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□ 1048

Mr. ALEXANDER changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYES of Louisiana). The Chair announces a revised list of suspensions is made available in the two respective cloakrooms.

ARIZONA-IDAHO CONSERVATION ACT OF 1988

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 592 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 592

Resolved, That upon the adoption of this resolution it shall be in order to take from the Speaker's table 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, and to consider the bill in the House, and all points of order against the bill and against its consideration are hereby waived. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as having been adopted. Debate on the bill shall continue not to exceed one hour, and on the amendment printed in section 2 for not to exceed thirty minutes. The previous question shall be considered as ordered on the amendment printed in section 2 of this resolution, if offered by Representative YATES of Illinois, or his designee, and on the bill to final passage without intervening motion except one motion to commit.

SEC. 2. Amendment to S. 2840, if offered by Representative Yates of Illinois, or his designee: "On Page 55 of the Senate engrossed bill, strike lines 5 through 19."

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 592 is the rule providing for the consideration of S. 2840, the Arizona-Idaho Conservation Act of 1988. The rule waives all points of order against the bill and against its consideration. The rule provides for consideration of the bill in the House with 1 hour of debate and provides that upon its adoption an amendment relating to the U.S. Capitol Preservation Commission is to be considered as having been adopted. One amendment, which may be offered by Representative YATES of Illinois, or his designee, is in order during the bill's consideration. The Yates amendment is to be debatable for up to 30 minutes.

Finally, the rule provides for one motion to commit.

Mr. Speaker, S. 2840 addresses a number of public lands issues which merit disposition before the end of the 100th Congress. There are six titles to the bill which, if enacted, would prove important in efforts to promote conservation in Arizona, Idaho, and Florida. It would also establish a U.S. Capitol Preservation Commission in the Congress.

Mr. Speaker, I urge adoption of the rule.

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

Mr. Speaker, this rule provides for the consideration of a single bill which is really a package of eight individual pieces of legislation.

While the provisions of this rule and the bill it makes in order have been described, there are still a couple of points which should be made.

First, while this rule provides a waiver of all points of order, one of the specific items included in this general waiver is a waiver of the Budget Act. In this case we are waiving section 303(a)(1) of the Budget Act which prohibits consideration of a measure which provides budget authority for a fiscal year before the budget resolution for that year has been adopted. The problem arises because title IV, the Arizona-Florida land exchange title provides new direct spending authority first effective in fiscal year 1990. Since Congress has yet to adopt the budget resolution for fiscal year 1990, the bill violates section 303(a)(1) of the Budget Act.

Mr. Speaker, the general waiver of all points of order also includes a waiver of the rule which prohibits appropriations on a legislative bill. The same direct spending which violates the Budget Act also violates this rule. In addition, this rule is violated by the direct spending included in the title which establishes the U.S. Capitol

Preservation Commission. As the bill is now drafted, it would permit the Capitol Preservation Commission to spend without having to go through the appropriations process. However, this rule provides for a self-executing amendment to make that spending "subject to that approval, except for the purchase of fine art and antiques, of the Committee on Appropriations of the House of Representatives and Senate respectively." Mr. Speaker, this will give us somewhat more control than was originally proposed, over the spending of the Capitol Preservation Commission.

Mr. Speaker, it is very late in the session to be bringing bills like this to the floor of the House. While some parts of this bill have been previously considered by the House, others have not. I hope the leadership will in the near future start to focus on the big things we need to finish, such as the drug bill, and not present us with an endless string of last minute bills which in some cases have not received the kind of scrutiny they deserve.

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

Mr. LATTA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I should like to express my appreciation to the Committee on Rules for granting me the opportunity in the almost closed rule to offer my amendment.

Mr. Speaker, I shall continue to oppose the bill and I would vote against the rule, but I still want to express my appreciation to the Rules Committee.

□ 1100

Mr. LATTA. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, when H.R. 2840 was pending before the Committee on Rules, I went to the Committee on Rules and asked to make some amendments in order. The first amendment that I asked the Committee on Rules for was an amendment to strike title VIII.

Mr. Speaker, title VIII, as some of the Members will understand, is a Senate amendment which is nongermane and irrelevant and, as I am going to try to detail later, does not represent wise policy.

Title VIII of this bill is a proposition that has never had a single hearing in either a House or a Senate committee. It has never had a word of testimony. There has never been a vote on it as far as I know.

It has always been inserted in House bills passed for other purposes by the Senate at the request of the Senate's majority leader who, as far as I can

tell, is one of the very few interested parties in this particular bill.

What title VIII does is create a U.S. Capitol Preservation Commission. The Commission in this bill is marching in a kind of two-step, with H.R. 5280, the gold coin bill. The bill creates the Commission; the coin bill gives the Commission \$40 million to spend.

The Commission is authorized to make expenditures to acquire art for the Capitol or to improve and enhance facilities within the Capitol complex. That is not a bad idea, but we can do that right now. We can do it in a way that Members understand by using the appropriations and authorization process. And if we are going to enhance the west front of the Capitol or if we are going to acquire significant artistic works for the Capitol, we should do so in the normal way through the authorizations and appropriations process.

Temporarily the \$40 million from the gold coin bill is not available, but knowing the power of the promoter of this bill, it seems to me it is only a matter of time until he figures out another way to get that \$40 million. In the meantime, if we pass the Preservation Commission, we have provided the vehicle for expenditures of the taxpayers' money in the Capitol by a group which has no special competence in the field of preservation or artistic restoration or, indeed, esthetics of any kind anyway.

The Commission is a 18-member Commission consisting of various of the leaders of the House, and the Speaker pro tem of the Senate, and that will be the current majority leader, and the Speaker of the House of Representatives. These latter two can spend whatever moneys come into the Capitol Preservation Commission's clutches on their own signatures, and Treasury would be obliged to honor those signatures.

Mr. Speaker, I do not know how often this Commission would meet. Knowing how busy the Commission members are, my guess is that it would not meet very frequently. Consequently, this Commission could become the private province of a couple of its most interested members.

There is no requirement for public disclosure. There is a GAO audit.

I tried to get an amendment made in order to provide for quarterly disclosure. That amendment was discarded as well by the Committee on Rules. I also tried to prevent the creation of advisory commissions. This bill provides for appointment of advisory commissions who can be paid expenses, and there is no restriction for representational or hospitality expenses to be paid for these advisory commissions.

Some of the Members may be aware that the Senate had a nice party down on the front porch of the Capitol

which was thrown with privately contributed funds. I am worried that there will be some entertainment under the features of this bill. I am even more worried that the entertainment may be of a kind or extent that many of us would not favor.

The Commission can raise tax-exempt money in the name of the Congress and, yet, none of us will have anything to say about who this money is solicited from. It could be lobbyists of one kind or another. That may not be sinful, but it will offer plenty of amusement for the press and public. None of us will have anything to say about how the money is spent no matter how it is raised.

Mr. Speaker, in short, this is an unnecessary commission with high risks for mischief. It has had no hearings. It has been rejected by the House once. This is the second time the Senate has sent it over to us.

I assume it will send it over on a daily, or hourly, basis if we do not get it, but I just say, finally, that I shall intend to vote against the rule. It is my intention to vote against the bill because of title VIII.

Mr. Speaker, I would like to say further that when I was in the Committee on Rules, the amendment made in order for the gentleman from Illinois [Mr. YATES] was brought to my attention. I think that this is a most worthy amendment.

Here again, we have a Senate amendment attached to an otherwise worthy bill. In this case, the Senate amendment should be eliminated. I will, therefore, vigorously support the Yates amendment.

Mr. Speaker, in conclusion, I would say that the House has no business passing this commission. No committee save rules, has even seen it. We have rejected it once when we sent the coin bill back the last time. The bill should be defeated if we cannot get that amendment off.

Under the rules, a motion to commit with instructions is in order, and I shall offer one to remove title VIII. If the amendment of the gentleman from Illinois [Mr. YATES] has been accepted, we would then have a bill that the House had voted on previously, and then the bill would be acceptable on an overall basis.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I find myself in a bit of a paradoxical situation because generally I am opposed to closed rules, and even to many of the modified rules that we have in this body, but as is sometimes the case, I find myself today in the position of defending the modified rule before us, and I would like to explain my reasons for doing so.

First of all, as we come toward the close of the session, obviously expedit-

ing the process is necessary, and part of expediting the process is adjusting ourselves to what is done over in the Senate. Their rules are different. Their rules allow them to attach these kinds of amendments, and while we may disagree with some of them, I think on balance when we consider this piece of legislation, we will find that it clearly is good legislation.

Surely, in the balance, the good in this bill outweighs that which might be bad in the package.

My distinguished colleague from Minnesota [Mr. FRENZEL] has talked about the Capitol Restoration Commission as one of the provisions that was added in here over in the Senate. It is important to keep in mind that this rule does make one small change that I think is an important change, and that is allowing for the Committee on Appropriations chairmen to have approval over the expenditure of any funds. Perhaps more importantly the bill which followed this in the Committee on Rules yesterday which would have actually funded this commission through the sale of coins, a bill offered by the gentleman from Illinois [Mr. ANNUNZIO] was not considered by the Committee on Rules, and I do not believe it will have further consideration this year simply because of the time.

We are not going to be talking about having a massive infusion of funds into this commission as has been suggested by some.

The other provision in this bill which we will be dealing with today on the floor has to do with the amendment offered by the gentleman from Illinois [Mr. YATES] which the Committee on Rules has made in order dealing with the Hopi-Navajo relocation issue. It is a very complex issue, and I think this body knows that from the times that we have dealt with this over the last 14 years now since the Hopi-Navajo commission was created.

There are provisions and there are parts of this amendment, this particular language, crafted over in the Senate, that I would not agree with, but on balance I think it, too, is a good compromise. It does allow for the relocation to go forward using existing funds of those who are ready to be relocated, and I think this provision ought to stand and be included in the bill.

Again, let me stress that the bill accomplishes so many positive things.

The protection of rare riverside habitat in the desert, the protection of an extremely popular State park, the continuation of agricultural research at an experimental range in my district and the siting of the next generation of telescopes for mankind on Mt. Graham, and also the completion of the Florida-Arizona land exchange dealing with the Indian school in

Phoenix. Three of these measures, the San Pedro Riparian Conservation District, the Mississippi River and Arizona-Florida exchange have been dealt with and approved previously by the House, and I believe this legislation deserves consideration, and the rule should be adopted.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of this rule.

This legislation deals with a number of topics which have largely been dealt with in the House before, the Arizona-Florida land exchange issue, the Mississippi National River Recreation Area, the San Pedro Riparian Area have been dealt with in both the 99th and the 100th Congresses by the House, and other provisions of the bill that are really housekeeping in nature provide small land exchanges and the opportunity to move forward with a number of projects in Arizona.

The issue outstanding, of course, or the two issues outstanding, are the Hopi-Navajo issue which this rule, of course, makes in order an amendment by the gentleman from Illinois (Mr. YATES), so that issue will be debated before the body today, and we can have an up-and-down vote on that. The rule also, a self-executing rule, deals with another problem in the bill, and that really is the title VIII issue that my colleague, the gentleman from Minnesota, a diligent member of the House Administration Committee, has pointed out, the Capitol Historic Commission that has been inserted in the bill on the Senate side.

Mr. Speaker, yesterday during the Committee on Rules, I misspoke when I said all these issues had had hearings. This issue obviously represents a special concern to him, because of his responsibility on that committee, but nevertheless, I think that we can look beyond the sort of internecine warfare that goes on in the management of our building and grounds here at the Capitol, through the Committee on House Administration, which we are all grateful for the role they play.

I think we would look to see that the appropriations language added by this rule is appropriate. I guess the argument is that it still does not go far enough. The fact is that we have special responsibilities and joint committees that function in this body with regard to libraries, with regard to a host of operations that are run through them, whether it is the General Accounting Office, whether it is their libraries, whether it is a variety of other things, and clearly in this instance, I think as we look at this historic structure, I think all of us have been dismayed at the fact that there has not been an overall view, that it really does not have a continuity from

leadership to leadership in terms of the preservation of this structure.

I think the people that built this building and designed the grounds really had in mind a rather good idea, a grand concept in terms of this building as a symbol and fully intended that we maintain it. I do not think the facade should have to fall off the front of the building before we respond and that, of course, has literally been the case in terms of Congress in the past.

I think that there is merit to creating this type of commission and involving in a coordinated way and in a professional way people who have historic, cultural, and architectural expertise. I know my colleagues on the various committees and in this Congress have a great deal of expertise, but I just think that maybe having some professional advice in a formalized process so we do not have to depend upon the personalities of one of the leadership or persons in special positions.

Mr. Speaker, I think this title VIII provision has significant merit. I think it is generally a good idea, and I am sure that we would benefit greatly from more close scrutiny of how it has been written.

However, I think that it is possible to cure any defects. I think the good greatly outweighs the concerns in terms of the legislation provisions. I do not think anyone would disagree with the intention. I cannot argue that the process has been perfect.

We are at the end of the session, and surely committee members from the Committee on Ways and Means and the Committee on Appropriations have to understand when they bring matters back to the House that they need rules that are not necessarily within the normal ambit of the legislative process.

I would strongly urge the Members to vote up this rule. It is a fair rule. It deals with a host of problems. I understand the concern of my colleagues, but I think we ought to vote this bill up. It is a very good bill. I think it will really go a long way to addressing some of the concerns and policies that this body has expressed a great interest in, and surely we ought to be interested in the historic preservation of the Capitol building and grounds.

□ 1115

The White House spent a good amount of money preserving the White House in the last years. Ronald Reagan has done a good job in terms of historic preservation and protection of the White House. I credit him for that, and we ought to have pride at the legislative branch in Government to do the same thing for the peoples' House, the Capitol. I hope our commission and that this intent will carry through that policy.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, I find myself, like my colleague from Arizona (Mr. KOLBE), in the uncomfortable position, asking you to vote for what is basically a closed rule. Probably most Members of this body have been faced with a situation where constituents have come in delivering viewpoints with differing agenda and have come to a Member and said, "We have reached agreement on an issue and we need congressional action."

We have probably all been presented by that narrow window of opportunity when we have the chance to do something positive for our district and our State, when people who differ have come together.

This bill represents several of those narrow windows of opportunity, not only for Arizona but for Idaho and for Minnesota. This on balance is a good bill. I have sympathy for the concerns of the gentleman from Minnesota, but as the gentleman from Arizona (Mr. KOLBE) stated, the good in this bill far outweighs the bad. We should vote for this rule. We should vote against the amendment that will be offered by the gentleman from Illinois (Mr. YATES). Most of this bill has been considered by this House before. It is legislation that is helpful to many Members and to many Members' constituents. I urge you to vote for the rule, against the amendment, and for final passage.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. HAYES of Louisiana). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 124, not voting 83, as follows:

(Roll No. 452)

YEAS—224

Ackerman	Bilirakis	Byron
Akaka	Boggs	Campbell
Alexander	Boland	Carper
Anderson	Bonior	Carr
Andrews	Borski	Chapman
Annunzio	Bosco	Clarke
Applegate	Boxer	Coelho
Atkins	Brennan	Coleman (TX)
Bates	Brooks	Collins
Bellenson	Brown (CA)	Conte
Bennett	Bruce	Conyers
Berman	Bryant	Cooper
Bilbray	Bustamante	Costello

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Coyne
Craig
Crockett
Darden
de la Garza
Dellums
Derrick
Dicks
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Donnelly
Dorgan (ND)
Downey
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Emerson
English
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Evans
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Lagomarsino
Lancaster
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Saiki
Saxton
Sensenbrenner
Shays
Shumway
Shuster
Skaggs
Skelton
Slaughter (VA)
Smith (NE)
Smith, Robert (NH)

NOT VOTING—83

Anthony
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Baker
Barnard
Barton
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Bonker
Boucher
Boulter
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Brown (CO)
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Lantos
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Livingston
Lott
Mack
MacKay
Marlenee
Martin (IL)

Smith, Robert (OR)
Solomon
Spence
St Germain
Stenholm
Sundquist
Tallon
Tauke
Upton

Mica
Mollinari
Morrison (CT)
Morrison (WA)
Nowak
Obey
Oxley
Quillen
Rangel
Rose
Rostenkowski
Sisisky
Smith, Denny (OR)
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Thomas (CA)
Traxler
Volkmer
Whittaker
Wise
Young (FL)

as well as the States of Idaho and Minnesota.

S. 2840 packages four bills of concern to Arizona. Two of these bills have previously been considered and passed by the House. The first is the Arizona-Florida land exchange which was the subject of extensive debate before this body in July. The measure would provide for the exchange of 68.4 acres of land in Phoenix, AZ, for \$34.9 million in cash and 108,000 acres of very important conservation lands in south Florida. The lands in Phoenix currently serve as the site of the Phoenix Indian School, which would be closed in 1990. The measure also provides that the cash from the transaction be placed in two trust funds to help meet the educational and social welfare needs of the Arizona Indian tribes affected by the school closure.

The bill also provides for the transfer of 20 acres to the city of Phoenix for use as a park, 11.4 acres to the Veterans' Administration for possible expansion of the regional medical center adjacent to the school site, and 4.5 acres to the State of Arizona for possible construction of a veterans' nursing home.

I am prepared to reluctantly accept the two amendments added by the Senate. The first keeps the school open until 1990. I believe the students, staff and taxpayers would be better off with a quicker and more definitive termination, but I am unwilling to risk failure of the entire bill over this issue.

The second Senate amendment requires another professional appraisal of the Phoenix exchange property after submittal of the specific plan for planning and zoning the property. If the appraisal is higher than the \$80 million price to which the owners of the Florida lands are now committed, then they would have the option of paying the higher price or triggering the open market bidding process contemplated by the House bill.

Should the bidding process occur, the Florida interests would be required to exceed the highest competing bid for the school lands by 5 percent if they wish to retain control over it.

Mr. Speaker, I believe that this amendment takes the bill in precisely the wrong direction by allowing the principal bidder to obstruct the open market bidding process. This can be done simply by accepting the estimate of an appraiser. This will not make it more likely that the United States will receive top dollar for the Phoenix exchange property. It will make it less likely in my opinion. But again, in the interests of assuring that this legislation does not fail, I will bow to the wishes of the Senate on this matter.

An amendment has been included which directs the Commissioner of

□ 1136

The Clerk announced the following pairs:

On this vote:

Mr. Gephardt for, with Mr. Oxley against.
Mr. Dingell for, with Mr. Boulter against.
Mr. Barnard for, with Mr. Quillen against.

Mrs. VUCANOVICH and Messrs. BATEMAN, EARLY, WEISS, DEFazio, and HALL of Texas changed their vote from "yea" to "nay."

Mr. LEHMAN of Florida and Mr. PAYNE changed their vote from "nay" to "yea."

So, the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. UDALL. Mr. Speaker, pursuant to House Resolution 592, I call up the Senate bill (S. 2840) to provide for the designation and conservation of certain lands in the State of Arizona and Idaho, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. HAYES of Louisiana). Pursuant to the rule, the amendment printed in House Report 100-1096 is considered as having been adopted.

The gentleman from Arizona [Mr. UDALL] will be recognized for 1 hour.

Mr. UDALL. Mr. Speaker. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House S. 2840, a bill containing several meritorious public land matters involving my State of Arizona,

Navajo-Hopi relocation to give priority in providing relocation benefits to applicants in the chronological order in which such applicants were certified by such benefits.

It is my understanding that this priority language is not applicable to benefits provided pursuant to Public Law 99-190. That law appropriated \$22 million for use by the Secretary of the Interior to provide certain benefits to certain relocatees. It mandated that priority for the use of these \$22 million shall be given to those Navajo families who are actual physical residents of the Hopi partitioned lands as of December 19, 1985.

A few days ago, we sent for the President's signature a bill, S. 1236, under which funds pursuant to Public Law 99-190 are to be transferred to the new Commissioner on January 31, 1989. However, S. 1236 specifically states that such funds shall continue to be used by the Commissioner for the purpose for which such funds were appropriated. Inasmuch as such funds were appropriated for the purpose of serving first those families still residing on the Hopi partitioned lands as of December 19, 1985, I believe that the new section directing that priority be given to families in the order in which they became certified is not applicable to funds appropriated pursuant to Public Law 99-190.

To the extent that there has been some confusion on the matter I want to take this time to clarify certain provisions relating to the provisions of benefits to those families who were still residing on the Hopi partitioned lands as of December 19, 1985.

It is not true that such families are limited to funds appropriated to the Secretary of the Interior under Public Law 99-190. Funds appropriated to the Commission are also available to provide benefits to such families. However, benefits issued with the Commission's funds will now be subjected to the new priority language of section 406 of this act. In addition, it is not true that such families can only be relocated on the so-called new lands. There are no special restrictions on where such families can relocate.

S. 2840 also contains an amended version of H.R. 568, the San Pedro National Riparian Conservation Area Act. This bill has passed the House on two occasions without controversy. The Senate has added acceptable language regarding Federal reserved water rights and deleted a moratorium on livestock grazing in the area. While I am disappointed in the removal of this latter provision, I am reassured that even without this statutory direction, BLM will not authorize new grazing in the area for at least a period of years. I would underscore the fact that even in that event, such a use, like all other uses of the conservation area, cannot be approved unless found to

further the purposes of the conservation area.

This legislation also contains two Arizona provisions that have not previously been before the House. The first concerns matters contained in legislation I have introduced, H.R. 4565, regarding the Santa Rita Experimental Range in southern Arizona. The bill proposes a major exchange of lands in the State between the U.S. Forest Service, Bureau of Land Management, Fish and Wildlife Service and the Arizona State Lands Department. No private parties are involved in any way in this exchange.

Essentially, the bill would transfer to the State about 50,000 acres that compromise the Santa Rita Experimental Station. These are BLM lands that have been withdrawn for the Forest Service to conduct environmental and range research in cooperation with the University of Arizona for more than 70 years. Under separate actions already taken by the State legislature, the current uses of the lands in question would continue indefinitely and can only be changed by additional State law. I applaud this very wise action of the State of Arizona and my fondest hope that it never be reversed.

In return, many benefits would accrue to the United States. About 90,000 acres of State trust lands in the Buenos Aires National Wildlife Refuge would be acquired. This is not only a major step forward for a truly outstanding natural area but also a significant boon to the U.S. Treasury. The United States currently owns the grazing rights to these lands and the State of Arizona has notified the Fish and Wildlife Service that the State constitution requires the imposition of commercial rates for these rights. The United States will be required to pay more than \$540,000 per year to the State in the near future if these lands are not acquired. Payment of such exorbitant lease rates would seriously hamper administration of other wildlife refuges in Arizona.

Arizona also will transfer the 5,500-acre Catalina State Park in Tucson to the Coronado National Forest. This action is necessary to save this extremely popular park from being lost to development. The Forest Service also gains 1,350 acres of State lands around Arivaca Lake and 520 acres near Madera-Elephant Head.

At this point, I would like to emphasize that it is the clear intent of the legislation that all the State trust lands of whatever description in Buenos Aires National Wildlife Refuge and Catalina State Park be acquired. In addition, should it become apparent that there is insufficient value in the Santa Rita lands and other acreage being transferred to the State to complete all the acquisitions provided for in this bill, acquisition of all the

Buenos Aires and Catalina lands by the United States should remain the top priority.

Another 26,000 acres of State lands with extremely high recreation potential would be picked up by BLM and the Bureau of Reclamation around the soon to be expanded Lake Pleasant behind the New Waddell Dam. And 60,000 acres of very significant archeological lands on Perry Mesa in the Black Canyon Corridor also will be transferred to BLM.

In total, almost 240,000 acres of Federal and State lands in Arizona will be swapped as a result of this legislation.

Mr. Speaker, this is an extremely beneficial transaction for all the parties concerned and I am most pleased that we will be able to close on it this year.

Finally, Mr. Speaker, I note the inclusion of legislation directed at the establishment of an astrophysical facility on Mount Graham in southern Arizona.

It is hard to think of any recent environmental issue in Arizona that has stirred more genuine emotion and heated controversy than this one. I understand and sympathize with those who regard Mount Graham as a unique place, a special place with an ecosystem quite unlike any other and who regard any development atop this mountain as a painful loss. I understand because for three decades I have fought the fight to save places like Mount Graham, not only in Arizona, but across this country.

But I will confess that this has been an unusually difficult issue for me. For at least as long I have been proud of my association with the University of Arizona and its important place in the community in which it serves. The university enjoys a justified reputation as a world leader in astronomy and seeks to maintain that role with this proposal.

The proposal that has come to us from the Senate troubles me. To short circuit the process Congress has established by law to separate out the good projects from the bad projects and to make all the projects better ones, is something I do not regard warmly. And that is what this amendment does, by confirming the unfinished environmental impact statement as meeting the requirements of the National Environmental Policy Act insofar as the first three telescopes are confirmed.

