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Legislative Referral Memoranda-EPA [Environmental Protection Agency] [7]

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Distributions for food consumption and residue levels can be combined into composite exposure distribution curves. Current EPA practices for acute dietary exposure and risk assessment incorporate some features of this approach, and work is underway to upgrade the DRES to incorporate the NAS recommendations. Improvements to DRES will include increased capabilities for distribution analyses in the acute dietary assessment process, and potentially in the chronic assessment process. The NAS committee has agreed to provide us with the software it used in its case studies. As the committee noted, however, full utilization of this technique is predicated upon the acquisition of more and improved data on residues and food consumption.

#### Incident Monitoring

The Academy's report does not specifically mention pesticide incident monitoring, but the Administration believes that better incident information is essential for better protection of human health and the environment. As discussed briefly in the legislative section of our testimony, EPA is expanding its incident monitoring efforts and we are examining the role of HHS surveillance programs as well. We need information on risks that may only become apparent after pesticide registration decisions, including useful data on poisonings, spills, wildlife kills, misuse, water resource contamination, and crop damage. Such data are indicators of program effectiveness and also provide us with the basis for post-registration remedial actions.

EPA is trying to build its capacity and is exploring the idea of a comprehensive incident monitoring system to gather and analyze post-registration exposure data. EPA's Incident Data System (IDS) received about 2,000 incident reports during 1992. By comparison, the American Association of Poison Control Centers surveillance system received 54,577 reports of pesticide exposure, 26,725 of which involved children under six years of age. While not all of these possible exposure reports were associated with adverse effects, we need to do more to enhance our incident data systems.

EPA created the IDS to record the pesticide incident information it receives. The first phase became operational in June 1992 and consists of core data files, tracking mechanisms and an on-line query capability. In the fifteen months it has been in existence, EPA has received about 2,900 incident reports, including 1,106 human incidents. IDS does not have the capacity to break this number down to determine how many incidents involve children. Information contained in IDS is available to the public.

Another EPA program is aimed at securing incident information from pesticide manufacturers. Under section 6(a)(2) of FIFRA, pesticide registrants must report to EPA any new information indicating that their products may cause unreasonable adverse effects. EPA has a team to flag such submitted data and facilitate expedited review so that the agency may take swift regulatory action if necessary. EPA is in the process of

strengthening the FIFRA 6(a)(2) program. We plan to publish a final rule next spring specifying the types of information and data that must be reported to EPA.

Under cooperative enforcement agreements with EPA, states conduct more than 50,000 pesticide inspections for potential pesticide violations each year. EPA has begun developing a program, called the Pesticide Field Data Plan (PFDP), whereby field results from these inspections will be made available for use in future regulatory and non-regulatory activities. Information from the PFDP may also be entered into IDS as it is further developed.

#### IV. PESTICIDE USE REDUCTION

As mentioned briefly in earlier parts of our testimony, the Administration in June announced a dramatic shift in the government's approach to the use of pesticides. The centerpiece of this new approach is a commitment to the reduction of risks and a concomitant reduction in use of pesticides. This commitment means that our efforts will focus on reducing the overall risks from the use of pesticides through integrated pest management programs which lead to more sustainable agricultural production strategies and reductions in the use of pesticides.

Many of our legislative proposals provide regulatory mechanisms to reduce or eliminate risks from pesticides in a timely manner. The tolerance review process, label call-in, and phase out/phase down authorities, as well as improvements to the suspension and cancellation process, will all work to ensure decisive action to reduce or eliminate risks posed by specific pesticides. In addition, incentives for the development of new pest control measures will offer improved pest management tools for the future.

No amount of legislative direction can succeed, however, unless it is accompanied by corresponding changes at the user level. In the final analysis, it is the pesticide user who makes day-to-day pest management decisions that govern the introduction of pesticides into the environment. For legislative changes to have the desired effect at the field level, we need to take a systems approach to the reduction of risk which provides

agricultural producers with the knowledge and technologies needed to reduce the risks associated with pesticide use in the course of producing their crops. While EPA and FDA must retain a primary focus on regulatory action, they must also, in concert with USDA, work to create programs which provide production systems that prevent or mitigate the human health and environmental impacts of agricultural practices. The commitment to reducing pesticide risks and use will require changes not only in the ways that we regulate and register pesticides, but also in the programs we develop to collect and provide information and technology for agricultural producers and other pesticide users.

#### Regulation and Registration

Although all of EPA's pesticide regulatory activities now have risk reduction as a goal, current programs tend to focus on individual pesticides that have hit "risk triggers." In determining the appropriate regulatory response for a potentially risky pesticide, EPA evaluates substitute pest control options to ensure that regulatory decisions do not force users to resort to higher risk alternatives. Until recently, EPA has generally regulated pesticides using a chemical by chemical approach. Recent initiatives with USDA include implementing a "cluster" approach to examine all available pesticides for a particular crop, such as corn, the relative impact of those pesticides on

economic activity, and alternative pest control options in light of the relative risks.

