SAN RAFAEL WESTERN LEGACY DISTRICT AND NATIONAL CONSERVATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 516

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL); pending which I yield myself such much time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. HASTINGS of Washington. H. Res. 516 would grant an open rule waiving all points of order against the consideration of the bill, H.R. 3605, the San Rafael Western Legacy District and National Conservation Act.

The rule provides 1 hour of general debate to be equally divided between the chairman and ranking member of the Committee on Resources. It makes in order the Committee on Resources' amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment which shall be open for amendment at any point.

The rule also provides that the amendment printed in the report of the Committee on Rules accompanying the resolution shall be considered as read and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

□ 1045

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. It also allows the chairman of the Committee of the Whole to postpone votes during the consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the purpose of H.R. 3605 is to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes. The San Rafael region possesses many important historical, cultural, and natural resources that are representative of the American West. Its history includes influences from Native American culture, exploration, pioneering, and industrial development. The bill will provide important Federal protections, similar to heritage designation protections, to the lands designated in the bill.

H.R. 3605 would require the Secretary of the Interior, acting through the National Park Service, to establish a legacy council to furnish advice regarding management, grants, projects, and technical assistance. It would authorize the Secretary to make matching grants up to 50 percent to any nonprofit organization or government unit with authority inside the legacy district's boundaries.

The bill limits appropriations to no more than $1 million annually and $10 million in total. The Congressional Budget Office estimates the enactment of H.R. 3605 would cost $15 million over the 2001 to 2005 period. Pay-as-you-go procedures would not apply, and the bill contains no unfunded governmental mandates as defined in the Unfunded Mandates Reform Act. CBO estimates that some State and local governments might incur some costs as a result of the bill's enactment, but those costs would be voluntary.

Mr. Speaker, the Committee on Resources reported the bill by a voice vote and the Committee on Rules has granted a request for an open rule so that Members wishing to offer germane amendments might have the fullest opportunity to do so. Accordingly, I encourage my colleagues to support both the rule and the underlying bill, H.R. 3605.

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

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me this time, and I yield myself such time as I may consume.

This is an open rule. It will allow the House to consider H.R. 3605. This is about the San Rafael Western Legacy District and National Conservation Act.

As my colleague has described, this rule will provide 1 hour of general debate to be controlled and equally divided by the chairman and ranking minority member on the Committee on Resources.

This permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

The bill creates the San Rafael Western Legacy District of 2.8 million acres in Emery County, Utah. The bill authorizes up to $10 million for grants which can be used for planning, museum exhibits, preservation projects, and public facilities.

The San Rafael Swell is an area of beauty and history. It has been home to the Basketmakers, Fremont Indians and Ute Indians. The explorer, John Wesley Powell, led an expedition to the area. The famous outlaw, Butch Cassidy, once escaped into the desolate canyons there.

Because of the natural beauty of the area, it has been proposed often as a natural park. Unfortunately, the bill before us falls short of offering that kind of protection that I think this area deserves.

The bill does not effectively deal with the increasing use of off-road vehicles, which damage the soil and vegetation. The bill does not protect the water resources of the district. Even more important, the bill does not address the need to study the wilderness areas within the district.

It seems to me, Mr. Speaker, that if the Federal Government is going to provide $10 million in grants, we should have sufficient safeguards to protect the basic historic and natural resources. But this is an open rule, and Members will have the opportunity to offer germane amendments and to improve the bill. Therefore, I will support the rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. HANSEN), the subcommittee chairman in charge of this legislation.

Mr. HANSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule and in support of H.R. 3605.

The San Rafael area of Emery County, Utah, is home to some of the most beautiful landscapes in the West. For years, the county commissioners and the Bureau of Land Management have sought to protect the lands within the San Rafael Swell. After years of controversy, literally years, 20 years possibly, the county commissioners sat down with Secretary Babbitt and his professional staff and crafted 3605.

Mr. Speaker, H.R. 3605 will protect nearly 1 million acres of Federal lands in Emery County, Utah, in a fashion that will allow wilderness, recreation, preservation, and wildlife to coexist without degrading the resource. This bill sets up a public planning process wherein all views will be considered under the National Environmental Policy Act. Moreover, this bill will further protect the wilderness study area contained within the National Conservation Area. In fact, over 600,000 acres of potential wilderness area will receive further protection from OHV use, mining and other uses which are incompatible with the area.

H.R. 3605 enjoys the enthusiastic support of Secretary Bruce Babbitt and this administration. Through months of strenuous negotiation, this consensus legislation is brought before the House on a bipartisan basis. Secretary Babbitt has stated that ''the administration supports this legislation because of the additional protection it provides for important public land, including the withdrawal from mineral development and sale or exchange, restrictions on off-highway vehicle use and innovative provisions for a legacy district.'' In fact, the administration holds H.R. 3605 out as a model to show how we should protect these BLM lands managed under National Conservation Areas.

Mr. Speaker, I will go into greater detail in general debate on the legislation. Members are hearing from the extreme environmental groups that this is anti-wilderness legislation or some other blatant untruth such as that. The fact is that some extremists would rather raise money than solve problems to protect public grounds, and this seems to be, from sea to shining sea, the way a lot of these extremists look at it.

This legislation comes before the House with overwhelming support of the Committee on Resources, Secretary Babbitt, the administration, the governor of Utah, local elected officials, the people of Utah, sportsmen, wildlife groups, historic preservation people; and the list goes on and on. I urge the Members to look at this legislation and see the facts and ignore the rhetoric.

Mr. Speaker, I support this rule and I urge Members to support this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. CANNON), the sponsor of this important legislation.

Mr. CANNON. Mr. Speaker, I am pleased today that the House is considering H.R. 3605, San Rafael Western Legacy District and National Conservation Area Act.

As my colleagues may know, the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands of the Committee on Resources, and I have been working on this legislation since I came to Congress in 1997. We have made great progress, and I am especially pleased that the Secretary of the Interior has now shown that he is fully behind this bill. He supports the concept of this National Conservation Area, as well as the specific implementation of it, that the people of Emery County have developed.

This bill sets aside nearly 1 million acres as a National Conservation Area, withdrawn from future mining claims and providing protection for primitive and semi-primitive areas. The Secretary of the Interior, in conjunction with an advisory council, will develop a management plan for the National Conservation Area that will allow various land uses, while simultaneously preserving the natural resources of the area for future generations.

It would also place 2.8 million acres into a legacy district to be managed for the conservation of the area's historical and cultural resources, allowing management that would guarantee the preservation of the dramatic canyons, wildlife, and historic sites of the San Rafael Swell. I am pleased to be contributing to the conservation of such a beautiful and historic area.

Negotiations have been ongoing for 3 years on this bill, and everyone from the Bureau of Land Management to the Secretary of the Interior to the county commission has agreed to its final form. Additionally, the county commissioners have presented it to as many groups as they could find to participate, and received agreement.

Recent negotiations regarding this bill have shown me just how committed the people of Emery County, Utah, are to the protection of this land. I am proud to offer with them and the Secretary of the Interior this bill to protect the San Rafael area. I urge my colleagues to support this rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 516 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3605.

□ 1055

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Chairman, I rise in support of H.R. 3605, the San Rafael Western Legacy District and National Conservation Area Act sponsored by my colleague and friend, the gentleman from Utah (Mr. CANNON).

H.R. 3605 will protect for future generations the spectacular lands known as the San Rafael Swell in Emery County, Utah.

Mother Nature created this area nearly 50 million years ago with a massive geological uplift in the Earth's crust. After millions of years of erosion by water, wind, heat, and cold, the amazing high mesas, deep canyons, domes and arches of the San Rafael decorate nearly a million acres of Federal lands. The rugged nature of these lands has allowed little or no development even today.

Man first came to this area 11,000 years ago. The Fremont culture thrived and their history is written in petroglyphs and pictographs throughout the area. Spanish explorers came to this area in the mid-18th century with regular visits from American explorers in the 1850s. Brigham Young established the first permanent occupation of this area in 1877 by sending 50 hearty Mormon families to Castle Valley. These strong individuals have been prospering in this area ever since. However, the sheer cliffs, steep canyons, columns and shafts of rock have insured the preservation of the Swell for decades.

Today, Mr. Chairman, we have an opportunity to continue protecting this area with bipartisan consensus legislation. The San Rafael Western Legacy District and National Conservation Act provides important protection for these lands. H.R. 3605 contains two levels of protection: first, all of Emery County

will be designated as the Western Legacy District, where Americans will learn of the history, science, archeology, and culture of over 2.8 million acres of land.

Secondly, H.R. 3605 establishes the San Rafael National Conservation Area, which consists of nearly 1 million acres of Federal lands managed by the Bureau of Land Management.

□ 1100

Subject to valid existing rights, the entire area will be withdrawn from mining, mineral leasing, or land disposal. The Secretary is mandated to enter into a public planning process to manage the area in a manner that conserves, protects, and enhances its resources and values. Over 600,000 acres of potential wilderness will receive a higher level of protection, and recreational use will be organized and managed in a way as to prevent resource degradation.

Mr. Chairman, early this Congress I asked Secretary Babbitt to take the time to look at the San Rafael area and help us find a way to protect these lands in a manner that fits the landscape and will ensure that we can fully protect some BLM lands in Utah. Secretary Babbitt sent Molly McUsic and other staff out there and they toured the lands, heard the concerns of the people who live and work in the area; and that began months of work by many dedicated BLM staff and the Emery County commissioners and their staff.

H.R. 3605 is a result of this work and represents a consensus bill that is supported by Secretary Babbitt, the administration, the Governor of Utah, the county commission, wildlife experts, historians, and conservationists. The bill has enjoyed overwhelming support in the Committee on Resources.

Mr. Chairman, I would like to address some of the issues that Members are hearing rhetoric about surrounding this legislation. Extreme groups are claiming that this is an anti-wilderness bill because it fails to designate wilderness. As many Members know, the issue of wilderness in Utah is one of the most polarized public land issues in America. However, that debate has raged for over 20 years; and although many efforts have been made by both sides, the fact is that we have failed to protect BLM lands in Utah because of this wilderness debate.

H.R. 3605 will finally protect nearly one million acres of BLM land in central Utah. This bill will actually provide enhanced protection to over 600,000 acres of potential wilderness land. In fact, this process has resulted in further protections already. The BLM, after working with the county, recently closed OHV trails and wilderness study areas. This will ensure that these lands remain available for wilderness protection by future Congresses.

For myself, and I believe Secretary Babbitt feels the same way, we would prefer to resolve the wilderness issue within the San Rafael area. However, that is impossible in today's climate. This legislation is a major step in the right direction. The BLM will formulate a management plan that will ensure that those lands that have wilderness qualities will be managed to protect those qualities. H.R. 3605 mandates the Secretary to manage these lands to prevent resource degradation.

Furthermore, the legislation formally recognizes that wilderness is left to future Congresses to decide how many of these million acres should be designated. This bill will ensure that these lands are protected in the future to allow for wilderness designation.

Attempts were made by some to amend the bill with wilderness designations that are reflected in legislation sponsored by my colleague the gentleman from New York (Mr. HINCHEY). Wilderness designations are more complicated than simply dropping legislation that seems to ignore all the science, all the work of the BLM professionals, the views of the people of Utah, and the opinion of the Secretary of Interior.

Let us pass this bill today, protect one million acres of the BLM land, and ensure that further Congresses have the ability to designate wilderness.

Mr. Chairman, claims are being made by extreme groups that this bill fails to adequately manage off-road vehicle use within the San Rafael. I would hope that Members would actually read the bill and also recognize what actions have already been taken by the BLM.

The legislation in section 202 specifically states that use of motorized vehicles in the conservation area will be restricted to existing roads and trails. Thus, cross-country four-wheeling is prohibited by the bill.

More importantly, the legislation mandates that the BLM mapping OHV use pursuant to 43 CFR 8340. This regulation guarantees that OHV will be prohibited if vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, etc. The legislation ensures that the management plan, through a public process, will appropriately manage the activities.

Those who wish to simply prevent all OHV recreation in this area are ill-informed. Just because they prohibit this use in the law does not mean the activity will stop. The language in this bill presently was negotiated with Secretary Babbitt and is acceptable to the recreation community. We currently have agreements with all OHV users, the BLM, and the county, who will be charged with policing many of these uses.

The bill calls for regulation of OHV pursuant to the BLM's own regulations. This bill is not an attempt to micromanage these lands but to set up a planning process under NEPA wherein all of America can be involved in the decision-making process.

Under the language in H.R. 3605, the Secretary is mandated to close any road or trail where undue problems are occurring. I urge the Secretary to exercise his authority over these regulations. The bill, as written, allows for a public process and ensures that the Secretary has the necessary tools to close roads and trails when it becomes necessary.

I urge my colleagues to defeat any attempt to change this language.

The current boundaries reflected in H.R. 3605 were drawn by Secretary Babbitt, his staff, and the professionals of BLM. There is criticism that the entire swell is not included. First, this is completely false. Who should we rely on to tell us what land should be included, the professionals at the BLM who manage these lands, or a few extreme groups who have an agenda but no responsibility for managing the lands in question?

The boundaries are drawn just like every other provision of this bill. They have been worked out with the Secretary and professionals. There is room for some tinkering around the edges, and we attempted to work with the minority to make some of the changes they sought. However, as with many of these issues, it was an all-or-nothing proposition.

If the Secretary and the county would not agree to all of their wants, there would be no negotiations. And that is the hallmark of these groups. The boundaries in H.R. 3605 make geographical and management sense and they include those lands worthy of protection. This House should respect the professional judgment of our Federal land managers and keep the boundaries as reflected in the bill.

The San Rafael area is a desert. There has been some misinformation floating around about the fact that this bill does not protect the water of this area. The fact is there are only two bodies of water in the whole conservation area. One is the San Rafael River. This river begins with the conservation area and is currently protected because the State holds an instream flow right in perpetuity on the river. Thus, the Federal-reserved water right is simply not necessary. No water will be diverted, no dams will be built, no pipes, nothing. The State holds all the rights for conservation purposes.

The second body of water is an intermittent stream called Muddy Creek. H.R. 3605 mandates that the Secretary shall enter into agreements with the State to ensure that these waters are preserved.

The language in the bill was heavily debated with Secretary Babbitt and the Solicitor's office, and all parties are comfortable with this language. The bill further protects the small amount of water in this area. I urge my colleagues to defeat any efforts to amend this language.

Mr. Chairman, H.R. 3605 is progressive conservation legislation that will

protect nearly one million acres of Federal land. Every word of this legislation has been fully agreed to by Secretary Babbitt and the administration. We have sat down at the table, and this is a bipartisan measure that deserves our full support.

I urge the Members to ignore the rhetoric of the extreme groups and look at the hard work of the Secretary and the gentleman from Utah (Mr. CANNON) who have put this legislation together. I urge my colleagues to defeat destructive amendments designed to kill this effort, and I urge support for this bill.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON), the sponsor of the bill.

Mr. CANNON. Mr. Chairman, as we begin debate on H.R. 3605, the San Rafael Western Legacy District and National Conservation Area Act, I first would like to thank the gentleman from Utah (Mr. CANNON), our subcommittee chairman, for his work and commitment to this legislation.

Emery County and the State of Utah do not have a stronger voice in this body than the gentleman from Utah (Mr. HANSEN). His continued dedication and unyielding support for this and other land management initiatives will finally prove successful in H.R. 3605. The gentleman from Utah (Chairman HANSEN) successfully shepherded this legislation through the committee process, and his efforts have given us a very strong, effective, and balanced bill.

In addition, I would like to acknowledge the efforts of Emery County Commissioner Randy Johnson and thank him. He has been tireless in his 3-year campaign to protect and preserve the San Rafael Swell. But for the dedication and devotion of Randy to this crusade, we would not all be here today. The people of Emery County should be proud to have such a hard-working public servant.

As many of our colleagues know, we have been working on this project to protect the San Rafael Swell for over 3 years. This legislation sets up a process to preserve the remarkable area famous for such outlaws as Butch Cassidy and the Sundance Kid and many, many others of the famous western outlaws.

Over the last 3 years, people in Emery County, Utah, the off-road vehicle users, the sportsmen, and others came together with county officials, landowners, and the Bureau of Land Management to approve this plan.

The San Rafael Western Legacy District and Conservation Area Act would place 2.8 million acres into a Legacy District to be managed for the conservation of the region's historical and cultural resources.

Similar to a National Heritage Area, this designation would allow the people of Emery County to invest in the protection of their diverse cultural, archaeological, and natural assets. Additionally, they will be able to better manage the many tourists who now strain the region's tourism infrastructure, providing the tourists with a more enjoyable visit and the region with a sustainable economy.

Additionally, this bill will set aside almost a million acres as a national conservation area, withdrawn from future mining claims and closed to cross-country vehicle travel.

The Secretary of Interior, in conjunction with an advisory council, will develop a management plan for the national conservation area that will provide for various lands uses and that the preservation of these amazing natural resources for future generations. This is an amazing area that is sorely in need of protection, and the national conservation area will provide that in a flexible context that incorporates the views of those closest to the land.

We, as Americans, are united in our love for our public lands and our desire to use them appropriately. I introduced this bill to preserve a beautiful and historic part of the State of Utah while taking into account the local economy. It provides a process for managing the land and providing access for people who come to enjoy it.