Looking down the road, however, I think that we would be arriving at this point sooner or later anyway and the University of Arizona's argument that an overly protracted administrative process would be tantamount to a decision against putting telescopes on the mountain does have merit.

And in the final analysis, Mr. Speaker, I feel that we really have little choice but to accept this provision. I

believe that if this package is sent back to the Senate with any real substantive disagreements that it will be a very great risk indeed. There is too much in this legislation that represents too much work on matters of too great importance to many Arizonans to put in such jeopardy.

Finally, Mr. Speaker, I would like to thank the distinguished chairman of the Merchant Marine and Fisheries Committee, Mr. JONES, and the distinguished chairman of the Subcommittee for Fisheries and Wildlife Conservation and the Environment for their very constructive work on the Mount Graham title. Their help has been invaluable to conform this title as much as possible with the requirements of the Endangered Species Act and the National Environmental Policy Act.

Mr. Speaker, I yield 30 minutes to the gentleman from Arizona [Mr. RHODES] with the understanding that in yielding this time, and each time I yield today, I yield specifically for purposes of debate and nothing further.

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

Mr. Speaker, I rise in support of S. 2840, the Arizona-Idaho Conservation Act. This is a comprehensive package of bills which I believe will benefit many people across the Nation. The provisions of the bill have been worked out between the various parties in both the House and the Senate, and I urge the House to pass S. 2840.

Title I would establish the San Pedro Riparian National Conservation Area—which would place approximately 56,431 acres along a 31-mile stretch of the San Pedro River under special conservation and preservation status. This area has unparalleled wildlife habitat and is rich in cultural, archeological, and paleontological resources.

Titles II and III would establish the city of Rocks National Reserve and the Hagerman Fossil Beds National Monument, both in Idaho. Both are meritorious of those designations and I understand that the language concerning Federal reserve water rights for both has been worked out to the satisfaction of the parties.

Title IV would authorize the Arizona-Florida land exchange—which involves the exchange of Federal lands in downtown Phoenix currently used as a Bureau of Indian Affairs boarding school for lands held by the Collier family in Florida within or adjacent to the Big Cypress National Preserve in the chairman's State of Florida. This is part of our continuing effort to save the Everglades. The Collier lands will greatly assist the Park Service in maintaining adequate waterflows in the Everglades as well as add critical lands for the endangered Florida panther. Included in this title are provisions amending the Navajo and Hopi Relocation Act concerning the priority of receiving benefits under that act. It

should be noted that the provisions are not intended to alter the present program administered with funds appropriated to the BIA under Public Law 99-190.

Title V would authorize the Santa Rita public lands exchange—an extensive exchange of Federal, State, local and private lands within the State of Arizona, for the better utilization of these lands.

Title VI would authorize the Mount Graham International Observatory which will include the placement of up to seven telescopes at one of the last sites left in the continental United States for telescopic research.

Title VII would authorize the Mississippi National River and Recreation Area in the Minneapolis-St. Paul area of Minnesota which will provide additional recreational opportunities to that region of the country.

Title VIII would authorize the U.S. National Capital Commission, to assist in the preservation of the U.S. Capitol.

□ 1145

Mr. Speaker, I understand that the administration has specific concerns about some portions of the bill. It has no objection to the package as a whole. I support the package unamended, and I urge my colleagues to support the package unamended.

We will later address the issue of the amendment to be offered by the gentleman from Illinois [Mr. YATES], and I would urge our colleagues to consider that carefully and reject that amendment. I would also urge that our colleagues consider and then reject the motion to recommit which it has been indicated will be offered by our colleague, the gentleman from Minnesota [Mr. FRENZEL].

Mr. Speaker, this is good legislation. It addresses, as I indicated in debate on the rule earlier, a window of opportunity for many people in many parts of the country to come together to resolve their differences and accomplish goals which are to the benefit of many congressional districts in many States and to the benefit of the people as a whole.

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

Mr. UDALL. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I wish to start this by praising the chairman of our Committee on Interior and Insular Affairs, the gentleman from Arizona [Mr. UDALL], for his work in crafting and working hard to put together this package of legislative measures. Obviously, this has been a very important matter to him. The transfer of the Florida and Arizona lands are key to development in the Phoenix area.

Mr. Speaker, several titles of S. 2840 contain matters that have been worked on by the Subcommittee on

National Parks and Public Lands in the 100th Congress.

Title I of the bill is essentially identical to H.R. 568, which the House passed last year and which in turn resembled a bill passed by the House in the 99th Congress upon which the Senate did not complete action. It would establish a San Pedro Riparian National Conservation Area, to include about 56,430 acres in Cochise County, AZ, to be managed by the Bureau of Land Management. The only major differences between title I of this bill and H.R. 568 as passed by the House in that title I includes an explicit reservation of water—which the House bill did not—and does not contain an explicit prohibition of the issuance of grazing permits—which the House bill prohibited for 15 years.

With respect to the water language, title I reserves enough water to fulfill the purposes for which the national conservation area would be established, namely "to protect the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources" of the lands within the area. The priority date of this reserved water right will be the date of enactment of the bill, and the Secretary of the Interior would be required to act to quantify this right by filing a claim in an appropriate stream adjudication.

With regard to grazing on lands covered by title I, our concurring in deletion of language prohibiting such a use for at least 15 years is premised on our understanding that the Secretary does not intend to consider issuance of grazing permits, and that in any event under section 102(b) of the bill grazing or any other use of the lands within the national conservation area could be permitted only if the Secretary finds that it would further the primary purposes for which the area was created. I think it most unlikely that the Secretary could make such a finding with respect to use for grazing of the riparian areas dealt with in title I.

Title II and III provide for designation of the City of Rocks National Reserve and Hagerman Fossil Beds National Monument in the State of Idaho.

The proposed Hagerman Fossil Beds National Monument is a 4,394-acre site that contains rich fossil remains. A study done in the early 1970's found the fossil beds to be an appropriate area for inclusion in the National Park System and the site has been administratively designated a national natural landmark in recognition of its paleontological value. The area is currently administered by the BLM and would be transferred to the National Park Service under provisions of the legislation.

The proposed City of Rocks National Reserve is known for the geologic

formations in the area and its use as a way station during western migration. Of the proposed 10,320-acre site, approximately 3,960 acres are managed by BLM, 3,040 acres are managed by the U.S. Forest Service and 3,320 acres are in private ownership. The NPS would prepare a comprehensive plan for the area and provide technical and financial assistance for eventual State administration of the area, if the Secretary of the Interior finds, pursuant to the bill, that such administration would be in keeping with the purpose of the title.

The most serious problem with these legislative initiatives and the one that has delayed their consideration by the House has been the question of water rights. As a practical matter there is hardly any water in either of the two areas and essentially all of what water there is has already been appropriated. I have had the opportunity on several occasions to discuss this matter with members of the Idaho delegation as well as correspond with Governor Andrus of Idaho. Representative STALLINGS has been diligent in seeking to resolve the outstanding issues with the legislation and Representative CRAIG also offered his assistance with this matter.

Over the past several weeks, working with Senator McCLORE, we have been able to develop water language that is site specific and otherwise acceptable to me. That agreement is embodied in the legislation before us today. The agreement recognizes the unique circumstances of the water at these two areas. It maintains existing rights, while eliminating potential doubts regarding new express or implied rights. I am appreciative of Senator McCLORE's willingness to address this specific question in the context of this legislation only and thus avoiding opening a Pandora's box on the question of reserved water rights.

Title VII contains, with amendments, the text of H.R. 2530, which the House passed on September 29, 1987. As the author of H.R. 2530, I am pleased that we are able to complete action on this important legislation that will designate an 80-mile segment of the Mississippi River within the St. Paul-Minneapolis metropolitan region of Minnesota as the Mississippi National River and Recreation Area.

This legislative product is one that has been years in the making and as is so often the case the last few steps to enactment have proved to be the hardest. The agreement embodied in title VII was hard fought and I am appreciative of the efforts of Senators McCLORE and DURENBERGER and their staffs to sit down and forge an agreement with me. While there were thorny issues to be addressed our task was made easier by the underlying recognition of the diverse multitude of nationally significant resources to be

found in the river corridor, as well as the need to provide an effective framework for their protection and enhancement.

Several compromises were made that modified portions of the language of the House-passed measure but that nevertheless provides for consistency in Federal activities within the river corridor as well as providing the National Park Service with the necessary tools to carry out its mission. One of those tools is the use of eminent domain. In developing the legislation and carrying it forward, eminent domain has been provided as a protection tool and not as a land acquisition tool. The tight restrictions on its use in the original bill reflected that policy. Unfortunately, among certain individuals in the area there were misconceptions on the intent and use of eminent domain as a management tool. The compromise before us today should dispel any doubts, as the legislation clearly spells out under what means and circumstances condemnation can be used to protect the integrity of the area.

Second, there has always been a recognition that the Mississippi is a working river that is important to the economic life of the region. The compromise reflects that but also recognizes that care must be taken to minimize activities that could adversely affect the other significant values of the river. Especially here at the national level, it makes sense to have consistency among Federal activities. I am pleased that the legislation recognizes that there are Federal lands in the area that can have important environmental and recreational uses, and has provided for their administration in an appropriate manner.

Mr. Speaker, S. 2840 is a good legislative package that includes important conservation initiatives. In the case of title VII relating to the Mississippi River, it represents over a decade of work. I know other sections of the bill involve equally long and significant efforts by the sponsors. I support passage of S. 2840 and urge its adoption by the House.

Mr. RHODES. Mr. Speaker, in the interest of comity, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL] who is determined to kill this bill.

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

Mr. Speaker, during the debate on the rule I spoke of my objections to title VIII. It creates a Capitol Preservation Commission to be composed of 18 Members of the House and Senate, all of whom occupy exalted leadership positions. They all have lots of other things to do, and none of them have any special competence or experience in the field of preservation or art work.

As I indicated earlier, this is an area of high interest to the majority leader of the Senate. It is very hard to argue against that kind of horsepower.

The bill that confronts us today is only half of the package. The other half was the coin bill that spilled \$40 million into the hands of these 18 trustworthy artistic geniuses who will be able to spend the funds without benefit of authorization and without benefit of appropriation in the normal manner.

No committee of the House or Senate has taken any testimony, not a single word. There has been no recorded vote taken on it. No committee has considered it.

When the Senate amended the House bill, the House removed the Senate amendment and sent it back. The Senate has responded by giving us the same thing again. The Commission would be audited by the GAO, but there is no public notice nor public reports.

The Commission is supposed to be able to accept gifts in this particular bill. It is anticipated that such gifts are tax exempt.

What we have here is a situation where the House has not taken a position. The Senate has not taken a recorded position either, but it is willing to follow the leadership of one strong-willed individual, and seems to be willing to give him the ability to give away all this money of our taxpayers.

Mr. Speaker, I do not think we should pass the bill. I believe the House would be well advised to accept my amendment to recommit, which would remove title VIII.

Mr. UDALL. Mr. Speaker, I yield 1 minute to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Speaker, it gives me great pleasure to rise in strong support of S. 2840, the Arizona-Idaho Conservation Act. This legislation includes language which provides permanent protection for two remarkable Idaho landmarks located in my congressional district.

The city of rocks and Hagerman fossil beds are an important part of Idaho's natural beauty and historic heritage. Passage of this bill will help ensure that both areas will be preserved for public use and enjoyment.

This legislation is very important to many people who live in the Magic Valley. Recreation and tourism are becoming a vital, growing part of our State economy.

Protection of the city of rocks and Hagerman fossil beds could attract thousands of visitors each year to the region and help strengthen the economy of many Idaho communities.

This past year I had the opportunity to see firsthand both of these special areas. I have met with interested citizens and community leaders to discuss

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ways to safeguard and protect the area's resource values.

There is a great amount of public interest and support to protect the scenic, recreation, historic, and geologic values of the area.

This legislative effort is the result of a dedicated effort from many people. I also want to take this opportunity to express my thanks to Chairman Vento for his help and support.

In conclusion, the bill recognizes the importance of protecting two of Idaho's natural treasures, the city of rocks and Hagerman fossil beds.

I urge my colleagues to support passage of this important measure.

□ 1200

Mr. RHODES. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, Members of the body, I would like to point out one part of the language in this bill that will be addressed by an amendment from the gentleman from Illinois, I hope that those that are watching in their offices would take a good look at the Yates amendment because I think this amendment is extremely important. What the language in the bill does is undo the work that this body has done over the past 14 years in a number of different instances to resolve the dispute between the Navajos and the Hopis.

Mr. Speaker, this goes back decades with court decisions and congressional efforts. In the 93d Congress we tried to address it with a major piece of legislation and have been working at it ever since.

Just 2 weeks ago, by a vote of 298 yeas, we moved to strike language similar to this in another bill, and I hope we get 298 yeas for the amendment of the gentleman from Illinois [Mr. YATES] today because to do otherwise is rejecting what I think was a very fair settlement of this problem made 14 years ago and since then implemented by the expenditure including fiscal 1989 of \$190 million.

Mr. Speaker, the original estimate it would cost \$41 million to relocate the Navajos to conform with the agreed boundaries, but we have and will spend instead \$190 million because we made every effort to be fair to the Navajos and also in the settlement to be fair to the Hopis.

The Hopis are the minority tribe. The Navajos outnumber the Hopis 10 to 1, and, therefore, have a lot more political clout, a lot more votes, but in matters of fairness the resolution that was agreed to in the 93d Congress achieved that objective, and since then we have expended an enormous amount of money to be sure we give the Navajos fair treatment in the relocation process. To undo that today would be a grievous mistake.

Mr. Speaker, I do want to quote from a letter from Ross Swimmer, who is the Secretary for Indian Affairs, and he says, and I quote, "If the proposed reprioritization language becomes law, it would be tantamount to beginning the relocation process over again."

In other words, Mr. Speaker, we set back 14 years what we achieved in the 93d and since then have worked assiduously to achieve a fair and reasonable settlement. I would urge all of my colleagues to take a good look at the language in the bill and to give your strong support to the amendment of the gentleman from Illinois [Mr. YATES] so that we can continue a policy of fairness toward the Hopis and the Navajos.

Mr. Speaker, that has been the way in which we proceeded since the original language was adopted.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, at the end of a Congress there are problems about having perfect legislation. It is difficult to have perfect legislation anytime, but at the end of a Congress things are thrown together, and sometimes we have to overlook things and expect to correct them in the next Congress.

In this bill, part of section 8, which is planned to be stricken by the gentleman from Minnesota [Mr. FRENZEL], is a bill which I introduced about 20 years ago. This bill was merely a bill to allow people to give money to the Capitol like they can give money to the White House, or the Department of State, or the Library of Congress, to acquire things which would be selected by committees of Congress as appropriate things to have in the Capitol. I ran across a 1795 chandelier, and I wanted to give it. They were building this room down here for the dining room, and I thought that would be a good place for this. So, that is why I did this, to see if I could arrange that. And the bill has passed the House, I think, a time or two. It has had various difficulties, none of which have to do with the merits of the bill. It is extraneous things that are attached to the bill, and now it is in this bill. Now, if this bill was not a meritorious bill on its own, I would never suggest that just because I put a lot of energy into this little bill that we need to pass my bill. I will outlive the opponents to the bill, so it will eventually be passed.

But, Mr. Speaker, the bill is a good bill. It does a lot of other good things, some of which are in Florida. It is very hard to get that expensive Florida land today. Some of this is very fragile land in the Everglades, which is part of this bill, so that is one of the things this bill settles. It is a good environmental bill.

In fact, if I were looking at the 100th Congress, I would have a little difficulty finding a better bill, and I passed one or two actually in the Committee on Interior and Insular Affairs this year, so I cannot remember a bill that does more good for preservation for things ecological than this bill.

They have some little things about it that ought to be corrected in the future. I am not wedded to that commission that has been set up, and I would set it up a different way if I had done it.

So, in conclusion, this is basically a very good bill. The problems of this bill are tiny, they are minuscule, and they could be corrected by legislation next year. The good in this bill is overwhelming, and I do hope that the Members of Congress will support this bill and not do anything to it that would be harmful.

Mr. RHODES. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, there are a variety of good features to this bill, and I urge its support. It resolved a number of problems and is the result of thought and compromise particularly regarding the Phoenix Indian School and wilderness features of the bill.

Mr. Speaker, it is not exactly as I think any of us from Arizona would have written if each of us could have written it separately, but the combined wisdom of everybody in this body, the other body and the people in Arizona and Florida I think have resulted in a good bill, about the best bill that could be crafted. It is supportable as a result.

Again, specifically regarding the Phoenix Indian School property, for those who opposed the bill before because of concerns over the financial aspects of the bill and the proper payment for Federal land, I agree with my colleagues, the gentleman from Minnesota [Mr. VENTO] who commented that the Senate has improved the bill, and I think Senator METZENBAUM's language there will make it even more supportable than it was before.

Finally, Mr. Speaker, I am committed to support the Senate language in sections 406, 407, and 408 that the amendment of the gentleman from Illinois [Mr. YATES] would delete. Again, not exactly as I would have written the language, but I urge support for the bill.

Mr. UDALL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I thank the gentleman from Arizona [Mr. UDALL], my good friend, for yielding me this time. He and I, of course, have been friends for more than 30 years, and I do not like to take an opposite

position from him, but I find myself opposed to his bill.

Mr. Speaker, I opposed this bill when it was in the House before because I consider the Florida-Arizona land exchange a ripoff of the taxpayers, and, while it may have some environmental benefits in Florida, I think the price we pay for that under the terms of this bill is inordinate.

That bad bill which I have just described is made worse by an amendment which was added in the Senate, the amendment that was just described by the gentleman from Arizona [Mr. KYL]. Section 406 shatters the arrangement for taking care of the Navajo-Hopi dispute that has been worked out over a period of 14 years and will set back settlement of that issue for an unknown length of time. After 14 years of frustration, of waste and heartache for our committee, a system for relocation is being used by the commission that provides for an equitable settlement of a dispute that seems to have equities and fairness on both sides. The system currently being used I think has the approval of both sides of the aisle and the approval of everybody except the Senator who offered the amendment that is attached to this bill.

Mr. Speaker, we have spent \$190 million in settlement of this dispute so far. The bill originally was proposed to cost only, as it was told to the House, \$41 million. We have appropriated, as I said, \$190 million so far, and there is another \$100 million in prospect of expenditure in the offering. We do not know what results the Senate amendment will have, and I hope that when I offer my amendment later in the debate that the House will support it and permit us to get on with the disposing of this dispute.

Mr. Speaker, I thank the gentleman from Arizona [Mr. UDALL] for giving me this time.

Mr. RHODES. Mr. Speaker, I yield 4 minutes to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, I rise in strong support of S. 2840 unamended, a bill to provide for the designation and conservation of certain lands in the States of Arizona and Idaho and for other purposes.

Title II of S. 2840 would establish the 14,320-acre City of Rocks National Reserve in Idaho to protect geological formations and a number of historic and prehistoric sites that lie within the area.

Now under the jurisdiction of the BLM and Forest Service, the area would be turned over to the National Park Service. Ultimately administration would be turned over to State or local authorities.

Title III of S. 2840 would establish the Hagerman Fossil Beds National Monument in Idaho on what is now a 4,394-acre site managed as a natural

area by the Bureau of Land Management. It includes hundreds of fossil sites that have yielded many of the prehistoric animal fossils on display at the Smithsonian Institute. The establishment of this area as a national monument will benefit the Nation by assuring Hagerman Fossil Beds are recognized and protected as the valuable resource that they are.

Both these titles contain language that makes it clear that no new express or implied Federal reserved water right is created by the designation of these areas. The United States can only acquire what water rights are deemed necessary to carry out the purposes of the act, pursuant to the laws of the State of Idaho. This bill will allow the orderly adjudication of water rights on the Snake River above Swan Falls to proceed without further clouding this issue.

The establishment and protection of these two areas in the State of Idaho, will assure that the unique resources that lie within their boundaries will be available for all to enjoy for years to come.

I encourage my colleagues to support S. 2840.

Mr. Speaker, I would also like to comment on title VII of S. 2840, which would establish the Mississippi National River and Recreation Area in the vicinity of Minneapolis and St. Paul, MN. This section of the bill is very similar to legislation passed by the House last year, H.R. 2530. In response to concerns expressed by the U.S. Army Corps of Engineers regarding the possible affects of the legislation on their activities in this area, the Senate modified the bill. The Senate version, embodied in S. 2840, clarifies that Federal agencies must ensure that their actions are compatible with the management plan established for the recreation area, and in doing so, will consult and cooperate with the Secretary of the Interior through the National Park Service. The language further clarifies that the role of the National Park Service is advisory and the ultimate decision of whether a Federal action would proceed rests with the responsible agency. In this regard, it is not intended that the Park Service have veto power over the action of an agency; however, I should point out that Congress could be notified if an agency action was determined to be incompatible with the management plan.

The very important interests of navigation are highlighted in a separate subsection. It clarifies legislative intent that navigation is identified as a value critical to this area and that the authority and responsibility of the Army Corps of Engineers and the U.S. Coast Guard to develop and maintain navigation must continue unimpeded when the agency determines that its activity is compatible with the man-

agement plan to the maximum extent practicable. In enacting this section, it is recognized that nearly all actions taken in the interests of maintaining existing navigation aids and navigation improvements would generally be compatible with the values for which the recreation area is established, or be required for public safety, health, or national defense reasons.

At this time, I would like to enter into a colloquy with the subcommittee chairman, Representative VENTO, regarding this issue.

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Mr. VENTO. Mr. Speaker, if the gentleman will yield, yes, I would be pleased to enter into a colloquy with the gentleman.

Mr. CRAIG. If the corps proposed to engage in an action that the National Park Service believed was incompatible with the comprehensive plan, would the National Park Service be able to veto such action?

Mr. VENTO. Mr. Speaker, if the gentleman will yield, no they would not. While the corps is a participant in developing the plan and should make reasonable efforts to comply with the plan, the corps can continue to perform its traditional missions. The National Park Service, if it believes that an action of the Corps of Engineers is incompatible with the plan, could bring the matter to the attention of the Congress.

Mr. CRAIG. I, also, would like to discuss section 704(b)(2) of the bill under consideration. That section deals with Corps of Engineers or Coast Guard actions for the maintenance of existing navigation aids and navigation improvements. Is this section intended in any way to diminish the authority of the Secretary of the Army or the Secretary of Transportation to act in the interest of maintaining such aids for improvement in navigation?

Mr. VENTO. Mr. Speaker, if the gentleman will yield, no, it is not, so long as it does not have a direct and adverse effect on the values of the area or is necessary to protect public health and safety or national security.

Mr. CRAIG. It is my understanding that this section 704(b)(2) recognizes that in undertaking actions for the maintenance of existing navigation aids and navigation improvements, the appropriate Secretary should consider the values for which the Mississippi national river and recreation area was created. In addition, I believe that actions taken in the interest of maintaining existing navigation aids and navigation improvements would generally be actions that are consonant with one or more of the values of the area or that are required for public health or safety reason.

Mr. VENTO. I, generally, concur. However, such actions should be un-

dertaken in an environmentally sound manner.

Mr. CRAIG. Mr. Speaker, I thank the gentleman very much, and I would urge my colleagues to support us in the passage of S. 2840.

Mr. UDALL. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, the key issue in this bill is the amendment offered by my colleague, the gentleman from Illinois [Mr. YATES], and there are no two greater friends of the Indian people in this body than the gentleman from Arizona [Mr. UDALL] and the gentleman from Illinois [Mr. YATES], so this is a difficult vote. As a Member representing several thousand Navajos, this is a very difficult vote for me. I think it is critically important that we look at this as not an issue of Indians against Indians, Navajos against Hopis. The thing we have to look at is that historically the relocation program has been a failure. It has not worked, and promises have not been met.

What this legislation does, the DeConcini amendment, it simply says that those relocatees who have been moved should get their just and adequate benefits. This has not happened, and we must correct this inequity.

I sympathize with the view of those who feel that the Navajo-Hopi relocation effort has been a failure. It has and we have spent millions, and there has been agony; but nonetheless, we must remember what this Congress did.

In 1974, this Congress enacted legislation partitioning land which was the subject of a dispute between the Navajo and Hopi Tribes. Thousands of Navajos were told they must move from their ancestral and sacred homelands; the 1974 act promised them new homes and other relocation benefits in order to help mitigate the horrible impact of relocation.

That we required this massive migration of humankind in order to settle a property dispute, was bad enough. But having promised those Navajos who did relocate a smattering of benefits for doing so, we simply failed to live up to our side of the bargain. By the Navajo-Hopi Indian Relocation Commission's own estimates, more than 1,000 Navajos are today homeless refugees. In other words, Mr. Speaker, more than 1,000 human beings are without shelter and adequate health care and other basic human services today, simply and only because they took us at our word—they relocated from their homeland. And they have yet to receive the relocation benefits we promised them. That is what this provision in the bill does. They are simply getting the benefits deemed to them.

