

mandatory retirement policies for public safety agencies. If public safety agencies are exempted from the ADEA, those agencies who wish to experiment with testing in lieu of retirement ages will be able to do so. But given the uncertainty about the effectiveness, effects and implications of using tests as a substitute for age, the Congress must not force every public safety agency to implement them. This would be the effect if we did not enact an exemption.

I urge my colleagues to join me in supporting passage of H.R. 849. All public safety employees must be fit, effective, and fully capable of fulfilling their duties. An ADEA exemption will assure that State and local police and fire agencies will be able to pursue that goal using the same age-based employment criteria which is now used by the FBI, the Secret Service and other Federal public safety agencies.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to express my strong support for H.R. 849, the Age Discrimination in Employment Safety Exemption Act. As the founder of the congressional fire services caucus, I have worked tirelessly to promote fire safety at the national level. For this reason, I am a cosponsor of H.R. 849 and am grateful that my colleague from Illinois has brought this issue to the floor today.

The ability of all public safety officers to perform their duties at peak level is literally a matter of life or death for millions of Americans. I can tell you first hand that the physical demands of firefighting are overwhelming. For this reason, in 1986, Congress agreed to exempt fire and police departments from ADEA while an official study was conducted regarding the validity of age criteria for public safety occupations. The study verified what I have been saying for years, that the ability to work as a fire or police officer declines with age.

Fitness tests are not a valid alternative to age limits. I've been surrounded by a 6-foot wall of fire, and I'm telling you there is no adequate simulation. In addition, fitness tests have been consistently struck down by courts as discriminatory. In absence of a valid fitness test, age limits ensure our public safety teams are in peak condition.

In addition, this bill will continue to protect State and local governments who in the past have been threatened with costly litigation in their efforts to defend age policies. Lives are at stake; we cannot let this issue become another litigation nightmare played out in our Nation's courts.

H.R. 849 is supported by those who are directly affected by its passage, the fire and police officers who rely on the ability of their colleagues to perform each and every day. In addition, the measure enjoys a broad and diverse range of support from organizations such as the AFL-CIO, the International Association of Fire Chiefs, the Fire Department Safety Officers Association, the International Association of Chiefs of Police, and the National Association of Counties to name but a few.

Mr. Speaker, I support passage of H.R. 849 and urge my colleagues to support Congressman FAWELL's efforts to strengthen our emergency service teams.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time.

Mr. FAWELL. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. MCINNIS). The question is on the motion offered by the gentleman from Illinois [Mr. FAWELL] that the House suspend the rules and pass the bill, H.R. 849.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

### GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

### TARGHEE NATIONAL FOREST LAND EXCHANGE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 529) to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming, as amended.

The Clerk read as follows:

H.R. 529

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

#### SECTION 1. AUTHORIZATION OF EXCHANGE.

(a) CONVEYANCE.—Notwithstanding the requirements in the Act entitled "An Act to Consolidate National Forest Lands", approved March 20, 1922 (16 U.S.C. 485), and section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) that Federal and non-Federal lands exchanged for each other must be located within the same State, the Secretary of Agriculture may convey the Federal lands described in section 2(a) in exchange for the non-Federal lands described in section 2(b) in accordance with the provisions of this Act.

(b) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Except as otherwise provided in this Act, the land exchange authorized by this section shall be made under the existing authorities of the Secretary.

(c) ACCEPTABILITY OF TITLE AND MANNER OF CONVEYANCE.—The Secretary shall not carry out the exchange described in subsection (a) unless the title to the non-Federal lands to be conveyed to the United States, and the form and procedures of conveyance, are acceptable to the Secretary.

#### SEC. 2. DESCRIPTION OF LANDS TO BE EXCHANGED.

(a) FEDERAL LANDS.—The Federal lands referred to in this Act are located in the Targhee National Forest in Idaho, are generally depicted on the map entitled "Targhee Exchange, Idaho-Wyoming—Proposed, Federal Land", dated September 1994, and are known as the North Fork Tract.

(b) NON-FEDERAL LANDS.—The non-Federal lands referred to in this Act are located in the Targhee National Forest in Wyoming, are generally depicted on the map entitled "Non-Federal Land, Targhee Exchange,

Idaho-Wyoming—Proposed", dated September 1994, and are known as the Squirrel Meadows Tract.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for inspection in the office of the Targhee National Forest in Idaho and in the office of the Chief of the Forest Service.

#### SEC. 3. EQUALIZATION OF VALUES.

Prior to the exchange authorized by section 1, the values of the Federal and non-Federal lands to be so exchanged shall be established by appraisals of fair market value that shall be subject to approval by the Secretary. The values either shall be equal or shall be equalized using the following methods:

(1) ADJUSTMENT OF LANDS.—

(A) PORTION OF FEDERAL LANDS.—If the Federal lands are greater in value than the non-Federal lands, the Secretary shall reduce the acreage of the Federal lands until the values of the Federal lands closely approximate the values of the non-Federal lands.

(B) ADDITIONAL FEDERALLY-OWNED LANDS.—If the non-Federal lands are greater in value than the Federal lands, the Secretary may convey additional federally owned lands within the Targhee National Forest up to an amount necessary to equalize the values of the non-Federal lands and the lands to be transferred out of Federal ownership. However, such additional federally owned lands shall be limited to those meeting the criteria for land exchanges specified in the Targhee National Forest Land and Resource Management Plan.