This bill represents a breakthrough in land management policy for the western United States. It gives the proper weight for citizen input in balancing wilderness preservation, commercial use, and recreation. It proves that consensus can be achieved from the ground up, rather than from the top down.

Today we have an opportunity to pass landmark legislation to protect and conserve the historical and cultural values of one of the most beautiful and pristine areas in the Union. We have come a long way in our discussions by crafting legislation that is supported by the administration, the local officials, and outdoor enthusiasts. This area is experiencing record visitation, and the time to establish adequate protections is now.

I urge my colleagues to support H.R. 3605 and preserve these lands for generations to come.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), my friend.

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

Mr. BOEHLERT. Mr. Chairman, I rise in support of H.R. 3605.

Mr. Chairman, I have negotiated with the gentleman from Utah (Chairman HANSEN) to prepare some amendments that will further clarify and improve the bill. But even in its current form, I support the general thrust of the bill, as does the Secretary of the Interior, Bruce Babbitt, with whom we have been in contact this morning.

H.R. 3605 is the product of lengthy negotiations between local officials in Utah and officials of the Department of the Interior, including, as I mentioned, Secretary Babbitt.

These two sets of officials, representing local and national interests, agreed to wade into a protracted and politically thorny set of land use issues to put aside years of acrimony, to break a draining, pointless, ideological stalemate by working out practical, helpful compromises. And to just about everyone's amazement, they succeeded.

I believe these local and Federal officials of both political parties deserve to be rewarded for their success, not snubbed. The negotiations that produced this bill should be a precedent for resolving land use disputes. That does not mean that every dispute will be resolved or that every resolution will merit congressional support. But thoughtful, carefully worked out resolutions like this one concerning the San Rafael Swell have earned our support.

□ 1115

Does this bill successfully dispose of every issue the way I would most prefer? No, of course not. But this is a case where an old congressional saying is quite appropriate: ''Let's not make the perfect the enemy of the good.''

To those who believe that more land should be protected more fully than this bill allows, I say there is nothing in the bill that would block consideration of further land protection at a later date. But this bill will protect the bulk of the San Rafael Swell right now. To those who want greater restrictions on off-highway vehicles, I say the management plan or later laws can impose even further limitations. But this bill will codify significant restrictions on off-highway vehicle use right now. So we need to act right now to increase the protections for the San Rafael area. That is good for the environment.

The amendments I have worked out will make the bill better for the environment by expanding the boundaries of the conservation area, clarifying the restrictions on off-highway vehicles and ensuring that land in the conservation area remains at least as protected as it is right now.

I urge my colleagues to support H.R. 3605 as a bipartisan step forward in protecting our lands in the West for all Americans.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I regret that this bill is before the House today because I do

not think it is ready for this prime time appearance. By that I do not mean that the bill is all bad. It does have some positive aspects. And I do not mean that the sponsors are not serious when they say that they want to improve the management of this special part of the public lands. I know they are sincere and I respect their efforts. What I do mean is that the bill still has several serious flaws. We should have fixed those flaws when we considered the bill in the Committee on Resources, but that did not happen. We should have revised the bill so that it would cover the entire San Rafael Swell area, but we did not. We should have provided the BLM with all the tools it needs to protect the resources and values of these public lands that have been shaped by the forces of wind and water, but we did not do that, either. And we should have made the bill truly wilderness neutral by providing at least interim protection for the wilderness resources of these lands. Again, we did not do that in the committee.

So here we are with a bill that falls short. We will be considering some amendments to try to do at least part of the work that we could have done in the committee. Those amendments deserve approval. But unless the bill's flaws are corrected, it should be rejected so that we can start again in the Committee on Resources and do the job right the next time.

Mr. Chairman, I include the following for the RECORD:

ENVIRONMENTAL DEFENSE, WESTERN WATER PROJECT—TROUT UNLIMITED, LAND AND WATER FUND OF THE ROCKIES,

June 5, 2000.

Hon. BRUCE BABBITT,
Secretary of the Interior,
Washington, DC.

DEAR SECRETARY BABBITT: We are writing about H.R. 3605, the San Rafael Western Legacy District and National Conservation Act, that was reported out of the Resources Committee, as amended, on May 16, 2000. Environmental Defense and Trout Unlimited have not been a part of the negotiations and debate that surround this legislation, and we are not in a position to express a general position on that legislation. However, we have been made aware of this legislation's water rights provision and have carefully reviewed that legislation language. We have very serious concerns about this provision. We do not believe that its terms will permit the Bureau of Land Management to protect and conserve the water-related resources of the San Rafael Swell. And we are gravely concerned about the precedent that this legislation likely will set. Thus, we urge you to insist that this legislative provision be removed or substantially strengthened.

I. GENERAL COMMENTS

By way of background, we note that H.R. 3605 withdraws those lands within the proposed national conservation area from disposal under the public lands laws. That is certainly a positive step forward. However, we also note that H.R. 3605, both as introduced and as amended, expressly disclaims either an express or implied federal reserved water right. This is a dramatic departure from the general approach that the Congress has taken when it reserves lands either for wilderness or for national conservation areas. For example, section 201(f) of the Arizona Desert Wilderness Act (which dealt with Bureau of Land Management lands) both effected a reservation of water sufficient to fulfill the purposes of the reservation and directed the Secretary to take all necessary steps to protect those rights. Section 706 of the California Desert Protection Act of 1994 and section 8 of the Nevada Wilderness Protection Act of 1989 were to like effect. Similarly, when it established the El Malpais National Conservation Area, the Congress expressly reserved water to carry out the purposes of the national conservation area. And when Congress established the San Pedro Riparian National Conservation Area, the Congress expressly reserved a quantity of water sufficient to fulfill the purposes of the national conservation area. 16 U.S.C. §460XXX.

Admittedly, in individual cases the Congress has seized upon an alternative strategy to protect and conserve the water-related resources within a reservation. The Colorado Wilderness Act of 1993 is perhaps the best example of such an approach. The water rights language in that legislation established a model for providing a high level of protection for water-related resources within a reservation without resort to a reserved right. However, the water rights language approved by the Resources Committee for the San Rafael Swell would neither effect a reserved right nor establish an alternative approach for protecting water-related resources. Instead, the Resource Committee's amended bill would effectively abdicate the United States' responsibility for protecting and conserving water and water-related resources within the Swell. We believe that would be a serious error.

II. SPECIFIC COMMENTS

Set out below are our more specific comments on the water provisions added to the bill during Resource Committee markup:

A. Water rights already have been appropriated. Subsection (k) of the amendment avers that available water resources within the external boundaries of the conservation area already have been appropriated. While we do not have the information to determine whether that is an accurate statement, we will assume for the sake of argument that it is; most river basins in the West would fit within that general description. But even if this is an accurate description, it is not a sufficient basis to both disavow a reserved right and fail to adopt an equally effective alternative for the protection of water resources within the national conservation area. We should start with the fundamentals. And the fundamentals are that those of us who have visited the Swell, as you perhaps have, know that at certain times of the year there is abundant water in the water courses that arise upon or flow through the proposed national conservation area. And of course, the riparian vegetation that adjoins those watercourses is dependent upon those flows. But the assertion that water resources within the basins that will, in whole or in part, be encompassed by the national conservation area are appropriated is not necessarily in conflict with the presence of flowing and standing water within the proposed national conservation area. Neither is a sufficient argument to disclaim not only a reserved right but even a meaningful alternative for protecting water resources within the proposed national conservation area.

It may be that water storage projects upstream of the proposed national conservation area are not capable of capturing the entire flow of the streams during heavy rains or during the spring. It may be that the water rights upstream of the proposed national conservation area are unperfected and may, or may not, ever be made absolute. It may be that upstream appropriators are simply unable, at this time, to make full use of the waters that arise upon or flow through the national conservation area. Thus, there may be water that is available for a junior appropriation even though the area appears fully appropriated.

B. No express or implied reservation of water. The water provisions in the committee amendment do preserve pre-existing valid existing water rights. However, there is no evidence in the record that we have seen to suggest that the Bureau of Land Management possesses existing water rights adequate to protect water-related resources within the national conservation area. Moreover, as noted above, subsection (1) of the water provisions added during committee markup expressly disclaims either an express or implied federal reserved water right. This is a deeply troubling precedent. But notwithstanding the claim that is routinely made in legislation such as this that water provisions are not intended to create a precedent, our own experience had disapproved any such claim. If the Congress follows this course, this legislation language inevitably will become the template for future legislation. That would be a tragic mistake. Although western interests have been hostile to federal reserved and non-reserved rights for over a century, these tools have been indispensable to the protection of water resources on reservations created on the public land.

If this legislation instead adopted the course traveled by so many other public lands statutes, the Secretary would have the ability to file for a water right to protect the Swell's water resources. Admittedly, the water right would be junior to all pre-existing water rights. Nevertheless, such a water right would enable the Secretary to prevent senior water rights from being changed or expanded if such actions would ''injure'' the junior reserved right. Similarly, the existence of a reserved right, however junior, would permit the Secretary to protect water resources within the Swell from injury by over-use of water upstream of the national conservation area (either through diversions in excess of upstream rights, or by over-application of water to a beneficial use). In the absence of a reserved right, the Secretary will be seriously challenged in his or her ability to address problems such as these. Indeed, we believe future Secretaries will be entirely disabled from effectively dealing with issues such as this. At the same time, without a reserved or nonreserved right (both of which appear to be foreclosed by this legislation), the Secretary may well discover ten or twenty years in the future that he or she is unable to secure adequate water supplies even to serve the visiting public at visitors centers, campgrounds, and similar facilities.

C. No other authority for water resources. The most troubling part of the amendment is the provision directing that if the United States determines it needs additional water resources, it must attempt to work with a state agency that is eligible to hold instream flow water rights in order to acquire such rights in accordance with state water law. But under Utah state law, only the state may hold an upstream water right; neither an individual nor a federal agency can acquire an instream flow right. Moreover, and even more troubling, Utah state agencies may only convert existing water rights to instream flows; there is no statutory basis that would enable even a state agency to file a new, junior appropriation for an instream flow within the national conservation area. Ut. Rev. Code §73–3–3. The current bill language thus creates a chimera for protection

of instream values. Worse, it would preclude entirely the Secretary from obtaining any right to divert water for other legitimate governmental uses associated with the conservation area, such as providing water for fire protection.

III. SUMMARY

This legislation, as it currently stands, would tie the hands of the United States. The Bureau of Land Management would lack the tools that are needed to protect valuable resources within this reservation. Indeed, this legislation effectively abdicates the federal government's responsibilities in that regard. Those of us who have visited the Swell, as you have, know full well that the Swell is an extraordinary place. It is a place that was shaped by the forces of wind and water. Whatever the other merits of this proposal may be, it would be a tragic mistake to accept a legislative proposal that contains this sweeping precedent on water resources. We urge you to insist that this provision be removed or substantially strengthened.

Respectfully,

JAMES B. MARTIN,
Senior Attorney,
Environmental Defense.
MELINDA KASSEN,
Director, Colorado Office,
Western Water Project, Trout Unlimited.
DANIEL LUECKE,
Senior Scientist/Regional Director,
Environmental Defense.
BRUCE DRIVER,
Executive Director,
Land and Water Fund of the Rockies.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say at the outset of this debate that the gentleman from Utah has worked very, very hard on this legislation; and I think any of us who are familiar with these issues in the West recognize the controversy that they provoke. As many of us are also aware, the controversy goes on for a considerable period of time. In this particular area, we have had controversy and discussions since the 1930s about what to do in the San Rafael area. This legislation deals with the San Rafael Swell, which is an incredible dome of uplifted sedimentary rock that rises some 1,500 feet above the surrounding desert measuring 50 miles long and 30 miles wide. This is an area that those who may be familiar with the area recognize is sheer-walled cliffs and twisting canyons with incredible mesas and buttes. This is the incredible beauty of this area of the West, this area of Utah; and that is why it has been an area of such great controversy because there are those who live there and make their livelihood there. There are those who want to protect it in the highest form of protection we can provide as a national treasure, and there are those who simply want to drive by and look at it as part of their summer vacation. It is a dramatic area, it is a beautiful area, and it clearly has resources and values and assets that are on a par with Arches, Canyonlands and Zion National Parks.

This is not a minor piece of legislation. This is dealing with one of the great environmental assets in this Nation. But again it is also that fact that makes this legislation so controversial and even the discussion of the parts of this legislation is controversial. The gentleman from Utah has worked hard with the community in trying to develop a consensus and worked with the Secretary of Interior as he pointed out over many, many months recently to see whether or not they could come up with a legislative package that addressed all of their needs. I am sad to say that I do not believe that they have yet arrived at that package, that this legislation has a number of flaws that need to be corrected. We repeat some mistakes that we know have turned out to be very costly from the past, and, that is, when we start setting environmental and ecological boundaries that are based upon political jurisdictions and political decisions that follow existing roads or follow existing section lines or follow existing political boundaries of counties or townships, that we very often make a terrible mistake because that does not reflect the true protection of the environmental assets, it does not reflect the movement of wildlife, it does not reflect the expanse of habitat, it does not reflect necessarily the corridors that are needed for wildlife to move during different seasons and wet and dry periods of the year.

Yet in this legislation once again we see that almost the entire southern boundary here is based upon a county line. As we know, as we struggled with the issues surrounding Yellowstone Park and other preserves in this country, those old decisions that were made in that fashion have turned out to be very bad for the protection and the conservation of those resources. I think that we even see in areas where we would be considering wilderness protection, protection of those assets in some cases, the boundaries here split those in two without taking that into consideration.

The same is true with known wildlife habitat. I also think that we make the mistake in this legislation in not addressing the need for wilderness area. I appreciate the controversy that that raises in the West when discussing the wilderness area, and our committee from time to time has tried to work around that area; but to simply set these up as conservation areas is to allow a whole range of activities in those areas that then later work against the qualification of those areas for wilderness areas, whether it is communication towers, whether it is roads, those kinds of uses that then people use as evidence to say, Well, you can't consider this a wilderness area.

So a great deal of damage can be done to the wilderness areas and the potential for wilderness protection if in fact we do not arrive at that level of protection. We have studied this, we have had a number of wilderness assessments done in this State, most recently several years ago, and clearly have identified these areas. There will be amendments on the floor to establish this as a wilderness area or a wilderness study area. I think the Members ought to give serious consideration to that.

The other one is, there has been a tragic history here of really irresponsible off-the-road vehicle use. Clearly that is one of the uses of lands in many parts of the West. It is very controversial. Some people adamantly disagree with it and do not believe there should be any ORV use. I do not think that is realistic necessarily, or appropriate or necessary; but what we do have to have is responsible policies. In the past, this area has been closed because of those irresponsible policies and now simply to engage and let those people continue this for another 4 years I think is a mistake and again fails to recognize what we have learned from the past management of this land. We would in effect be codifying the same BLM regulations that have failed to protect this area.

We also have the problem of creating something called the Western Legacy District. We do not know what a Western Legacy District is; we do not know what values it is there to protect. It appears that apparently this county has determined that. I think if we were looking for historical assets or whatever the basis is or environmental assets, we might find others that are more worthy of that designation. Clearly some definition, some protection of both the areas and of the taxpayer ought to be written into this legislation.

I am also deeply concerned, again this is a controversial area in the West, about the issues of Federal reserve water rights. Here the Secretary apparently turned over whatever would be a federally reserved water right to the States, the State of Utah; but that does not provide for the kinds of protections necessary to protect the full range of a Federal asset here because it is a rather limited water right that the State has for conservation based mainly on wildlife and puts the State in the position of negotiating with its own citizens who may want to make withdrawals and consumptive use of this water. I know this is controversial, but we should be protecting these Federal assets to the full extent of the law and the need of the area; and if we start just continuing to take consumptive use upstream from this area, we then denigrate the environmental values and assets of this area. Clearly, I think the Secretary has made a mistake on the Federal reserve water rights.

There will be amendments offered after the general debate on these areas. I would hope Members would support the amendments by the gentleman from Colorado (Mr. UDALL), the gentleman from New Jersey (Mr. HOLT), the gentleman from Washington (Mr. INSLEE), and the gentleman from New York (Mr. HINCHEY) because I do believe that they strengthen this bill; and most importantly they provide the kind of protection that the people of

this Nation are entitled to for environmental assets that are as magnificent as the San Rafael Swell and the surrounding areas.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of H.R. 3605, the San Rafael Western legacy Act. This bill does not do all I would like it to do, but having seen the stalemate which has existed for decades, I believe it is time to move forward.

Mr. Chairman, in the 105th Congress, as the ranking member on the Subcommittee on National Parks and Public Lands, I went to Southern Utah more than once and spent some time traveling the area to better understand the national and local issues involved. As noted by my colleagues, this truly is a unique area which deserves protection. On that there is agreement. As we have seen this afternoon, the problem arises in what level of protection do we afford, and how much area do we protect.

I do not see this bill as the end of wilderness protection in the State of Utah—rather I see it as a first step. I am glad to see that the Administration was able to reach a compromise with the Representatives from this area, and I urge my colleagues to support this compromise bill.

Ms. DEGETTE. Mr. Chairman, there is no question in my mind that the stunning landscape of the San Rafael Swell with its multicolored sandstone exposed in deep canyons should be protected. The question before us today is, does this legislation offer that protection? Unfortunately, the answer is no. Therefore, I rise in opposition to H.R. 3605 because it fails to protect and preserve the unique beauty that this wild area of Utah deserves.