Today, we in Congress continue to appropriate millions of dollars in relo-

cation benefits. But instead of providing those benefits to the refugees I have just described, time and time again the Federal agencies, the BIA in charge, instead "prioritize" benefits to offer them first to those Navajos who have not yet relocated, as a cruel and calculated means of enticing them away from their land. The refugees remain refugees. And if this winter on the reservation is anything like the last, many could actually die from exposure.

This catastrophic situation is what the contested language in S. 2840 would remedy, Mr. Speaker. It does not authorize the spending of additional funds. It does not intrude upon the appropriations function of other committees. It simply directs those responsible for relocation to deliver benefits in the order in which people became eligible to receive them. To be sure, it contains exceptions from this prioritization: For instance, Navajos who show a readiness to move can be made immediately eligible. In other words, it is intended to demonstrate to those Navajo families ready to relocate that they can do so without having to fear that we can't be taken at our word.

Mr. Speaker, the Archives of this country are filled with our Government's broken promises to the American Indian people. This is one promise we can, and must, keep.

What does the priority language—sections 406, 407 and 408—do?

Nowhere in the misleading document circulated to Members by the pro-Yates amendment lobbyist does it tell you what the priority language now in S. 2840 would actually do.

The priority language directs the new Commissioner of Navajo-Hopi relocation to deliver long-promised compensation to thousands of uprooted Navajo families in the chronological order in which they were certified to receive this compensation. The language allows the Commissioner the flexibility to make exceptions on a case-by-case humanitarian basis.

Current policy is confused and disregards the fact that over 1,000 Navajo families from 1979 through 1987 were certified by the Government for compensation, and left their ancestral lands to comply with what they thought the Federal Government wanted them to do. Yet, these families still have not been compensated, and live in deplorable conditions.

These victims of an unkept promise are ignored under the current priority for delivery of benefits. The priority language in S. 2840 will put the priority where it belongs: to people who complied with Federal policy, but have not seen their benefits. This is simple fairness and sound policy, for which there is ample precedent in other Federal programs.

Has this language had authorizing committee review?

Yes. The Senate approved the language pursuant to an agreement by Members of the Senate Indian Affairs Committee. The House Interior Committee considered the language, but in the interest of speedy passage for the parent bill (S. 1236), the language was deleted while the Arizona delegation negotiated.

This language was added to S. 2840 pursuant to an agreement among the key Members of the Arizona delegation—house and senate—who have been involved in all negotiations on this issue. The language in S. 2840 has been objected to only by Congressman YATES, in the past few days.

Is this an appropriations issue?

No. A priority for some of the Navajo subjected to relocation was established in the fiscal year 1986 continuing resolution. That was for the purpose of facilitating a specific expenditure. Since then, Congressman YATES has stated he welcomed direction on this issue from the Members of the authorizing Committees and the Arizona delegation. That direction has come in the form of this language on S. 2840. This is an authorizing issue, and is entirely appropriate for the House to approve now.

Finally: This is not just the product of one Senator as a misleading sheet circulated by anti-Navajo lobbyists claim. It is the result of extensive negotiation by several Members of both parties and both Chambers.

Mr. Speaker, once again, no one has done more to alleviate the situation than the gentleman from Illinois [Mr. YATES] and the gentleman from Arizona [Mr. UDALL], but here we are simply trying to live up to agreements to those relocatees who have not received benefits. That is a thousand Navajos who deserve support.

Mr. Speaker, I urge defeat of the Yates amendment.

Mr. RHODES. Mr. Speaker, I yield 5 minutes to my colleague and friend, the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise in strong support of S. 2840, the Arizona-Idaho Lands Act.

My colleague, the gentleman from New Mexico [Mr. RICHARDSON] spoke about the provision in here dealing with the Hopi-Navajo relocation as they key section of the bill, and indeed it is certainly one of them, the one which has the most controversy. I guess it proves the axiom that each of us looks at a piece of legislation from his or her own perspective of what is important in the bill.

There is in this legislation three sections that deal directly with my district, and five of them which deal with the State of Arizona.

Mr. Speaker, it was necessary, given the extraordinary time constraints in these final days, to lump several issues together. This has made some relatively straightforward items become more complex and difficult to get a handle on.

I was the House sponsor of legislation similar to the section implementing the San Pedro Riparian National Conservation Area. We passed that legislation a year ago last March. This bill has twice passed the House, but has languished in the Senate over the intractable issue of Federal reserved water rights. After lengthy negotiations, those problems have been resolved with respect to this bill. Therefore, this section can be considered noncontroversial.

The San Pedro Riparian National Conservation Area is a remarkable oasis in the desert of Cochise County, AR. This northward flowing river is a veritable wildlife freeway, with untold varieties of birds, fish, and mammals roaming the land. The lush riparian vegetation, plentiful water, and rolling landscape makes this among the finest resources we have in a State loaded with natural wonders. It is also a historical, archeological, and paleontological treasure house. The travels of Coronado through the entire American southwest began here, and a Spanish encampment, the Presidio of Santa Cruz de Terrenate, was located here in the last 18th century until they were driven out 4 years later by hostile Indian attacks. The walls of the Presidio still stand.

The legislation as passed by the Senate does not include a statutory ban on livestock grazing in the conservation area which was included in the House-passed version. However, management plans developed by the BLM, and explicit report language in the Senate version make it clear that no grazing permits will be renewed in the areas boundaries. I have agreed to this prohibition since it is clearly consistent with the intent of the BLM.

Not issuing any new grazing leases for the San Pedro will give us a full opportunity to assess this area's resource needs with a minimum of significant impacts. Livestock grazing is an important management tool on our public lands, especially for the elimination of brush which is prone to wild fire. However, in this area, I believe a moratorium on grazing is entirely appropriate at this time.

I was also a sponsor of legislation, concurrent with Congressman UDALL, implementing the provisions of the section detailing the Santa Rita Exchange. This Senate version differs in only minor technical areas. I support this important and extremely complicated proposal. Among its most important accomplishments is its guarantee of protection for Catalina State Park in Pima County. This park is threat-

ened by a provision in the Arizona constitution which requires that State lands be obligated for their highest and best use. Escalating property values in this area may force the State to sell this popular and pristine escape from urban pressures. Therefore, we have transferred this land to the Forest Service. Because the State park adjoins the Coronado National Forest, this represents a logical extension of the National Forest boundaries.

In return, the State will take over management of the Santa Rita Experimental Range. This range is the home of important work in the area of grasslands and desert vegetation research. This work has continued without interruption since 1910. Under this proposal, this land would become State university trust lands, whose highest and best use is declared to be research and education. State legislation has already been enacted declaring that this land should remain for research use in perpetuity. Any change in management must first be approved by the Arizona State Legislature and the Arizona Board of Regents. This is doubly important because any development in this area would threaten the important research taking place at the Smithsonian astronomical observatory on Mt. Hopkins. Another section, which I supported, to remove 41,000 acres from the Kofa National Wildlife Refuge because of management responsibility inconsistencies, has been removed in the Senate.

This bill also contains the Senate amended version of legislation already passed by the House implementing the Arizona-Florida land exchange. Senate amendments were designed to resolve concerns previously expressed in the House about the speculative nature of the appraisals that were performed. Members of this body expressed their concern that the United States was not getting a good deal in selling the Phoenix property for environmentally sensitive land in Florida. In the Senate, however, changes were made that require another appraisal after completion of the land management plan between the Colliers and the city of Phoenix. Regardless of that appraisal, the United States is guaranteed compensation of at least \$80 million.

In addition, the Senate maintains the mechanism which allows other entities to make an offer on the property if Colliers does not first choose to pay the cost estimated by the final appraisal. If such an offer is made, Colliers still has the right of first refusal, but they must meet and exceed the offer. This ensures that other applicants will not be discouraged from making a bid if they think the Colliers will merely match it. This proposal protects the rights of Colliers to finalize this exchange consistent with thor-

ough and professional appraisals, and it protects the U.S. Government from any perception that somehow it may be "ripped off." This is a good deal for all concerned. The Senate amendment adds what I believe to be unnecessary and redundant steps to a good process, but at least the benefits for the city, the States of Arizona and Florida, the veterans, the Indians and the United States are maintained.

And finally, this bill designates the Mount Graham Astrophysical Observatory Site on Graham County, AZ. This amendment is the culmination of years of studies, environmental assessments, biological opinions, and the whole range of federally mandated procedures to ensure that this project coexist with its natural surroundings. The Mount Graham Astrophysical Observatories are the next generation of telescopes, exploring previously unknown spectrum and magnetic fields, as well as utilizing the unique "honeycomb" mirrors designed by Roger Angel to enhance viewing in the depths of space. This is an incredibly exciting scientific venture, involving the Smithsonian Institute, the University of Chicago, Ohio State University, the Vatican, the Italian and German Governments, as well as Arizona's own Steward Observatory.

This project will be an economic shot in the arm for rural Graham County, will keep Arizona in the forefront of astronomical science, and will lend to Mt. Graham, its flora and its fauna, a level of protection that was otherwise unknown before this proposal was developed.

I want to compliment all the many members, staff and others who helped craft this complex and compelling package. My colleagues, Senators DECONCINI and MCCAIN did yeoman's work to help put this together. Chairman UDALL and Representative RHODES, members of the Interior Committee were instrumental in advancing these items through their committee work. And Representatives KYL and STUMP were especially important in crafting the language included in the Arizona-Florida Land Exchange and Santa Rita Exchange sections of the bill. It is such an attractive package that it could not help but draw amendments, from both House and Senate members. It was only through constant communication, a willingness to compromise, and the commitment do to our homework that this bill has come this far. As an 11th hour item, this bill is a fine piece of work and deserves our support.

Mr. MILLER of California. Mr. Speaker, I rise in opposition to S. 2840, the Idaho-Arizona Conservation Act. This omnibus public lands bill contains one provision, the Arizona-Florida Land Exchange, which I find so objectionable that I must oppose the entire bill.

Despite some changes made by the Senate, the Arizona-Florida Land Exchange remains fundamentally flawed. The bottom line is that this exchange was put together to give one developer, the Colliers, a special deal on the Phoenix Indian School property.

The proponents of this bill argue it is needed to protect endangered park and wildlife habitat in Florida. But these lands are already protected from most development. So what is the Federal Government buying? We're buying nothing.

And what are we giving away for nothing? According to the General Accounting Office, we're giving up one of the most valuable parcels of land in the western United States.

This land exchange remains riddled with loopholes which favor the Colliers. Some of the worst problems are:

The bill does not require the Colliers to hold marketable title for all the Florida lands. By Collier's estimate, we're purchasing at least 4,000 acres of swamp land that is below mean high tide and may be owned by the State of Florida, not by the Colliers.

The Colliers retain all oil and gas rights to the Florida lands. As a consequence, the only real threat to the Florida lands, oil and gas exploration and development, remains.

Surveys and appraisals were not made of all the specific lands being exchanged in Florida.

The Colliers are not required to make a lump-sum cash payment. Instead, the Secretary of the Interior is given the discretion to permit the Colliers to make their cash payment over 30 years.

The only way to ensure that the Federal Government receives fair market value from the sale of the Indian school is to use an open, competitive bidding process. Unfortunately, the Senate bill is even worse than the House bill in this respect. A provision added in the Senate permits the Colliers to be the sole bidder for the Phoenix property.

The Arizona-Florida Land Exchange is rotten to the core. It should be rejected. I urge you to vote against S. 2840.

Mr. Speaker, I also would like to take this opportunity to address language in this with respect to water rights.

I have very serious reservations about the water rights language which has been included on the sections establishing the City of Rocks National Reserve and the Hagerman Fossil Beds National Monument in Idaho.

I fully support the basic goals of these provisions which are to manage and protect the nationally significant historic and natural resources within these areas. However, I have serious reservations about the language concerning water rights.

I have agreed not to oppose the water rights language only because of the unique circumstances surrounding these areas, and because this language will have no impact on the areas nor will it affect other units of the National Park System or future park designations.

I would like to take this opportunity to discuss these provisions and the reasons for their inclusion.

These provisions expressly deny any Federal reserved water right to the new national park units created by the legislation. This is, of

course, a departure from the normal process in which a reservation of water is created by implication whenever Congress establishes a unit of the National Park System.

Under a well-established legal doctrine, an implied reservation of water, sufficient to fulfill the purposes for which the land is reserved, arises when Congress or the executive branch reserves land for a specific purpose.

By including the language in the City of Rocks and Hagerman areas, the Congress does not intend for this exception to undercut the rights associated with previous reservations, nor to establish any precedent with regard to future reservations. Rather, the language in this legislation is merely a unique approach to a unique situation.

Neither the City of Rocks nor the Hagerman areas contain any perennial streams. Moreover, the values for which these areas are being designated are not water dependent.

In the case of Hagerman Fossil Beds, the values are paleontological; the area is on the Oregon Trail and was a major stop-over point in the westward migration of thousands of pioneers in the 19th century. The area is very popular for rock climbing because of the excellent granite spires, pillars, rims, and boulders. Thus, there are no water-dependent resources or values requiring the protection that is afforded by a Federal reserve water right.

In the case of City of Rocks, the area will be managed cooperatively with the State of Idaho, and the State has agreed to supply any water that is required for visitor facilities.

Given these circumstances, even without this disclaimer of any Federal reserved water rights, it is unlikely the Federal Government would need to seek a Federal water right for these areas. Thus, the same circumstances that give rise to the denial also make it superfluous.

Mr. JONES of North Carolina. Mr. Speaker, I rise today in support of S. 2840, the Arizona-Idaho Conservation Act of 1988. The Committee on Merchant Marine and Fisheries, which I chair, has a direct jurisdictional interest in S. 2840 because of its provisions affecting national wildlife refuges, the Endangered Species Act, and the National Environmental Policy Act. Some of these provisions were included in legislation previously before the House which we concurred in. Other parts of S. 2840 are new or were contained in a House bill which my committee received a joint referral over but which was never reported out of the Committee on Interior and Insular Affairs. The Parliamentarian has recognized our jurisdictional interests in the measure before us today.

As the proposal now stands, it would provide significant benefits to units of the national wildlife refuge system, both in the States of Arizona and in Florida. For this reason, I strongly support S. 2840 and urge its adoption by the House. This has not been an easy package for my committee to deal with since it has required us to compromise in some areas in exchange for concessions in other areas. I would like to commend the Arizona delegation in both bodies, however, for negotiating with us in good faith and accommodating all of our major concerns. On balance, this is a proposal that will benefit fish and wildlife and is worthy of your support.

I would like to address at this time a couple of the concerns my committee had with regard to earlier drafts of this legislation in the other body. First, a provision had been included which would have deleted a 42,000-acre strip of land out of the Kofa National Wildlife Refuge. This provision was very troublesome because it called to mind past disputes regarding the use of refuge land in my own district. This measure has now been stricken, and I appreciate that this was not an easy decision for the Arizona delegation.

It is true that this 42,000-acre area in Kofa contains an existing utility right-of-way and that other right-of-way applications can be expected. The compromise language that we have adopted recognizes this fact but leaves intact the existing administrative decisionmaking process for the Director of the U.S. Fish and Wildlife Service to either reject or approve these applications pursuant to section 4(d) of the National Wildlife Refuge System Administration Act. Thus, nothing in this act would change or amend the application of the compatibility test under section 4(d) of the Refuge Administration Act to any future right-of-way applications.

Moreover, the reference in the text to processing pending applications in an "expeditious" manner reflects nothing more than good governmental practices for any Federal agency. All that "expeditious" means in this provision is that once an application is ripe for administrative review and the project sponsor is fully committed to proceeding immediately with the project, the 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.

Other major benefits would accrue to national wildlife refuges under this act. Foremost among them would be the addition of approximately 90,000 acres of land to the Buenos Aires National Wildlife Refuge. Under section 502 of this act, the Secretary of the Interior, through the Bureau of Land Management, shall acquire all of the State Trust Lands within the Buenos Aires Wildlife Refuge. It is the intent of the legislation that the phrase "State trust lands" be interpreted very broadly so as to result in the acquisition of all remaining State inholdings within the refuge. Attached to my statement is a list of the various categories of State inholdings within the Buenos Aires refuge which would be acquired under this act. Thus, upon completion of the exchanges, there would be no State lands of any type left within the exterior boundaries of the Buenos Aires Wildlife Refuge.

Consistent with this interpretation, it is also the intent of Congress that the priority for acquiring State inholdings be consistent with the order of listing the areas for acquisition in section 502. Thus the two top priority areas to be acquired are the State inholdings within Catalina State Park and the Buenos Aires Refuge. The Department of the Interior must ensure that all of the State inholdings in these areas have first been acquired before additional commitments are made for the remaining balance of Federal lands available for exchange.

With regard to that part of S. 2840 which addresses the placement of a number of telescopes on Mt. Graham, I would like to commend the Arizona delegation in the other body for negotiating in good faith with staff members for my committee on matters under our jurisdiction. Quite frankly, earlier drafts of this measure could have been misinterpreted as waiving parts of the Endangered Species Act as applied to the Mt. Graham observatory project. Since this was not the true intent of the drafters of S. 2840, additional discussions with the staff of the Merchant Marine and Fisheries Committee resulted in considerable alteration of the Mt. Graham language.

These changes were essential for receiving my support of this legislation. With only a few extraordinary exceptions, the Committee on Merchant Marine and Fisheries has steadfastly opposed all waivers or modifications of the provisions of the Endangered Species Act. I believe that the Mt. Graham language currently before us is now consistent with the requirements of that act and reflects a commitment on the part of the University of Arizona to abide by the results of the section 7(a)(2) consultation process and to accept the limitations contained in the biological opinion issued by the U.S. Fish and Wildlife Service for this project.

Often there is only sketchy or limited biological information available on listed endangered or threatened species. Accordingly, the act relies heavily on the biological value judgments and expertise of the U.S. Fish and Wildlife Service. As is frequently the case with matters on the frontiers of scientific knowledge, reasonable people may reach different conclusions regarding the same data or information. While recognizing this fact, the act—and the courts for that matter—still accord great weight and deference to the biological opinions of the U.S. Fish and Wildlife Service. The measure before us today reflects this traditional reliance on the judgment of that agency by requiring the university to abide by the terms and conditions of "reasonable and prudent alternative No. 3" in the service's biological opinion. It is our intent that this language also requires compliance with any additional terms and conditions in the biological opinion which are designed to reduce the incidental take of the Mt. Graham red squirrel.

Although the Mount Graham observation project envisions the possibility of seven telescopes ultimately being built on the site, S. 2840 now clearly recognizes that the decisions regarding the construction of these telescopes will occur in two completely distinct and separate phases. Arguments have been made that time is of the essence for gaining the necessary clearances for the first phase of the project involving the construction of three telescopes. We are prepared to accept the validity of these arguments for the first three telescopes but are not convinced that a similar claim can be made for the remaining four telescopes.

The provisions of S. 2840 reflect this division with regard to compliance with the Endangered Species Act and the National Environmental Policy Act. Thus, while construction of the first three telescopes may proceed as soon as an acceptable management plan has been developed, no final administrative deci-

sion can be made with regard to authorizing the four remaining telescopes until the requirements of the Endangered Species Act and the National Environmental Policy Act [NEPA] have been fully complied with. In the context of the ESA, this will require the initiation of formal consultation under section 7(a)(2) on the construction of the additional telescopes. Such construction shall not be authorized unless the biological opinion of the Fish and Wildlife Service concludes that further construction will not violate the requirements of section 7. The outcome of this biological opinion will be influenced considerably by the results of the monitoring program studying the impact of construction of the first three telescopes on the Mount Graham Red Squirrel.

As for the National Environmental Policy Act, the legislation makes clear that work on the environmental impact statement for the site currently underway will continue and that all of the procedures under NEPA will be followed with respect to the four additional telescopes. There currently are certain aspects of constructing seven telescopes on Emerald Peak which have not been the subject of environmental analysis. Thus, the Forest Service will have to decide whether a supplemental environmental impact statement or an environmental assessment is required in order to comply with NEPA. In addition, an opportunity for public comment and the consideration of alternatives to four additional telescopes on Emerald Peak shall be part of completing the NEPA process.

Given my committee's historic opposition to waivers of NEPA, I believe that this represents a fair compromise: the 2-year ongoing NEPA process shall be considered adequate for purposes of constructing the first three telescopes but full and complete compliance with NEPA will still be required before any final administrative decision is made with regard to additional telescopes on Emerald Peak.

In closing, I would add that our willingness to work with the distinguished chairman of the Interior Committee and the rest of the Arizona delegation in addressing our concerns regarding NEPA and the ESA should in no way be interpreted as a precedent or a weakening of my committee's traditional opposition to waivers or modifications of these statutes. Any such proposed waivers or modifications shall continue to receive exceptionally strict scrutiny and will be faced with a general presumption of opposition from my committee. Nevertheless, exceptional circumstances and opportunities are involved with S. 2840 when viewed in its entirety and for that reason I urge its passage.

Buenos Aires:

State Land Status

<i>Grant and beneficiary</i>	<i>Acres</i>
1. 003 A&M Colleges	6,631.02
2. 006 Asylum for the Insane....	4,483.84
3. 009 Legislative, Executive, and Judicial Buildings	1,280.00
4. 012 Military Institutes.....	1,919.55
5. 018 Miner's Hospital.....	320.31
6. 024 Penitentiary Land Fund	3,192.11
7. 030 Permanent Common Schools	11,496.79
8. 031 Permanent Common Schools	21,498.94

<i>Grant and beneficiary</i>	<i>Acres</i>
9. 043 School of Miners	10,460.49
10. 049 University Land Code.....	19,691.49
11. 053 County Bonds.....	9,214.12

Total..... 90,197.66

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

In conclusion, Mr. Speaker, this bill represents untold thousands of hours of work on the part of Members of both bodies and the staffs of both bodies and our constituents at home in the States, the counties, and the rural areas represented by this legislation.

I would urge my colleagues to give favorable consideration to this bill that we have brought before you today and to pass it unamended and unaffected by any motion to recommit which might come later on.

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

Mr. UDALL. Mr. Speaker, I yield myself such time as I may require.

We have reached a point of many of these issues where sometimes we joke among ourselves that everything is a killer amendment. No one offers just a plain simple meritorious amendment. It is always a killer amendment.

I hate to say it, but in the dying days of this 100th Congress we are in a situation where every amendment is a killer amendment. When you look at the good that is done in this bill for the Indians in Phoenix and in all of Arizona—they get a \$40 million trust fund. It is not Federal dollars. It is the dollars paid by a developer who will pay in dollars and land in making this carefully worked out exchange.

The conservationists of America are about to have a big celebration if this goes through. One of the most desirable and amazing parts of our whole country is in the Everglades, and we have worked for several decades to make the Everglades a viable unit of our National Park System.

□ 1230

This company in Florida happens to have more than 100,000 acres of land which can help do that job. The owners are willing to trade it on terms that we consider fair. We have heard from my friend, the gentleman from Illinois [Mr. YATES], and others for many months now about this giveaway, this bundle of money that is going to be sent off to some speculator, and the people of Arizona and America get nothing much in return. That is not the case, and I ask my colleagues to recall the earlier debate. We amended the bill to meet the charges that this is ripoff.

Once the city of Phoenix and the Collier Co., have completed an extensive planning and zoning effort and tell us exactly what is permitted, we can get accurate appraisals. That is why we have not had very accurate appraisals; we cannot appraise some-

thing unless we know what it is going to be permitted and what uses are going to be allowed. We cannot decide what the value is going to be until we look at the zoning. Once the zoning is done, then there will be a period of months when these big, high-pressure operators that we have heard about can come in and make their offers for the land, and if the competitors make their best offers within a reasonable time—6 months I think we mentioned in our amendment—then, Colliers are given one last chance to better their offer that was originally made. We get the best of the offers made.

I think we have protection in this bill. We do so many good things for America and for my State that it would be a mistake to make even one change in the language, because that pulls apart the delicate structure that has been put together.

I urge my friends to vote against the Yates amendment, and to vote for the package of the bill, as that part of the package that has been through the Chamber twice now.

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

The text of the Senate bill, S. 2840, as amended pursuant to House Resolution 592, is as follows:

S. 2840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Arizona-Idaho Conservation Act of 1988".

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 contin-

ued 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 Agriculture 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 one hundred and eighty-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 one hundred and eighty-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").

(b) The monument shall consist of approximately four thousand three hundred and ninety-four acres as depicted on a map entitled "Boundary Map, Hagerman Fossil Beds National Monument, Idaho" number HAFO-20,012A and dated September, 1987. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior and the Office of the Superintendent, Hagerman Fossil Beds National Monument, Idaho.

(c) Within six months after the enactment of the title, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall file a legal description of the monument 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 (a). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

ACQUISITION OF LANDS

SEC. 302. (a) The Secretary is authorized to acquire lands or interests in lands within the monument only by donation or exchange.