(2) PAYMENT OF MONEY.—The values may be equalized by the payment of money as provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

#### SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) The term "Federal lands" means the Federal lands described in section 2(a).

(2) The term "non-Federal lands" means the non-Federal lands described in section 2(b).

(3) The term "Secretary" means the Secretary of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, I rise in strong support of H.R. 529, to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming. Sponsored by Mr. CRAPO of Idaho, this legislation will facilitate the exchange of critical grizzly bear habitat in Wyoming for surplus Forest Service lands in Idaho. This is an equal value exchange that benefits both parties. This legislation passed the House under suspension during the 103d Congress and I urge my colleagues to support this measure once again. I thank my good friend, the gentleman from Idaho [Mr. CRAPO] for his work on this issue and look forward to its final passage.

Mr. Speaker, I yield 5 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Speaker, I rise in support of H.R. 529, the Targhee National Forest Land Exchange bill.

Before I begin, I want to thank Chairman HANSEN, the subcommittee staff, and the Forest Service for the outstanding work they have done on behalf of this legislation.

Legislation which is almost identical to H.R. 529 was passed by the House of Representatives on October 3, 1994. It was unfortunate that the 103d Congress came to a close before the Senate could act on this legislation. However, I am delighted that this noncontroversial legislation is once again before the House of Representatives.

H.R. 529, as has been said by the gentleman from Utah [Mr. HANSEN], would allow the exchange of a section of property in Wyoming known as Squirrel Meadows for parcels of National Forest Service land located in Idaho. This is one of those exchanges where all parties are winners.

This legislation requires a fair and equal land exchange. This land exchange involved approximately 26 acres of National Forest System lands and 95 acres of private land owned by Ricks College.

Situated on this forest service land are several cabins owned by private citizens and a lodge, and these citizens own the cabins but not the land, and in this exchange critical grizzly bear habitat will go to the Government for protection. The private citizens will be able to purchase the land on which their cabins sit and, therefore, solidify their situation in the forest, and the Federal Government will be able to benefit, as all are involved in accomplishing an objective that each believes in and supports.

Upon completion of the land exchange, these cabin owners will be allowed to purchase the land upon which their buildings sit. Ricks College plans to use the proceeds from these land sales to purchase lands along the Yale-Kilgore Road in Island Park, ID. The acquisition of the lands along the Yale-Kilgore Road will allow Ricks College to more effectively administer its educational programs.

Within the confines of the private lands being exchanged is situation 1 grizzly bear habitat. The transfer of this private property to the ownership of the Forest Service will allow the Forest Service to protect this unique area which is capable of supporting viable grizzly bear populations.

The Forest Service has been in extended negotiations to obtain the Squirrel Meadows property for some time. This unanimously agreed upon land transfer is a prime example of private citizenry and conservation management taking the initiative to protect areas of environmental habitat importance.

Mr. Speaker, I appreciate the opportunity we have had to work with the gentlewoman from Wyoming [Mrs.

CUBIN] on this issue, with the Forest Service, Ricks College and all other interested parties to forge this agreement and to encourage support by those in the House for this legislation.

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

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

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, H.R. 529 is a noncontroversial measure that authorizes an equal value interstate land exchange within the Targhee National Forest. Legislation is required because the Forest Service does not have authority to do land exchanges between two States. As a result of the exchange authorized by the bill, the Forest Service will receive a 95-acre portion of a pristine and scenic tract of land known as Squirrel Meadows in Wyoming. The Forest Service will exchange a developed 10-acre tract in Idaho that has numerous summer homes owned by private individuals but located on National Forest lands leased to them by the Forest Service.

H.R. 529 is similar to legislation that passed the House in the last Congress. The bill before us today has a number of amendments that have been worked out to simplify the bill. With regards to the amendment deleting section 4, this matter was to be addressed in the committee report. The second amendment incorporates language suggested by the Forest Service to correct the bill's reference on the lands available for exchange.

Mr. Speaker, I support H.R. 529, as amended, and recommend its adoption by the House.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 529, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

#### DAYTON AVIATION HERITAGE PRESERVATION ACT AMENDMENTS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 606) to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes.

The Clerk read as follows:

H.R. 606

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 201(b) of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419, approved October 16, 1992), is amended as follows:

(1) In paragraph (2), by striking "from recommendations" and inserting "after consideration of recommendations".

(2) In paragraph (4), by striking "from recommendations" and inserting "after consideration of recommendations".

(3) In paragraph (5), by striking "from recommendations" and inserting "after consideration of recommendations".

(4) In paragraph (6), by striking "from recommendations" and inserting "after consideration of recommendations".

(5) In paragraph (7), by striking "from recommendations" and inserting "after consideration of recommendations".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, I rise in support of H.R. 606, a bill to make technical changes to the Dayton Aviation Historic Preservation Act of 1992.

This bill simply clarifies the authority of the Secretary in making appointments to the Dayton Aviation Heritage Commission. Although the language in the bill is identical to that in many other park bills, the administration is seeking these technical changes to clarify the appointment powers of the President.

The bill would have no cost and I urge my colleagues to support it.

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

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

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, H.R. 606 is a noncontroversial bill introduced by our good friend, the gentleman from Ohio [Mr. HALL], to deal with a technical matter in the appointment of members to the Dayton Aviation Heritage Commission by the Secretary of the Interior. The appointment procedure described in the Dayton Aviation Heritage Preservation Act of 1992, while identical to that in legislation authorizing other such commissions, has drawn criticism from the administration, which has expressed concern that it undercuts the Secretary's appointment authority. For