We are committed to making a concerted interagency effort to reduce pesticide use and risks. We will focus our efforts on uses, commodities, and products that present the greatest opportunities for risk reduction. We will take a close look at geographical areas and commodities that currently account for the largest total volume of pesticide use, those requiring the greatest pounds per acre of pesticide application, and those using the highest risk pesticides. We realize that a percentage targeting the reduction of volume of pesticides used should not be an endpoint in and of itself. A 25% reduction in the use of a highly toxic pesticide may be preferable to an 80% reduction in use of a relatively safer pesticide. We will need to ensure that trade-offs in both agricultural and non-agricultural pesticide use are going in the right direction from a risk perspective.

We are developing a comprehensive program of regulatory and non-regulatory efforts designed to reduce the risk of high-risk pesticides by reducing their use. Our goal is threefold: 1) to discourage the use of higher risk products; 2) to provide incentives for the development and commercialization of safer products; and 3) to encourage the use of alternative control methods which decrease the reliance on toxic and persistent chemicals. A successful program must involve the full efforts of federal and state agencies, as well as the cooperation of the agricultural research community, growers and other pesticide

users, pesticide producers, and food processors and distributors. We will work with all of these groups to build support and encourage voluntary use reduction programs. The program will also involve independent agricultural consultants, public interest and environmental groups. EPA and USDA will continue to strengthen the partnerships created through the Agricultural Pollution Prevention Strategy, the Agriculture in Concert with the Environment program and the National IPM Forum.

Biological Pesticides. EPA intends to capitalize on and expand a number of projects that have been started in the past few years. One of the most visible and successful is its biologicals program. Biological pesticides comprise the single fastest growing segment of registration activity. Since the first biological pesticide, *Bacillus popilliae*, was registered in 1948, EPA has registered approximately 30 microbials and 50 biochemicals. Prior to 1985, registration of biologicals was rare, comprising at most 10% of all pesticides. In the past 2 years, 50% to 70% of all new pesticidal active ingredients registered have been biologicals.

Compared to conventional synthetic chemicals, biological pesticides represent a fundamentally different class of products. While they often demand a high level of management expertise to be successful, they are generally targeted to specific pests and therefore are likely to pose less risk to nontarget species. They hold the promise of enabling our nation's farmers to reduce the use of traditional synthetic chemicals. EPA is working to

promote the development of biological products by reducing unnecessary federal regulatory impediments. For example, EPA has established significantly reduced data requirements arranged in a tiered testing scheme that is tailored to the inherent characteristics of biologicals.

We are committed to encouraging the development, registration, and use of environmentally acceptable biological alternatives to more toxic and persistent conventional chemical pesticides. New applications for registration and experimental use permits for biologicals are given high priority at EPA. The processing time for registration of a new biological pesticide is generally 6 to 18 months, (compared to 2 to 3 years for a conventional pesticide). This translates into reduced time and cost to register biological pesticides. As mentioned earlier, we would support specific legislative mandates to provide further support to this regulatory approach and added incentives that will encourage private sector research and development efforts in biological controls.

As part of a comprehensive strategy to encourage the use of reduced risk alternatives by lessening unnecessary regulatory burdens, EPA has an ongoing effort to identify pesticide active ingredients which are inherently low risk substances and may not require a high level of regulatory oversight. These pesticides may be appropriate for partial or complete exemption from FIFRA registration requirements.

One such project is the Pheromones Regulatory Relief Strategy. A pheromone is a chemical produced by an organism that

modifies the behavior of other individuals of the same species. The use of these biochemicals to attract and trap, or disrupt the mating of insects has proven to be a successful pest management technology. Concerned that current regulations may impede pheromone research and development, EPA is considering plans for regulatory relief under FIFRA and FFDCA for pheromones contained in solid matrix dispensers (e.g., twist ties and plastic tapes) and plan to publish a proposal for regulatory relief by the end of this year. We are also exploring the appropriateness of reducing regulatory requirements for other types and formulations of pheromones.

Reduced-Risk Policy Initiative. As EPA examined its role in promoting safer pest control, we realized that our current regulatory program created barriers and provided few incentives for the development and use of safer pesticides. Now, both EPA and the private sector are responding to public interest in reducing pesticide-related risks and preventing pollution by the development and use of less toxic and less persistent pesticides.

The EPA Reduced-Risk Pesticide Policy Initiative was announced in the *Federal Register* in July 1992 and a public workshop was held the following October. Over 200 people attended the 2-day workshop and we received over 170 comments, ideas, and suggestions. Because of the overwhelming interest, we are planning another workshop which is scheduled for the second quarter of Fiscal Year 1994.

To develop a comprehensive reduced-risk policy, EPA's long term strategy will focus on three major themes derived from the

first workshop: 1) developing reduced-risk criteria, 2) streamlining the registration process, and 3) initiating pesticide label reform and informational outreach. EPA's short-term plan is being implemented now. A Pesticide Regulation (PR) notice has been mailed to over 3,000 registrants, trade associations, environmental groups, and all those who attended the workshop. The PR notice announces that in setting priorities for the review of pesticide applications for new active ingredients, one of the factors EPA will consider is the opportunity for risk reduction. The notice provides general guidance to registrants on the types of supporting information they should provide if they believe their product will reduce risk.