(b) Notwithstanding any other provision of law, any Federal property located within the boundaries of the monument shall be transferred without consideration to the administrative jurisdiction of the Secretary to be administered in accordance with the purposes of this title.

(c) In acquiring non-Federal lands by exchange pursuant to this title, the Secretary shall utilize his existing authority including but not limited to applicable provisions of the Federal Land Policy and Management Act of 1976 (Public Law 94-579).

ADMINISTRATION OF MONUMENT

SEC. 303. The Secretary shall administer the monument established pursuant to this title in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

WATER RIGHTS

SEC. 304. Congress finds that there are unique circumstances with respect to the water or water related resources within the Monument designated by this title. The Congress recognizes that there is little or no water or water-related resources that require the protection of a federal reserve water right. Nothing in this title, nor any action taken pursuant thereto, shall constitute either an expressed or implied reservation of water or water right for any purpose.

EFFECT ON EXISTING FACILITIES

SEC. 305. Nothing in this title shall affect electrical generating and transmission and irrigation pumping and transmission facilities in existence within the boundaries of the monument, or the right to operate, maintain, repair, upgrade, and modify such

facilities. Such facilities are hereby expressly determined to be compatible and consistent with the purposes of this title.

CONTINUING PALEONTOLOGICAL RESEARCH

SEC. 306. In order to provide for continuing paleontological research, the Secretary shall incorporate in the general management plan provisions for the orderly and regulated use of and research in the monument by qualified scientists, scientific groups, and students under the jurisdiction of such qualified individuals and groups.

MINING PROHIBITION

SEC. 307. Subject to valid existing rights, Federal lands and interests therein, within the monument, 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.

AUTHORIZATION OF APPROPRIATIONS

SEC. 308. There are hereby authorized to be appropriated not to exceed \$5,000,000 to carry out the purposes of this title.

TITLE IV—ARIZONA-FLORIDA LAND EXCHANGE

DEFINITIONS

SEC. 401. For purposes of this title:

(1) The term "Administrator" means the Administrator of Veterans' Affairs.

(2) The term "Arizona InterTribal Trust Fund" means the fund established pursuant to section 405(a)(1) of this title in the Treasury of the United States for the benefit of Arizona Tribes that were members of the InterTribal Council of Arizona on January 1, 1988, and the members of such tribes.

(3) The term "Arizona Tribe" means an Indian tribe that has a reservation located partially or totally in the State of Arizona.

(4) The term "City" means the City of Phoenix, Arizona.

(5) The term "Collier" means the nongovernmental parties to the Exchange Agreement identified in the Exchange Agreement as Barron Collier Company, Collier Development Corporation, and Collier Enterprises.

(6) The term "Exchange Agreement" means the Agreement Among the United States, Collier Enterprises, Collier Development Corporation, and the Barron Collier Company, executed on May 15, 1988, and subsequently submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(7) The term "Florida Lands" means the lands that would be conveyed to the United States by Collier under the terms of the Exchange Agreement or this title, and other lands owned by Collier and located within the boundaries of the Florida Panther National Wildlife Refuge to be acquired by purchase by the United States and managed as part of such Refuge, other than those lands identified for conveyance to the United States pursuant to agreements for purchase and sale of such lands executed by Collier prior to January 1, 1988.

(8) The term "InterTribal Council of Arizona" or "ITCA" means the corporation organized and existing under the laws of the State of Arizona under the name InterTribal Council of Arizona, Inc., or a successor to such corporation organized and existing under the laws of the State of Arizona, the membership of which includes thirteen or

more of the Arizona Tribes that were members of the ITCA on January 1, 1988.

(9) The term "Land Exchange" means the transaction providing for the acquisition by the United States of title to lands in Florida owned by Collier and the receipt by the United States of Monetary Proceeds in exchange for the acquisition by Collier of title to land within the School Property.

(10) The term "Monetary Proceeds" means either—

(A) the cash amount required to be paid to the United States by Collier upon closing of the Land Exchange, or

(B) the amount required to be paid to the United States by a Purchaser other than Collier upon closing of the Purchase Transaction, less the amount required to be paid from the account for acquisition of the Florida Lands and reimbursement of costs established under section 402(i) of this title.

(11) The term "Navajo Trust Fund" means the fund established pursuant to section 405(a)(2) of this title in the Treasury of the United States for the benefit of the Navajo Tribe and its members.

(12) The term "Phoenix Exchange Property" means the land within the School Property to be conveyed to a Purchaser under the Land Exchange or the Purchase Transaction, which land shall be the School Property less any parcel of land to be conveyed to the City of Phoenix or transferred to the Veterans' Administration upon closing of the Land Exchange or Purchase Transaction pursuant to section 402 of this title.

(13) The term "Planning and Development Agreement" means the Memorandum of Agreement between the City of Phoenix, Arizona, Collier Enterprises and Barron Collier Company approved by the City Council of Phoenix, Arizona, on July 1, 1987, including any amendments or modifications of such Memorandum of Agreement subsequently agreed to by the parties, or, as the context may require, an agreement between the City of Phoenix, Arizona, and a Purchaser other than Collier that is identical in all material respects to such Memorandum of Agreement.

(14) The term "Public Planning Process" means the land use planning and zoning process applicable to the School Property under the Planning and Development Agreement or other State or local law and regulation applicable to the planning and zoning of such property.

(15) The term "Purchase Transaction" means the cash purchase of the Phoenix Exchange Property by a Purchaser other than Collier under section 402(h) of this title.

(16) The term "Purchaser" means Collier or, in the event that Collier does not accept the offer of the United States to acquire the Phoenix Exchange Property under either section 402(h)(1) or section 402(h)(6) and (7) of this title, any other person that acquires the Phoenix Exchange Property under a Purchase Transaction.

(17) The term "School Property" means the real property used by the Secretary on January 1, 1988, for the Phoenix Indian High School in Phoenix, Arizona.

(18) The term "Secretary" means the Secretary of the Interior.

(19) The term "Trust Fund Payment" means the payment to the United States of the Monetary Proceeds for deposit into, as the context requires, the Arizona InterTribal Trust Fund or the Navajo Trust Fund, in the form of a lump sum payment or annual payments as determined under section 403 of this title.

(20) The term "Trust Fund Payment Agreement" means an agreement providing for payment by the Purchaser of annual Trust Fund Payments for deposit into the Arizona InterTribal Trust Fund or the Navajo Trust Fund or, as the context may require, an agreement between the United States and a Purchaser other than Collier that is identical in all material respects to such Trust Fund Payment Agreement.

(21) The term "Trust Income" to the Arizona InterTribal Trust Fund or the Navajo Trust Fund means the interest earned on amounts deposited into each such trust fund and any amounts paid into each such trust fund in the form of annual Trust Fund Payments.

(22) The term "Veterans' Administration Property" means the property adjacent to the School Property owned by the United States and under the jurisdiction and control of the Veterans' Administration on January 1, 1988.

DISPOSITION OF SCHOOL PROPERTY

SEC. 402. (a) AUTHORIZATION OF DISPOSAL.—The Secretary is authorized to dispose of the School Property and use the Monetary Proceeds only in accordance with this title. The provisions of this title shall govern the disposal of such property and other provisions of law governing the disposal of Federal property shall not apply to the disposal of the School Property.

(b) EXCHANGE AGREEMENT.—The Exchange Agreement is ratified and confirmed and sets forth the obligations, duties, and responsibilities of the parties to the Exchange Agreement. The Secretary shall implement the Exchange Agreement in accordance with its terms and conditions; except that, the Secretary may, with the concurrence of Collier, make minor and technical amendments in land descriptions and instruments of conveyance, as set forth in the agreement, upon 30 days prior written notice to the House Interior and Insular Affairs and Senate Energy and Natural Resources Committees.

(c) CONVEYANCE OF LANDS; TRANSFER OF JURISDICTION.—If the Phoenix Exchange Property is conveyed under the Land Exchange or a Purchase Transaction, the Secretary is authorized and directed, subject to the requirements of this section, to—

(1) convey to the City by quitclaim deed a parcel of 20 acres of the School Property upon election by the City to accept such conveyance under subsection (e);

(2) transfer jurisdiction and control of a parcel of 11.5 acres of the School Property to the Veterans' Administration pursuant to subsection (f); and

(3) transfer jurisdiction and control of a parcel of 4.5 acres of the School Property to the Veterans' Administration pursuant to subsection (g).

(d) PRELIMINARY NOTICE.—(1) On a date no later than 135 days prior to acceptance by Collier of the offer of the United States under the Exchange Agreement, Collier shall provide preliminary notice in writing of its intent to accept such offer to—

(A) the Secretary;

(B) the Mayor of the City;

(C) the Administrator of Veterans' Affairs;

(D) the InterTribal Council of Arizona;

(E) the governing body of the Navajo Tribe; and

(F) the Governor of the State of Arizona.

The provision of this preliminary notice by Collier shall not affect Collier's right to accept or not to accept the offer of the

United States under the Exchange Agreement and in accordance with subsection (h) (1) or (7).

(2) Notwithstanding any provision of the Exchange Agreement, Collier may not provide preliminary notice under paragraph (1) prior to the later of one year following the date of enactment of this title or the submission of a Specific Plan for the Phoenix Exchange Property as provided in the Planning and Development Agreement.

(e) ELECTION BY CITY.—(1) Within 15 days after receipt of notice to the Mayor of the City under subsection (d), the City may advise the Secretary in writing that it elects to accept conveyance of a parcel of 20 acres of land within the School Property identified for conveyance to the City by mutual agreement with Collier in accordance with the Public Planning Process.

(2) On or after conveyance of the Phoenix Exchange Property under the Land Exchange or Purchase Transaction, the Secretary shall convey to the City such parcel of 20 acres of the School Property as the City may elect to receive under paragraph (1), subject to the requirements of this section: *Provided*, That if the City and the Purchaser have not identified 20 acres for conveyance to the City in accordance with the Public Planning Process at the time of closing of the Land Exchange or the Purchase Transaction, the Secretary shall convey to the City a parcel of land consisting of the northernmost 20 acres of the School Property.

(3) Nothing in this title shall be construed as a limitation on the authority of the Purchaser and the City to enter into agreements to exchange, on an acre-for-acre basis, land within the School Property conveyed to the Purchaser for land conveyed by the United States to the City or owned by the City contiguous to the School Property.

(4) Any conveyance to the City by the United States under this subsection shall include the requirement for a right of reverter in favor of the United States restricting the use of such land perpetually to provide for public open space and recreation.

(5) Any conveyance by the Purchaser to the City of land within the School Property pursuant to exchange shall include a right of reverter in favor of the United States restricting the use of such land perpetually to provide for public open space and recreation. The conveyance by exchange of land to the Purchaser from the City shall extinguish any right of reverter restricting the use of land so conveyed to the Purchaser.

(6) Nothing in this subsection shall be construed to alter any right of the City to purchase additional acres of land within the School Property from the Purchaser pursuant to the Planning and Development Agreement or as may otherwise be agreed to by the City and the Purchaser.

(f) TRANSFER TO THE VETERANS' ADMINISTRATION.—(1) Upon the closing of the Land Exchange or the Purchase Transaction, the Secretary shall transfer to the Veterans' Administration jurisdiction and control of a parcel of 11.5 acres (including improvements located thereon) within the School Property to be used for expansion of the Veterans' Administration Medical Center in Phoenix, Arizona.

(2) Such parcel shall be the portion of land designated as Tract C on the metes-and-bounds surveys in the southeast quarter of section 20, township 2 north, range 3 east, of the Gila and Salt River Meridian, Arizona, conducted by the Bureau of Land Management of the Department of the Interior, dated March 22, 1988.

(3)(A) The Administrator shall cooperate with the City in the planning and development of land transferred under this subsection for the purpose of ensuring comprehensive planning of the School Property in accordance with the objectives of the Public Planning Process. The general authorities of the Administrator, including but not limited to those contained in sections 5022(a)(2) and 5024 of title 38, United States Code, shall be available to the Administrator for the purposes of this subsection.

(B) The Administrator shall, within six months after the date of the enactment of this title and every six months thereafter until the cooperative planning referred to in subparagraph (A) is completed, transmit a report to the Committee on Interior and Insular Affairs and the Committee on Veterans' Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Veterans' Affairs of the Senate. Each such report shall contain a description of the efforts made by the Veterans' Administration in carrying out such planning during the period for which the report is submitted.

(C) The Secretary shall enter into a memorandum of understanding with the Administrator for the temporary use by the Administrator of the gymnasium constructed on the School Property in 1975. Such temporary use shall not extend beyond the interim period before the transfer or development of the property on which the gymnasium is located.

(g) TRANSFER TO THE STATE OF ARIZONA.—

(1) Upon the closing of the Land Exchange or the Purchase Transaction, the Secretary shall transfer to the Veterans' Administration jurisdiction and control of a parcel of 4.5 acres (including improvements located thereon) within the School Property which shall be under the jurisdiction and control of the Veterans' Administration until disposed of in accordance with paragraph (3) or (4).

(2) Such parcel of land shall be contiguous to the parcel of land transferred to the Veterans' Administration under subsection (f) and to the Veterans' Administration Property. Such parcel shall be identified by mutual agreement of the City, the Administrator, Collier, and the State of Arizona in accordance with the objectives of the Public Planning Process for use by the State of Arizona as a site for facilities owned and operated by such State as a home for veterans.

(3) The Administrator shall convey such parcel (including improvements located thereon), without reimbursement, to the State of Arizona when—

(A) the Administrator of Veterans' Affairs has approved the State of Arizona's application for assistance in construction of a State veterans' facility on such parcel pursuant to section 5035 of title 38, United States Code; and

(B) the State of Arizona has appropriated sufficient funds to pay for its portion of the costs of construction of such facility.

(4) If the State of Arizona does not submit an application for assistance described in paragraph (3)(A) and appropriate the funds described in paragraph (3)(B) within three years after such parcel is transferred to the Veterans' Administration under this subsection, the Administrator of Veterans' Affairs shall transfer jurisdiction and control of such parcel to the Secretary.

(5) Such land shall be offered by the Secretary for sale to the City, subject to a right of reverter in favor of the United States restricting the use of such land perpetually to

provide for public open space and recreation, at a price determined by the Secretary which shall be representative of the value of such land discounted to account for such restrictions in use. In the event that the City does not accept the offer of the United States to purchase such land within six months from the date such offer is made, such land shall be offered for sale to the Purchaser at fair market value. The amount received from any sale of such land shall be deposited in the Arizona InterTribal Trust Fund and in the Navajo Trust Fund in accordance with the allocation described in section 405(e).

(h) OFFERS TO PURCHASE.—(1) Upon receipt by the Secretary of the notice of election to receive the parcel of land by the City of Phoenix under subsection (e), but in no event later than 15 days after receipt of preliminary notice to the Secretary by Collier under subsection (d), the Secretary shall notify Collier that, notwithstanding the provisions of subsection (d)(1), Collier may accept the offer of the United States to acquire the Phoenix Exchange Property under the terms of the Exchange Agreement, subject to the requirements that if the fair market value of the Phoenix Exchange Property stated in the current, independent appraisal obtained by the Secretary under subsection (m)(4) is greater than \$80,000,000, then Collier shall pay, in addition to the amount required to be paid under paragraphs 13 and 14 of the Exchange Agreement, an amount equal to the difference between the fair market value stated in such appraisal and \$80,000,000. If Collier notifies the Secretary that it does not accept the offer of the United States under this paragraph, a Purchaser may acquire the Phoenix Exchange Property pursuant to the requirements of paragraphs (2) through (9) of this subsection.

(2)(A) Upon receipt of notice by Collier that it does not accept the offer of the United States under paragraph (1), but in no event later than 15 days following receipt of such notice, the Secretary shall initiate the bidding process under this section by soliciting and advertising widely for sealed bids for purchase of the Phoenix Exchange Property: *Provided*, That no such bid will be accepted unless such bid offers a price of no less than the minimum acceptable price set forth in subsection (h)(4). The Secretary shall solicit and advertise widely for such bids by publishing notice that the Secretary will receive offers by persons other than Collier to purchase the Phoenix Exchange Property in the Federal Register and in newspapers of general circulation and other appropriate publications, including newspapers in Phoenix, Arizona. Such notice shall include—

(i) an accurate description of the Phoenix Exchange Property, and an identification of any parcels of land within the School Property elected for conveyance to the City pursuant to subsection (e), transferred to the Veterans' Administration pursuant to subsection (f), or conveyed to the State of Arizona pursuant to subsection (g);

(ii) the name and address of State and local offices from which information concerning the zoning and other legal requirements applicable to such property may be obtained;

(iii) a description of the terms and conditions for purchase of the Phoenix Exchange Property established under this title pursuant to which the Secretary may accept an offer to purchase the Phoenix Exchange Property;

(iv) a statement of the minimum price that the Secretary may accept for sale of the Phoenix Exchange Property under paragraph (4) of this subsection;

(v) a description of the other terms and conditions for purchase of the Phoenix Exchange Property that the Secretary determines are necessary to ensure that the rights and obligations of a Purchaser under this section are comparable in all material respects to the rights and obligations of Collier under the Exchange Agreement, except as otherwise provided in this title;

(vi) a statement establishing requirements for deposit of bond or other guarantee of credit in an amount determined by the Secretary; and

(vii) any other information that the Secretary, in his discretion, determines is reasonably necessary to permit a bona fide potential purchaser to evaluate the terms and conditions for purchase of the Phoenix Exchange Property.

(B) Upon request, the Secretary shall make available to any potential purchaser a copy of the Exchange Agreement or any other document in the possession of the Secretary which the Secretary in his discretion determines is reasonably necessary to permit a bona fide potential purchaser to evaluate the proposal of the United States to sell the Phoenix Exchange Property.

(3) Any person seeking to acquire the Phoenix Exchange Property by purchase under this section shall, within 90 days after publication of notice in the Federal Register under paragraph (2)(A), deliver to the Secretary in the form prescribed in such notice, a written offer to purchase the Phoenix Exchange Property which offer shall—

(A) offer to purchase the entire Phoenix Exchange Property for cash in a single transaction at a price greater than the minimum acceptable price established under paragraph (4);

(B) by its terms be irrevocable for a period of at least 120 days from the date such offer is delivered to the Secretary and be legally binding on the offeror upon acceptance of such offer by the United States;

(C) offer to enter into a Purchase Agreement with the United States under the terms and conditions for purchase of the Phoenix Exchange Property described in the notice by the Secretary under paragraph (2);

(D) contain an offer to the United States to enter into a Trust Fund Payment Agreement in a form prescribed by the Secretary consistent with the requirements for payment of the Trust Fund Payment in the form of annual payments under section 403, which agreement shall be legally binding upon the offeror upon election of the Secretary to receive payment of the Monetary Proceeds in the form of annual payments under section 403 of this title, including: (i) a detailed description of the collateral to be provided by the offeror to secure the payment obligation under the Trust Fund Payment Agreement upon such election of the Secretary to receive payment in the form of annual payments, and (ii) evidence of ownership and value of such collateral sufficient to permit the Secretary to determine whether such collateral is adequate to secure the payment obligations of the Purchaser under the Trust Fund Payment Agreement;

(E) contain evidence that the offeror has made an offer to the City of Phoenix, legally binding by its terms on the offeror upon approval by the City Council of Phoenix, Arizona, to enter into the Planning and Development Agreement;

(F) contain full and substantial evidence of the capacity of the offeror to enter into and perform each of the obligations required to be undertaken by the offeror under the terms described by the Secretary in accordance with paragraph (2) including a description of any financing arrangements to be undertaken by the offeror in order to perform the payment obligation of the Purchaser upon closing of the Purchase Transaction;

(G) meet any other requirements prescribed by the Secretary in the notice published under paragraph (2)(A) which are reasonably necessary to ensure that any offer accepted by the United States under this subsection will provide public benefits to the United States comparable to those provided to the United States under the Land Exchange; and

(H) be accompanied by the deposit of a bond or other guarantee consistent with the requirements prescribed by the Secretary under paragraph (2).

(4) The minimum acceptable price for sale of the Phoenix Exchange Property is a cash amount equal to the sum of the amount required to be deposited into the account for purchase of the Florida Lands and reimbursement of costs under subsection (1) and an amount equal to the amount required to be paid by Collier under paragraphs 13 and 14 of the Exchange Agreement.

(5)(A) The Secretary shall review any offer to purchase the Phoenix Exchange Property delivered to the Secretary within 90 days after publication of notice under paragraph (2)(A) for the purpose of determining whether such offer meets the requirements under paragraph (3) or other requirements set forth in the notice of the Secretary pursuant to paragraph (2). The Secretary shall identify for consideration as qualifying offers all such offers that meet such requirements subject to the limitations of subparagraph (B).

(B) In determining whether an offer is a qualifying offer under this paragraph, the Secretary shall exclude from consideration any offer that the Secretary in his discretion determines—

(i) does not meet the requirements set forth in the notice of the Secretary pursuant to paragraph (2);

(ii) is made by an offeror without adequate capacity to enter into or perform the payment obligations under this title or the Trust Fund Payment Agreement; or

(iii) has failed to identify collateral that is adequate to secure the obligations under the Trust Fund Payment Agreement.

(C) The Secretary shall, within 105 days after publication of notice in the Federal Register, select from among the qualifying offers the best qualifying offer, which shall be the single offer from among the qualifying offers that contains an offer to pay to the United States the highest lump sum cash payment upon closing of the Purchase Transaction: *Provided*, That nothing in this paragraph shall be construed to limit or alter the right of the Secretary to elect to receive payment of the Monetary Proceeds in the form of annual payments under section 403 of this title.

(6) Within 105 days after publication of notice in the Federal Register under paragraph (2)(A), the Secretary shall advise Collier whether the Secretary has identified a qualifying offer or offers. In the event that the Secretary has not identified any such qualifying offer, he shall advise Collier that Collier may accept the offer of the United States to Collier under the terms of the Ex-

change Agreement and this title. In the event that the Secretary has identified a qualifying offer, the Secretary shall provide Collier with a copy of the best qualifying offer, and shall advise Collier that Collier may accept the offer of the United States under the Exchange Agreement subject to the requirement that Collier pay, rather than the amount required to be paid under paragraphs 13 and 14 of the Exchange Agreement, the difference between an amount equal to 105 percent of the price to be paid under the best qualifying offer and \$45,100,000.

(7) Collier may accept the offer of the United States by notice to the Secretary within 30 days of receipt of notice under paragraph (6) that Collier accepts such offer under the terms of the Exchange Agreement and subject to the requirement, if any, for additional payment under paragraph (6). If Collier accepts the offer of the United States under this paragraph, closing of the Land Exchange shall occur under the terms of the Exchange Agreement and this title.

(8) If Collier does not accept such offer, the Secretary shall accept the best qualifying offer. If no qualifying offer has been received within the period specified in paragraph (3), the Secretary shall maintain the School Property in accordance with subsection (k) of this section, and notify the Committees on Interior and Insular Affairs and Veterans' Affairs in the House of Representatives, and the Committee on Energy and Natural Resources in the Senate within 60 days of the Secretary's notice to Collier under paragraph (6). Closing of the Purchase Transaction under this subsection shall occur within 90 days after acceptance by the United States of the best qualifying offer, subject to the requirements respecting deposit of payment under subsection (i).

(9) No action of the Secretary under this subsection shall be subject to the provisions of 5 U.S.C. 553 through 558 or 701 through 706.

(i) ACCOUNT FOR PURCHASE TRANSACTION AMOUNTS.—(1) Upon closing of the Purchase Transaction, there shall be established in the Treasury of the United States an account into which shall be deposited from the amount paid to the United States under the Purchase Transaction, at the direction of the Secretary, an amount equal to the sum of—

(A) \$49,400,000, less any amount received by Collier in consideration of the conveyance to the United States of any portion of the Florida Lands prior to the closing of the Purchase Transaction, and

(B) an amount equal to the costs determined by the Secretary as reimbursable to Collier under paragraph (2), based on information to be provided to the Secretary by Collier at the time that Collier provides preliminary notice under subsection (d).

(2) For purposes of this subsection, reimbursable costs of Collier shall include—

(A) all costs, including fees for attorneys and consultants and appraisal costs paid or incurred by Collier in connection with the Public Planning Process and planning and zoning of the School Property, and

(B) an amount for compensation of general administrative costs and overhead, which shall be an amount equal to the costs reimbursable to Collier under subparagraph (A) multiplied by a factor of 0.8.

(3) Upon conveyance by Collier to the United States of title to the Florida Lands pursuant to this subsection, the Secretary shall cause to be paid to Collier from the ac-

count established under paragraph (1): (A) \$49,400,000, less any amount previously paid to Collier by the United States in consideration of conveyance of any portion of the Florida Lands, and (B) an amount equal to the total amount of costs reimbursable to Collier under this subsection, as determined by the Secretary.

