protect and preserve the historic and natural features of the area in accordance with the comprehensive plan, the Secretary shall, pursuant to cooperative agreement—

- (1) transfer management and administration over all or any part of the property acquired under subsection (d) of this section to the State or appropriate units of local government;
- (2) provide technical assistance to such State or units of local government in the management, protection, and interpretation of the reserve; and
- (3) make periodic grants, which shall be supplemental to any other funds to which the grantee may be entitled under any other provision of law, to such State or local unit of government to carry out the purposes of this title.

(d)(1) The Secretary is authorized to acquire such lands and interests as he determines are necessary to accomplish the purposes of this title by donation, purchase with donated funds, or appropriated funds, or exchange, except that the Secretary may not acquire the fee simple title to any land without the consent of the owner. The Secretary shall, in addition, give prompt and careful consideration to any offer made by an individual owning property within the reserve to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

(2) Lands and waters, and interests therein, within the boundaries of the reserve which were administered by the Forest Service, United States Department of Agri-

culture or the Bureau of Land Management, Department of the Interior prior to the date of enactment of this title are hereby transferred to the administrative jurisdiction of the Secretary to be administered by the National Park Service in accordance with this title.

(3) Lands and interest therein so acquired shall, so long as responsibility for management and administration remains with the United States, be administered by the Secretary subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and in a manner consistent with the purpose of this title.

(e) If, after the transfer of management and administration of any lands pursuant to subsection (c) of this section, the Secretary determines that the reserve is not being managed in a manner consistent with the purposes of this title, he shall so notify the appropriate officers of the State or local unit of government to which such transfer was made and provide for a 180-day period in which the transferee may make such modifications in applicable laws, ordinances, rules, and procedures as will be consistent with such purposes. If, upon the expiration of such 180-day period, the Secretary determines that such modifications have not been made or are inadequate, he shall withdraw the management and administration from the transferee and he shall manage such lands in accordance with the provisions of this title.

(f) Congress finds that there are unique circumstances with respect to the water and water-related resources within the Reserve designated by this title. The Congress recognizes that the management of this area may be transferred to the State of Idaho, that the State has committed to providing the water necessary to fulfill the purposes of this title, and that there is little or no water or water-related resources that require the protection of a Federal reserved water right. Nothing in this title, nor any action taken pursuant thereto, shall constitute either an express or implied reservation of water or water right for any purpose: *Provided*, That the United States shall retain that reserved water right which is associated with the initial establishment and withdrawal of the national forest lands which will be transferred to the Reserve under this title.

(g) Subject to valid existing rights, Federal lands and interests therein, within the reserve, are hereby withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970, as amended.

(h) There is hereby authorized to be appropriated not to exceed \$2,000,000 to carry out the provisions of this title.

### TITLE III—HAGERMAN FOSSIL BEDS NATIONAL MONUMENT

#### ESTABLISHMENT OF HAGERMAN FOSSIL BEDS NATIONAL MONUMENT

SEC. 301. (a) In order to preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Hagerman Valley fossil sites, to provide a center for continuing paleontological research, and to provide for the display and interpretation of the scientific specimens uncovered at such sites, there is hereby established the Hagerman Fossil Beds National Monument (hereinafter in this title referred to as the "monument").