While I adamantly support the strongest protection possible for the San Rafael Swell in Utah, and have cosponsored the ''America's Redrock Wilderness Act,'' H.R. 3605 provides inadequate protection for these lands. This legislation creates the ''San Rafael Western Legacy District,'' a vague moniker that falls short of the real protection this land merits.

How can this land be protected by legislation that does not address the rampant off-road vehicle use, which poses the gravest risk to this land? How can this land be preserved for generations when this legislation fails to designate a single acre as a wilderness study area, much less declare any land as wilderness? How can this ecosystem be protected by legislation that does not address the issue of water rights?

Terry Tempest Williams wrote that these lands ''swing the doors of our imagination wide open.'' It is passed time to protect these treasured lands and ensure they remain wild and free before they slip away from us forever.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

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

H.R. 3605

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''San Rafael Western Legacy District and National Conservation Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the San Rafael National Conservation Area established by section 201.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) WESTERN LEGACY DISTRICT.—The term ''Western Legacy District'' means the San Rafael Western Legacy District established by section 101.

TITLE I—SAN RAFAEL WESTERN LEGACY DISTRICT

SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN LEGACY DISTRICT.

(a) IN GENERAL.—In order to promote the preservation, conservation, interpretation, scientific research, and development of the historical, cultural, natural, recreational, archeological, paleontological, environmental, biological, educational, wilderness, and scenic resources of the San Rafael region of the State of Utah, as well as the economic viability of rural communities in the region, there is hereby established the San Rafael Western Legacy District, to include the San Rafael National Conservation Area established by section 201.

(b) AREAS INCLUDED.—The Western Legacy District shall consist of approximately 2,842,800 acres of land in the County of Emery, Utah, as generally depicted on the map entitled ''San Rafael Western Legacy District and National Conservation Area'' and dated _____.

(c) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to the Congress a map and legal description of the Western Legacy District. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of the Land Management in Utah.

(d) LEGACY COUNCIL.—

(1) IN GENERAL.—The Secretary shall establish a Legacy Council to advise the Secretary with respect to the Western Legacy District. The Legacy Council may furnish advice and recommendations to the Secretary with respect to management, grants, projects, and technical assistance.

(2) MEMBERSHIP.—The Legacy Council shall consist of not more than 10 members appointed by the Secretary. Two members shall be appointed from among the recommendations submitted by the Governor of Utah and 2 members shall be appointed from among the recommendations submitted by the Emery County Commissioners. The remaining members shall be persons recognized as experts in conservation of the historical, cultural, natural, recreational, archeological, environmental, biological, educational, and scenic resources or other disciplines directly related to the purposes for which the Western Legacy District is established.

(3) RELATIONSHIP TO OTHER LAW.—The establishment and operation of the Legacy Council established under this section shall conform to the requirement of the Federal Advisory Committee Act (5 U.S.C. App.) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) ASSISTANCE.—

(1) IN GENERAL.—The Secretary may make grants and provide technical assistance to accomplish the purposes of this section to any nonprofit or unit of government with authority in the boundaries of the Western Legacy District.

(2) PERMITTED USES.—Grants and technical assistance made under this section may be used for planning, reports, studies, interpretive exhibits, historic preservation projects, construction of cultural, recreational, educational, and interpretive facilities that are open to the public, and such other expenditures as are consistent with this Act.

(3) PLANNING.—Up to $100,000 of amounts available to carry out this section each fiscal year, up to a total amount not to exceed $200,000, may be provided under this subsection only to a unit of government or a political subdivision of the State of Utah for use for planning activities.

(4) MATCHING FUNDS.—Federal funding provided under this section may not exceed 50 percent of the total cost of the activity carried out with such funding, except that non-Federal matching funds are not required with respect to—

(A) planning activities carried out with assistance under paragraph (3); and

(B) use of assistance under this section for facilities located on public lands and that are owned by the Federal Government.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under this section not more than $1,000,000 annually for any fiscal year, not to exceed a total of $10,000,000.

SEC. 102. MANAGEMENT AND USE OF THE SAN RAFAEL WESTERN LEGACY DISTRICT.

(a) IN GENERAL.—The Secretary, through the Bureau of Land Management and subject to all valid existing rights, shall administer the public lands within the Western Legacy District pursuant to this Act and the applicable provisions of the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.). The Secretary shall allow such uses of the public land as the Secretary determines will further the purposes for which the Western Legacy District was established.

(b) FISH AND WILDLIFE.—Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife within the Western Legacy District.

(c) PRIVATE LANDS.—Nothing in this Act shall be construed as affecting private property rights within the Western Legacy District.

(d) PUBLIC LANDS.—Nothing in this Act shall be construed as in any way diminishing the Secretary's or the Bureau of Land Management's authorities, rights, or responsibilities for managing the public lands within the Western Legacy District.

TITLE II—SAN RAFAEL NATIONAL CONSERVATION AREA

SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL CONSERVATION AREA.

(a) PURPOSES.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the Western Legacy District and the public lands described in subsection (b), including historical, cultural, natural, recreational, scientific, archeological, paleontological, environmental, biological, wilderness, wildlife, educational, and scenic resources, there is hereby established the San Rafael National Conservation Area in the State of Utah.

(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 947,000 acres of public lands in the County of Emery, Utah, as generally depicted on the map entitled ''San Rafael Western Legacy District and National Conservation Area'' and dated _____. Notwithstanding any depiction on such map, the boundary of the Conservation Area shall be set

back 300 feet from the edge of the Interstate 70 right-of-way and 300 feet from the edge of the State Route 24 right-of-way.

(c) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to the Congress a map and legal description of the Conservation Area. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management and in the appropriate office of the Bureau of Land Management in Utah.

SEC. 202. MANAGEMENT OF THE SAN RAFAEL NATIONAL CONSERVATION AREA.

(a) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the Conservation Area in a manner that conserves, protects, and enhances its resources and values, including those resources and values specified in section 201(a), and pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law, including this Act.

(b) USES.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(c) VEHICULAR USES.—

(1) IN GENERAL.—Except where needed for administrative purposes or to respond to an emergency, and subject to paragraph (2), use of motorized vehicles in the Conservation Area shall be—

(A) prohibited at all times in areas where roads and trails did not exist as of February 2, 2000;

(B) limited to roads and trails that—

(i) existed as of February 2, 2000; and

(ii) are designated for motorized vehicle use as part of the management plan prepared pursuant to subsection (f); and

(C) managed consistent with section 8340 of title 43, Code of Federal Regulations (relating to designating public lands as open, limited, or closed to the use of off-road vehicles and establishing controls governing the use and operation of off-road vehicles in such areas).

(2) LIMITATION ON APPLICATION.—(A) Subparagraphs (A) and (B) of paragraph (1) do not limit the provision of reasonable access to private lands or State lands within the Conservation Area.

(B) Any access to private lands or State lands pursuant to subparagraph (A) of this paragraph shall be restricted to exclusive use by, respectively, the owner of the private lands or the State.

(d) WITHDRAWALS.—

(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), all Federal lands within the Conservation Area and all lands and interests therein that are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto. Nothing in this paragraph shall be construed to effect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(2) COMMUNICATION FACILITIES.—The Secretary may authorize the installation of communications facilities within the Conservation Area, but only to the extent that they are necessary for public safety purposes. Such facilities must have a minimal impact on the resources of the Conservation Area and must be consistent with the management plan established under subsection (f).

(e) HUNTING, TRAPPING, AND FISHING.—Hunting, trapping, and fishing shall be permitted within the Conservation Area in accordance with applicable laws and regulations of the United States and the State of Utah, except that the Utah Division of Wildlife Resources, or the Secretary after consultation with the Utah Division of Wildlife Resources, may issue regulations designating zones where and establishing periods when no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(f) MANAGEMENT PLAN.—Within 4 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Conservation Area. The plan shall describe the appropriate uses and management of the Conservation Area consistent with the provisions of this Act. The plan shall include, as an integral part, a comprehensive transportation plan for the lands within the Conservation Area. In preparing the transportation plan the Secretary shall conduct a complete review of all roads and trails within the Conservation Area. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the Conservation Area.

(g) STATE TRUST LANDS.—The State of Utah and the Secretary may agree to exchange Federal lands, Federal mineral interests, or payment of money for lands and mineral interests of approximately equal value that are managed by the Utah School and Institutional Trust Lands Administration and inheld within the boundaries of the Conservation Area.

(h) ACCESS.—The Bureau of Land Management, the State of Utah, and Emery County may agree to resolve section 2477 of the Revised Statutes and other access issues within the Conservation Area.

(i) WILDLIFE MANAGEMENT.—Nothing in this Act shall be deemed to diminish the responsibility and authority of the State of Utah for management of fish and wildlife within the Conservation Area.

(j) GRAZING.—Where the Secretary of the Interior currently permits grazing, such grazing shall be allowed subject to all applicable laws, regulations, and executive orders.

(k) NO BUFFER ZONES.—The Congress does not intend for the establishment of the Conservation Area to lead to the creation of protective perimeters or buffer zones around the Conservation Area. The fact that there may be activities or uses on lands outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area consistent with other applicable laws.

(l) WATER RIGHTS.—Because the available water resources in the drainage basins included in part within the exterior boundaries of the Conservation Area have already been appropriated—

(1) nothing in this Act, the management plan required by subsection (f), or any action taken pursuant thereto, shall constitute either an express or implied reservation of surface or ground water;

(2) nothing in this Act affects any valid existing water rights in existence before the date of enactment of this Act, including any water rights held by the United States; and

(3) if the United States determines that additional water resources are needed for the purposes of this Act, the United States shall work, with or through any agency that is eligible to hold instream flow water rights, to acquire such rights in accordance with Utah State water law.

(m) WILDERNESS ACTS.—Nothing in this Act alters the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as they pertain to wilderness resources within the Conservation Area. Recognizing that the designation of wilderness areas requires an Act of Congress, the Bureau of Land Management, the State of Utah, Emery County, and affected stakeholders may work toward resolving various wilderness issues within the Conservation Area.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title such sums as may be necessary.

The CHAIRMAN. The amendment printed in House Report 106–654 shall be considered read and shall not be subject to amendment or to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 106–654 offered by Mr. HANSEN:

In section 101(b), strike ''2,842,800'' and insert ''2,859,100''.

In section 101(b), strike ''dated'' and all that follows through the period and insert ''dated March 24, 2000.''.

In section 201(b), strike ''947,000'' and insert ''958,600''.

In section 201(b), strike ''dated'' and all that follows through the first period and insert ''dated March 24, 2000.''.

Mr. HANSEN. Mr. Chairman, this is a technical amendment containing the more exact acreage measurements according to the official BLM map dated March 24, 2000. According to the map dated March 24, 2000, the acreage changes are from 2,842,800 to 2,859,100. That is on page 2, line 26; and from 947,000 to 958,600 on page 7, line 15.

Mr. Chairman, this is a noncontroversial amendment. I urge my colleagues to support it.

AMENDMENT OFFERED BY MR. BOEHLERT TO THE AMENDMENT OFFERED BY MR. HANSEN

Mr. BOEHLERT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT to the amendment offered by Mr. HANSEN:

In the first amendment to section 201(b), strike ''958,600'' and insert ''1,052,800''.

In the second amendment to section 201(b), strike ''March 24, 2000'' and insert ''June 6, 2000''.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the

amendment be considered as read and printed in the RECORD.

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

There was no objection.

□ 1130

Mr. BOEHLERT. Mr. Chairman, this is an amendment that has been negotiated with the gentleman from Utah (Mr. HANSEN) and the gentleman from Utah (Mr. CANNON). The amendment would expand the boundaries of the San Rafael Conservation Area to include parts of the Factory Butte and Muddy Creek areas in Wayne County. These are areas that, appropriately, environmental groups have been most interested in protecting and so am I, and thus this amendment.

I know that some Members and outside groups would like to include even more terrain in the Conservation Area. But this is the most we can get right now without destroying the fragile coalition that reached the agreement that is embodied in this bill. There is nothing in the bill that prejudices or prevents any decision to add further territory later on.

So I urge support for this amendment, which will extend the protection of this bill to two key scenic areas. Let us make the San Rafael Conservation Area as large as we can right now for the protection of the environment and the enjoyment of all Americans.

Mr. Chairman, I urge adoption of my amendment.

Mr. HANSEN. Mr. Chairman, I rise in support of the Boehlert amendment.

Mr. Chairman, I appreciate the gentleman from New York (Mr. BOEHLERT), his excellent efforts to include these areas. Maybe this technically is out of the San Rafael Swell, but, frankly, no one really knows what the San Rafael Swell is anyway. But as far as we can tell, this expands it, rather substantially in the areas of Factory Butte, which is absolutely a fantastic beautiful monument all by itself and also Muddy Creek.

And, in my opinion, this will make the bill substantially better, and on top of that, it should negate many of the arguments that have been coming up in the last little while that we have not gone far enough. This does expand it, and I agree with the gentleman from New York (Mr. BOEHLERT), let us do it now and get it done. So I think that probably ends most of the arguments that should be brought up regarding the expansion of the San Rafael Swell. And I support the gentleman's amendment to my amendment.

Mr. CANNON. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, first, I would like to thank the gentleman from New York (Mr. BOEHLERT) for his involvement and effort on this issue. Recent negotiations regarding this bill have shown me just how committed the people of Emery County, Utah, are to the protection of this land.

Each time that we considered a change, they have gone out of their way to accommodate the proposals. In fact, a couple of weeks ago, one of our county commissioners flew out there at great expense to negotiate language changes. He then flew back to Utah to present to a neighboring county, that is Wayne County, the expansion of the boundaries of the National Conservation Area to include such areas as Factory Butte, which, by the way, is really a beautiful area.

Although the Secretary of the Interior felt comfortable with the current boundaries, Commissioner Johnson negotiated in good faith to include more land in the National Conservation Area. Even this new county, Wayne County, was willing to work with us and developed an excellent offer to expand the boundaries.

The language that Mr. BOEHLERT is offering is this compromised language, which continues, in the spirit of this bill, to accommodate all parties.

Mr. Chairman, I urge all Members to support this amendment to Mr. HANSEN's amendment.

Mr. COOK. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment of the gentleman from New York (Mr. BOEHLERT) to expand the boundaries of the San Rafael Western Legacy District. I commend my colleagues, the gentleman from Utah (Mr. HANSEN), the gentleman from Utah (Mr. CANNON), for accepting this southern boundary addition.

The underlying bill would have fragmented fragile ecosystems and excluded several wildland areas. The amendment of the gentleman from New York (Mr. BOEHLERT) will bring spectacular parts of the San Rafael Swell's southern wilderness landscape into the protection of the Western Legacy District. Places like Factory Butte, pictured behind me, and Red Desert will now be preserved for generations. More importantly, the new boundary now will make scientific and ecological sense.

Mr. Chairman, I urge my colleagues to support this amendment and protect these southern Utah wildlands; and if some additional amendments can be achieved, I can even see myself supporting the underlying bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) to the amendment offered by the gentleman from Utah (Mr. HANSEN).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment, offered by the gentleman from Utah (Mr. HANSEN), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of Colorado:

At the end of the bill, add the following new title:

TITLE III—WILDERNESS STUDY AREAS

SEC. 301. SHORT TITLE.

This title may be cited as the ''San Rafael Swell Region Wilderness Study Act of 2000''.

SEC. 302. DESIGNATION.

(a) IN GENERAL.—In order to maintain the options of Congress with regard to possible future designation of lands as wilderness, certain public lands in Utah, comprising approximately 1,054,800 acres as generally depicted on a map entitled ''Proposed Wilderness within San Rafael Swell Region'' and dated March, 2000, and as specified in subsection (b) of this section, are hereby designated as wilderness study areas.

(b) WILDERNESS STUDY AREAS.—The areas designated as wilderness study areas by subsection (a) are as follows:

(1) The lands identified as ''Sids Mountain'' and ''Eagle Canyon'' on the map referred to in subsection (a), comprising approximately 112,000 acres, which shall be known as ''Sids Mountain-Eagle Canyon Wilderness Study Area''.

(2) The lands identified as ''Mexican Mountain'' on the map referred to in subsection (a), comprising approximately 99,000 acres, which shall be known as ''Mexican Mountain Wilderness Study Area''.

(3) The lands identified as ''Muddy Creek'' on the map referred to in subsection (a), comprising approximately 235,000 acres, which shall be known as ''Muddy Creek Wilderness Study Area''.

(4) The lands identified as ''Wild Horse Mesa'' on the map referred to in subsection (a), comprising approximately 91,000 acres, which shall be known as ''Wild Horse Mesa Wilderness Study Area''.

(5) The lands identified as ''Factory Butte'' on the map referred to in subsection (a), comprising approximately 25,000 acres, which shall be known as ''Factory Butte Wilderness Study Area''.

(6) The lands identified as ''Red Desert'' and ''Capital Reef Adjacent Units'' on the map referred to in subsection (a), comprising approximately 40,000 acres, which shall be known as ''Red Desert Wilderness Study Area''.

(7) The lands identified as ''Price River-Humbug'' on the map referred to in subsection (a), comprising approximately 99,000 acres, which shall be known as ''Price River-Humbug Wilderness Study Area''.