(j) CONVEYANCE OF TITLE.—Upon conclusion of the procedures under subsection (h), the Secretary is authorized and directed to release and quitclaim to the Purchaser all right, title, and interest of the United States to the Phoenix Exchange Property.

(k) REVERSION.—Any land within the School Property not conveyed to the Purchaser or the City or transferred to the Veterans' Administration upon closing of the Land Exchange or the Purchase Transaction or which reverts to the United States under subsection (e)(4) or is transferred to the Secretary under subsection (g)(4) and is not sold to the City or the Purchaser shall be maintained under the administrative jurisdiction, management and control of the National Park Service and shall not be disposed of until authorized by an Act of Congress: *Provided, however,* That such lands shall not be considered a unit of the National Park System.

(l) STATE AND LOCAL AUTHORITY.—Nothing in this title shall be construed to supersede, abrogate, enlarge, diminish, or otherwise alter the exercise of authority of the State of Arizona, the City or other State and local authority with respect to planning and zoning of the School Property under applicable State or local law.

(m) SPECIFIC PLAN REPORTS.—(1) No later than 30 days after the submission of the Specific Plan as provided for in the Planning and Development Agreement, the Comptroller General of the United States shall submit to Congress a report analyzing the Specific Plan, particularly as it relates to the final proposals for zoning of the Phoenix Exchange Property, the alternatives considered, the reasons for rejection of the alternatives, and the effect of the rezoning proposals on the potential value of the property relative to the effects of other zoning proposals.

(2) Within 60 days after acceptance of the Purchasers' offer under subsection (h)(8), or acceptance by Collier of the offer of the United States under subsection (h) (1), (6) or (7), whichever is later, the Comptroller General shall provide a further report on all actions taken subsequent to the submission of the Specific Plan relative to disposition of the Phoenix Exchange Property, particularly as they relate to the value received by the United States and the process by which such value was determined.

(3) The Comptroller General shall transmit all reports required by this section to the Committees on Interior and Insular Affairs and Education and Labor of the House of Representatives and the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate.

(4) Within 45 days following submission of the Specific Plan as provided for in the Planning and Development Agreement, the Secretary shall obtain, at Collier's expense, a current, independent appraisal of the Phoenix Exchange Property, based upon the zoning requirements stated in such Specific Plan, which appraisal shall determine the fair market value which Collier must give for the Phoenix Exchange Property if such property is acquired by Collier pursuant to the provisions of subsection (h)(1).

PAYMENT TO THE TRUST FUNDS

SEC. 403. (a) DEPOSIT OF MONETARY PROCEEDS.—The Monetary Proceeds shall be paid to the United States for deposit in the Arizona InterTribal Trust Fund and the Navajo Trust Fund in accordance with this section and section 405 of this title.

(b) ELECTION OF LUMP SUM OR ANNUAL PAYMENTS.—Subject to the requirements for consultation under subsection (c)(3), the Secretary may, in his discretion, elect to receive the Trust Fund Payment for deposit in the Arizona InterTribal Trust Fund or the Navajo Trust Fund, or both, in the form of either a lump sum payment or 30 annual payments, calculated in accordance with subsection (c). The Secretary shall provide notice of such election to the Purchaser within 90 days after receipt of notice from Collier that it intends to accept the offer of the United States under the Exchange Agreement pursuant to section 402(d).

(c) METHOD OF PAYMENT.—(1) If the Secretary elects to receive a Trust Fund Payment in the form of a lump sum payment, the Purchaser shall, at the time of closing, pay to the United States an amount equal to that portion of the Monetary Proceeds that is properly allocable to the Trust Fund for which such election is made.

(2) If the Secretary elects to receive a Trust Fund Payment in the form of annual payments, the Purchaser shall make—

(A) 30 annual payments equal to the interest due on an amount equal to that portion of the Monetary Proceeds that is properly allocable to the Trust Fund for which such election is made; and

(B) at the time of the last annual payment, a payment equal to that portion of the Monetary Proceeds that is properly allocable to the Trust Fund for which such election is made.

(3) Prior to making any election as to form of the Trust Fund Payment under this subsection, the Secretary shall consult with—

(A) the InterTribal Council of Arizona, concerning the form of the Trust Fund Payment to the Arizona InterTribal Trust Fund; and

(B) the governing body of the Navajo Tribe, concerning the form of the Trust Fund Payment to the Navajo Trust Fund.

(4) If the Secretary elects to receive a Trust Fund Payment in the form of annual payments under subsection (c)(2), the Secretary is directed to execute the Trust Fund Payment Agreement pursuant to which such annual payments will be made.

(5) The interest rate to be used in determining the interest due on annual Trust Fund Payments payable by the purchaser shall be the interest rate being offered on bonds payable in 30 years sold by the United States on the date that notice of the election of the form of the Trust Fund Payment is made by the Secretary plus 0.25 percent, except that in no event shall such interest rate be lower than 8.5 percent or higher than 9.0 percent.

(6) Closing of the Land Exchange or the Purchase Transaction shall occur no sooner than 90 days after notice of the Secretary's election is provided to the Purchaser, except that if the Secretary elects to receive a Trust Fund Payment in the form of annual payments under subsection (c)(2), closing of the Land Exchange or the Purchase Transaction shall not occur unless a Trust Fund Payment Agreement has been executed.

(d) CASH PROCEEDS.—Any cash proceeds to the United States from the sale of land within the School Property offered to and

accepted by the City or the Purchaser subsequent to closing of the Land Exchange or the Purchase Transaction shall be in the form of a lump sum payment, unless otherwise agreed to by the parties, payable to the United States for deposit into the Arizona InterTribal Trust Fund and the Navajo Trust Fund pursuant to section 405 of this title.

CLOSURE OF THE PHOENIX INDIAN HIGH SCHOOL

SEC. 404. (a) CLOSURE.—Notwithstanding any other provision of law, the Secretary shall close the Phoenix Indian High School on a date determined by the Secretary, which date shall be no earlier than June 1, 1990, and no later than September 1, 1990.

(b) NOTICE.—By January 30, 1990, the Secretary shall notify the tribal governing body of each Arizona Tribe affected by the closing of the Phoenix Indian High School and each person, or parent or guardian of each person, enrolled as a student at the Phoenix Indian High School on January 1, 1991, of the date of closing of the Phoenix Indian High School as determined by the Secretary under subsection (a).

(c) INDIVIDUAL EDUCATION PLANS.—(1) Beginning January 30, 1990, but in no case later than March 1, 1990, the Secretary, through the Assistant Secretary of Indian Affairs, shall—

(A) identify each eligible Indian student who is enrolled or preenrolled for attendance at the Phoenix Indian High School, as of the date of enactment of this title, or who attended the Phoenix Indian High School during the academic year 1988-89, and who did not graduate from a secondary program, and shall—

(i) contact each student, or the parents or guardians of record of each such student,

(ii) notify each student that the Phoenix Indian High School is to be closed at the date established by the Secretary under subsection (a),

(iii) inform each of the alternatives available to each student and their families, including attendance at the Bureau operated facility at Riverside, California, and

(iv) develop the individual education plans required under subparagraph (B);

(B) develop for each student identified under subparagraph (A) an individual education plan, which shall be formulated in a cooperative fashion between Bureau education and other appropriate social services. Each individual education plan shall, at the minimum, include—

(i) an identification of the student;

(ii) an identification of the special educational, social, or academically related cultural needs of each student;

(iii) a description of the consultation and discussions with the student and the parent involved in the formulation of this plan;

(iv) an identification of the alternative service provider chosen by the student or parent to provide educational services;

(v) any actions taken, pursuant to the requirements to protect confidentiality, to contact and coordinate the alternative service provider, the tribe, any appropriate Bureau social service entities, and the Office of Indian Education Program; and

(vi) set out in detail the actions to be taken by the Bureau of Indian Affairs to supplement the program provided with additional services and support for the student, where the student attends a non-Bureau funded program or a Bureau funded program which does not include the services described within the plan; and

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(C) take such steps as are necessary to establish a formal internal mechanism for implementing the findings and recommendations of the plans developed under subparagraph (B).

(2)(A) Any other provision of law notwithstanding, the Secretary shall, for the fiscal years ending prior to September 30, 1992, reserve from funds appropriated under section 1128 of Public Law 95-561 and other Bureau of Indian Affairs accounts presently providing support to the Phoenix Indian High School during the fiscal year 1990 an amount equal to the amount determined under subparagraph (B) for the purpose of implementing subparagraph (C).

(B)(i) The amount reserved for the fiscal year ending September 30, 1991, shall be equal to the sum of three-fourths the amount generated under the Indian Student Equalization Formula during fiscal year 1990 for the Phoenix Indian High School plus three-fourths the amount generated under the accounts referenced in subparagraph (A), such funds to be reserved from the respective accounts and administered pursuant to subparagraph (C).

(ii) The amount reserved for the fiscal year ending September 1992 shall be equal to the sum of one-half the amount generated under the Indian Student Equalization Formula during fiscal year 1990 for the Phoenix Indian High School plus one-half the amount generated under the accounts referenced in subparagraph (A), such funds to be reserved from the respective accounts and administered pursuant to subparagraph (C).

(C) From funds reserved pursuant to subparagraph (B), the area education director and the area director shall jointly administer a program to implement the individual education plans developed under paragraph (2), with particular emphasis being placed on monitoring the performance and attendance of students covered by the individual education plans. From such funds, they shall also, to the extent funds are available, conduct such activities as may be necessary to determine those eligible Indian students who reside within the State of Arizona or the jurisdiction of the Phoenix Area Office of the Bureau of Indian Affairs who are of legal age to be attending school but who are not enrolled in any program.

(d) TRANSFER OF JURISDICTION.—Within 60 days after closure of the Phoenix Indian High School under subsection (a), the Secretary shall transfer administrative jurisdiction, management and control of the school property from the Bureau of Indian Affairs to the National Park Service: *Provided*, That, prior to the disposition of the School Property under the terms of the Exchange Agreement or otherwise, the National Park Service shall manage and control such School Property in a manner consistent with the requirements of the Exchange Agreement and subsection (e), except that the Administrator may, during the interim period of administration, take such actions as are necessary to protect the improvements located on the 11.5 acres of land and 4.5 acres of land to be transferred to the Veterans' Administration pursuant to subsections (f) and (g) of section 402. During the interim period of administration the School Property shall not be considered a unit of the National Park System.

(e) TRANSFER OF RESOURCES.—(1) Any other provision of law notwithstanding, the following shall apply to the Sherman Indian School, located in Riverside, California, and operated by the Bureau of Indian Affairs, or

its successors, effective on the date of enactment:

(A) The attendance boundaries used by the Bureau of Indian Affairs to govern placements in the Sherman Indian School is expanded to include all of the attendance boundary served in the fiscal year 1991 by the Phoenix Indian High School.

(B) Subject to school board approval, the superintendent of the Sherman Indian School is authorized to pay the recruitment and retention allowance authorized under section 1131(h)(3) of Public Law 95-561.

(C) The Secretary shall inventory all Bureau of Indian Affairs educational property, including personal property, currently located at the Phoenix Indian High School. The superintendent of the Sherman Indian School, and their designees, shall have first option on all materials located at the Phoenix Indian High School and the Secretary shall take all steps necessary to move the materials chosen by the superintendent of the Sherman Indian School to the school as expeditiously as possible. Remaining property shall be made available to other off-reservation boarding schools.

(D) Subject to the provisions of subsection (d), the personnel ceilings at the Sherman Indian School shall be immediately adjusted to reflect employees who transfer from the Phoenix Indian High School and any increase in the student population projected by the closure.

(2) With respect to any employee employed at the Phoenix Indian High School prior to the closure of the academic program—

(A) for the purpose of conducting the reduction in force associated with the closure of the Phoenix Indian High School, Phoenix Indian High School and the Sherman Indian School in Riverside, California shall be considered as one employment area; and

(B) for those who do not elect to exercise the above, or to whom they do not apply, outplacement assistance, including where available job retraining programs, professional résumé and other job placement assistance.

ESTABLISHMENT OF THE ARIZONA INDIAN TRUST FUNDS

SEC. 405. (a) ESTABLISHMENT.—Upon disposal of the School Property and receipt by the United States of the Monetary Proceeds, there shall be established in the Treasury of the United States—

(1) a fund to be known as the Arizona InterTribal Trust Fund; and

(2) a fund to be known as the Navajo Trust Fund.

(b) AMOUNTS IN FUNDS.—Each Trust Fund established under this section shall consist of—

(1) an amount equal to the sum of—

(A) that portion of the Monetary Proceeds properly allocable to each such Trust Fund;

(B) that portion of the cash proceeds from the sale by the United States to the City or the Purchaser of additional acres of land within the School Property pursuant to subsection (g)(5) of section 402 of this title properly allocable to each such Trust Fund; and

(C) any interest accruing on any amount deposited in each such Trust Fund,

(2) less the amount of Trust Income from the Trust Fund used by the Secretary pursuant to subsection (d).

(c) INVESTMENT.—(1) If a Trust Fund Payment is made in the form of a lump sum payment under section 403(c)(1) of this title, the Secretary of the Treasury shall invest the amount of such lump sum pay-

ment in interest-bearing deposits and securities in accordance with the Act of June 24, 1938 (25 U.S.C. 162a).

(2) If a Trust Fund Payment is made in the form of annual payments under section 403(c)(2) of this title, the Secretary of the Treasury shall hold in trust the security provided in accordance with the Trust Fund Payment Agreement.

(3) At the direction of the Secretary, the Secretary of the Treasury may invest in accordance with the requirements of paragraph (1) any portion of the Trust Income not used by the Secretary in any year.

(d) USE OF TRUST INCOME.—(1) The purpose of these trust funds is to supplement, not supplant, current Federal efforts. The Secretary shall not reduce, rescind, alter or change any distribution of funds to which any Indian tribe or students covered by this section may otherwise be entitled or eligible under any other Federal authority. The Congress also expresses its intention that in determining the amount of any funds to provide services to Indian tribes or students covered by this section, there shall be no amendment, alteration, limitation, or reduction within future congressional action occasioned by the presence of these funds.

(2) Trust Income may be used only for—

(A) supplemental educational and child-welfare programs, activities, and services for the benefit of—

(i) those Arizona Tribes that were members of the InterTribal Council of Arizona on January 1, 1988, in the case of payments from the Arizona InterTribal Trust Fund; and

(ii) the Navajo Tribe, in the case of payments from the Navajo Trust Fund;

(B) the design, construction, improvement, or repair of related facilities; and

(C) the payments referred to in paragraph (4).

(3)(A) To carry out the purposes of paragraph (2), the Secretary, pursuant to appropriations, may make grants—

(i) from the Arizona InterTribal Trust Fund to Arizona tribes that were members of the InterTribal Council of Arizona on January 1, 1988, public school districts on or near reservations of such Tribes in the State of Arizona, and the InterTribal Council of Arizona; and

(ii) from the Navajo Trust Fund to the Navajo Tribe or public school districts on or near the Navajo Reservation in the State of Arizona.

(B) The Secretary shall require, as a condition for making any grant to a public school district, the approval of the governing body of the Arizona Tribe the children of which are to be served by such grant.

(4)(A) An amount equal to 5 percent of the Trust Income during the preceding fiscal year shall be paid annually by the Secretary—

(i) to the InterTribal Council of Arizona from the Arizona InterTribal Trust Fund; and

(ii) to the governing body of the Navajo Tribe from the Navajo Trust Fund.

(B) Payments made under this paragraph shall be used for education, child welfare, community development, and general administrative purposes, and may be made only pursuant to an annual budget adopted by the vote of—

(i) a majority of the members of the InterTribal Council of Arizona, in the case of payments to the Arizona InterTribal Trust Fund; and

(ii) the governing body of the Navajo Tribe, in the case of payments to the Navajo Trust Fund.

(C) The limitation on the amount of payments under this paragraph shall not be construed as a limitation on the authority of the Secretary to make grants to the InterTribal Council of Arizona or the Navajo Tribe under paragraph (3).

(5) None of the Trust Income may be used for scholarship grants for higher education.

(e) ALLOCATION.—In depositing into the Trust Funds the Monetary Proceeds, any payment by the State of Arizona, or the cash proceeds from the sale of land within the School Property—

(1) the amount properly allocable to the Arizona InterTribal Trust Fund shall be 95 percent of the total amount of such payment or cash proceeds to the United States; and

(2) the amount properly allocable to the Navajo Trust Fund shall be 5 percent of the total amount of such payment or cash proceeds to the United States.

NAVAJO-HOPI RELOCATION

SEC. 406. PROVISIONS OF BENEFITS.—Section 14 of Public Law 93-531 (25 U.S.C. 640d-13) is amended by adding at the end thereof the following new subsection:

"(d)(1) Except as provided in paragraph (2) of this subsection, the Commissioner shall provide relocation benefits under the Act to applicants in the chronological order in which the applicants are certified for such benefits, but the Commissioner may grant priority status on a case-by-case basis to applicants based on medical, safety, or humanitarian reasons and the readiness of the applicant to move or in order to continue the policy of moving extended families as units.

"(2) The Commissioner shall give first priority in the provision of relocation benefits under this title to those families who were evicted pursuant to an order issued in the case United States v. Kabinto, 456 F. 2d 1 37 (1972)."

SEC. 407. ADMINISTRATION OF NEW LANDS FUNDS.—Subsection (c)(2)(B) of section 12 of Public Law 93-531 (25 U.S.C. 640d-11) is amended by adding at the end thereof of the following new clause:

"(B) : Provided further, That for administrative purposes such funds shall be maintained in a separate account."

SEC. 408 CLARIFICATION OF ELIGIBILITY.—Public Law 93-531 is amended by adding at the end thereof of the following new section:

"Sec. 32. Nothing in this title prohibits the Commissioner from providing relocation assistance to families certified as eligible, regardless of their current place of residence, with funds appropriated to implement Public Law 93-531."

TITLE V—SANTA RITA PUBLIC LANDS EXCHANGE

PAYMENT OF FEDERAL DEBT

SEC. 501. The Secretary of the Interior, acting through the Bureau of Land Management, shall convey to the State of Arizona, a portion of the lands in the Santa Rita Experiment Station lying outside of the National Forest System, (comprising 50,810.94 acres as generally depicted on map AZ-020-01, subpart A, dated September 13, 1988), which the Secretary deems necessary to satisfy the remaining Federal debt to the State of Arizona, as of the date of enactment of this title, for relinquishments of lands for the Central Arizona project pursuant to the provisions of the Act of June 20, 1910. The map referenced in this section shall be on

file and available for public inspection in the offices of the Arizona State Bureau of Land Management and of the Bureau of Land Management in Washington, D.C.

LAND ACQUISITION

SEC. 502. (a) STATE LANDS ACQUISITION.—Upon completion of the actions authorized in section 501, the Secretary shall utilize the remaining Federal lands in the Santa Rita Experiment Station, described in section 501, to acquire through exchange, pursuant to the exchange provisions of the Federal Land Policy Management Act of 1976, all of the State trust lands within Catalina State Park (as generally depicted on map AZ-020-02, subpart B, dated September 13, 1988), Buenos Aires National Wildlife Refuge (as generally depicted on map AZ-020-05, subpart A, dated September 13, 1988), the Black Canyon Corridor (as generally depicted on map AZ-020-03, Subpart A, dated September 13, 1988), Arivaca Lake (as generally depicted on map AZ-020-05, subpart B, dated September 13, 1988), the Madera-Elephant Head Trail area (as generally depicted on map AZ-020-01, subpart C, dated September 13, 1988), and near Lake Pleasant (as generally depicted on map AZ-020-03, subpart B, dated September 13, 1988). The maps described in this subsection shall be on file and available for public inspection in the offices of the Arizona State Bureau of Land Management and of the Bureau of Land Management in Washington, D.C.

(b) ADDITIONAL ACQUISITION AUTHORITY.—The Secretary is also authorized to acquire the State lands described in subsection (a) by purchase or eminent domain to the extent determined by him to be appropriate.

(c) LANDS TO BE INCLUDED IN THE NATIONAL WILDLIFE REFUGE SYSTEM.—Those lands within the Buenos Aires National Wildlife Refuge that are acquired in accordance with this title shall be added to the National Wildlife Refuge System and managed in accordance with the National Wildlife Refuge System Administration Act of 1966.

(d) LANDS TO BE ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT.—Those lands near Lake Pleasant and within the Black Canyon Corridor that are acquired in accordance with this title shall be administered by the Bureau of Land Management, in accordance with the provisions of the Federal Land Policy and Management Act of 1976.

ADDITION TO THE CORONADO NATIONAL FOREST

SEC. 503. (a) INCLUSION IN NATIONAL FOREST SYSTEM.—Those lands in the Catalina State Park, Madera-Elephant Head Trail area, and the Arivaca Lake area that are acquired pursuant to this title, shall be included in the Coronado National Forest, and the exterior boundary of the Coronado National Forest shall be modified to include such lands on the date of acquisition by the United States. The Catalina State Park lands shall be managed cooperatively with the Arizona State Parks Department for public access and recreation purposes under the authorities of the National Forest System. Subject to valid existing rights, such lands are hereby withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public lands laws;

(2) location, entry, and patent under the United States mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing.

(b) LANDS EXEMPT FROM FURTHER PLANNING.—The lands added to the Coronado National Forest by this section shall be admin-

istered under the laws and regulations applicable to National Forest System lands except that the lands described in this section shall be exempt from any further planning requirements of the National Forest Management Act of 1976 until the final 1986 forest plan for the Coronado National Forest is revised. At that time, future management direction for these lands will be determined as a part of planning for the entire national forest.

REVOCATION OF SANTA RITA RANGE EXECUTIVE AND PUBLIC LAND ORDERS

SEC. 504. (a) REVOCATION.—Notwithstanding any other provision of law, in order to facilitate the transfer of certain Federal lands, Executive Order 1222 dated July 1, 1910, and Public Land Order 1363 dated November 14, 1956, which withdrew the Santa Rita Experimental Range for a forest and range experiment station, are hereby revoked in their entirety.

(b) EFFECTIVE DATE.—The effective date of the revocation made by this section shall be—

(1) for those lands lying within the National Forest System the date of enactment of this title; or

(2) for those lands lying outside of the National Forest System the date of transfer of patent to the State of Arizona.

WITHDRAWALS FOR ADMINISTRATIVE SITE

SEC. 505. (a) WITHDRAWAL.—Subject to valid existing rights, the following described lands within the Coronado National Forest are hereby withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public lands laws;

(2) location, entry, and patent under the United States mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing:

All of section 19, the SW¼NW¼, and W¼SW¼ of section 20, the N¼NE¼ of section 30; all in T. 19 S., R. 15 E., G&SRM; containing approximately 751.04 acres. (Florida Canyon)

Such lands shall be used for research purposes in accordance with applicable law.

(b) REVOCATION OF ORDER.—Notwithstanding any other provision of law, in order to facilitate the administration of the Federal lands described in subsection (a), Public Land Order 1080, dated February 28, 1955, which withdrew lands for forest administrative sites, is hereby revoked as it relates in sec. 19, T. 19 S., R. 15 E., G&SRM.

WITHDRAWALS FOR KOFA NATIONAL WILDLIFE REFUGE

SEC. 506. Subject to valid existing rights, all federally owned lands within the Kofa National Wildlife Refuge as of the date of enactment of this title are hereby withdrawn from all forms of—

(a) entry, appropriation, or disposal under the public lands laws;

(b) location, entry, and patent under the United States mining laws; and

(c) disposition under all laws pertaining to mineral and geothermal leasing.

REVOCATION OF RECLAMATION WITHDRAWALS

SEC. 507. (a) IN GENERAL.—Notwithstanding any other provision of law, in order to facilitate the transfer of certain Federal lands—

(1) Secretarial Orders dated January 31, 1903, September 8, 1903, June 4, 1930, and October 16, 1931, which withdrew lands from the Colorado River Storage Project

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and Executive Order 8647 dated January 22, 1941, and Public Land Order 4417 dated May 20, 1968, which withdrew lands for the Havasu National Wildlife Refuge, and Executive Order 8685 dated February 14, 1941, which withdrew lands for the Imperial National Wildlife Refuge are hereby revoked on the following described lands under the administration of the Fish and Wildlife Service:

Sec. 17, T. 5 S., R. 21 W.; portions of secs. 17, 20, 28, and 33, T. 14 N., R. 20 W.; portions of secs. 3 and 10, T. 16 N., R. 21 W.; and portions of secs. 21, 27, and 34, T. 17 N., R. 21 W.; all in G&SRM.

The effective date of the revocation shall be the date of patent to the State of Arizona.

(2) Secretarial Orders dated July 2, 1902, and February 10, 1906, which withdrew certain lands in aid of the Salt River Project, are hereby revoked on the following described lands:

Lots 7, 9, 11, 13, through 15, and 17 through 29 of section 24, T. 2 N., R. 6 E., G&SRM.

The effective date of the revocation shall be the date of patent to the State of Arizona.

(b) PATENTS.—The following stipulations shall be included in all patents issued by the Secretary of the Interior for the lands described in subsection (a)(2):

(1) Excepting and reserving to the Salt River Project, a right-of-way for electric transmission and distribution lines and access purposes which shall comprise that portion of the east 300 feet of section 24, lying west of a line extending northerly from a point on the south section line of section 24, being 51 feet west of the southeast corner of section 24 to a point on the north section line of section 24, being 129 feet west of the northeast corner of section 24, as generally depicted on the Salt River Project drawing number C-675-439.88, dated June 1988;

(2) The United States and the Salt River Project shall not be liable whatsoever for damages to any lands conveyed herein, which may be caused by flooding in conjunction with any of the United States' or Salt River Project's existing or future facilities or protective works;

(3) The patentee, successors or assigns of the lands conveyed herein shall be held liable to the United States or the Salt River Project for damages caused by the holder's activities which alter drainage and adversely affect adjacent lands, project facilities or protective works of the United States or the Salt River Project; and

(4) Reserving to the United States a right-of-way for road purposes, as described in Bureau of Land Management A.R. 020234.

ADJUSTMENT OF CORONADO NATIONAL FOREST BOUNDARY

SEC. 508. (a) MODIFICATION OF PROCLAMATION 1121.—Proclamation 1121, dated April 17, 1911, which established the Coronado National Forest boundary as it related to Township 21 South, Range 18 East, G&SRM, is hereby modified to delete sections 27 and 28, which are not under the jurisdiction of the Forest Service, from inclusion within the National Forest System.

(b) MODIFICATION OF PROCLAMATION DATED JULY 19, 1907.—The proclamation dated July 19, 1907, which established the Coronado National Forest boundary as it is related to Township 15 South, Range 17 East, Gila

and Salt River Meridian, is hereby modified to delete sections 9, 10, 15 and 22, which are not under the jurisdiction of the Forest Service, from inclusion within the National Forest System.

AUTHORIZATION

SEC. 509. (a) GENERAL APPROPRIATION.—There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

(b) PERSONNEL.—There are hereby authorized to be appropriated such sums as are necessary to provide for at least 5 and more, if necessary, full-time equivalent employees of the Bureau of Land Management to perform resource management and law enforcement activities as part of the administration of the Bureau of Land Management lands in Black Canyon Corridor.

SEC. 510. The Director of the United States Fish and Wildlife Service shall approve or disapprove applications for rights-of-way access across the Kofa National Wildlife Refuge as expeditiously as possible.

TITLE VI—MOUNT GRAHAM INTERNATIONAL OBSERVATORY

ESTABLISHMENT OF THE MOUNT GRAHAM INTERNATIONAL OBSERVATORY SITE

SEC. 601. (a) The Secretary of Agriculture (hereinafter in this title referred to as the "Secretary") shall issue a Special Use Authorization, subject to the terms and conditions of Reasonable and Prudent Alternative Three of the United States Fish and Wildlife Service Biological Opinion, dated July 14, 1988, (hereinafter referred to as "the Biological Opinion"), to the State of Arizona Board of Regents on behalf of the University of Arizona for the establishment of the Mount Graham International Observatory Research Site (hereinafter referred to as the "Site"), which shall, subject to any subsequent biological opinions issued by the United States Fish and Wildlife Service under the Endangered Species Act, and the provisions of this title, include provision for seven telescopes and necessary support facilities, for the purposes of scientific and astronomical research.

(b) The Site referred to in Subsection (a) shall include not more than 24 acres within the 150-acre area of the Coronado National Forest, Arizona, as generally depicted on a map entitled, "Mount Graham International Observatory Site", dated July 28, 1988. Copies of the map shall be available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture, Washington, District of Columbia, and the Forest Service office located in Tucson, Arizona.

CONSTRUCTION AUTHORIZATION

SEC. 602. (a) Subject to the terms and conditions of Reasonable and Prudent Alternative Three of the Biological Opinion, the requirements of section 7 of the Endangered Species Act shall be deemed satisfied as to the issuance of a Special Use Authorization for the first three telescopes and the Secretary shall immediately approve the construction of the following items:

- (1) three telescopes to be located on Emerald Peak;
- (2) necessary support facilities; and
- (3) an access road to the Site.

(b) Until the road described in subsection (a)(3) above is constructed, the Secretary shall allow the University of Arizona to use forest roads FR 507 and FR 669 to the extent permitted in the Biological Opinion.

ADDITIONAL TELESCOPE CONSTRUCTION AUTHORIZATION

SEC. 603. (a) The Secretary shall, subject to the requirements of the Endangered Species Act and other applicable law, authorize the construction of four additional telescopes on Emerald Peak.

(b) Consultation under section 7(a)(2) of the Endangered Species Act with respect to construction of the four additional telescopes referred to in subsection (a) shall consider, among other things, all biological data obtained from monitoring the impact of construction of the first three telescopes upon the Mount Graham red squirrel. Authorization by the Secretary for the construction of four additional telescopes shall be consistent with requirements deemed necessary to avoid jeopardizing the continued existence of any species listed under and pursuant to the Endangered Species Act.

MANAGEMENT PLAN

SEC. 604. (a) The University of Arizona, with the concurrence of the Secretary, shall develop and implement a management plan, consistent with the requirements of the Endangered Species Act and with the terms and conditions of Reasonable and Prudent Alternative Three of the Biological Opinion, for the Site.

(b) Such management plan shall include provisions for the construction, operation and maintenance of the Site, access to the Site, and related support facilities.

(c) The management plan shall be included in any Special Use Authorization issued by the Secretary to the University of Arizona.

EXISTING SPECIAL USE AUTHORIZATIONS

SEC. 605. (a) Those Special Use Authorizations now in effect for the Columbine Summer Home Tract area and the Arizona Bible School Organization Camp shall continue, subject to the terms and conditions of the authorizations, for the duration of the term specified in each authorization. Prior to the termination, nonrenewal or modification of those Special Use Authorizations for the area noted above, the Secretary shall, with the assistance of the United States Fish and Wildlife Service, conduct a biological study to determine the effects of such special use authorizations upon the Mount Graham red squirrel and other threatened or endangered species. In making this determination, the Secretary shall consider the small amount of land under special use authorizations. The biological study shall also involve the participation of representatives from the community of Safford, Arizona, all of the affected parties, and any other appropriate interests. In addition to the biological study, the Secretary shall initiate consultation with the United States Fish and Wildlife Service pursuant to section 7(a)(2) of the Endangered Species Act regarding the termination, nonrenewal, extension or modification of the special use authorizations.

(b) Pursuant to title 2300 of the Forest Service Manual, special use terminations, nonrenewal, or modifications shall not take effect until ten years from the last date of the tenure of existing special use authorizations described in subsection (a). Unless the biological study or the biological opinion issued by the United States Fish and Wildlife Service after consultation under the Endangered Species Act concluded that an earlier date was necessary to avoid jeopardizing the continued existence of the Mount Graham red squirrel or any other threat-

ened or endangered species, such actual terminations, nonrenewals, or modifications shall not take effect before completion of a biological study by the United States Fish and Wildlife Service to begin in the year 2000. This additional study shall be subject to the same requirements and involve the same participants as described in subsection (a).

(c) If, after completion of these studies, termination, modification or nonrenewal of special use authorizations described in subsection (a) are prescribed, the United States Forest Service shall, with the cooperation and approval of the holders of these special use authorizations, develop a relocation plan for such individuals and entities.

(d) Nothing in this section is intended to preclude the termination of special use authorizations for breach by the permittee of terms and conditions of the authorizations.

FINANCIAL RESPONSIBILITIES

SEC. 606. In implementing this title, all costs directly associated with construction and site preparation for telescopes, support facilities, a new access road, the biological monitoring program for the Mount Graham red squirrel as contained in the terms and conditions of Reasonable and Prudent Alternative Three of the Biological Opinion, and the retention of an onsite biologist, shall be funded by the University of Arizona.

ENVIRONMENTAL IMPACT STATEMENTS

SEC. 607. With reference to the construction of the first three telescopes, related facilities, and the access road within the boundaries of the Site described in section 601, the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969 shall be deemed to have been satisfied. The Environmental Impact Statement for the Site, currently in process, shall continue and shall use the information developed to date and any additional appropriate information in analyzing the impacts of the four additional telescopes authorized under section 603 of this title.

TITLE VII—MISSISSIPPI NATIONAL RIVER AND RECREATION AREA

Subtitle A—Mississippi National River and Recreation Area

FINDINGS AND PURPOSES

SEC. 701. (a) FINDINGS.—The Congress finds that:

(1) The Mississippi River Corridor within the Saint Paul-Minneapolis Metropolitan Area represents a nationally significant historical, recreational, scenic, cultural, natural, economic, and scientific resource.

(2) There is a national interest in the preservation, protection and enhancement of these resources for the benefit of the people of the United States.

(3) State and local planning efforts along the River Corridor provide a unique foundation for coordinating Federal, State, and local planning and management processes.

(4) Existing Federal agency programs lack sufficient coordination and financial participation with State and local planning and regulatory authorities to provide for adequate and comprehensive resource management and economic development consistent with the protection of the Mississippi River Corridor's nationally significant resources, and the public use and enjoyment of the area.

(5) The preservation, enhancement, enjoyment, and utilization of the nationally significant resources of the Mississippi River Corridor can be accomplished by a coopera-

tive Federal, State, and local comprehensive planning and management effort.

(b) PURPOSES.—The purposes of this subtitle are:

(1) To protect, preserve and enhance the significant values of the waters and land of the Mississippi River Corridor within the Saint Paul-Minneapolis Metropolitan Area.

(2) To encourage adequate coordination of all governmental programs affecting the land and water resources of the Mississippi River Corridor.

(3) To provide a management framework to assist the State of Minnesota and its units of local government in the development and implementation of integrated resource management programs for the Mississippi River Corridor in order to assure orderly public and private development in the area consistent with the findings of this subtitle.

ESTABLISHMENT OF NATIONAL RIVER AND RECREATION AREA

SEC. 702. (a) ESTABLISHMENT.—There is hereby established the Mississippi National River and Recreation Area (hereinafter in this title referred to as the "Area") which shall consist of the State designated Mississippi Critical Area encompassing that portion of the Mississippi River and adjacent lands generally within the Saint Paul-Minneapolis Metropolitan Area, as depicted on the map entitled Mississippi National River and Recreation Area numbered MI-NRA/80,000 and dated April 1987. The map shall be on file and available for public inspection in the offices of the Department of the Interior in Washington, District of Columbia, and in the offices of the Metropolitan Council of the Twin Cities Area in Saint Paul, Minnesota.

(b) BOUNDARIES.—The Secretary of the Interior (hereinafter referred to as the "Secretary") shall publish in the Federal Register, as soon as practicable after the enactment of this title a detailed description and map of the boundaries established under subsection (a).

MISSISSIPPI RIVER COORDINATING COMMISSION

SEC. 703. (a) ESTABLISHMENT.—There is hereby established a Mississippi River Coordinating Commission whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of an integrated resource management plan for those lands and waters as specified in section 702. The Commission shall consist of the following 22 members appointed by the Secretary of the Interior:

(1) The Director of the National Park Service, or his designee.

(2) The Chief of the Corps of Engineers, or his designee.

(3) The Director of the Fish and Wildlife Service, or his designee.

(4) Three individuals, from recommendations by the Governor of Minnesota, to represent the Minnesota Department of Natural Resources, Department of Transportation, and Minnesota Environmental Quality Board.

(5) One individual, to represent the Minnesota Historical Society.

(6) One individual, to represent the Metropolitan Council of the Twin Cities Area.

(7) Four elected officials, to represent the cities of Saint Paul and Minneapolis.

(8) Four elected officials, from recommendations by the Governor of Minnesota, to represent the interests of the other affected municipalities and counties.

(9) One individual, to represent the Metropolitan Parks and Open Spaces Commission.

(10) One individual, from recommendations by the Governor of Minnesota, to represent the interests of commercial navigation.

(11) Four individuals, from recommendations by the Governor of Minnesota, to be chosen from the general public.

(b) TERMS.—(1) Except as provided in paragraphs (2) and (3), members (other than ex officio members) shall be appointed for terms of three years.

(2) Of the members first appointed—

(A) Under paragraph (4) of subsection (a);

(i) One shall be appointed for a term of one year.

(ii) One shall be appointed for a term of two years.

(B) Under paragraphs (7) and (8) of subsection (a), one shall be appointed for a term of one year.

(C) Under paragraph (11) of subsection (a):

(i) One shall be appointed for a term of one year.

(ii) One shall be appointed for a term of two years.

(iii) One shall be appointed for a term of four years.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(c) COMPENSATION.—Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(d) CHAIRPERSON.—The Chairperson of the Commission shall be appointed by the Secretary from among the members of the Commission nominated by the Governor of Minnesota to serve for a term of three years.

(e) QUORUM.—Twelve members of the Commission shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

(g) DEVELOPMENT OF POLICIES AND PROGRAMS.—As a coordinator and advisory organization, the Commission shall assist the Secretary, the State of Minnesota and local units of government, endeavoring to use existing Federal, State, regional, and local plans and programs where consistent with the intent and goals of this subtitle, in developing the following:

(1) Policies and programs for the preservation and enhancement of the environmental values of the Area.

(2) Policies and programs for enhanced public outdoor recreation opportunities in the Area.

(3) Policies and programs for the conservation and protection of the scenic, historical, cultural, natural and scientific values of the Area.

(4) Policies and programs for the commercial utilization of the Area and its related natural resources, consistent with the protection of the values for which the Area is established as the Mississippi National River and Recreation Area.

(h) STAFF.—The Secretary shall provide the Commission with such staff and techni-

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cal assistance as the Secretary, after consultation with the Commission, considers appropriate to enable the Commission to carry out its duties. Upon request of the Secretary, any Federal agency may provide information, personnel, property, and services on a reimbursable basis, to the Commission to assist in carrying out its duties under this subtitle. The Secretary may accept the services of personnel detailed from the State of Minnesota or any political subdivision of the State and may reimburse the State or such political subdivision for such services. The Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(i) **PLAN.**—Within 3 years after enactment of this Act, the Commission shall submit to the Secretary and the Governor of Minnesota a comprehensive plan for land and water use measures for the area to be developed and implemented by the responsible Federal agencies, the State of Minnesota, and local political subdivisions. The plan shall endeavor to use existing Federal, State, regional, and local plans and where consistent with the intent and goals of this subtitle shall coordinate those plans to present a unified comprehensive plan for the Area. The plan shall include but not be limited to each of the following:

(1) A program for management of existing and future land and water use which—

(A) considers and details the application of a variety of land and water protection and management techniques;

(B) includes a policy statement for the use of Federal, State, and local regulatory responsibilities to manage land and water resources in a manner consistent with the purposes of this subtitle; and

(C) recognizes existing economic activities within the area and provides for the management of such activities, including barge transportation and fleeting and those indigenous industries and commercial and residential developments which are consistent with the findings and purposes of this subtitle.

(2) A program providing for coordinated implementation and administration of the plan with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, regional and local levels, including each of the following:

(A) Ways in which local, regional, State, and Federal policies and permits may better be coordinated to the goals and policies of this subtitle.

(B) A financial plan to provide and support the public improvements and services recommended in the plan; and a mechanism for coordinating local, regional, State, and Federal planning to promote the purposes of this subtitle.

(C) How the goals and policies of the management plan will be compatible with the existing channel maintenance program on the Mississippi River, and the existing Federal, State, regional, and local programs and goals on the Minnesota and Saint Croix Rivers.

(D) The provisions of the Clean Water Act and the Safe Drinking Water Act (title XIV of the Public Health Service Act) which pertain to the surface waters of the Mississippi National River and Recreation Area.

(3) A coordination and consistency component which details the ways in which local, State, and Federal programs and policies may best be coordinated to promote the purposes of this subtitle.

(4) A program for the coordination and consolidation, to the extent feasible, of per-

mits that may be required by Federal, State, and local agencies having jurisdiction over land and waters within the Area.

(j) **DEVELOPMENT OF PLAN.**—

(1) In developing the plan the Commission shall consult on a regular basis with appropriate officials of any local government or Federal or State agency which has jurisdiction over lands and waters within the Area.

(2) In developing the plan the Commission shall consult with interested conservation, business, professional and citizen organizations.

(3) In developing the plan the Commission shall conduct public hearings within the Area, and at such other places as may be appropriate, for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the plan.

(k) **APPROVAL OF PLAN.**—The Commission shall submit the plan to the Secretary and the Governor of Minnesota, for their review. The Governor shall act on the plan within 90 days and shall submit the plan to the Secretary along with any recommendations. The Secretary shall approve or disapprove the plan within 90 days. In reviewing the plan the Secretary shall consider each of the following:

(1) The adequacy of public participation.

(2) Assurances of plan implementation from State and local officials.

(3) The adequacy of regulatory and financial tools that are in place to implement the plan.

(4) Plan provisions for continuing oversight of the plan implementation by the Secretary and the Governor of Minnesota.

If the Secretary disapproves the plan, he shall, within 60 days after the date of such disapproval advise the Governor and Commission in writing of the reasons therefor, together with his recommendations for revision. The Commission shall within 90 days of receipt of such notice of disapproval revise and resubmit the plan to the Governor for his review. Following his review, the Governor shall submit the revised plan, together with any recommendations he may have, to the Secretary who shall approve or disapprove the revision within 60 days.

(l) **INTERIM PROGRAM.**—Prior to the adoption of the Commission's plan, the Secretary and the Commission shall monitor all land and water use activities within the Area to ensure that said activities are in keeping with the purposes of this subtitle, and shall advise and cooperate with the appropriate Federal, State, and local governmental entities to minimize adverse impacts on the values for which the Area is established.

(m) **COMMISSION REVIEW.**—The Commission shall assist the Secretary and the Governor of Minnesota in reviewing and monitoring the implementation of the plan by Federal, State, and local governmental agencies having jurisdiction in the Area. The Commission may, after providing, for public comment and subject to the review and approval, as set forth in subsection (k), modify said plan, if the Commission determines that such modification is necessary to further the purposes of this subtitle.

(n) **TERMINATION OF COMMISSION.**—The Commission shall terminate on the date 10 years after the enactment of this subtitle. Following termination of the Commission the State is authorized to establish a State Commission which shall exercise the functions and authorities described in subsection (m). The Secretary of the Interior and the Secretary of the Army are authorized and

directed to participate as members of such State Commission.

FEDERAL LANDS AND DEVELOPMENTS

SEC. 704. (a) LANDS.—Notwithstanding any other provision of law, any Federal property located within the boundaries of the Area as identified on the map referred to in section 702, is hereby transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this subtitle, except as follows:

(1) Facilities and lands administered by the Secretary of the Army through the Corps of Engineers for navigational and flood control purposes may continue to be used by the Secretary of the Army subject to the provisions of subsection (b).

(2) Federal property on which there is located any building or other structure which is in use (as of the enactment of this subtitle) or for which a lease is in effect shall not be transferred under this subsection without the concurrence of the administering agency.

(b) **FEDERAL AGENCY ACTIVITIES.**—

(1) **IN GENERAL.**—Before any department, agency, or instrumentality of the United States issues or approves any license or permit for any facility or undertaking within the Area and before any such department, agency, or instrumentality commences any undertaking or provides any Federal assistance to the State or any local governmental jurisdiction for any undertaking within the Area, the department, agency, or instrumentality shall notify the Secretary. The Secretary shall review the proposed facility or undertaking to assess its compatibility with the plan approved under section 703. The Secretary shall make a determination with respect to the compatibility or incompatibility of a proposed facility or undertaking within 60 days of receiving notice under this subsection. If the Secretary determines that the proposed facility or undertaking is incompatible with the plan, he shall immediately notify such Federal department, agency, or instrumentality and request such department, agency, or instrumentality to take the actions necessary to conform the proposed facility or undertaking to the plan. The Federal department, agency, or instrumentality shall, within 60 days after receiving the Secretary's request, notify the Secretary of the specific decisions made in response to the request. To the extent that such department, agency, or instrumentality does not then conform such facility or undertaking to the request of the Secretary, the Secretary is directed to notify the Congress in writing of the incompatibility of such facility or undertaking with the plan approved under section 703.

(2) **NAVIGATION.**—(A) Nothing in this subtitle shall be deemed to impact or otherwise affect such existing statutory authority as may be vested in the Secretary of the Department in which the Coast Guard is operating or the Secretary of the Army for the maintenance of navigation aids and navigation improvements: *Provided*, That in exercising such authority the Secretary of the Army, through the Corps of Engineers and the Secretary of the Department in which the Coast Guard is operating, shall not take any action that would have a direct and adverse effect on the values for which the Area is established unless such action is essential for the protection of public health or safety or is necessary for national security or defense.

(B) In planning for the development and public use of the Area, the Secretary shall consult with the Secretary of the Army to assure that public use of adjacent or related water resource developments or flood control projects and that of the Area are compatible.

ADMINISTRATION

SEC. 705. (a) AUTHORITIES.—The Secretary shall administer the Area in accordance with this subtitle. Only those lands within the Area under the direct jurisdiction of the Secretary shall be administered in accordance with the provisions of law generally applicable to units of the National Park System. Our lands and waters within the Area shall be administered under State and local laws. In the case of any conflict between the provisions of this subtitle and such generally applicable provisions of law, the provisions of this subtitle shall govern.

(b) STATE AND LOCAL AUTHORITIES.—The Secretary shall consult and cooperate with the State of Minnesota and its political subdivisions concerning the development and management of Federal lands within the Area.

(c) LAND ACQUISITION.—Within the boundaries of the Area, the Secretary is authorized, in consultation with the State of Minnesota and the affected local governmental unit, to acquire land and interests therein by donation, purchase with donated or appropriated funds, exchange or transfer, except as provided in paragraphs (1) and (2).

(1) Any lands or interests therein owned by the State of Minnesota or any political subdivision thereof may be acquired only by donation.

(2) Privately owned lands or interests therein may be acquired only with the consent of the owner thereof unless the Secretary makes a determination pursuant to subsection (d)(2). In no event may the Secretary use the authority provided in subsection (d)(3) to acquire land or interests in land without the owner's consent for any use exercised prior to January 1, 1987, that is consistent with the plan under section 703.

(d) REVIEW OF LOCAL PLANS.—

(1) AUTHORITY.—For the purpose of protecting the integrity of the Area the Secretary shall cooperate and consult with the State and the appropriate political subdivisions to review all relevant local plans, laws and ordinances to determine whether they substantially conform to the plan approved pursuant to section 703. Additionally the Secretary shall in consultation with the State and its political subdivisions determine the adequacy of enforcement of such plans, laws, and ordinances, including review of building permits and zoning variances granted by local governments, and amendments to local laws and ordinances. The Secretary shall enter into agreements with the State or its political subdivisions to provide, on behalf of the Secretary, professional services necessary for the review of such local plans, laws, and ordinances, and of amendments thereto and variances therefrom, and for the monitoring or the enforcement thereof by local governments having jurisdiction over any areas to which the management plan applies.

(2) PURPOSE.—The purpose of review under paragraph (1) shall be to determine the degree to which actions by local governments are compatible with the purposes of this title. Following the approval of the plan under section 703 and after a reasonable period of time has elapsed, upon a find-

ing by the Secretary that such plans, laws and ordinances are nonexistent, are otherwise not in conformance with the plan or are not being enforced in a manner consistent with the plan, and if the Secretary determines that there is no feasible alternative available to prevent uses which would be substantially incompatible with the plan, the Secretary may exercise the authority available to him under the provisions of paragraph (3).

(3) ENFORCEMENT.—In those sections of the Area where local plans, laws and ordinances, or amendments thereto or variances therefrom are found by the Secretary not to be in conformance with the plan approved pursuant to section 703, or are not being enforced in a manner consistent with the plan, the Secretary shall notify the local government authority concerned. The Secretary may withhold from the local government authority concerned or, require reimbursement of, (A) Federal funds made available for implementation of the plan, or (B) any grant under section 706(a) if the local plan, law, ordinance, amendment, or variance is not modified to conform with the plan and enforced in such manner as will carry out the purposes of this subtitle. If the State has not initiated, within a 60-day period, such judicial or other action as necessary to ensure conformity with the plan, and if non-compliance with the plan or failure to enforce the plan continues after the end of such 60-day period, the Secretary may acquire, subject to appropriations, land or interests in land under this subsection without the consent of the owner thereof. Land and interests in land acquired pursuant to this subsection shall be restricted to the geographical area of the local government unit failing to conform with the plan and shall be limited to those lands clearly and directly required, in the judgment of the Secretary, for the protection of the Area in a manner compatible with the plan.