(8) The lands identified as ''Lost Spring Wash'' on the map referred to in subsection (a), comprising approximately 35,000 acres, which shall be known as ''Lost Spring Wash Wilderness Study Area''.

(9) The lands identified as ''Mussentuchit Badlands'' on the map referred to in subsection (a), comprising approximately 25,000 acres, which shall be known as the ''Mussentuchit Badlands Wilderness Study Area''.

(10) The lands identified as ''Rock Canyon'' on the map referred to in subsection (a), comprising approximately 17,000 acres, which shall be known as ''Rock Canyon Wilderness Study Area''.

(11) The lands identified as ''Molen Reef'' on the map referred to in subsection (a), comprising approximately 33,000 acres, which shall be known as ''Molen Reef Wilderness Study Area''.

(12) The lands identified as ''Limestone Cliffs'' on the map referred to in subsection (a), comprising approximately 24,000 acres, which shall be known as ''Limestone Cliffs Wilderness Study Area''.

(13) The lands identified as ''Jones Bench'' on the map referred to in subsection (a),

comprising approximately 2,800 acres, which shall be known as ''Jones Bench Wilderness Study Area''.

(14) The lands identified as ''Hondu Country'' on the map referred to in subsection (a), comprising approximately 20,000 acres, which shall be known as ''Hondu Country Wilderness Study Area''.

(15) The lands identified as ''Devil's Canyon'' on the map referred to in subsection (a), comprising approximately 23,000 acres, which shall be known as ''Devil's Canyon Wilderness Study Area''.

(16) The lands identified as ''Upper Muddy Creek'' on the map referred to in subsection (a), comprising approximately 19,000 acres, which shall be known as ''Upper Muddy Creek Wilderness Study Area''.

(17) The lands identified as ''Cedar Mountain'' on the map referred to in subsection (a), comprising approximately 15,000 acres, which shall be known as ''Cedar Mountain Wilderness Study Area''.

(18) The lands identified as ''San Rafael Swell Reef'' on the map referred to in subsection (a), comprising approximately 105,000 acres, which shall be known as ''San Rafael Swell Reef Wilderness Study Area''.

SEC. 303. ADMINISTRATION OF WILDERNESS STUDY AREAS.

(a) IN GENERAL.—Subject to valid existing rights and to subsection (b), the Wilderness Study Areas shall be administered by the Secretary in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976, so as not to impair the suitability of such areas for preservation of wilderness until Congress determines otherwise.

(b) FURTHER ACQUISITIONS.—Any lands within the boundaries of any of the Wilderness Study Areas that are acquired by the United States after the date of the enactment of this Act shall become part of the relevant Wilderness Study Area and shall be managed in accordance with all the provisions of this Act and other laws applicable to such a Wilderness Study Area.

SEC. 304. DEFINITIONS.

As used in this title:

(1) PUBLIC LANDS.—The term ''public lands'' has the same meaning as that term has in section 103(e) of the Federal Land Policy and Management Act of 1976.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) WILDERNESS STUDY AREA.—The term ''Wilderness Study Area'' or ''Wilderness Study Areas'' means one or more of the areas specified in section 302(b).

Mr. UDALL of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, this amendment deals with the lands in the San Rafael Swell area that would be designated as wilderness by H.R. 1732, America's Red Rock Wilderness Act, introduced by our colleague, the gentleman from New York (Mr. HINCHEY). I am a cosponsor of that bill, as are 160 other Members of this body.

However, this amendment would not designate those lands as wilderness. Instead, it would require that instead they be managed as wilderness study areas.

Mr. Chairman, I am very familiar with these lands. I have walked the length and breadth of the San Rafael Swell. I have floated Muddy Creek down through the beautiful Narrows. I am convinced that these lands fully deserve and need the full protection that would come with their designation as wilderness.

So when the Committee on Resources considered this bill, I gave serious consideration to offering an amendment to provide that wilderness designation. However, I decided against offering that amendment.

I did so because of the assurance by the bill's sponsor, the gentleman from Utah (Mr. CANNON), that he intends for the bill only to defer consideration of wilderness designations in this part of Utah and not to influence one way or another the outcome of the future debate.

I have great respect for my colleague, the gentleman from Utah (Mr. CANNON). I know that he means what he says. So I decided to offer an amendment which is completely consistent with his intention, and that is what I am now offering.

This amendment is the same that I offered in the Committee on Resources. This amendment would assure that this bill is truly wilderness neutral because it would assure that the Congress would retain all its options with respect to these lands. It would do that by requiring that they be managed so they will retain their present suitability to be designated as wilderness until Congress decides in the future, not now, on that question of wilderness designation.

The amendment would also simplify and unify the management of these lands. Right now, some of them are formal wilderness study areas, others are lands that are subject to the BLM's inventory process, while others are not in either of those categories.

To be specific, the amendment will require interim protection of about 1,054,800 acres of public lands that are managed by the Bureau of Land Management. Of that total right now, about 263,000 acres are classified as formal wilderness study areas. Another 500,000 are being managed as if they were wilderness study areas, but the remaining 291,000 acres, which would be designated as wilderness under the Redrock Wilderness bill, do not even have that interim protection.

My amendment would change this. It would end the current differences in bureaucratic classification. It focuses on the most important characteristics of these lands, the things that they have in common, their wild, unspoiled character and their eminent suitability for being added to the National Wilderness Preservation System.

Mr. Chairman, by itself, this amendment will not make this a perfect bill. But by adopting this amendment, the House can assure that the bill will not prejudice the outcome of the future debate about designated wilderness in the San Rafael Swell area.

I personally think that the wilderness debate has been delayed too long. I would prefer that we were debating the question today. But for now, I can support deferring this debate about wilderness provided that in the meantime we act to prevent the wilderness characteristics of the superlative public lands from being impaired. That is the purpose of the amendment.

Mr. Chairman, it is not all that I would really like, but I think it is a reasonable and appropriate compromise. And I urge its adoption.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment. Mr. Chairman, I agree with my friend, the gentleman from Colorado (Mr. UDALL). This debate has gone on too long. In my 20 years in Congress, I think this is about the umpteenth-hundredth bill we have done on something to do regarding wilderness in Utah.

One of the problems is we cannot get people to sit down and talk about it. In fact, I have a memorandum from some extreme groups that say they will not sit down and talk about, or it could be resolved. In the State of Utah, the legislature has done its study. The governor has done a study. There has been study upon study upon study.

Finally, after all of this work and after Secretary Babbitt gets involved, we say here is a way to take one small segment of Utah and get it resolved. There will be ample opportunity for this protection group that I spoke of in my opening remarks to look at this and determine where we can put this into wilderness. But just arbitrarily say, let us put all of this in WSAs, let us not look at it, let us not go.

Most of these amendments that are coming at us people have not even seen the areas, they could not even identify it. It is as bad as the Grand Staircase Escalante, when the person who designated it put it in the wrong State. Anyway, be that as it may, we find ourselves in the situation here where this is unnecessary.

There is no reason to do this amendment at this time because there will be things coming up. Some extreme groups are claiming that this is an antiwilderness bill because it fails to designate wilderness, the very reason we are failing to designate wilderness, because we cannot get to that point. And when we can, it should be, some of it should be; I do not have any argument with that.

I do not buy into the argument that wilderness is the only thing, the only panacea that is going to solve and protect ground. In fact, I can give you actual cases where it is gotten better protection under a management plan than it does as a national monument or wilderness.

So when they buy that argument, that is very fallacious. As many Members know, the issue of wilderness in Utah is a polarized one, and Utah has become the focal point; however, that debate has gone on and on.

H.R. 3605 will finally, finally protect nearly 1 million acres of BLM lands in

central Utah. This bill will actually provide enhanced protection to over 600,000 acres of potential wilderness grounds. It is right in the bill, so why do we need this amendment?

In fact, this process has resulted in further protection already. The BLM, after working with the county, and I hope the gentleman realizes, it has been in all the papers in Utah, maybe in Colorado, recently closed OHV trails in wilderness study areas, and this will ensure that these lands remain available for wilderness protections by some future Congress when we have a chance to look at it, to digest it, to see if it fits the criteria of wilderness, which no one seems to know.

If you look at the 1964 Wilderness Act, the criteria of wilderness is untrammeled by man, as if man was there, there was no sign of man. What does that mean? I would be willing to ask my colleagues on both sides of the aisle show me a picture of this area, show me where those roads, those signs of man would be.

We do not get that. We just get these general statements of amendments. The BLM will formulate a management plan, will ensure that those lands that have wilderness qualities will be managed to protect those qualities, and that is what the Secretary is saying. That is why Molly McKusack went down, 8 months pregnant she went down there, bless her heart, and walked all over the area and saw the whole thing. This is a great lady who went to all of this work so we could come up with this piece of legislation.

H.R. 3605 mandates that. Furthermore, the legislation formally recognizes that wilderness is left to future Congresses, and that is where it should be. Congress should be the ones to act on the public lands of America. Congress should be the ones to do national monuments and to do wilderness areas. This bill will ensure that these lands are protected.

Wilderness designation is very complicated, and simply dropping legislation that ignores all the science, all the work of the BLM professionals, all of the support of Secretary Babbitt, all of the support of this administration; and let us just pass the bill today, and let us vote against the amendment of my friend, the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding, and I want to first express my great respect and affection for my colleague, the gentleman from Utah (Mr. HANSEN). I think we do see this in many ways in a similar fashion. We both agree that the Congress ought to decide the ultimate fate of these lands, and that is simply what this amendment would do. It would just say these are going to be wilderness study areas, that we will manage them in that way, so we do not preclude the option of Congress.

As you know, Mr. Chairman, if these lands are left in a state where they can be degraded in any way, then the point becomes moot as to whether they have wilderness values in 5 or 10 years; and that is all this amendment would do is make sure these lands are managed in the way that we say we want them to be managed.

Mr. HANSEN. Mr. Chairman, if I may reclaim my time and say to my friend, the gentleman from Colorado (Mr. UDALL), I would offer the gentleman and any of my colleagues on the other side of the aisle, come on out, let us look at it, let us have input in this area, if you want that input; but let us do it by that method rather than finding ourselves in a situation we arbitrarily put a wilderness designation in it. I think the gentleman should withdraw his amendment, but I say that with my tongue in my cheek, obviously.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. BOEHLERT. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT as a substitute for the amendment offered by Mr. UDALL of Colorado:

At the end of the bill add the following new title:

TITLE III—LAND MANAGEMENT

SEC. 301. PROTECTIVE STATUS.

Pending completion of the management plan required by section 202(f), the Secretary shall manage each section of the Conservation Area in a manner at least as protective of the environment as was the case on June 6, 2000.

SEC. 302. INTENT REGARDING MANAGEMENT PLAN.

The Congress does not intend for the establishment of the Conservation Area to reduce the protection of any land within the Conservation Area. The Congress expects that, in general, the management plan developed under section 202(f) will be at least as protective of the environment as were the Bureau of Land Management policies in effect as of June 6, 2000.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask that the amendment be considered as read and printed in the RECORD.

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

Mr. UDALL of Colorado. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will continue reading the amendment.

The Clerk continued reading the amendment.

□ 1145

Mr. BOEHLERT. Mr. Chairman, my amendment would ensure that the conservation area results in more, not less, protection for the land within its borders. That is the whole point of this bill, after all.

Of particular concern are the so-called 202 lands, lands that are not now wilderness study areas, but are being considered for that designation. My amendment includes two provisions to ensure that such lands and other lands outside the WSAs are strongly protected.

First, my amendment makes clear that lands within the conservation area are to be managed in at least as protective a manner as they are right now, pending completion of the management plan.

Second, my amendment clearly states Congress's intent that the management plan overall only strengthen existing land protections. We have to allow some latitude for the management plan, or there is no point in developing it. But the burden of proof will be on those who want to weaken protections for any portion of the conservation area, and the overall plan must at least maintain the current level of protection.

Mr. Chairman, I know that the gentleman from Colorado (Mr. UDALL), my friend with whom I have so often worked closely in partnership, would like to go a step further and give more land WSA status, and that may indeed be something we should do at a later date, but this bill is designed to move the ball forward without raising new wilderness issues.

My amendment should guarantee that land in the conservation area is more protected than ever before. Let me stress that. My amendment should guarantee that land in the conservation area is more protected than ever before. Let us save for another day, without prejudice, the question of how much more of that land should be WSAs or wilderness. Let us provide further protection now, without undermining the progress embodied in this bill.

Mr. Chairman, I urge support for my amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

I rise in opposition because I think that the amendment, while well intentioned, fails to recognize the battle that rages in the West over wilderness study areas. What the gentleman from Colorado (Mr. UDALL) is trying to do with his amendment is to protect many of those lands that, in fact, have been identified as having wilderness qualities eligible for wilderness study areas, but have not yet been designated. That is one of the problems that the gentleman from Washington (Mr. INSLEE) will address, because if we look at the southern edge of the boundary here, we have significant areas that have been identified in the 202 process, and that is halted and it is halted as of this day, which means, in fact, they can be managed in an area that is inconsistent with the notion that they would later be designated as a wilderness study area. That is also true on the western edge of this swell also where that is going on outside of the boundaries.

Now, why do we have to designate these wilderness study areas, which is

different than designating them as wilderness? That is a separate determination. We do that because we have to protect the environmental assets that are on the ground, in place. We know that out West there is a hard attitude in some communities against wilderness, and we know that there is constant lobbying going on in terms of claims on land, in terms of efforts to push roads into lands, into ORV policies that do not adequately protect them, and then later, those are used as evidence saying that these lands should not be wilderness because they have been degraded.

So this amendment does not really protect those lands, even those lands that have already been designated by BLM in its process that it went through of reevaluating these lands after a rather flawed process in the late 1980s and in the early 1990s.

This is not a stagnant situation. This does not just stay frozen in time because of this bill or this amendment. With all due respect, wilderness is about politics. Wilderness is about politics. It is about judgeships, it is about appointments, it is about what the administration wants and does not want. This is not child's play; this is the big leagues out West. So U.S. senators saying what they want and what they do not want in wilderness has nothing to do with the environment, and what members of delegations tell the administration, this administration and the next administration and the last administrations. It is sort of nonpartisan, if you will, in some cases, or bipartisan, because this is the struggle about the politics of local communities and of the States. If we do not adopt the Udall amendment, all of that continues and these areas are quite eligible for further degradation of those environmental values.

The gentleman from New York (Mr. BOEHLERT) is trying to upgrade that but, in fact, the amendment does not do that. That is why we need to designate these lands as wilderness study areas.

Finally, let me say, as the gentleman from Utah suggested, that this is an arbitrary amendment, that we are just slamming down wilderness study areas. The fact of the matter is much of it is as a result, or all of it is as a result of the 202 process that has been gone through and has identified these areas. This is far from arbitrary. In fact, very little about wilderness is arbitrary in the West because it has been argued for so many years and has been identified and the values have been argued back and forth. So the fact of the matter is, to provide the real protections that these areas are entitled to means that we have to reject the Boehlert amendment and pass the Udall amendment.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to acknowledge the good work that I have completed with the gentleman from New York (Mr. BOEHLERT), my friend and colleague. I do think there is a dilemma here. I think that the gentleman from New York (Mr. BOEHLERT) wants to do the right thing, he is trying to do the right thing with his amendment, but I think it is only almost the right thing, and I think that that is just not quite good enough.

The gentleman from California (Mr. MILLER) points out that the rub here is that if we allow these lands to be degraded, then they do not meet the standard of wilderness, and so our choice then, the decision that we talked about making in the future could be precluded and we would not be able to make that choice. There are half a million acres of lands that only have administrative protection under the wilderness study status, and there are another 260,000 acres of land that have no protection at this time.

So I would, with some reluctance, need to oppose this amendment from the gentleman from New York (Mr. BOEHLERT). It just does not quite get there; it only keeps the status quo in place.

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

I rise in support of the Boehlert amendment to the Udall amendment.

I would like to start by thanking the gentleman from Colorado (Mr. UDALL) who has been very active in this discussion in a way that has brought a certain collegiality, a certain friendliness to the process which I think sometimes has been missing in the past and, certainly when we get outside of these hallowed halls, it deteriorates sharply. But there are a couple of things that I would like to say to help folks here to understand what is going on here and where we are headed.

First of all, to describe half a million acres as not adequately protected because it is only protected under an administrative plan does not mean that it is not significant and major protection.

Secondly, let me tell a little story if I can to help give a sense of what this area means. A couple of years ago, I was invited to tour a facility of Intel in my district and little had I known that they ended up with 500 employees, it had grown virtually overnight and after I visited the facility, they asked me if I would like to speak for a few minutes to the employees, so I took a few minutes and talked about what was going on in Washington and then asked for questions. The first hand up was this question: What are you going to do about the Sam Rafael Swell? Not knowing exactly what I was into I said well, let me ask you all a question. How many of you have been motorbiking in the San Rafael Swell?

Now, most of these people were new move-ins from other areas, came to Utah because it is a remarkably beautiful place where they can come to work in a high-tech environment but get out and enjoy the incredible beauties of my district. As I asked that question, how many of you have been motorbiking, I looked over at that audience, and everybody in that audience was making some multiple of $75,000 a year; these are high-tech, high-paid people, and three-quarters of the hands went up.