(e) RETENTION BY OWNER OF USE AND OCCUPANCY.—The Secretary may permit the owner or owners of any improved residential property acquired by the Secretary under this subtitle to retain a right of use and occupancy of the property for noncommercial residential uses not incompatible with the plan approved under section 703. The provisions of subsection (c), (d), and (e) of section 102 of the Act of August 15, 1978 (16 U.S.C. 460ii-1) shall apply to the retention of such rights, except that for purposes of this subtitle, the applicable date shall be January 1, 1987 in lieu of January 1, 1975 and the purposes of this subtitle shall be substituted for the purposes referred to in section 102(d) of such Act.

STATE AND LOCAL ASSISTANCE AND JURISDICTION

SEC. 706. (a) GRANTS.—Upon approval of the plan under section 703, the Secretary is authorized to make grants to the State of Minnesota, or its political subdivisions, to cover not more than 50 percent of the cost of acquisition and development within the Area of lands and waters or interests therein in a manner consistent with the purposes of this subtitle.

(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the State of Minnesota or any political subdivision thereof pursuant to which he may assist in the planning for and interpretation of non-Federal publicly owned lands within the Area.

(c) TECHNICAL ASSISTANCE.—To enable the State of Minnesota and its political subdivisions to develop and implement programs

compatible with the plan, the Secretary shall provide such technical assistance to the State and its political subdivisions as he deems appropriate.

(d) STATE AND LOCAL JURISDICTION.—Nothing in this subtitle shall diminish, enlarge, or modify any right of the State of Minnesota or any political subdivision thereof, to exercise civil and criminal jurisdiction or to carry out State fish and wildlife laws, rules, and regulations within the Area, or to tax persons, corporations, franchises, or private property on the lands and waters included in the Area.

AUTHORIZATION OF APPROPRIATIONS

SEC. 707. There is authorized to be appropriated such sums as may be necessary to carry out this subtitle.

Subtitle B—Tri-Rivers Management

TRI-RIVERS MANAGEMENT BOARD

SEC. 711. (a) FEDERAL REPRESENTATIVES.—In furtherance of the integrated management of those portions of the Mississippi, Saint Croix, and Minnesota Rivers within the Saint Paul-Minneapolis Metropolitan Area, the Secretary of the Interior and the Secretary of the Army are authorized and directed to appoint representatives to a Tri-Rivers Management Board (hereinafter referred to as the "Board"), or any similar organization, which may be established by the State of Minnesota to assist in the development and implementation of consistent and coordinated land use planning and management policy for such portions of such rivers.

(b) PERSONNEL.—Upon request of the Board, the Secretary of the Interior and the Secretary of the Army may detail, on a reimbursable basis, any personnel to the Board.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to carry out the purposes of this subtitle the sum of \$100,000 annually; except that the Federal contribution to the Board shall not exceed one-third of the annual operating costs of the Board.

TITLE VIII—UNITED STATES CAPITOL PRESERVATION COMMISSION

UNITED STATES CAPITOL PRESERVATION COMMISSION

SEC. 801. (a) ESTABLISHMENT AND PURPOSES.—There is established in the Congress the United States Capitol Preservation Commission (hereinafter in this title referred to as the "Commission") for the purposes of—

(1) providing for improvements in, preservation of, and acquisitions for, the United States Capitol;

(2) providing for works of fine art and other property for display in the United States Capitol and at other locations under the control of the Congress; and

(3) conducting other activities that directly facilitate, encourage, or otherwise support any purposes specified in paragraph (1) or (2).

(b) MEMBERSHIP.—The Commission shall be composed of the following Members of Congress:

(1) The President pro tempore of the Senate and the Speaker of the House of Representatives, who shall be co-chairmen.

(2) The Chairman and Vice-Chairman of the Joint Committee on the Library.

(3) The Chairman and the ranking minority party member of the Committee on Rules and Administration of the Senate, and the Chairman and the ranking minority party member of the Committee on House Administration of the House of Representatives.

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(4) The majority leader and the minority leader of the Senate.

(5) The majority leader and the minority leader of the House of Representatives.

(6) The Chairman of the Commission on the Bicentennial of the United States Senate and the Chairman of the Commission of the House of Representatives Bicentennial, to be succeeded upon expiration of such commissions, by a Senator or Member of the House of Representatives, as appropriate, appointed by the Senate or House of Representatives co-chairman of the Commission, respectively.

(7) One Senator appointed by the President pro tempore of the Senate and one Senator appointed by the minority leader of the Senate.

(8) One Member of the House of Representatives appointed by the Speaker of the House of Representatives and one Member of the House of Representatives appointed by the minority leader of the House of Representatives.

(c) **DESIGNEES.**—Each member of the Commission specified under subsection (b) (other than a member under paragraph (7) or (8) of such subsection) may designate a Senator or Member of the House of Representatives, as the case may be, to serve as a member of the Commission in place of the member so specified.

(d) **ARCHITECT OF THE CAPITOL.**—In addition to the members under subsection (b), the Architect of the Capitol shall participate in the activities of the Commission, ex officio, and without the right to vote.

(e) **STAFF SUPPORT AND ASSISTANCE.**—The Senate Commission on Art, the House of Representatives Fine Arts Board, and the Architect of the Capitol shall provide to the Commission such staff support and assistance as the Commission may request.

AUTHORITY OF COMMISSION TO ACCEPT GIFTS AND CONDUCT OTHER TRANSACTIONS RELATING TO WORKS OF FINE ART AND OTHER PROPERTY

SEC. 802. (a) IN GENERAL.—In carrying out the purposes referred to in section 101(a) the Commission is authorized—

(1) to accept gifts of works of fine art, gifts of other property, and gifts of money; and

(2) to acquire property, administer property, dispose of property, and conduct other transactions related to such purposes.

(b) **TRANSFER AND DISPOSITION OF WORKS OF FINE ART AND OTHER PROPERTY.**—The Commission shall, with respect to works of fine art and other property received by the Commission—

(1) upon agreement with the Joint Committee on the Library, the Senate Commission on Art, or the House of Representatives Fine Arts Board, as the case may be, transfer such property to the entity with which the agreement is made;

(2) if a transfer described in paragraph (1) is not appropriate, dispose of the work of fine art by sale or other transaction; and

(3) in the case of property that is not directly related to the purposes referred to in section 101(a), dispose of such property by sale or other transaction.

(c) **REQUIREMENTS FOR CONDUCT OF TRANSACTIONS.**—In conducting transactions under this section, the Commission shall—

(1) accept money only in the form of a check or similar instrument made payable to the Treasury of the United States and shall deposit any such check or instrument in accordance with section 103;

(2) in making sales and engaging in other property transactions, take into consider-

ation market conditions and other relevant factors; and

(3) assure that each transaction is directly related to the purposes referred to in section 101(a).

CAPITOL PRESERVATION FUND

SEC. 803. (a) IN GENERAL.—There is established in the Treasury a fund, to be known as the "Capitol Preservation Fund" (hereafter in this title referred to as the "fund"), which shall consist of (1) amounts deposited, and interest and proceeds credited, under subsection (d), (2) obligations obtained under subsection (e), and (3) all surcharges received by the Secretary of the Treasury from the sale of coins minted under the Bicentennial of the United States Congress Commemorative Coin Act.

(b) **AVAILABILITY OF FUND.**—The fund shall be available to the Commission subject to the approval, except for the purchase of fine art and antiques, of the Committees on Appropriations of the House of Representatives and Senate, respectively—

(1) for payment of transaction costs and similar expenses incurred under section 102;

(2) for improvement and preservation projects for the United States Capitol;

(3) for disbursement with respect to works of fine art and other property as provided in section 102; and

(4) for such other payments as may be required to carry out section 101 or section 102.

(c) **TRANSACTION COSTS AND PROPORTIONALITY.**—In carrying out this section, the Commission shall, to the extent practicable, take such action as may be necessary—

(1) to minimize disbursements under subsection (b)(1); and

(2) to equalize disbursements under subsection (b) between the Senate and the House of Representatives.

(d) **DEPOSITS, CREDITS, AND DISBURSEMENTS.**—The Commission shall deposit in the fund gifts of money and proceeds of transactions under section 102. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund. Disbursements from the fund shall be made on vouchers approved by the Commission and signed by the co-chairmen.

(e) **INVESTMENTS.**—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current withdrawals. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission has a maturity suitable for the fund. In carrying out this subsection, the Secretary may make such purchases, sales, and redemptions of obligations as may be approved by the Commission.

AUDITS BY THE COMPTROLLER GENERAL

SEC. 804. The Comptroller General shall conduct annual audits of the transactions of the Commission and shall report the results of each audit to the Congress.

ADVISORY BOARDS

SEC. 805. The Commission may establish appropriate boards to provide advice and assistance to the Commission and to further the purposes of the Commission. The boards shall be composed of members (including chairmen) who shall be appointed by the Commission from public and private life and shall serve at the pleasure of the Commission and each cochairman of the Commission may appoint one member to

any such board. The members of boards under this section may be reimbursed for actual and necessary expenses incurred in the performance of the duties of the boards, at the discretion of the Commission.

DEFINITION

SEC. 806. As used in this title, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

TITLE IX—SENATE PROVISIONS

PROVISIONS RELATING TO THE SENATE COMMISSION ON ART

SEC. 901. (a) INCORPORATION.—The provisions of Senate Resolution 382 (Ninetieth Congress; agreed to October 1, 1968) (as amended by this section) and Senate Resolution 95 (Ninety Second Congress; agreed to April 1, 1971) (as amended by this section) are hereby incorporated by reference.

(b) **TECHNICAL CHANGES.**—Senate Resolution 382 (Ninetieth Congress; agreed to October 1, 1968) is amended—

(1) in section 1(b) by adding at the end "The Secretary of the Senate shall be the Executive Secretary of the Commission";

(2) in section 2(a)—

(A) by striking out "and protect" and inserting in lieu thereof "protect, and make known"; and

(B) by striking out "within the Senate wing of the Capitol", and inserting in lieu thereof "within the Senate wing of the United States Capitol, any Senate Office Buildings"; and

(3) in section 1(a), by striking out "Commission on Art and Antiquities of the United States Senate" and inserting in lieu thereof "Senate Commission on Art".

(c) **NAME CHANGE.**—Senate Resolution 95 (Ninety-second Congress, agreed to April 1, 1971) is amended by striking out "Commission on Art and Antiquities of the United States Senate" and inserting in lieu thereof "Senate Commission on Art".

(d) **SENATE RULEMAKING POWER.**—The provisions of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

TITLE X—HOUSE OF REPRESENTATIVES PROVISIONS

HOUSE OF REPRESENTATIVES FINE ARTS BOARD

SEC. 1001. (a) ESTABLISHMENT AND AUTHORITY.—There is established in the House of Representatives a Fine Arts Board (hereafter in this title referred to as the "Board"), comprised of the House of Representatives members of the Joint Committee on the Library. The chairman of the Committee on House Administration of the House of Representatives shall be the chairman of the Board. The Board, in consultation with the House office building commission, shall have authority over all works of fine art, historical objects, and similar property that are the property of the Congress and are for display or other use in the House of Representatives wing of the Capitol, the House of Representatives Office Buildings, or any other location under the control of the House of Representatives.

(b) CLERK OF THE HOUSE OF REPRESENTATIVES.—Under the supervision and direction of the Board, the Clerk of the House of Representatives shall be responsible for the administration, maintenance, and display of the works of fine art and other property referred to in subsection (a).

(c) ARCHITECT OF THE CAPITOL.—The Architect of the Capitol shall provide assistance to the Board and to the Clerk of the House of Representatives in the carrying out of their responsibilities under this title.

ACCEPTANCE OF GIFTS ON BEHALF OF THE HOUSE OF REPRESENTATIVES

SEC. 1002. The Board is authorized to accept, on behalf of the House of Representatives, gifts of works of fine art, historical objects, and similar property, including transfers from the United States Capitol Preservation Commission under section 102, for display or other use in the House of Representatives wing of the Capitol, the House of Representatives Office Buildings, or any other location under the control of the House of Representatives.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 55 beginning on line 5, strike line 5 through line 19.

The SPEAKER pro tempore. (Mr. HAYES of Louisiana). Pursuant to the rule, the gentleman from Illinois [Mr. YATES] will be recognized for 15 minutes, and the gentleman from Arizona [Mr. UDALL] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

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

Mr. Speaker, my amendment concerns one of the most tragic, complicated, and poignant episodes in the long saga of Indian problems in our country. It involves a land dispute between the Navajo and Hopi Indians.

The report of the subcommittee of which I am chairman, in fiscal year 1987, touched on the history of that dispute. We said then that the dispute between the Hopi and Navajo tribes is centuries-old. The Hopi were the original occupant of the land, with their origin tracing back to the Anasazi race whose presence in this case is recorded back to 1150 A.D. Later, in the 16th century, the Navajo tribe began settling in this area, and the continuous occupation of this land by the Navajo led to the isolation of the Hopi reservation as an island within the area occupied by the Navajo. The Navajo have, in effect, surrounded the Hopi reservation and have moved in upon it. In 1953 the Congress authorized a lawsuit to find out the rights of the Hopis and the Navajos in connection with the land. In that lawsuit the court found that the Navajo had encroached upon the Hopi land and that the Hopis were entitled to a return of that land.

Following that, in 1974 the Congress passed Public Law 93-531, the Navajo-

Hopi Indian Relocation Act, representing at that time there were 1,100 families in the area that were to be relocated, a figure that was subsequently shown to have been less than the total that were involved. The representation was also made that the cost of relocating the families would be approximately \$41 million.

The Congress created the Navajo and Hopi Indian Relocation Commission to carry out the relocation of the Navajo who were on Hopi land and the Hopi who were on Navajo land. As it happened, most of the Indians involved were Navajos who were living on Hopi land, and that is what is so tragic about the situation, in trying to carry out the mandate of the courts and the mandate of Congress.

In retrospect 14 years later it has become obvious that the problem is very great, much greater than we estimated.

The number of families and the costs which are associated with relocation is much larger. The relocation in this bill is only one aspect of the total Hopi-Navajo land conflict.

It is unfortunate that the Congress chose to deal with it in piecemeal fashion, but after 14 years of frustration and heartbreak and waste and error, the Commission has finally come up with an orderly method of trying to dispose of the problems that are involved.

In our Subcommittee on Appropriations on the Department of the Interior, we have tried all during this period to work out the problems in a peaceful and orderly fashion, to make some sense and some order out of a very emotional confrontation.

I listened to the statement by my good friend, the gentleman from New Mexico [Mr. RICHARDSON]. He is right, there have been failures. There have been many failures in connection with the process, which is to be expected because of the tragedy of having to pick up people from their ancestral homelands which they have occupied for decades and say to them, "This is not your land. This land belongs to the Hopi people, and the Hopi people are entitled to it."

There are refugees. There are refugees who took in good faith the promises of the United States that if they signed an agreement to be relocated, the United States would find satisfactory housing for them. The United States has not kept its bargain.

We are on the road now to keeping that bargain of providing homes for those who now live in slums in various communities in Arizona. We have worked out a procedure that apparently seems to take care of the refugee problem, and we have high hopes that if we are permitted to let the Commission and the BIA, which our committee brought into the situation, go forward with the procedures that have

been worked out, that in another 4 or 5 years perhaps we will have this problem solved.

My good friend, the gentleman from New Mexico [Mr. RICHARDSON], would leave this problem unresolved, and say that it has been a failure and drop it where it is. That does not take care of the situation.

The Hopis, according to the court and according to the Congress, are entitled to a return of their land. His suggestion, in opposing my amendment, is we will just leave it as it was 14 years ago when the Congress passed this bill.

Mr. Speaker, I would say that complicating the picture is that the amendment that was added in the Senate changes the method of computing, the method of relocation, the method that has been worked out over 14 years. With the heartbreak and with the anguish and with the agony, it is now moving forward.

The Senate's amendment would change that and start a whole new procedure that cannot help but restore us to the beginning without hope of ultimate settlement.

The Indian people deserve more than that. The Hopis deserve more than that. The Navajo deserve more than that. The dispute has festered long enough.

As I say, settlement is in sight if we are allowed to go forward. The amendment which I seek to strike would change that.

I urge the passage of my amendment.

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

Mr. UDALL. Mr. Speaker, I yield 7½ minutes of my time to the gentleman from Arizona [Mr. RHODES].

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

Mr. Speaker, I rise in opposition to Mr. YATES' amendment to delete section 406 from the bill.

This section was added by Senator DECONCINI after consultation with the Arizona delegation. While I share my colleagues' concerns about the impact of this amendment, I believe that their fears are out of proportion with the minimal impact this section will have on the relocation process.

The DeConcini amendment directs the commissioner of Navajo-Hopi to give priority in providing relocation benefits to families in the chronological order in which such families became certified for such benefits.

Mr. Speaker, while about 1,400 Navajo families have removed themselves from the Hopi partitioned lands and have already received their relocation benefits, an additional 1,200 families have also complied with the law and removed themselves from the Hopi lands but for some reason or an-

other, have not yet received their relocation benefits.

It is my understanding that the DeConcini priority language would only affect these 1,200 families.

The section will not affect the 200 or so families which are still living on the Hopi lands. These families can receive their relocation benefits from funds appropriated to the Secretary of the Interior pursuant to Public Law 99-190.

Public Law 99-190, the Interior Appropriations Act for fiscal year 1986, appropriated \$22 million specifically to provide benefits to those families still residing on the Hopi lands as of December 19, 1985. I understand that these \$22 million will be sufficient to serve nearly all the remaining families.

Mr. Speaker, a few days ago, we sent for the President's signature, the bill S. 1236. Under S. 1236, funds appropriated pursuant to Public Law 99-190 are to be transferred to the new commissioner on January 31, 1989. However, S. 1236 specifically states that such funds shall continue to be used by the commissioner for the purpose for which such funds were appropriated.

Inasmuch as such funds were appropriated for the purpose of serving first those families still residing on the Hopi partitioned lands as of December 19, 1985, I believe that the new DeConcini section is not applicable to the families which are receiving benefits under Public Law 99-190.

While it is true that the committee deleted the DeConcini language from S. 1236, I do not think this language is as harmful as some are arguing. If at all, it may give some minor administrative headaches to the new commissioner who will have to write new regulations in order to implement such language. On the other hand, it will give priority among families who have already left, to those who decided to abide by the law first and therefore became certified first.

Mr. Speaker, we are making progress. The Assistant Secretary for Indian Affairs, who is Ross Swimmer, a Native Indian himself, proposes to go around and settle this thing himself and has done some amazing things. He is still on the job, and one of the ideas he had with this a few years ago, and we tried all kinds of devices, was to buy some ranches. These Indians do not want to live in the cities and have a three-piece suit and drive on the freeway to work. That is not what they want. Secretary Swimmer thinks he can do the job, and he needs some administrative tools and some money to do it.

I think maybe we ought to give him a chance. We have one man who cares and believes he can move in and take over, and maybe we will have some good news. I think these cost overruns

that are simply indefensible will come to an end.

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

Mr. YATES. Mr. Speaker, I yield myself 1 minute at this time to read a letter which I just received from Ross Swimmer, the Assistant Secretary for Indian Affairs, head of the BIA, to whom my friend, the gentleman from Arizona [Mr. UDALL], referred so glowingly.

He said this in the letter addressed to me:

Mr. Chairman, I wish to reiterate my strong opposition to this amendment.

The amendment which I hope to strike that was put in the Senate.

If the proposed reprioritization language becomes law, it would be tantamount to beginning the relocation process over again. For the past 2 years, the Bureau of Indian Affairs has spent millions of dollars constructing homes and related infrastructure specifically for Navajo families who have resettled from the Hopi Partitioned lands.

Mr. Speaker, he then winds up this letter, which I propose to put into the RECORD, by saying,

I will recommend a veto of any legislation containing language altering the priorities of Navajo-Hopi Relocation Act benefits.

Mr. Speaker, I include the entire letter in the RECORD at this point as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, October 18, 1988.

HON. SIDNEY YATES,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: On October 12, 1988, I sent a letter to Senator's Inouye and Johnston expressing my strong opposition to any amendment reprioritizing relocation benefits pursuant to the Navajo-Hopi Relocation Act. (copy enclosed). Unfortunately, such an amendment was included in S. 2840 and passed by the Senate on October 13.

Mr. Chairman, I wish to reiterate my strong opposition to this amendment. If the proposed reprioritization language becomes law, it would be tantamount to beginning the relocation process over again. For the past two years, the Bureau of Indian Affairs (BIA) has spent millions of dollars constructing homes and related infrastructure specifically for Navajo families who have resettled from the Hopi Partitioned Lands (HPL). Although the amendment does not affect monies appropriated to the BIA pursuant to P.L. 99-190, the reprioritization would serious effect HPL families, once those monies were exhausted. These HPL families would move to the end of the prioritization list and have to wait years before their relocation benefits could be satisfied. In addition, I believe that the proposed amendment would be nothing more than another administrative hurdle at a time when the relocation process is functioning well.

I was disturbed by the statements on the Senate floor during the consideration of this amendment. Allusions to serious errors in relocation planning and implementation by the BIA may have influenced the passage of this amendment. Your office has been receiving weekly relocation construc-

tion updates from my office for the past year and a half. Those updates, as well as the physical evidence of our relocation efforts on the designated New Lands and the overwhelmingly positive reaction we have received from those HPFL Navajo families who have moved there will hopefully lead you to believe that the Senate was misled when it voted in favor of the amendment.

I will recommend a veto of any legislation containing language altering the priorities of Navajo-Hopi Relocation Act benefits.

Thank you for your attention to this concern.

Sincerely

ROSS O. SWIMMER,
Assistant Secretary—Indian Affairs.

Mr. Speaker, we can see that Ross Swimmer supports my amendment and would be opposed to the amendment inserted in this bill by the Senate.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. REGULA].

□ 1245

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

I do not want to be repetitious, but simply urge the Members to support the Yates amendment as a matter of fairness. The Hopis have been patient. We have been in the process for 14 years attempting to resolve this problem. We have and will spend \$191 million thus far. I think the U.S. Government has made every effort to treat Navajos and the Hopis as fairly as possible and this body has appropriated the money and provided the support that is necessary to move this forward.

I think it would be tragic in terms of the human element in this disputed area, today, to approve an action as a part of a major piece of legislation that would set back the progress that has been made.

As pointed out by the Director of the Bureau of Indian Affairs, to leave this language in the bill, and should it become part of the law, would be taking us back to square one. We have invested a lot of capital and a lot of effort in ensuring that everyone has equitable treatment, and I strongly urge the Members not to turn back the clock. It is obvious that the support is not in this body.

Two weeks ago we voted on almost identical language and 298 Members voted to strike language just as is proposed in the Yates amendment, so that the reason we are here today is that the Senate, for whatever reason, chose to put it back in not recognizing the strong sentiment that existed in the House in opposition to this language.

Again, I would urge the Members to support the Yates amendment and let us get on with the major policy questions in this bill and not adopt something that will be grossly unfair to the Hopis. I think it would be very disruptive to a process we started 14 years ago and with a lot of patience and a

lot of effort on the part of Congress and the Bureau of Indian Affairs and the Navajo-Hopi Commission is making progress. It would be unwise to impede that progress by leaving the language in the bill and not supporting the Yates amendment.

So I urge all of my colleagues to give strong support to the proposal of the gentleman from Illinois.

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

Mr. Speaker, first I want to commend both Mr. YATES and Mr. REGULA because their devotion to the principle behind the relocation legislation is well known and has been well demonstrated in the past and here today, and that principle is that this Congress and the relocation commission should carry out the mandate of the court which was to recognize, first of all, that Navajos were living on Hopi land and Hopis were living on Navajo land, and they should each repair to their individual respective reservations and the United States should help them to do so, and that was and is the priority of that legislation passed in 1974, and both Mr. REGULA and Mr. YATES have restated their dedication to that principle, and I think all of us should restate our dedication to that principle because that is the priority and should remain the priority.

I think there is a misunderstanding as to just exactly what this particular language addresses itself to. My colleagues, the relocation commission operates from two sources of funds. It operates from funds appropriated annually by the Congress, starting with the process of Mr. YATES' subcommittee, but it also has another source of funds available to it as a result of the Reauthorization Act we passed here a couple of weeks ago.

In 1985 the Congress appropriated to the Bureau of Indian Affairs funds whose specific purpose, specific purpose, was to relocate families, Navajo families from the Hopi partitioned land to the so-called new lands. The reauthorization transfers those funds to the commission. This language that we are so concerned about here today reiterates that those funds are solely for the purpose, solely for the purpose of relocating families from the HPL to the new lands. Second, the language that we are concerned about today deals with the annual appropriation and why it does set forth a priority, but also contains an exception, contains a provision that allows the commission on a case-by-case basis to utilize annually appropriated funds also to move families from the HPL to the new lands.

In essence, this language restates existing policy because that is the policy of the commission as it exists today. We have had discussions with the commission about this language and they say candidly they would just as

soon it not be there, but they say in their opinion it would do nothing to impede their mission, which is to provide relocation benefits to those families on the HPL and to provide relocation benefits to the families who have already left the HPL.

Mr. Swimmer does not like this language. Mr. Swimmer says he will recommend a veto. Please let me point out to you that the person to whom Mr. Swimmer recommends vetoes is the Secretary of the Interior, and the Secretary of the Interior has informed us that he does not intend to recommend a veto of this bill.

Finally, I asked Members a few moments ago when we were debating the rule to recall experiences in their legislative pasts when constituents have come to Members, constituencies that have had differing points of view about how to resolve some problem in your area, your district, your State, have come to the Members and have said they have at long last found a way. We need your help. Now let me ask Members to search another portion of their legislative memory because I am sure that each and every one of the Members at some point in time has had to work with either a colleague here in this body or a colleague in the other body to achieve a legislative compromise, to obtain a deal that is desirable to Members as a Representative of their people at home, and yet in order to do so Members have had to accept provisions or language that perhaps otherwise would not have been considered. I will be very candid with everyone, if I were writing this bill myself, the language the gentleman from Illinois [Mr. YATES] is concerned with would not be in it. It was necessary to attain the goal which we desired, to attain through the corporate body of this entire piece of legislation, to agree with the other body to include this language. We did so after long and careful, contentious at times, discussions, and we did so only after we were able to satisfy ourselves that while the language could from time to time be considered as troublesome, that in fact we have preserved the priority of the base language, the base legislation of 1975, which is to assist Navajo families living on the Hopi partitioned land to relocate.

We are satisfied that this language does not impede that priority, that it restates that priority.

I will again assure Members if it were my choice it would not be in the bill. It is there because of a compromise. Keeping the compromise intact is critical and crucial to the life of this legislation. I would urge Members not to support the Yates amendment and to assist all Members who are so interested in the passage of this entire bill in seeing to it that it goes forward unamended.

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

Mr. YATES. Mr. Speaker, I yield myself 1 minute.

I return to the letter of Mr. Swimmer, and may I say with respect to the question of the veto, that the gentleman from Arizona [Mr. RHODES] alluded to, it is true that Mr. Swimmer's recommendation can be stopped by Secretary Hodel. The fact still remains that Mr. Swimmer has been working with the problem. He knows the problem and he knows how serious the language that was put in by the Senate would be.

I sympathize with the gentleman from Arizona [Mr. RHODES]. I sympathize with the other gentleman from Arizona who know that my amendment is right. They know that the language is right. Mr. Swimmer has stated that so clearly in his letter, he says, "Although the amendment does not affect moneys appropriated to the BIA pursuant to Public Law 99-190, the reprioritization would seriously effect HPL families once those moneys were exhausted. These HPL families would move to the end of the prioritization list and have to wait years before their relocation benefits could be satisfied. In addition, I believe that the proposed amendment would be nothing more than another administrative hurdle at a time when the relocation process is functioning well."

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I rise in strong support of the Yates amendment. The bill and the amendment we have under consideration today is very complicated, and I will be the first one to admit I am not an authority on the Navajo-Hopi relocation issue, and I would like to address for my colleagues the process issue.

This legislation clearly impacts the orderly functioning of this body and clearly epitomizes the consistency problems we can run into at the end of legislation when certain legislation is Christmas-treed and used as a vehicle for extraneous provisions.

Allow me to quickly review the history of the relocation issue in just this Congress alone. Earlier this year, the House received from the Senate S. 1236, a bill which reauthorized the Navajo-Hopi relocation commission and made certain changes to the underlying statute. One section of the Senate legislation established a new priority for the use of authorized funds. After extensive negotiations and thorough consideration by the Committee on Interior and Insular Affairs, the new priority section of S. 1236 was deleted and rejected by the House.

The legislation, with the House amendments thereto deleting the pri-

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ority section, was passed under suspension of the rules by this body on October 4, by a vote of 298 yeas to 120 nays. The priority section which I and a significant majority of my colleagues voted to delete on that day is very similar to the sections which the gentleman from Illinois is now suggesting we strike from S. 2840.

Thus, the consistency factor. If you voted to pass S. 1236 with the House amendments thereto on October 4, you should vote in support of this amendment today. The vote is essentially the same. Notwithstanding the decision of the other body to force us to reconsider this issue, a consistent vote will be a vote in support of the gentleman from Illinois. Such a vote will confirm the majority will of this body as expressed on October 4 when I and 297 of my colleagues voted to strike similar language from S. 1236 and pass the bill.

Furthermore, it is my understanding that as the gentleman from Illinois has indicated that the Bureau of Indian Affairs will recommend that the administration veto the bill without adoption of the Yates amendment. We have heard so many times today, the many hours that the Arizona delegation in good faith have negotiated in striking a compromise on this issue, and it seems a worthless exercise if the administration does end up vetoing this bill because the Yates amendment does not pass, for them to begin at square one again.

I urge my colleagues to support the Yates amendment.

Mr. UDALL. Mr. Speaker, I yield the balance of my time to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I thank Chairman UDALL and I urge every Member of this body to support Chairman UDALL in this initiative.

Once again, what the gentleman from Illinois [Mr. YATES] is also trying to do is try to improve a situation that has been created by the monstrosity of the BIA, but I think the approach taken by the gentleman from Arizona [Mr. UDALL] is far better.

I have heard quoted Mr. Swimmer, the head of the BIA, in saying he supports the amendment that we are discussing. Here is the BIA that for years has been administrating the Navajo Relocation Act, that has made cost overruns that had human misery, that has had so many problems that this body 2 weeks ago, through the leadership of the gentlemen from Arizona, Mr. UDALL and Mr. RHODES, decided that we are going to dramatically change the Navajo-Hopi Relocation Commission. We had three Commissioners in the past. They had lobbyists, they had sweets, but the money that they were supposed to deliver to the Navajos to build homes, to have relocation benefits, was not going to them.

□ 1300

One thousand Navajos that have already relocated have not received these benefits. So what is in this bill is priority language; it prioritizes where the money should be spent; not on men and women that will be in misery in the future by moving, but on men and women that right now are in present misery.

Let us help those 1,000 that need help. By moving to one single Commissioner we are trying basically to minimize the damage.

This Navajo/Hopi relocation has not worked. Two years ago I introduced a bill that said let there be a moratorium, no more relocation, no more spending. This is a travesty of the taxpayer.

Let us look at a comprehensive settlement. The Navajo/Hopi leaders tried to negotiate. It did not work out. So we are back again trying to at least, to those that we damaged, give them equal rights and justice.

What Mr. YATES is trying to do I think in the sense of trying to correct some past wrongs, he has a point and I think, as Mr. RHODES said, he would prefer that this language not be in there because a compromise that had been worked on was changed once again. But if we proceed to support this amendment, what it is going to send a message to is this: One, let us continue this massive Navajo/Hopi relocation. Let the status quo prevail. We need some new reforms next year with a new administration, a new Congress, under one single Commissioner. And let us try to deal with this in a comprehensive way, not in a patchwork way.

So I would ask the Members of this body to support the gentleman from Arizona [Mr. RHODES], and the gentleman from Arizona [Mr. UDALL], the Interior Committee that should be setting policy.

The authorizing committee should be setting policy. We are not changing any appropriations figure today.

So with all due respect, I ask for the strong support for Chairman UDALL and against the Yates amendment.

The SPEAKER pro tempore (Mr. HAYES of Louisiana). The gentleman from Arizona [Mr. RHODES] has 1 minute remaining.

Mr. RHODES. Mr. Speaker, I yield that 1 minute to my colleague, the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. I want to make only one point in this closing moment. First, the arguments about these amendments I think have been very well set forth by Mr. YATES and by my colleague, Mr. RHODES. It is an issue that is a difficult one. It is one that is contentious. It is one that this body has dealt with and considered and agonized over. I believe this is a compromise. I believe it is a good compromise

and one that is worth supporting in the legislation.

But the point that I want to make is with regard to the threat of a veto from the administration. I think it needs to be restated that there is no definite statement from the Department of the Interior. You have one part of the Department of the Interior that deals with the Bureau of Indian Affairs and the other Indian matters, that is very much opposed to this particular provision that is in the bill.

On the other hand, you have the base of the bill, the Arizona/Florida land exchange, it is one that was worked out by another division of the Department.

So there is strong support for it.

As a package, I believe it will be supported by the administration and there will not be a veto.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. YATES] has 1 minute remaining.

Mr. YATES. Mr. Speaker, I yield my 1 minute to the distinguished gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding.

Mr. Speaker, just to keep the record straight, I want to point out that presently to date we have relocated 1,369 families. So contrary to what has been implied the relocation program is working very effectively. We do not want to impede the progress that is being made because many families are waiting to be relocated.

If we leave that language in, it is going to bring the process to a halt. It will be a moratorium in effect.

So, again I strongly urge my colleagues to support the Yates amendment and keep the process of relocation moving forward to give these people what we promised them in 1974.

Mr. YATES. Mr. Speaker, I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I yield back the balance of my time.

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

The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 264, nays 84, not voting 83, as follows:

[Roll No. 453]

YEAS—264

Akaka	Grandy	Panetta
Alexander	Gray (IL)	Patterson
Anderson	Green	Payne
Annunzio	Guarini	Pease
Archer	Gunderson	Pelosi
Armey	Hall (OH)	Pepper
Atkins	Hamilton	Perkins
Ballenger	Harris	Petri
Bartlett	Hastert	Pickett
Bateman	Hatcher	Pickle
Bates	Hawkins	Porter
Beilenson	Hayes (IL)	Price
Bereuter	Hayes (LA)	Pursell
Berman	Hefley	Rahall
Bilbray	Hefner	Ray
Billiey	Henry	Regula
Boehlert	Herger	Ridge
Boland	Hertel	Rinaldo
Bonker	Hopkins	Ritter
Borski	Horton	Roberts
Bosco	Houghton	Robinson
Boxer	Hoyer	Rodino
Brennan	Hubbard	Rogers
Brooks	Hunter	Roth
Brown (CA)	Hutto	Roukema
Bruce	Hyde	Rowland (CT)
Bryant	Jacobs	Rowland (GA)
Bunning	Johnson (CT)	Roybal
Burton	Johnson (SD)	Russo
Byron	Jontz	Sabo
Callahan	Kanjorski	Savage
Carr	Kaptur	Saxton
Chapman	Kasich	Schaefer
Cheney	Kastenmeier	Scheuer
Clinger	Kildee	Schneider
Coats	Konnyu	Schuette
Coble	Kostmayer	Schulze
Coelho	LaFalce	Schumer
Coleman (MO)	Lancaster	Sensenbrenner
Coleman (TX)	Latta	Shays
Collins	Lehman (FL)	Shumway
Combest	Levin (MI)	Shuster
Conte	Lewis (CA)	Shuttle
Conyers	Lightfoot	Sikorski
Costello	Lipinski	Skelton
Coughlin	Lloyd	Slattery
Courter	Lowery (CA)	Slaughter (NY)
Daub	Lowry (WA)	Slaughter (VA)
Davis (IL)	Luken, Thomas	Smith (IA)
de la Garza	Lukens, Donald	Smith (NE)
DeFazio	Lungren	Smith (NJ)
Derrick	Madigan	Smith (TX)
DeWine	Manton	Smith, Robert
Dickinson	Martin (NY)	(NH)
Dicks	Martinez	Smith, Robert
DioGuardi	Matsui	(OR)
Dixon	Mavroules	Snowe
Donnelly	Mazzoli	Solomon
Dorgan (ND)	McCandless	Staggers
Dornan (CA)	McCloskey	Stark
Downey	McCollum	Stenholm
Dreier	McCurdy	Stratton
Dwyer	McDade	Studds
Early	McGrath	Sundquist
Eckart	McHugh	Synar
Edwards (CA)	McMillan (NC)	Tallon
Edwards (OK)	McMillan (MD)	Tauke
Emerson	Meyers	Tauzin
Erdreich	Miller (CA)	Thomas (CA)
Evans	Miller (OH)	Thomas (GA)
Fawell	Miller (WA)	Torres
Feighan	Mineta	Torricelli
Fields	Moakley	Towns
Fish	Mollohan	Upton
Flake	Montgomery	Valentine
Foglietta	Moody	Walgren
Foley	Moorhead	Walker
Frenzel	Mrazek	Watkins
Frost	Murtha	Waxman
Gallo	Myers	Weber
Gaydos	Nagle	Whitten
Gekas	Natcher	Williams
Gibbons	Nelson	Wolf
Gilman	Nichols	Wortley
Gingrich	Nowak	Wyden
Glickman	Oakar	Wylie
Gonzalez	Oberstar	Yates
Goodling	Obey	Yatron
Gradison	Olin	

NAYS—84

Ackerman	Andrews	Badham
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Bennett	Hughes	Penny
Bentley	Jeffords	Rangel
Bilirakis	Jones (TN)	Ravenel
Boggs	Kennedy	Rhodes
Boniior	Kleczka	Richardson
Buechner	Kolbe	Roe
Bustamante	Kyl	Saiki
Campbell	Lagomarsino	Sawyer
Carper	Leach (IA)	Schroeder
Clarke	Lehman (CA)	Shaw
Craig	Leland	Skaggs
Crockett	Levine (CA)	Skeen
Darden	Lewis (FL)	Spence
DeLay	Lewis (GA)	Spratt
Dellums	Lujan	Stallings
Dymally	Markey	Stump
Dyson	McCrery	Trafcant
Espy	Mfume	Udall
Fascell	Michel	Vander Jagt
Ford (MI)	Morella	Vento
Ford (TN)	Nielson	Viselovsky
Galleghy	Ortiz	Vucanovich
Grant	Owens (NY)	Weiss
Hall (TX)	Owens (UT)	Weldon
Hammerschmidt	Packard	Wheat
Hochbrueckner	Parris	Wolpe
Huckaby	Pashayan	Young (AK)

NOT VOTING—83

Anthony	Florio	Mica
Applegate	Frank	Molinari
Aspin	Garcia	Morrison (CT)
AuCoin	Gejdenson	Morrison (WA)
Baker	Gephardt	Murphy
Barnard	Gordon	Neal
Barton	Gray (PA)	Oxley
Bevill	Gregg	Quillen
Boucher	Hansen	Rose
Boulter	Hiler	Rostenkowski
Broomfield	Holloway	Sisisky
Brown (CO)	Inhofe	Smith (FL)
Cardin	Ireland	Smith, Denny
Chandler	Jenkins	(OR)
Chappell	Jones (NC)	Solarz
Clay	Kemp	St Germain
Clement	Kennelly	Stangeland
Cooper	Kolter	Stokes
Coyne	Lantos	Sweeney
Crane	Leath (TX)	Swift
Dannemeyer	Lent	Swindall
Davis (MI)	Livingston	Taylor
Dingell	Lott	Traxler
Dowdy	Mack	Volkmer
Durbin	MacKay	Whittaker
English	Marlenee	Wilson
Fazio	Martin (IL)	Wise
Flippo	McEwen	Young (FL)

□ 1324

The Clerk announced the following pair:

On this vote:

Mr. Dingell for, with Mr. Gephardt against.

Messrs. LEHMAN of California, YOUNG of Alaska, BILIRAKIS, and LEWIS of Florida changed their vote from "yea" to "nay."

Mrs. MEYERS of Kansas and Messrs. RIDGE, DAUB, BEREUTER, NICHOLS, MATSUI, and ANNUNZIO changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HAYES of Louisiana). The question is on the third reading of the Senate bill.

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

MOTION TO COMMIT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the Senate bill? Mr. FRENZEL. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

Mr. FRENZEL moves to commit the bill S. 2840 to the Committee on House Administration with instructions to report back the same to the House forthwith with the following amendments:

(1) Strike Title VIII, "United States Capitol Preservation Commission," in its entirety;

(2) Redesignate Title IX as Title VIII, and Title X as Title IX; and

(3) In Title IX as redesignated, in section 902, strike the following: "including transfers from the United States Capitol Preservation Commission under section 802."

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. FRENZEL] is recognized for 5 minutes in support of his motion to commit.

Mr. FRENZEL. Mr. Speaker, my motion would commit the bill to the Committee on House Administration, with instructions to report the same back to the House with the one amendment that we strike title VIII, which is the U.S. Capitol Preservation Commission.

The House has heard my objections to the Commission earlier, but this is a very complicated matter, Mr. Speaker. The Commission to which I object is actually moving forward on two tracks. It is also being considered in the Bicentennial Gold Coin bill, a bill that is now either pending in the Rules Committee or is between the desk and the Rules Committee.

Because of some late-breaking developments and discussions, it is my belief that we are going to soon negotiate a conclusion to this problem, and, therefore, it may not be necessary for me to proceed with this motion to commit.

Mr. Speaker, because the bill is important to people, not only from my State but from Arizona, for its substantive portions, and because the bill has been repaired by the amendment offered by the gentleman from Illinois [Mr. YATES], which has restored the agreement previously made with respect to the Hopi and the Navajo, and because I believe that the gentleman from Illinois [Mr. ANNUNZIO] and I are shortly going to come before this committee with a unanimous consent request relating to the Gold Coin bill, which will remove my most strenuous objections to the committee and its activity, I will withdraw my motion to commit.

Mr. Speaker, I ask unanimous consent that I be allowed to withdraw my motion to commit.

The SPEAKER pro tempore. The Chair will state that the gentleman does not need unanimous consent to withdraw his motion.

The motion is withdrawn.
The question is on the passage of the Senate bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 316, nays 32, not voting 83, as follows:

[Roll No. 454]

YEAS—316

Ackerman	Barly	Lagomarsino
Akaka	Eckart	Lancaster
Alexander	Edwards (CA)	Leach (IA)
Anderson	Edwards (OK)	Lehman (CA)
Andrews	Emerson	Lehman (FL)
Annunzio	English	Leland
Archer	Erdreich	Levin (MI)
Armey	Espy	Levine (CA)
Atkins	Evans	Lewis (CA)
Badham	Fascell	Lewis (FL)
Ballenger	Fawell	Lewis (GA)
Bateman	Feighan	Lightfoot
Bates	Fields	Lipinski
Bennett	Fish	Lowery (CA)
Bentley	Flake	Lowry (WA)
Bereuter	Foglietta	Lukens, Thomas
Berman	Foley	Lukens, Donald
Bilbray	Ford (MI)	Lungren
Bilirakis	Ford (TN)	Madigan
Billey	Frenzel	Manton
Boehlert	Frost	Markey
Boggs	Galleghy	Marlenee
Boland	Gallo	Martin (NY)
Bonior	Gaydos	Martinez
Bonker	Gephardt	Matsui
Borski	Gibbons	Mavroules
Bosco	Gilman	Mazzoli
Boxer	Gingrich	McCandless
Brennan	Glickman	McCloskey
Brown (CA)	Gonzalez	McCollum
Bruce	Gooding	McCrary
Bryant	Gradison	McCurdy
Buechner	Grandy	McDade
Bunning	Grant	McGrath
Burton	Gray (IL)	McMillan (NC)
Bustamante	Green	McMillen (MD)
Byron	Guarini	Meyers
Callahan	Gunderson	Mfume
Campbell	Hall (OH)	Michel
Carper	Hall (TX)	Miller (OH)
Chapman	Hamilton	Miller (WA)
Cheney	Hammerschmidt	Mineta
Clarke	Harris	Moakley
Clinger	Hatcher	Mollohan
Coats	Hawkins	Montgomery
Coble	Hayes (IL)	Moody
Coelho	Hayes (LA)	Moorhead
Coleman (MO)	Hefley	Morella
Coleman (TX)	Hefner	Murtha
Collins	Herger	Myers
Combest	Hochbrueckner	Nagle
Conte	Horton	Natcher
Conyers	Houghton	Neal
Costello	Hoyer	Nelson
Coughlin	Hubbard	Nichols
Courter	Huckaby	Nielson
Craig	Hughes	Nowak
Crockett	Hunter	Oakar
Darden	Hutto	Oberstar
Daub	Hyde	Olin
Davis (MI)	Jeffords	Ortiz
de la Garza	Johnson (CT)	Owens (UT)
DeLay	Johnson (SD)	Packard
Dellums	Jones (TN)	Parris
Derrick	Jontz	Pashayan
DeWine	Kanjorski	Patterson
Dickinson	Kaptur	Payne
Dicks	Kasich	Pease
DioGuardi	Kastenmeier	Pelosi
Dixon	Kennedy	Penny
Donnelly	Kildee	Pepper
Dorgan (ND)	Kleczka	Perkins
Dorman (CA)	Kolbe	Petri
Dreier	Konnyu	Pickett
Dwyer	Kostmayer	Pickle
Dymally	Kyl	Porter
Dyson	LaFalce	Price

Pursell	Schulze	Sundquist
Rahall	Sharp	Synar
Rangel	Shaw	Tallon
Ravenel	Shays	Tauke
Ray	Shumway	Tauzin
Rhodes	Shuster	Thomas (CA)
Richardson	Sikorski	Thomas (GA)
Rinaldo	Skaggs	Torres
Ritter	Skelton	Torricelli
Roberts	Slattery	Towns
Robinson	Slaughter (VA)	Trafficant
Rodino	Smith (IA)	Udall
Roe	Smith (NE)	Upton
Rogers	Smith (NJ)	Vento
Roth	Smith (TX)	Visclosky
Roukema	Smith, Robert	Vucanovich
Rowland (CT)	(NH)	Walgren
Rowland (GA)	Smith, Robert	Watkins
Roybal	(OR)	Waxman
Sabo	Snowe	Weber
Saiki	Solomon	Weldon
Savage	Spence	Wheat
Sawyer	Spratt	Whitten
Saxton	Staggers	Williams
Schaefer	Stallings	Wortley
Scheuer	Stenholm	Wyden
Schneider	Stratton	Wylie
Schroeder	Studds	Yatron
Schuette	Stump	Young (AK)

NAYS—32

Bartlett	Jacobs	Sensenbrenner
Beilenson	Latta	Skeen
Carr	Lloyd	Slaughter (NY)
Davis (IL)	Lujan	Stark
DeFazio	McHugh	Valentine
Downey	Miller (CA)	Walker
Gekas	Mrazek	Weiss
Hastert	Panetta	Wolf
Henry	Regula	Wolpe
Hertel	Russo	Yates
Hopkins	Schumer	

NOT VOTING—83

Anthony	Frank	Morrison (WA)
Applegate	Garcia	Murphy
Aspin	Gedensson	Obey
AuCoin	Gordon	Owens (NY)
Baker	Gray (PA)	Oxley
Barnard	Gregg	Quillen
Barton	Hansen	Ridge
Bevill	Hiler	Rose
Boucher	Holloway	Rostenkowski
Boulter	Inhofe	Sisisky
Brooks	Ireland	Smith (FL)
Broomfield	Jenkins	Smith, Denny
Brown (CO)	Jones (NC)	(OR)
Cardin	Kemp	Solarz
Chandler	Kennelly	St Germain
Chappell	Kolter	Stangeland
Clay	Lantos	Stokes
Clement	Leath (TX)	Sweeney
Cooper	Lent	Swift
Coyne	Livingston	Swindall
Crane	Lott	Taylor
Dannemeyer	Mack	Traxler
Dingell	MacKay	Vander Jagt
Dowdy	Martin (IL)	Volkmer
Durbin	McEwen	Whittaker
Fazio	Mica	Wilson
Filippo	Molinari	Wise
Florio	Morrison (CT)	Young (FL)

□ 1346

Mr. WOLPE changed his vote from "yea" to "nay."

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on S. 2840, the Senate bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF S. 2840, ARIZONA-IDAHO CONSERVATION ACT OF 1988

Mr. VENTO. I ask unanimous consent that the clerk be authorized to make necessary technical corrections, section numbers, and punctuation in the text of S. 2840, the Senate bill just approved.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF S. 2751, MONTANA NATURAL RESOURCES PROTECTION AND UTILIZATION ACT OF 1988

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 591 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 591

Resolved, That upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (S. 2751) to designate certain lands in Montana as wilderness, to release other forest lands for multiple use management, and for other purposes, and to consider the bill in the House, and all points of order against the bill and against its consideration are hereby waived. Debate on the bill shall continue not to exceed one hour, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to commit.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTI] pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 591 provides for the consideration in the House of the bill S. 2751—The Montana Wilderness Act, under the 1-hour rule.

All points of order are waived against the bill and against its consideration, Mr. Speaker, and there is one motion to commit.

Mr. Speaker, the Montana Wilderness Act deals with the future management of over 6 million acres of wilderness in the State of Montana. The bill designates nearly 1.5 million acres of new wilderness, creates 375,000 acres of new recreational areas, and re-