Now, we cannot just talk in the abstract about land that people are coming from all over the world to visit, to see, and to go four-wheeling on and just say that we want a perfect wilderness bill with perfect wilderness protections when that is not going to happen, at least in the near term, and the amount of degradation that is going on by people who are not channeled into the right areas, into the areas that would probably be most interesting for them, but which would be the most robust; if you have a wash and you run down a wash on a four-wheel drive, it does not do anything. But if you have people out wandering without the right signage out there, if you do not direct people where to go and let them know what they are doing when you get them off the roads, then you are going to have massive degradation; and that has been happening today.

Now, the county and BLM have done some really dramatic things. They have changed the dynamic of how we are organizing things out there. But I urge my colleagues to remember this. In an area the size of the State of Connecticut, we have one BLM enforcement official. That man cannot possibly, without immediate, without current, without right-now help, he cannot possibly help solve the problems of the degradation that is going on. This bill immediately solves the problem. In fact, BLM and the county have already significantly reduced the ability of these people to get off in the wrong areas with signage and other things.

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

Mr. CANNON. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, a key concern that the gentleman from Colorado (Mr. UDALL) and I share is continuing the protection of the so-called 202 lands. My amendment says that the 202 areas must continue to be managed at least as strictly as they are now.

My concern about going further, as the gentleman from Colorado (Mr. UDALL) does, is that it will destroy a very delicate and very carefully crafted agreement, and we will get nothing.

Mr. CANNON. Mr. Chairman, reclaiming my time, let me just point out, and I will be happy to yield if I have further time, the current 202 process is on hold from an appropriations bill rider. This bill moves us beyond that and puts the 202 process; that is, the reinventorying of wilderness areas, back on track

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

Mr. CANNON. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I am seeking clarification from the gentleman from New York (Mr. BOEHLERT), if the gentleman from Utah (Mr. CANNON) would yield for a question.

Mr. CANNON. Mr. Chairman, I am happy to also yield to the gentleman from New York (Mr. BOEHLERT) to answer a question.

Mr. BLUMENAUER. I thank the gentleman.

Mr. Chairman, the gentleman from New York (Mr. BOEHLERT) is talking about the protection of the 202 areas. Would that not only apply to the areas within the boundary that is designated under this bill and leave off all of the other areas that would have been included under the Udall bill?

Mr. BOEHLERT. Mr. Chairman, the gentleman is correct, it would include the areas covered in this bill. It is the same as Udall, is my understanding.

Mr. BLUMENAUER. No.

Mr. CANNON. Mr. Chairman, reclaiming my time, let me point out to the gentleman that we already included an extension of the area that would include the Factory Butte and other wilderness study areas to the south of this area.

Let me just finish by saying then, Mr. Chairman, this bill goes a long, long way to take violent, strong forces and bring them together for current protection of this area, which will not happen in a more restrained environment.

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

I rise in support of the Boehlert amendment. Mr. Chairman, I really think what we have here puts in perspective that the gentleman from New York has crafted the middle ground. Here is what the bill says, here is what the gentleman from Colorado (Mr. UDALL) wants, and he has come up with a very moderate and reasonable middle ground that should solve this issue and take care of the problem.

I ask my friends from Colorado, what more do you want? We have taken out mining, we have taken out mineral leaving, we have stopped OHV from going into the area, we just expanded the area. And I keep hearing this argument, well, what about the rest of the area? Listen, I am a native of that area, I have been through that area, I have camped in that area, my dad had mining in that area. I have even looked for cows where there is no grass to feed them in that area.

□ 1200

We get down there and say, what other area are they talking about? We have covered the area. That is the whole show. That is the whole shooting match.

Now, if they want to go over to Nevada on one side, Colorado on the other side, go through those big rolling hills of sagebrush that maybe the President put in the national monument, that is fine. Go ahead and do that. We have covered the area. There is nothing more to do.

When we get down to that, let us cover the area, and the last time these gentlemen were there, tell me what they are talking about; the last time they rode in that country, rode an ATV, put a back country pilot there. There is no other area. This is the whole shooting match that we have got in this bill.

I think the gentleman from New York has come up with a fine way to handle this area. I support that amendment that he has made to the Udall amendment.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague, the gentleman from Utah, for yielding.

The gentleman asks me what I want. I appreciate all the good work that has been done. What I want is for the gentleman to support my amendment. I think it makes good sense. I want to just make the point that this is not about creating new wilderness, as my colleague, the gentleman from Utah (Mr. CANNON), might suggest. This is just about protecting these lands that are already in pristine shape in the wilderness study category.

Mr. HANSEN. Mr. Chairman, reclaiming my time, I renew my offer to my good friend from Colorado. Let us go out and spend some time and look at it. We can work with these BLM professionals. Why do we not trust these BLM guys? That is what this whole bill is about.

I feel kind of funny in this position, Mr. Chairman. The folks on the other side of the aisle are saying that to me. But I am just saying, okay, they have in good faith gone out there, they have spent hundreds of hours on it. They have shown us they are doing it right. I am willing to trust them to do it this time.

I would ask my friends on the other side of the aisle, come with us. Let us all go together and say, let us have our input into it, but let us not do it abstractly, off the top of our heads, without seeing the area, knowing the area, talking to the people. Those things are all important.

For some reason, I have the opinion that the people who live on the ground should have some say in it. I think it would make a lot of sense that they have a say in it. They are our commissioners, our Governor, our legislators. They support this legislation. I think those people are kind of important, myself. I am sure the gentleman from Colorado would agree with that.

Mr. UDALL of Colorado. I agree. My question is, are we going to walk, ride, or float?

I also would acknowledge that the local people ought to have some input in this, and I think they have. But as my colleague, the gentleman from Utah (Mr. CANNON) suggested, the West's economic structure is changing. People are coming to the West for different economic reasons. They want to have these open spaces. They want to have places in which to recreate.

I think that is the intent of my legislation, my amendment, is to keep that option open in the long term. I thank my colleague.

Mr. HANSEN. I appreciate the gentleman's comments.

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

Mr. Chairman, as a Westerner, and not the near West, like my friends, the gentlemen from Colorado and Utah, but the real West, out there in the West Coast, I have some modest sense of what goes on in wilderness areas. I have spent a little time interacting with people over the last 30 years as an elected official. I have watched the dynamic.

I would not pretend to be an expert in the wilderness areas in Utah, but I would take some exception with perhaps lumping in my friend from Colorado with people who do not quite know what they are talking about. I would venture a bet that there is nobody in this legislative body that has spent more time on foot and on watercraft going through this area than the gentleman from Colorado (Mr. UDALL). He is offering this up not as an extremist.

Again, I am concerned about the rhetoric that is sometimes employed when talking about people who are concerned about the protection of these precious resources that belong to the American people as extremist.

I am one of 160 cosponsors in this assembly of H.R. 1732, America's Red Rock Wilderness Act, which would go far beyond the amendment offered by my friend, the gentleman from Colorado. I do not think those 160 people or the vast majority of groups and organizations and media outlets that are involved in supporting it could be characterized as extremists. Indeed, I come from a western State, and I think a lot of the people would be regarded pretty much as mainstream.

Coming forward, I am supporting the Udall amendment and against my good friend, the gentleman from New York. Often I find I am on the same side on issues of protecting wilderness values. But the question that I posed to him in terms of what would be protected in terms of those 202 lands, it is clear if we look at the map that what the Boehlert amendment would do would be to extend it to the portion that is in the bill itself.

The Udall amendment would go far beyond that to deal not with a political fix that makes sense in terms of the local politics in Utah, in terms of county boundaries and where roads are. But looking at it from satellite, looking at it in terms of an ecosystem, the Udall amendment would provide wilderness study. It would not designate it as wilderness, but it would require that we

get on with the study, and it would reserve to this Congress the ability of making a wilderness designation, if that is what is warranted, over the whole area, and not having degraded it in the time being.

These are areas that are under assault. I am sure that my friend, the gentleman from New York (Mr. BOEHLERT), would not like to see this area eroded away, that we would have an arbitrary fracture of the whole wilderness potential area; have damage, have people establish in their mind that it is severable, when in fact I think he would agree, based on his environmental orientation, that it is not.

I have great sympathy for the problems of people who are in small States where these are very inflamed and sensitive issues. I know there are strong cross-currents. We need to respect them. There has been lots of opportunity in Utah, and that will continue.

I respect what my colleagues from the Utah delegation have done, and Secretary Babbitt. But I think we ought not to foreclose the opportunity of doing this right by adopting the Boehlert amendment and undercutting what the gentleman from Colorado (Mr. UDALL) is trying to do, protect the options of this Congress and protect the future of that area.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague from Oregon for yielding to me.

Just to set the record straight, my colleague, the gentleman from New York (Mr. BOEHLERT), who is trying to do the right thing, and he is almost right but I think we need to do more, if we look at his amendment, it would leave out the following areas: The limestone cliffs, Jones Bench Rock Canyon, Molan Reef, Eagle Canyon, and the red desert and others.

This is about wilderness study areas, not about creating wilderness. This is about maintaining areas in the wilderness study category so Congress can make those decisions when we deem fit.

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

Mr. BLUMENAUER. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding. I have a high regard for the gentleman, as he well knows.

We are not foreclosing any options. We are saying, very simply, we are making it clear that lands within the conservation area are to be managed in at least as protective a manner as they are right now. Secondly, we are stating clearly Congress' intent that the management plan overall only strengthen existing land protections.

This can be revisited later. We may well be on the same page when we do so.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. BLUMENAUER) has expired.

(By unanimous consent, Mr. BLUMENAUER was allowed to proceed for 2 additional minutes.)

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

Mr. BLUMENAUER. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I have completed my thoughts, but I just want stress to one and all that this is a very fragile, carefully crafted agreement which has been signed onto by the Secretary of the Interior, with whom we have been in touch just this morning.

We are not foreclosing any options. Once again, we have worked so well in the past, and I look forward to working continually in the future as well. We are not foreclosing any options. We may revisit this and say we have to do more, but let us not put at risk this carefully crafted compromise. I thank the gentleman.

Mr. BLUMENAUER. Reclaiming my final minute, Mr. Chairman, the area that I take exception to what the gentleman is talking about is two-fold.

One is that it leaves out areas that have already been studied and virtually all rational people agree have wilderness characteristics. They are sensitive areas. His amendment would undercut what my colleague from Colorado is attempting to do.

Second, these are areas that are in fact under assault. These are areas where there are extreme pressures, where there is growing use of recreation vehicles. It is extraordinarily destructive, in the public mindset. With all due respect, I do think there are problems. That is why I do not want to settle for the limited vision that is so uncharacteristic of my friend, the gentleman from New York.

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

Mr. Chairman, I would like to thank the gentleman from Colorado (Mr. UDALL) for addressing this important issue. I rise in opposition to the Boehlert amendment, and to offer support for the underlying Udall amendment.

I urge all my colleagues to support this amendment. This is a commonsense approach to ensure that we do not have wilderness destruction by default. Like the gentleman from Colorado (Mr. UDALL) and many others, I believe that the entire area deserves the greatest protection we can offer.

In a sense, I am from the West. I represent part of western New Jersey. I want to make the point that this is a national treasure that people in my district, as well as in the district of the gentleman from Oregon (Mr. BLUMENAUER), as well as in the district of the gentleman from Colorado (Mr. UDALL), as well as in the district of the gentleman from New York (Mr. BOEHLERT), value strongly.

H.R. 3605 does not provide the protection this area needs. Like many, like the gentleman from Colorado (Mr. UDALL) and many others, I, too, am a cosponsor of H.R. 1732, America's Red Rock Wilderness Act. I believe it is only prudent to add the lands in the San Rafael Swell to those areas designated in this act as wilderness study areas.

I believe that by making all the lands in this region wilderness study areas, we can be certain that this land will be protected until Congress makes a permanent decision on classification. This amendment would preserve the land and preserve our options.

This amendment thoughtfully addresses the inadequacies of H.R. 3605. I know no one who understands this issue better than the gentleman from Colorado (Mr. UDALL), and I rise in support for his amendment. I urge all Members to support this reasonable compromise.

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

Mr. Chairman, this is an issue of profound importance to me. I actually grew up in the Slick Rock country of southwestern Colorado, a little tiny place called Fruita. There is also a Fruita, Utah, which I know well. I went to the University of Utah for undergraduate school, and the University of Wyoming for graduate school.

I respect very much the efforts of my colleagues on both sides of the aisle today to try to resolve what is admittedly a complex and difficult issue. But I feel the need to put it into context.

As we talk here on the floor of the House and as we look, if we walk back and forth from our offices with the cacaphony of noise, cars, taxis, whatnot, in southern Utah today there is profound silence. The areas we are talking about have a silence which most Americans cannot imagine. It is a silence that is breathtaking, a silence that is awe-inspiring, a silence which must be preserved.

When we take someone, as I have on several occasions, for hikes there, they are profoundly moved, moved in ways that we cannot describe in the debate on the floor, moved in ways that we cannot put in words in the language of legislation, but moved in ways which we must protect and preserve, because they touch at the very heart of our souls. They touch at the heart of our being. They touch at the heart of what is great about America.

This legislation we are talking about, the Udall amendment, is designed to do fundamentally this: to preserve that option for current generations, and to study ways in which it can be preserved for future generations.

The other thing that is happening in southern Utah today, even as we speak, is that ORVs and other activities are, in some cases willfully, in some cases inadvertently, intruding upon areas that by rights, by qualifications, should be designated as wilderness. We need to stop that.

There are places, Mr. Chairman, where we are not allowed to tread, because to tread on something would be to tread on sacred ground. To intrude

the noise and the destruction that currently is happening in parts of this wilderness area or potential wilderness area should not be allowed.

□ 1215

I rise in strong support of the amendment offered by the gentleman from Colorado (Mr. UDALL). I would like to take every Member of this body on a 3- or 4- or 5-day trip to understand what happens, how transformational it is to go to those lands. Not everybody here can do that, but I would invite them to do that. And I strongly urge support for the Udall amendment.

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

Mr. BAIRD. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I would like to thank the gentleman for his moving description of my district. It is truly a wonderful breathtaking area, and we invite all of our colleagues and everyone in America to visit and to enjoy the experiences that the gentleman has obviously had there.

Let me add that one of the deep concerns that I have here is that we do have uncontrolled and destructive off-highway vehicle use. I believe that if this body supports the Udall amendment, that this bill will not go forward, that destruction will continue, and we will not have even the opportunity to currently solve the growing problem that we have today.

So sharing the gentleman's views and his sincere desire to see this continue, I suggest, is the best reason for opposing the Udall amendment.

Mr. BAIRD. Mr. Chairman, reclaiming my time, I appreciate the comments of the gentleman from Utah (Mr. CANNON). My concern is this: I appreciate the sincere effort to reduce the damage to the existing areas, but there are, however, very precious and unique lands that are currently left out of this legislation and that the amendment offered by the gentleman from Colorado (Mr. UDALL) would address.

My fear is we do not address that. And my other fear, as I understand the legislation proposed, is it would manage areas at current management levels, but not at more potentially restrictive designations.

Mr. Chairman, I think we need to make sure that two things happen: we restrain and restrict and stop the destruction currently caused by ORVs in the existing and proposed areas and that we expand those areas recognized for their unique features.

It is indeed the area that the gentleman represents, and I respect that very much. But it is also an area cherished and regarded by the entire country as a unique national resource. That is why we are here today to speak on their behalf, the U.S. Congress speaking on behalf of that.

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

Mr. Chairman, I support the amendment offered by the gentleman from New York (Mr. BOEHLERT). The Members from the other side of the aisle from the West who have described in most eloquent terms the areas of silence, the areas that truly still represent the pristine nature of the mechanics of creation under which they have evolved for so many millions of years, are correct in their assessment to protect these lands that are public lands.

The gentleman from Utah (Mr. CANNON) feels, and correctly so, that if the amendment is offered and then is passed, it is likely that the bill will not pass and then the difficulty of trying to restore many of these beautiful areas, some of which are designated wilderness, many of which are not managed in that way but could be managed in that way, will not prevail.

So in this interim step, we are moving in the direction, I believe, and certainly will work in that direction, for the preservation of much, if not most, if not all of this beautiful pristine area of Utah.

Now, I have never been to Utah, but I lived in a designated wilderness area of northern Idaho in the Bitter Root Mountains. We lived, my family, in a little cabin on top of the mountains in a designated wilderness area the size of Massachusetts. Our nearest neighbor we could not see from the highest mountain because they were well on the other side of the horizon. So our respect for this magnificent land and restoring and keeping it in this pristine state is something that I think we all can work diligently for.

Mr. Chairman, I am from the State of Maryland; and we do not have any designated wilderness study areas, except for a tiny little place called Assateague Island on the Atlantic Ocean. But every place else in Maryland, if we read the letter of the law, would not be suitable for a designated study area. Yet I think most of us know if we set aside a little land, and I have seen it happen by State law, if we set aside a little land, nature will come in and that silence will come back, only broken by the occasional migrating song bird or the yipping of a fox or a coyote or a bald eagle.

So in the interim of the designation of this as designated wilderness land, I think the gentleman from New York (Mr. BOEHLERT) has the bridge which we can construct, and we can cross it later on.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for his remarks, and he has been a wonderful supporter of the environment. This is different than the process that he might be familiar with, as the gentleman said, in Maryland or even in many parts of California any longer.

The threshold for wilderness is very, very high. That is why we go through extensive studies.

Mr. GILCHREST. Mr. Chairman, reclaiming my time for a second, I would like to work on legislation to change the threshold of the requirements to designate something wilderness. The gentleman from Utah (Mr. HANSEN) had an eastern wilderness bill that was percolating through legislation that would have designated certain areas east of whatever meridian it was, east of the Mississippi River, which I actually supported, which would have changed the classification for what could be designated as wilderness, because there were many areas in the east that would not meet that classification. I would like to see it change.

Mr. GEORGE MILLER of California. Mr. Chairman, if the gentleman would continue to yield, I would invite the gentleman to read the Wilderness Act, because that threshold is quite properly set, because we cannot achieve the quality that the gentleman from Washington (Mr. BAIRD) talked about, and others have experienced, by simply changing designations.

It is about a place. It is about the quality of the place. It is about a place that is untrammeled. And that is why, as we go through these areas in Utah or California or anywhere else and we look at them, they are taken in consideration with their surroundings. So if ORVs have gone crazy in the meantime, or people have punched in roads, or mining claims have been established, they are not qualified for wilderness because we cannot achieve the qualities in the Wilderness Act.

As the West continues to fill up with people at the rate that it is, the preservation of these qualities is more and more difficult. I am not lecturing the gentleman, because the gentleman appreciates this. But my point is that the Boehlert amendment does not go to these areas that were cut out by an arbitrary county line and so we start to lose those qualities here, and they impact on the wilderness study areas on the other side of the line. That is the tragedy of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from Colorado (Mr. UDALL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) will be postponed.

The point of no quorum is considered withdrawn.

Are there other amendments?

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 7, strike lines 14 through 22 and insert the following: ''(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 1,288,570 acres of land in the State of Utah, as generally depicted on the map prepared by the Bureau of Land Management entitled ''San Rafael Western Legacy District and National Conservation Area'' and dated March 28, 2000.''

POINT OF ORDER

Mr. HANSEN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HANSEN. Mr. Chairman, the amendment is not in proper form, because it is drafted as an amendment to the wrong page and line of the bill.

The CHAIRMAN. The gentleman from Washington (Mr. INSLEE) has placed a corrected form at the desk, and the Chair would ask the Clerk to report the corrected form.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 7, strike lines 19 through 22 and insert the following:

''(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 1,288,570 acres of land in the State of Utah, as generally depicted on the map prepared by the Bureau of Land Management entitled ''San Rafael Western Legacy District and National Conservation Area'' and dated March 28, 2000.''.

Mr. INSLEE. Mr. Chairman, I appreciate the gentleman's correction. We appreciate that. We also appreciate the interest of the gentleman from Utah (Mr. HANSEN) in this bill and his sincere effort to move forward in this regard, as well as the interest of the Secretary of the Interior.

Mr. Chairman, our amendment is necessitated by the simple fact that the bill as currently written falls considerably short of protecting the San Rafael Swell in its entirety. What our amendment would do, which is widely supported by those who are interested in the Red Rock area of this wonderful State, would essentially add about 14 percent of the San Rafael Swell that is not currently protected by the legislation.

Mr. Chairman, I think any of us who are familiar with this area would conclude that these hundreds of thousands of acres which we have not proposed to be protected in this bill need to be protected both because of their scenic splendor, and because of their virtue of silence and their ecosystem protection for various endangered and threatened species who live in the area.

Let me address those issues if I may, Mr. Chairman. Basically, what happened to create the imperfection in this bill as it currently is situated is that the drafters, in attempting in good faith to obtain consensus, have drawn a boundary of the San Rafael Swell created by man with political boundaries and sometimes by small roads, rather than on the Creator's boundaries, the way the Creator made this land and these incredible rock formations.

In that regard, boundaries as currently drawn would cut off a significant portion of the area which is so scenic and so important to the ecosystem in this area. Those include a number, and I want to talk about some of those areas because they are incredibly scenic. Those are the Eagle Canyon area, which is perhaps closest to the populated area in Utah; the Rock Canyon area; the Molen Reef area; the Limestone Cliffs area. Let me address why some of these areas are important.

Let me address this Limestone Cliffs area. This is an area which is essentially a conduit for elk, deer, a number of wonderful critters when they go between the lower elevations and the higher elevations. If we do not protect these areas, we will not have done justice to the basic thrust of this bill.

There is an area here too that I just cannot fail to mention. There is an area that would be protected under our amendment called the Mussentuchit Badlands, and I think that is the proper language that we ought to think about it. Because ''mustn't touch it'' should be the approach that this Congress takes to not allow development or spoiling of that area. It is an incredibly beautiful area. Those who have been there know, this is sedimentary rock, this Red Rock Canyon area. In this Mussentuchit Badlands, there are fins, vertical layers of igneous rock that come shooting up out of this sedimentary rock that are really spectacular.

Why is that not protected in the bill? Why did the drafters not include Mussentuchit Badlands? The reason is sort of an artifact of political boundaries. Frankly, if we are going to protect this area, we have got to protect it the way the Creator made it, not due to political boundaries.

The Limestone Cliffs area I addressed happened to be west of a boundary line of a particular county. It is in Sevier County. Now, why we should exclude an area simply because it is over a county line? I do not think that comports with the basic thrust of this bill, which is to protect wild areas, to protect scenic areas, and to protect these ecosystems.

□ 1230

I will tell my colleagues, the deer and the other animals who reside in this area do not respect these county lines. When we develop a boundary for a conservation area, we should not draw these boundaries the way man has on the map but the way they are created and laid out on the ground.

Let me address, if I can, a basic, perhaps, argument here today between some who suggest that, I guess, if one does not live in Utah, one does not have enough sensitivity or care or knowledge of this land. I do not purport to have the knowledge of the representatives of Utah about this land.

But what I would say is, when it comes to Federal land, when the good people of Utah come to Mt. Rainier in Washington, my home State, they take back a piece of Mt. Rainier back to Utah. It is something they never forget. It is the same of the people I represent. When my software engineers go down and hike the Red Rock Canyons, they take a piece of Utah back with them that is right here as much as in Utah.

We will respect our constituents nationwide if we adopt this amendment and fully protect this incredible area.

Mr. HANSEN. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, let me respectfully point out, and let us go back just a little half hour ago when we had the gentleman from New York (Mr. BOEHLERT) cure the county line problem. This is not in Emery County. We are not following county lines. So now it goes into Wayne County.

I thought we solved this problem on expansion because we took in the most beautiful areas. We took in that bottom part of Muddy Creek. We took in Factory Butte. That was done. So we have already cured that problem, if I may respectfully say to the gentleman from Washington (Mr. INSLEE).

Let me also point out one other thing. Who drew these lines? These lines were drawn by the Secretary of the Interior. Who is to say what is beauty to the eye out there? I find it interesting that folks keep standing up and saying it is not in the swell. Well, what is the swell? Will somebody please define that? Now, the local folks have defined it. The BLM has defined it. The Secretary has defined it. The State of Utah has defined it. All of a sudden, we are finding new definitions.

Now, we get one that expands off to the west. Now, what is in that western area? That western area, I know some groups would like to include it; and in many of their proposals through the last 20 years, they have included that.

But let us go back to the idea of saying, well, what is the definition of wilderness, which I think we are getting at here. The definition and what fell out of the definition is no roads, no sign of man, man was never there.

Now, let me point out, the area that the gentleman is talking about has gypsum mines in it, a whole bunch of them in there that people mine, are currently doing that. The area the gentleman is talking about has roads through it. Not only are they just two tracks that we often debate on this floor, they are county roads that are graded and have got regulatory signs on them. What we are talking about is there are communities in that area. I mean, this just does not fit. It does not fit the definition.

So I have great respect for the gentleman's argument. But as far as I am concerned, why did we go to all this work? Why is it BLM agreed on this? Why is it the Secretary agreed on this? They are not apt to give away grounds of the West. I have never seen this Secretary do that. If anything, he even expands them.

So, in my mind, I have no problem with the intent of the gentleman. But

let me respectfully say that this does not fit the area. Let us go back to what BLM did. Let us go back to the professionals. Let us go back to the definition of words. Let us not put an area that does not fit, does not add anything to the swell at all, it would really be detrimental to it, and it would hurt the industry in that area and hurt the communities and hurt the employment. Therefore, I respectfully would oppose the gentleman's amendment.

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

Mr. HANSEN. I am happy to yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I just want to make sure there is no confusion because my understanding is the amendment of the gentleman from New York (Mr. BOEHLERT) added certain lands south of this particular county. However, it did not add areas that were subject to wilderness potential study and certainly which we believe is within this swell area in Sevier County. I am speaking specifically of the Limestone Cliffs area.

Now, I just want to make sure that we understand the amendment of the gentleman from Washington (Mr. BOEHLERT). This is our understanding on this side. I just ask the gentleman from Utah (Mr. HANSEN) to clarify that.

Mr. HANSEN. Mr. Speaker, I apologize if I misinterpreted the gentleman's earlier comments when he talked about where we were following county lines. The gentleman from New York (Mr. BOEHLERT) went right through a county line with the agreement of people and went into Wayne County. Now the gentleman talks about Sevier County that is to the west, and that is where our argument comes down. We say it does not qualify. It hardly qualifies.

But if I may respectfully say so, some of those organizations that some folks are looking at what they have come up with, in looking in the last 20 years, some of them go right over the top of everything but an interstate, right over little cities, right over other areas.

I think this one, and I really wish the gentleman from Washington (Mr. INSLEE) would come out with me and look at it, because I would sure like to show him a few of the people out there who live on that area, who mine that area, who live there, who have school buses go up and down it. I do not think we want to hurt those folks.

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

Mr. HANSEN. I am happy to yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, if I might just say, my district, as I pointed out a little earlier, has really remarkably beautiful areas. The area the gentleman is talking about in Sevier County is actually a pretty nice area, but it is a long way away of what we are trying to deal with here. What we are trying to do is establish a process so we can, in fact, integrate all of the facets of public land management into one bill.

So I oppose the current amendment on the basis that it goes way beyond what makes sense on the ground and does not add anything to the Boehlert amendment, which actually does bring this all together and in an integrated fashion.

Mr. HANSEN. Mr. Chairman, reclaiming my time, let me just say the Boehlert amendment very logically went into an area that is absolutely gorgeous. The gentleman from Utah (Mr. COOK) put up a picture showing one of the prettiest areas in southern Utah. It is a well thought out, well crafted amendment, and something we should all go with. I am glad to see we agreed on that. I am glad to see the two counties agreed on that. That took a long time to get those folks to the table.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of the Inslee amendment because I think, absent the Inslee amendment, we do not have the kind of package here that is necessary.

The Boehlert amendment does not fully protect the lands to the south. In fact, some of the wilderness areas are, in fact, split by that amendment.

The point here between the Udall amendment and the Inslee amendment is to, in fact, provide the kind of protection that is necessary to maintain the potential wilderness qualities of these areas by designating them as wilderness study areas and expanding the boundary.

I appreciate apparently mining is okay, good enough for the wilderness areas inside the boundary study areas, but it is not good enough for the areas outside the study. Let us be consistent here. I would prefer we did not have mines in either one of them. The fact it exists, and that is why it is a study area to see whether or not it can meet the definition of wilderness.

Wilderness is not something that we go back and we create. Wilderness either exists or it does not exist, and we designate it. We do not create it. It was created by the creator, if you will, at this point. The question is whether or not we have the ability to recognize it and to protect it.

As I said, it is a difficult and a tough threshold. If one would read the definition of wilderness, in contrast to those areas where man and his own works dominate the landscape is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor and does not remain, and it goes on with the characteristics. These areas are tougher and tougher to find.

The gentleman from Utah raises a number of concerns that we obviously have as we look at these wilderness areas, as a number of them probably will not qualify. Although that particular area may have great environmental value, but when put into this definition, it may in fact not qualify because of preexisting activities that are there.

That is why the current protection is so important because those activities will continue on. They continue on with a lesser level of protection, and then that is used as evidence to suggest why that area cannot be designated as wilderness because it is already fully trammeled by man. It is fully under restraints because of the activities of man. The gentleman from New Jersey (Mr. HOLT) is going to address one of those issues.

We now see we have wilderness study areas under the bill that has preserved routes for ORV vehicles that run right through the middle of the wilderness study areas. So rather than even try to repair those areas, that is what happens, it becomes a process of boot strapping. This become a process of boot strapping in the West where a trail becomes a road, and a road becomes an impediment to wilderness.

That is why these amendments are necessary. That is why the Boehlert amendment offered as a substitute to the amendment offered by the gentleman from Colorado (Mr. UDALL) does not go far enough, and the boundary change is important so that these lands will be brought in under this protection. We will not continue this process of arbitrarily drawing these boundaries based upon roads, based upon political subdivisions.

So, in fact, what we have here, and I would hope that my colleagues would pay attention to it, is a package of amendments that really, really protect this area in a manner in which it is entitled to. Between the Udall amendment, the Inslee amendment, and the Holt amendment, we, in fact, provide the kind of protection that, unfortunately, the BLM has not provided in the past and has been called to task for that. But in one case in the bill, we find ourselves reaffirming bad decisions they made by preserving those ORV routes.

I appreciate the Secretary's involvement. I think the Secretary with all due respect made a bad deal here, made a bad deal. He made a bad deal in the Federal Reserve water rights. He made a bad deal in the protection of wilderness study areas. He made a bad deal on the ORVs.

That is why the Congress of the United States is involved in this process. We can correct some of that, and we can provide the kinds of protections.

So I would hope that people would support the Inslee amendment.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my colleagues for this opportunity to discuss the protection of the San Rafael Swell region of southern Utah.

I want to turn the subject of the discussion to wilderness. I believe that we have not done enough to protect wilderness in the country. It is, in fact, a

diminishing resource especially in the San Rafael Swell region, which contains jagged cliff faces, narrow slot canyons, hidden valleys that swell 1,500 feet above the surrounding desert, there is much more that we need to do in terms of protecting these areas.

As the sponsor of H.R. 1732, which is known as America's Red Rock Wilderness Act, I have a keen interest in today's debate on this bill, H.R. 3605, and the amendments that are being presented to it.

There are over 1 million acres of wilderness quality public lands in 20 units in the San Rafael region that have been recognized by my legislation, and this includes places that are arbitrarily outside the boundaries of H.R. 3605, places including Factory Butte, Jones Bench, Limestone Cliffs, Red Desert, Rock Canyon, and Eagle Canyon that deserve to be protected as wilderness and are not protected in this bill. In fact, they would be discarded under this bill.

There are 163 cosponsors of America's Red Rock Wilderness Act who support wilderness designation for these nationally significant areas that are public lands owned by all Americans.

While 80 percent of the lands in H.R. 3065 are slated for wilderness protection by America's Red Rock Wilderness Act, there is no mention of protecting the wilderness qualities in these lands in the bill of the gentleman from Utah (Mr. CANNON). I see that and I hope others will see it, as they should, as a fatal flaw, a fatal shortcoming. Not only does it fail to protect these wild areas, but it will directly contribute to their further abuse and degradation.

I have an amendment that I was going to offer which would designate the million plus acres of wilderness quality lands in the swell region as wilderness. These wild places deserve the protection that America's Red Rock Wilderness Act would confer upon them. But instead of offering this amendment, I am willing to make the bill wilderness neutral by not offering it.

While the proponents of the present bill say that their intent is to make this bill wilderness neutral, they know and I know that that is simply not the case. This bill that we have before us, H.R. 3605, is anti-wilderness. It is anti-wilderness because it would continue the abuse of these lands, and its arbitrary boundaries divide or exclude several proposed wilderness areas.

The chief local proponent of H.R. 3605 has said that this bill ''is a way of getting around wilderness,'' meaning pass this bill and then we never have to consider the wilderness question for the San Rafael Swell region again. If the House passes this bill, it could become a model of how to undercut both of this protection for our public lands.

So I am asking the House to reject the bill, to pass the amendment of the gentleman from Washington (Mr. INSLEE), pass the amendment of the gentleman from Colorado (Mr. UDALL). These are constructive amendments which will give us an opportunity to understand these regions better than we do. Let us keep them in study as the Udall amendment, for example, would propose.

The Udall amendment, the Inslee amendment make constructive contributions to the national debate about how to protect America's wild lands. The bill that we have before us, H.R. 3605, would, in effect, end that debate. It would end that debate by precluding the opportunity to include vast regions of the San Rafael Swell area particularly from any further consideration or inclusion in the wilderness category.

□ 1245

It would preclude further debate that would allow us the opportunity to protect those lands which so greatly deserve protection and, in fact, now need protection and will need it even more so if they are to succumb to the assault that would be inflicted upon them if 3605 were ever to become law.

We have the opportunity here to make this a much better proposition. Let us pass the Inslee amendment; let us pass the Udall amendment and thereby make this a much more effective bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield for a point of clarification?

Mr. HINCHEY. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, the gentleman quoted someone as saying this bill is a way to get around wilderness. Let me clarify what I think the intent of that quote was.

The issue is not to avoid or get around wilderness but to get beyond the debate which has stagnated, which is not moving forward, and which is leaving these lands subject to the degradation that I think we are all concerned about here. It is not a matter of getting around wilderness or around the gentleman's bill; it is a matter of getting around the problem of not improving the area.

Mr. HINCHEY. Reclaiming my time, Mr. Chairman, I would like to respond to the gentleman's comment, which I think is a very important one. The fact of the matter is passing the bill would preclude debate on wilderness for those regions; passing the bill would obviate the ability to protect those areas.

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

Mr. Chairman, I wanted to rise in support of the Inslee amendment, and talk specifically for a minute about the Muddy Creek area. I have had the opportunity to float Muddy Creek, which runs out of Emery County and down into Wayne County. I appeal to my friends from Utah and say that I think this would be a great reason to include the Inslee amendment because those lands would be protected.

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

Mr. UDALL of Colorado. I yield to the gentleman from Utah.

Mr. HANSEN. I think we have already included Muddy Creek in the first amendment.

Mr. UDALL of Colorado. Reclaiming my time, Mr. Chairman, that is excellent news; and I appreciate the chairman for working with me, as I had appealed to him in previous colloquy. We would like to get all of the watershed.

But I wanted again to make the point that we are talking about in the Inslee amendment taking into account the natural features, the geographic features, of this beautiful area; and I think that is the important point that we ought to acknowledge in the Inslee amendment.

My colleagues may remember John Wesley Powell, the first head of the geologic survey, the one-armed Civil War veteran who first ran the Grand Canyon, suggested we organize the West on a watershed basis. Had we had the vision to do that, I think we would have a much easier time of managing our precious water resources in the West.

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

Mr. UDALL of Colorado. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I thank the gentleman for yielding to me.

Many of my colleagues have graciously invited me and others to come see this incredible property, and we want to come. This is just a picture of one area. This is a picture of the Jones Bench, which is an area that is not protected under the existing proposal but would be evaluated and protected under the Inslee amendment.

Let me say sincerely and graciously that the reason for this amendment is to make sure that Jones Bench is there in its current position by the time I get there. And this amendment would simply say we are going to honor the gentleman's invitation, but we would like him to keep the place the way it is before we get there to evaluate the inclusion of this for wilderness status.

Let me make sure people understand this, too, because perhaps there is some confusion. The area of Jones Bench is in Sevier County, not Emery County. It is in Sevier County. And because it is in Sevier County, and because it is on the wrong side of another little road somebody put in somewhere, by man not the Creator, we in the existing proposal would not protect it. And I think the proposition we are testing in Congress today is how are we going to decide what is worthy of protection. Are we going to decide just based on county lines and where man created roads, or are we going to give respect to the Creator and decide it where the Creator put the red rock?

I stand here to say we ought to respect the Creator's handiwork and draw these boundary lines on the basis of where the Creator put these ecosystems and this red rock. If we do not do this, my colleagues, I will not be

able, because of the pressure down in this neck of the woods is tremendous in these areas, I believe we may not be able to honor the gentleman's invitation if we do not include this amendment. And I respectfully urge my colleagues to join us in adding about 14 percent to this amendment to include the Creator's handiwork.

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

Mr. UDALL of Colorado. I yield to the gentleman from Utah.

Mr. HANSEN. I appreciate the gentleman yielding to me, and I wanted to respond to the gentleman from Washington, if I may, about his saying that would not be protected. The gentleman realizes that is 10 miles from the boundary of the Swell. So we have a whole bunch of protection in between there.

Now, let me add one other thing. The gentleman has a little problem there because it is protected now. It is called management plan which protects that area. So that area the gentleman is worried about, when he comes to see it, which we would love to have him do, it already has a pretty heavy restriction on what is protected and what is not.

It is interesting to note that BLM, Forest Service, Park Service, even Reclamation has management plans that somewhat protect areas more than wilderness does. A classic example of that is the Grand Staircase Escalante, which is protected more under the management plan than it is under the national monument. But people think that makes them happy, and I guess that is what counts.

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

Mr. UDALL of Colorado. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding. I want to make sure I understand and all my colleagues here understand what is at stake.

Is it not true that what we are talking about is whether this protective area will include land that falls within natural boundaries that otherwise would not be included because they are on the other side of an arbitrary east-west latitudinal county line?

The CHAIRMAN. The time of the gentleman from Colorado (Mr. UDALL) has expired.

(By unanimous consent, Mr. UDALL of Colorado was allowed to proceed for 2 additional minutes.)

Mr. UDALL of Colorado. Mr. Chairman, I will continue to yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. So I want to make sure my understanding is correct: it is whether we include land that happens to be on the other side of an arbitrary east-west latitudinal county line.

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

Mr. UDALL of Colorado. I yield to the gentleman from Washington.

Mr. INSLEE. If I may be heard in answer to that question, Mr. Chairman, there are two artificial human lines that prevent protection of this resource and others like it. One is a county line, a human-drawn boundary; and the second is some small roads up farther north. Both of these are human-drawn boundaries.

The point we are making with our amendment is that those political decisions, that political history, should not be respected as much as the Creator's handiwork. And by the way, if there is any question about the Swell, I advise my colleagues that there are some great geological texts that clearly define this area and others as within the San Rafael Swell.

And I want to address this Muddy Creek, if I can, because I know it is a favorite of the gentleman from Colorado (Mr. UDALL). Without the Inslee amendment, we do not, repeat, we do not protect the entire watershed of Muddy Creek.

The one thing I know about arteries in our body is if we cut it off in one place it does not make it any good if we protect the other 98 percent. We do not protect a significant percentage of the Muddy Creek watershed. And if we had gone back and redrawn the history of the West, we certainly would have protected watersheds rather than north-south lines and meridians. We would have protected watersheds.

Now is the chance, today, for the U.S. Congress to start a new direction when we decide how we protect the West. Today we can decide to protect watersheds rather than historical documents that some surveyor punched a straight line through Utah on. And I think that is an advance for the U.S. Congress, and I hope that we will make it.

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

Mr. UDALL of Colorado. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I think the gentleman from New Jersey (Mr. HOLT) asked a question, and I would like to answer it in a different way.

The little roads up to the north is actually a 2-lane highway.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. UDALL) has expired.

(On request of Mr. CANNON, and by unanimous consent, Mr. UDALL of Colorado was allowed to proceed for 30 additional seconds.)

Mr. UDALL of Colorado. Mr. Chairman, I will continue to yield to the gentleman from Utah (Mr. CANNON).

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

So as I was saying, there is a 2-lane highway that divides this area. And in addition to that, it is 10 miles and more distant from the outer edge of what people normally call the Swell.

We can use definitions all day long, but if the gentleman travels the area it is obvious. And again I invite everyone in Congress and across America to visit my district. There are many, many places worthy of protection and designation. But we are dealing with the Swell here; and this is an area that truly is geographically, esthetically, and dramatically different and separate from the area we are dealing with in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from Washington (Mr. INSLEE) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOLT:

Strike section 202(b) and insert the following:

(b) USES.—

(1) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(2) MOTORIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency—

(A) no motorized vehicles shall be permitted in any wilderness study area or other roadless area within the Conservation Area; and

(B) use of motorized vehicles on other lands within the Conservation Area shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan prepared pursuant to subjection (f).

Mr. HOLT. Mr. Chairman, I rise to offer an amendment that will significantly improve the protections provided to the San Rafael Swell under H.R. 3605, and I want to thank the gentleman from Minnesota (Mr. VENTO), who initiated this work and who would like to be here today to advocate it.

I also want to thank the gentleman from California (Mr. GEORGE MILLER) for his work as a champion of environmental protection and conservation, not just on this issue.

The San Rafael Western Legacy District and National Conservation Act utilizes a never-before-used so-called legacy district designation to protect the San Rafael Swell in eastern Utah. However, this legislation falls far short of providing the resource protections that the San Rafael region so richly deserves.

The chief environmental threat, the chief environmental threat to these lands is off-road vehicles. This abuse of ORVs in Utah has exploded over the past 10 to 15 years; and as a result, ORV abuse has become much more common, with ORV'ers pushing new

trails into remote areas each year. In fact, this past March, the Bureau of Land Management was forced to make an emergency ORV closure of part of the Swell's wilderness study areas. The BLM found extensive damage to soil, to vegetation, and other resources caused by ORV abuse.

With this kind of damage occurring in the most pristine areas of the region, my colleagues can be sure that other spectacular lands in the San Rafael Swell are at risk. Nevertheless, H.R. 3605 does nothing to deal effectively with these problems. Since 1991, the BLM has attempted to come up with a plan to regulate ORV use but has failed to do so. This failure has led to severe damage in the Swell.

H.R. 3605 would essentially codify BLM regulations that have failed to protect the San Rafael region. The legislation stipulates a 4-year planning process with no guarantees that future ORV use will be controlled. In the short term, during the 4 years of further study, the Swell will continue to be at extreme risk.

I am offering a simple amendment to manage ORV use and protect the vast geological and scenic wonders within the San Rafael Swell. My amendment does two things: one, it does not permit motorized vehicles in any wilderness study area or other roadless areas within the conservation area; and, two, it restricts motorized vehicles on other areas within the conservation area to roads and trails designated for such use.

Now, I would like to make a distinction here. What I am trying to do is to prevent ORV abuse not ORV use. I am not trying to stop citizens and recreation enthusiasts from enjoying responsibly this spectacular region from their vehicle. More importantly, with my amendment, there would still be 1,000 miles of road marked and recognized for use that would still be open.

Let met put this into perspective. A few years ago, the Grand Staircase Escalante, to which the gentleman referred a moment ago, was designated a national monument in southern Utah. This area consists of almost 2 million acres and has about 900 miles of road available for use.

□ 1300

The San Rafael Conservation Area is half the size and has a thousand miles of roads for open use. It is clear that there will still be enough roads for those who wish to visit and to use the region.

In closing, I would just like to say that if ORV use is not managed to protect conservation area values, then the designation of a national conservation area is meaningless. If we do not put in these protections, the designation would be meaningless.

So please help protect the San Rafael Swell with the protection that it needs. I ask support for my amendment.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOLT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT as a substitute for the amendment offered by Mr. HOLT:

In section 202(c)(1)—

(1) after ''shall be'' insert ''limited to roads and trails that are designated for motorized vehicle use as part of the management plan prepared pursuant to subsection (f), except that motorized vehicle use shall be''; and

(2) strike subparagraphs (A), (B), and (C) and insert the following:

(A) prohibited at all times in areas where roads and trails did not exist as of February 2, 2000;

(B) prohibited in areas where roads and trails were closed to motorized vehicles by the Bureau of Land Management as of June 6, 2000, pursuant to Federal Register Document 00–6796 published on March 21, 2000; and

(C) prohibited in any area in which the Secretary determines at any time that motorized vehicle use is causing or will cause adverse effects pursuant to section 8340 of title 43, Code of Federal Regulations, in effect on June 6, 2000.

The CHAIRMAN. The Chair advises that on the original amendment offered by the gentleman from New Jersey (Mr. HOLT), the Clerk designated the amendment numbered 2 in the RECORD and the gentleman offered a different amendment, which the Clerk will now report.

The Clerk read as follows:

Amendment offered by Mr. HOLT:

In section 202, strike subsections (b) and (c) and insert the following (and make appropriate conforming changes):

(b) USES.—

(1) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(2) MOTORIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency—

(A) no motorized vehicles shall be permitted in any wilderness study area or other roadless area within the Conservation Area; and

(B) use of motorized vehicles on other lands within the Conservation Area shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (f).

The CHAIRMAN. The Committee now has pending the amendment offered by the gentleman from New Jersey (Mr. HOLT) and the substitute offered by the gentleman from New York (Mr. BOEHLERT).

The gentleman from New York (Mr. BOEHLERT) may proceed under the 5-minute rule.

Mr. BOEHLERT. Mr. Chairman, my amendment, once again, tries to seek the sensible middle ground. It protects the area. It does not foreclose options for the future. It also does not jeopardize a very fragile, carefully crafted agreement, which has been endorsed by the Secretary of the Interior.

As we address the subject of off-highway vehicles, the amendment would make clear that the management plan cannot supersede existing prohibitions or Secretarial authority concerning motorized vehicle use. The amendment explicitly codifies the road closures and wilderness study areas that the Bureau of Land Management announced in March. And the amendment explicitly codifies the Secretary's regulatory authority to block motorized use that would degrade or is degrading environmental resources.

Let me repeat that because it is worth emphasis. The amendment explicitly codifies the Secretary's regulatory authority to block motorized use that would degrade or is degrading environmental resources.

These provisions will strengthen the BLM's ability to block off-highway vehicle use in the conservation area.

The amendment does not automatically close all roads to OHV use, as the Holt amendment would. The management plan required by the bill could close all the roads, but doing so today would undermine the agreement that brought forward this bill. That agreement is necessary to ensure that off-highway vehicle restrictions are truly enforced.

So I urge support for my amendment that would strengthen OHV limitations but would not put in place restrictions that cannot yet be enforced.

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

Mr. BOEHLERT. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, just for clarification, does the amendment of the gentleman allow off-road vehicle use in wilderness study areas?

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, only where the BLM has allowed that.

Mr. HOLT. Mr. Chairman, if the gentleman will continue to yield, this would be codifying the March decision?

Mr. BOEHLERT. Mr. Chairman, yes.

Mr. HOLT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have here a map of the area of the wilderness study area and it shows the areas that were permitted for off-road vehicle use in March. They go right smack through the middle of the wilderness study area. There are four routes. They essentially bisect and hit some of the most scenic and, I believe, fragile parts of that area. Let me just point out that that is right smack in the middle of this wilderness study area.

I have photographs here of the damage that is being done by these off-road vehicles in the wilderness study area. I mean, these photographs are in the wilderness study area. And it is exactly that that my amendment is intended to protect.

If wilderness study area is going to mean anything, we have to protect it from the most damaging environmental effect; and, at least today, that is the most damaging force on the wilderness study areas.

So to say this only codifies what has already been approved underscores exactly what I am talking about. If we do

not pass my amendment, if we do not defeat the Boehlert amendment, we will, in fact, suffer the kind of damage that my colleague, the gentleman from Washington (Mr. INSLEE), was referring to earlier that will leave the place much diminished by the time those millions of Americans accept the invitation of my colleague to come from all over the United States and visit.

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

Mr. HOLT. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, is the gentleman from New Jersey (Mr. HOLT) aware that the roads that remain as well as, arguably, all of the other roads that have been closed preceded in existence the wilderness study designation and, in fact, have histories that go far enough back that they are probably not under the jurisdiction and control of this body to close?

Mr. HOLT. Mr. Chairman, reclaiming my time, I believe it is within the jurisdiction of this body to close. And I understand that they preceded this. But that is the point. We are trying to protect this region. And it does not mean that past abuses will be codified and accepted. It means that we want to preserve this area for the appreciation of today's and future generations of Americans.

Mr. CANNON. Mr. Chairman, if the gentleman will continue to yield, I recognize the concern of the gentleman in preserving the areas. But if the county and the State have rights to those roads, the gentleman would not suggest that we pass legislation that simply overrides those rights without compensation without going through the constitutional process as required of us?

Mr. HOLT. Mr. Chairman, reclaiming my time, I do not believe that there is anything in the March directive that cannot be overridden by our legislation here today.

Mr. CANNON. Mr. Chairman, just as a matter of fact, let me point out that the March directive made a huge leap forward in progress in controlling the damage done by OHVs, but it was done with the county. In other words, the county that has the rights to these roads, the county that can assert those right-of-ways, has said, we will work with the BLM in the context of this bill to solve the problem that we agree is currently existing.

We cannot as a body here, or together as a Federal Government, override what those interests in those roads are.

What the amendment of the gentleman from New Jersey (Mr. HOLT) would do is actually turn back the clock on the very degradation he is attempting to stop.

Mr. HOLT. Mr. Chairman, reclaiming my time, the BLM has tried to solve this for years; and it is partly out of frustration of their inability to do so that I am offering this amendment today.

I would say that the point is not to codify past abuses but to put in place the protections that Americans want for this valuable resource.

Mr. CANNON. Mr. Chairman, if the gentleman will continue to yield, many people have been frustrated by the abuse that has happened in these wilderness study areas, including the BLM. I agree with the gentleman. The reason the BLM has been frustrated and not done anything is because unilaterally they did not have the ability to do anything.

What this bill does is create a context where the rights of Emery County is understood and put in context and thoughtful decisions and conclusions can be made, like the decision that was made in March.

We cannot do it unilaterally any other way, and that is why the frustration has been because of the legal problems the constitutional protections that the counties had, not because of any desire not to have these things solved. That is why this bill is so important and why I would urge that this amendment be defeated.

Mr. HOLT. Mr. Chairman, I would say the reason why this is so important that we defeat the Boehlert amendment is that there is 4 years during which great destruction could take place.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HOLT) has expired.

(By unanimous consent, Mr. HOLT was allowed to proceed for 2 additional minutes.)

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

Mr. HOLT. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to point out that of the many, many routes included, only four, as the gentleman correctly observed, are covered here. But we specifically and explicitly codify the regulatory authority of the Secretary to block motorized use that would degrade or is degrading environmental resources.

Moreover, in the Federal Register, I would point out this phrase: ''These routes will remain open on a conditional basis. Motorized use of these routes will be allowed to continue contingent upon the success of a rehabilitation and monitoring plan designed to restore areas to nonimpairment conditions and prevent further travel off of these predescribed routes.''

Mr. HOLT. Mr. Chairman, reclaiming my time, so this conditional basis means it would allow the BLM to protect this as well as they have protected it for the past 10 years?

Mr. BOEHLERT. Mr. Chairman, if the gentleman will continue to yield, it says to the BLM to study it and if there is any indication it is degrading to the environment, they should proceed to close it.

Mr. HOLT. Mr. Chairman, we have to do more, I would say.

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. BOEHLERT) and against the amendment offered by the gentleman from New Jersey (Mr. HOLT).

Mr. Chairman, this really is not necessary what he is bringing up here. Because if he would go back and check this out, he would find that we all agree on OHV making a mess on public ground, that that should not be done. And we can see it in the San Rafael Swell, so much so that the Secretary, back in March, determined certain regulations that he would take over. And this bill we are talking about gives him those regulations.

I guess the question in front of us today, Mr. Chairman, is this: Do we want to micromanage from Washington, D.C., or do we trust the Secretary and the BLM professionals to do it themselves? That seems to be the question.

If I may have the attention of the gentleman from New Jersey (Mr. HOLT), the gentleman correctly pointed out those four different areas there; and here is the information that came out on March 21, 2000, from the BLM, Department of Interior, addressing the same issue. Here is what they said: ''The BLM feels that motorized travel on these ways, most of which combine to form a popular loop trail, can continue in a manner that is compatible with resource protection as long as travel is restricted to the identified routes. Continued use, however, is contingent upon the curtailment of motorized travel off these ways and the completion of rehabilitation efforts to restore the areas. Over the next few weeks, the BLM price office will develop a set of standards and a monitoring protocol laying out what needs to happen to keep these vehicle ways open.''

Now, I honestly think that I would much rather trust those folks on the ground who are doing it every day, who are in that area that the folks can talk to, the counties can talk to, the locals can talk to, they can trust it. So the amendment of the gentleman from New York (Mr. BOEHLERT) fits perfectly with what was said there.

So we find ourselves in a situation where the Secretary has moved in and made substantial restrictions in the Swell on where they can and cannot travel.

Now, I would worry a little bit because I think the amendment of the gentleman goes way too far because there are a lot of areas in there, and I appreciate his saying that, where people should have the opportunity to have travel. I mean, there are certain areas in there that are pretty well traveled that have good roads in them and people have to have that access in those areas.

□ 1315

I would respectfully point out that this amendment is not needed, because

we already have protection going in there. We already have the Secretary fully advised of it. We already have BLM working on it. I cannot see a reason to restrict what little bit of traffic there is left and some of the recreation that some people get by the gentleman's amendment.

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

Mr. HANSEN. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, evidently my friend and the BLM think that this constitutes protection. That is the point. The BLM may say that it is compatible with use. It sounds like they are prejudging the results of their study. The fact of the matter is we should curtail this use now before further damage is done.

This is in the wilderness study area. This is in the wilderness study area. If my colleague could see these, he would have to admit this is damaging. The BLM has pointed out that the number one damage to this area in vegetation, in topography is from off-road vehicles.

Mr. HANSEN. I would concur with the gentleman from New Jersey that there are places in the Swell that people have violated and hurt it. There is no question about it. I am not sure they are in the Sid's Mountain area. I am a little familiar with that. It could be. I do not know. Some group could take those pictures. One can find those all through the West and the East where people violate. But on the other side of the coin we have professionals that are out there taking pictures, trying to find those areas, trying to work them. I would be happy to take the gentleman from New Jersey to some of those areas that at one time looked horrible look pretty good right now. Mother Nature is pretty good at restoring as long as somebody is standing there to help her. She is doing a good job. Frankly, I can see no reason for the gentleman's amendment. I know his heart is in the right place, but I think it would be more detrimental than it would be help to the area that we are working on. I think the gentleman from New York has come to that good middle ground that will solve this issue on OHVs.

Mr. HOLT. If the gentleman will yield further, the amendment of the gentleman from New York does not address what my colleague was speaking about a moment ago, the allowed areas of use. We all agree that there are appropriate areas for use. But the wilderness study area is not. I would welcome the opportunity to come and tour the area with all of my colleagues. But when I get there, this is not what I want to see. I do not want to see this destroyed wilderness.

Mr. HANSEN. The gentleman probably will not see that.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Utah (Mr. HANSEN) has expired.

(By unanimous consent, Mr. HANSEN was allowed to proceed for 1 additional minute.)

Mr. HANSEN. Mr. Chairman, let me just say, the Secretary is given the right to monitor these things. That is what we are doing here. I think he can probably do a better job than I can sitting back here in Washington, D.C., or anybody else. He has got people on the ground that are doing those things. He has agreed to do it. They have taken an extremely active part in this. The Secretary of the Interior buys into this legislation. He thinks it is a good idea; he feels we are finally resolving a very contentious issue. That OHV thing has been a thorn in our flesh for years. I agree with the gentleman. How do we handle these things? Little by little we are getting a good control on it, and I think in this bill we are getting the control.

Now, we can do this, we can just say, Let's just throw this whole thing wide open, let's not pass this bill, let's have unrestricted mining, let's have unrestricted OHVs, let's just desecrate the area. That is basically what we are going to get if we do not pass this bill. We have had some interesting discussion here today, but let us get together, get this thing passed, and give this area some good protection. That is what we are really trying to do.

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

Does the gentleman from New Jersey (Mr. HOLT) know where those pictures come from? We are dealing with various kinds of areas in this bill. Part of it is already wilderness study areas. I know that those come from the wilderness study area. But does he happen to know if they come from the remaining roads that are open or if they come from those areas that are now closed?

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

Mr. CANNON. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, one of them comes from the San Rafael Reef inside the wildnerness study area. The other comes from Red Wash inside Mexican Mountain. The point is, both of these are within the wildnerness study area, and that is what we are trying to protect.

Mr. CANNON. Reclaiming my time, if I could just ask the question. The Secretary took action to close a large number of roads in this area, leaving four open. The question I am asking is, is this degradation? Are the pictures that we are dealing with from that massive area that has now been closed off, or is the gentleman suggesting that the remaining four roads are represented by the degradation in those pictures?

Mr. HOLT. It is my understanding that these are areas that are not closed under the Secretary's action.

Mr. CANNON. Let me point out that I think that those areas that the gentleman referred to in the pictures are now unavailable for access. Here is the problem, if I can just take a moment to help people understand this issue. It is a little complex but not very much so. We have an area that was crisscrossed with roads and has been for a long time. There is some controversy about whether or not the counties have ownership of those roads.

In my mind there is no controversy. It is a matter of heavy-handed unilateral extreme groups trying to take advantage of vagueness in the law or a vagueness in the interpretation of the law in this current Department of the Interior to advance the idea that the rights to those roads do not exist. That debate has been terribly destructive to what is happening actually on the ground in the State of Utah. It has been very difficult. Now, because we have actually had this bill in the process of negotiation, the county has given an approval to the BLM to close roads that they have now closed that I think represent where that destruction has happened.

Here is the problem. We have got an area the size of the State of Connecticut, and we have one BLM enforcement officer to control that whole area. They cannot do it. They cannot control all that degradation with that many roads because when somebody gets outside some of these roads that are historic roads and gets off the trail, they have to be there to find out who did it and then they have to ticket them. The problem with that is not only finding the people but the excuse that they may be not actually off a road. So what BLM has done now has limited the actual area where an off-highway vehicle can go so that they can keep much better track of what is happening. The degradation the gentleman is talking about is in fact eliminated already just in anticipation of this bill. It has been done.

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

Mr. CANNON. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, let me say in response to what the gentleman from New Jersey was talking about, here is the emergency order here. It says, if I may read that: ''Under the emergency order, all public lands, including vehicle ways are closed to OHVs in the Muddy Creek, Devil's Canyon, Crack Canyon, San Rafael Reef, Horseshoe Canyon and Mexican Mountain WSAs.'' The issue is resolved.

Mr. CANNON. Reclaiming my time and finishing up here, it occurs to me that there is some confusion on your side. I would assume that it is not a matter of distortion or petty fighting here; but the degradation that the gentleman is concerned about has been dealt with in the most dramatic fashion. It has already been done. Under the Boehlert amendment, the Secretary of the Department of the Interior continues to have the authority to monitor what is happening on those remaining roads and see if there is going to be degradation. But the degradation he is concerned about, what he is saying essentially is we want not only no

abuse but no use of these dramatic areas that have had roads for a very, very long period of time.

Mr. HOLT. If the gentleman will yield further, these are roadless wildnerness study areas. This has not been dealt with in the most dramatic fashion. The most dramatic fashion would put an end to this.

Mr. CANNON. Reclaiming my time, when he says these are roadless wilderness areas, what does he mean? Is he talking about where the pictures are?

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman is referring to his amendment. This is not about precluding that as the gentleman characterized. The gentleman's amendment goes to wildnerness study areas and to roadless areas. There is obviously a reason for that. One, you should not be punching into these roadless areas; and, two, the other one is that the reason it is a wildnerness study area is because it is under study as to whether or not Congress in the future will so designate it. If you are running around it on ORVs, it is never going to be designated.

Mr. CANNON. Reclaiming my time, the problem we have here is that we have wildnerness study areas around roaded areas.

Mr. GEORGE MILLER of California. That is right.

Mr. CANNON. The access by those roaded areas, these thousands of miles of roaded areas means that people can get off those roads and into areas where they cause degradation. That is what his pictures are of. What the BLM has already done is closed the vast majority of those roads so that the remaining roads, the major roads in the area can now be policed.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words. The point being, the gentleman from Utah is quite correct. This is the problem. This is why we worry. When we reject all these amendments and accept the bill or accept the bill with the Boehlert amendments, we are allowing additional wilderness areas to continue to suffer degradation by what goes on around them. As the gentleman points out, people go off, because this is not a place where it is clearly signed or it is fenced or it is any of these other things. People will go off sometimes because they innocently leave an area and sometimes because they are just simply irresponsible. But the fact of the matter is we know how this goes. I ride ORVs. My sons have done it. We race motorcycles. A trail becomes a road pretty soon. There is a new area and away people go.

The fact of the matter is if we are going to prevent that, we have got to have a policy. At least then people can see you designate it on the lands, on the maps that they are wildnerness study areas, you cannot go in there. Because while the Secretary precluded and closed some roads in the wildnerness study areas, what he did not do was close the wildnerness study areas to future activity. That is not what these regulations do. The Boehlert amendment with all due respect is the current law. It is the current law that has got us into this situation.

This Secretary, this BLM is the reason we are here today because for 10 years they have not figured out how to do this. Now they are saying trust us. We are saying, fine, we will trust you; but we are not going to trust you in terms of continuing to degrade the wildnerness study areas. What the gentleman from New Jersey's amendment does is take those wildnerness study areas and say you can ride ORVs everywhere else that the Secretary will agree to and the BLM in the other adjoining areas that are not protected; but stay out of here until Congress makes the determination. The same is true with roadless areas.

I think that that is a fair compromise. It is a fair compromise because it allows for the protection of these areas and allows for responsible continued ORV activities. That is why we should accept this amendment. With all due respect, the Boehlert amendment is the bill. The bill is the law, the current law. So we have not progressed at all except to leave it in the hands of the BLM, leave it in the hands of the Secretary; and with all due respect, it is that 10 years that has given us these photographs that have taken place.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, the gentleman understands that part of the reason that the BLM has not been able to avoid this kind of degradation is because there is some very clear claim. Granted it is obfuscated by the county as to the ownership of those roads and that whether or not you agree to every road, many of those roads are RS–2477 roads and the county has the right to them.

The gentleman would agree further, would he not, that in fact many of these roads have been shut down appropriately in conjunction with the county. The key factor here being that the county has worked with the BLM to solve the problem. Does the gentleman understand my question? In other words, the BLM has not been able to avoid this because of the rights of the county and the argument over that.

Mr. GEORGE MILLER of California. These are not designated wilderness. These are study areas. They can be withdrawn from study areas. That is how we resolve the conflict. But right now we leave those areas open and that is unacceptable.

Mr. CANNON. But we are not talking about new roads here, as the gentleman has alluded to several times. These are roads, many of these roads, especially the ones that have been closed, are roads that have been there for a very long time.

Mr. GEORGE MILLER of California. In all cases we are not talking about roads. We are talking about ORV activity that does not in all due respect rise to the occasion of a road, but it rises to the occasion of degrading the area. This is not a fight over the county roads and who owns these roads. This is about a lot of activity that takes place like in the term off-road vehicle.

Mr. CANNON. We are not talking about asphalted roads here. We are talking about county right of ways.

Mr. GEORGE MILLER of California. I understand what the gentleman is talking about, but there is a clear distinction. We can go back to the photographs. The gentleman has seen it. I have been out in the area. I have witnessed it. This does not rise to the occasion of a trail or road. This rises to the occasion of random activities and riding through areas that are repeated time and again. That is the kind of protection that we are trying to provide in this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HOLT) will be postponed.

AMENDMENT OFFERED BY MR. COOK

Mr. COOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COOK:

In section 101(E)(2), before the period insert ‘‘, but shall not be used for commercial advertising and/or commercial bill boards’’.

Mr. COOK. Mr. Chairman, H.R. 3605, the San Rafael Western Legacy District and National Conservation Act as currently written could inappropriately spend Federal funds. The bill would appropriate Federal funding for various activities and administration for a total of $1 million a year, not to exceed $10 million total over the life of the project.

□ 1330

My fellow colleagues, I am concerned that the broad and loosely defined language in section 101 would allow for money to be used to purchase commercial billboards and other commercial advertising. Federal taxpayer money should not be used to subsidize commercial advertising, commercial billboards that will benefit only a small area.

I realize that by voice vote and on suspension this Congress has supported similar measures in the past; but appropriators will tell you that despite our prosperous economy, we are still faced with tight budgets and tight budget caps and we need to be very diligent as we appropriate these Federal funds and make sure they are managed properly. Therefore, I am offering an amendment that would prohibit any funds being used to promote commercial advertising or commercial billboards.

Mr. Chairman, Americans deserve better management of Federal funds used on the Nation's public lands, and H.R. 3605 can be made, I think, a sound conservation measure without any unnecessary Federal funding of these kinds of commercial promotions. To do otherwise, I think, would be poor economics and a bad usage of taxpayer money. I urge my colleagues to support my amendment.

Mr. HANSEN. Mr. Chairman, this side has reviewed the amendment of the gentleman from Utah (Mr. COOK) and has no problem with it. This side would accept the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, we have problems, but they do not rise to this occasion, so we support the amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Utah (Mr. COOK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new section;

SEC. __. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act (including any amendment made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including any amendment made by this Act), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this Act shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

Mr. TRAFICANT. Mr. Chairman, it is a buy-American amendment. It is the sense of the Congress that any money expended be used where possible to buy American-made goods, there be a notice made to the people who get this money, and after it's all over and they do the buying, they tell us what they bought. Finally, one last provision I am adding that is new, if they violate the law, they will get a rare bird disease that is ''untweetable.''

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

Mr. TRAFICANT. I yield to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, we accept the amendment of the gentleman from Ohio (Mr. TRAFICANT). We feel it is a good amendment. We accept it.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California, the ranking member.

Mr. GEORGE MILLER of California. Mr. Chairman, we accept the amendment, tweetable or not.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 516, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: substitute amendment offered by the gentleman from New York (Mr. BOEHLERT); the underlying amendment offered by the gentleman from Colorado (Mr. UDALL); amendment offered by the gentleman from Washington (Mr. INSLEE); substitute amendment offered by the gentleman from New York (Mr. BOEHLERT); and the underlying amendment offered by the gentleman from New Jersey (Mr. HOLT).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. UDALL OF COLORADO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 211, not voting 12, as follows:

[Roll No. 238]

AYES—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—211

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee

Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—12

English
Franks (NJ)
Greenwood
Houghton
Markey
Nethercutt
Roukema
Salmon
Skelton
Smith (MI)
Sweeney
Vento

□ 1404

Mrs. CAPPS, Mrs. JONES of Ohio, Ms. VELAZQUEZ, Ms. HOOLEY of Oregon, and Messrs. SAXTON, CONYERS, STENHOLM, HALL of Texas, and TANNER changed their vote from ''aye'' to ''no.''

Messrs. BAKER, HERGER, HEFLEY, HUTCHINSON, SANFORD, SHAYS, GILMAN, and LOBIONDO changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 516, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO, AS AMENDED

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL), as amended.

The amendment, as amended, was agreed to

AMENDMENT OFFERED BY MR. INSLEE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 194, not voting 12, as follows:

[Roll No. 239]

AYES—228

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Sisisky
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NOES—194

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOT VOTING—12

English
Franks (NJ)
Greenwood
Houghton
Markey
Nethercutt
Roukema
Salmon
Skelton
Smith (MI)
Sweeney
Vento

□ 1414

Mr. CALVERT changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOLT

The CHAIRMAN pro tempore (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 214, not voting 11, as follows:

[Roll No. 240]

AYES—210

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—214

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—11

English
Franks (NJ)
Greenwood
Houghton
Markey
Nethercutt
Roukema
Salmon
Smith (MI)
Sweeney
Vento

□ 1431

Messrs. TAYLOR of Mississippi, LUCAS of Kentucky and HALL of Texas changed their vote from ''aye'' to ''no.''

Messrs. THOMAS, RADANOVICH, and GILMAN and Mrs. KELLY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HANSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 4576, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 514 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 514

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday, the Committee on Rules met and granted an open rule for H.R. 4576, the fiscal year