As discussed in the legislative section of our testimony, we support legislative incentives to enhance reduced risk pesticide policies, including priority review and longer exclusive use data protection for these products.

#### Information and Technology Transfer

IPM and Demonstration Programs. The development and implementation of sound IPM programs constitute the primary mechanism by which pesticide risk and use can be reduced at the farm level. Applied research needs to be field-oriented so that producers have the tools necessary to mitigate current impacts, replace chemicals which present unacceptable risks, and maintain economical and sustainable production practices. USDA research and extension efforts to meet these goals must be intensified.

USDA must also ensure that results are rigorously evaluated to ensure that they meet reduced risk goals and that they actually produce workable pest management tools that can be used by growers.

Both USDA and EPA have initiated innovative projects that will improve the ability of producers to move to more sustainable systems of production. USDA, through the efforts of several Departmental agencies, has initiated an "areawide" approach to the development of IPM programs. By focusing on a region's overall pest problems, the areawide initiative will develop solutions to a number of inter-related pest management problems in regions such as the apple producing region in the Pacific Northwest. By utilizing expertise from various agencies and disciplines, the project will develop a field-driven approach that can have immediate relevance to pressing environmental and production needs. This sort of project can provide a model for further collaborative and systems approaches to research and technology transfer.

For its part, EPA has entered into a cooperative agreement with the National Foundation for IPM Education to conduct pilot projects in agricultural pollution prevention. These pilots, with California processed tomato growers and New England apple growers, are voluntary efforts devised by the growers themselves to set and meet environmental goals.

In California, the tomato growers have set IPM implementation goals which will measure progress toward increasing adoption of environmentally sound growing practices.

In New England, the apple growers are attempting to devise standardized documentation procedures for pesticide record-keeping and field monitoring data that can be used in establishing criteria to evaluate progress in maintaining healthy orchard ecosystems. In both cases, the projects will be used as examples for expanding agricultural pollution prevention initiatives to other crops and areas.

In order to fully meet its commitment to risk and use reduction, the Administration will have to increase its efforts in research and extension programs across a number of agencies. Clear goals will need to be established and careful evaluation of field level results will need to be undertaken. The examples listed above are only the beginnings of a task which has been started but has much more to accomplish.

Environmental Modeling and Analysis. Both EPA and USDA are researching and developing models to assess the impact of agricultural practices on the economic health of the food and feed producing industry and on the environment. An example of the type of models that are being developed to assist in the regulatory decision process is EPA's Comprehensive Economic and Environmental Evaluation System (CEEPES). CEEPES is a modeling program which can be used to analyze economic and environmental outcomes based on various regulatory scenarios. By entering tillage type, soil, production or watershed area, county, region, and national information, we can generalize, using the model, potential impacts on such factors as grower income, environmental loading, water quality, and health and ecological

risk. For example, analyses have been completed outlining the potential outcomes of a total ban on the pesticide atrazine, all related triazine herbicides, or restriction of atrazine use to postemergent weed control only. By the end of this year, we plan to complete model analyses of the impacts of alternate approaches atrazine use involving crop rotation, use of vegetation strips, and rate restrictions.

In summary, we believe that risk and use reduction efforts have tremendous potential in terms of positive effects on production agriculture. Farming is certainly resource intensive and we do not have all of the information that farmers need to maintain effective pest control and crop yields. We have mentioned some of the many things that are going on now. In the next few months we will be developing a framework and a long-term strategy for organizing and coordinating these efforts, setting priorities, and identifying additional efforts that need to be addressed. We will publish our strategy for the public to review and solicit their help and support in attaining these goals.

## V. CONCLUSION

This Administration is committed to making the 1990's a period of significant change in pesticide use and regulation. We are developing new partnerships to achieve pesticide use and risk reduction and undertaking new efforts to improve food safety and, in particular, provide additional assurance that our children are protected from pesticide risks. We are supporting comprehensive reform of both major pesticide laws to help us reach our public

health and environmental protection goals. Our reform proposals will be prioritized by focusing major attention on tolerances for pesticide residues in food, beginning with an evaluation of all existing tolerances that may exceed the proposed new negligible risk standard.

While lengthy, our testimony today reflects just how complex these issues are, and the depth of our commitment to resolving them through a variety of initiatives on multiple fronts. We intend to do as much as possible within the constraints of existing law, but we also badly need to update both of our major pesticide statutes. We look forward to working with Congress in the coming months and would be pleased to respond to your questions.

**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503**

**SPECIAL**

**June 24, 1993**

**LEGISLATIVE REFERRAL MEMORANDUM**

**LRM #I-720**

**TO: Legislative Liaison Officer -**

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**FROM:** RONALD K. PETERSON (for) *Ronald K. Peterson*  
Assistant Director for Legislative Reference

**OMB CONTACT:** Holly FITTER (395-3233)  
Secretary's line (for simple responses): 395-6194  
Mark KRAMER (395-3445)

**SUBJECT:** EPA Proposed Testimony RE: S 729, Lead  
Exposure Reduction Act of 1993

**DEADLINE:** 9:30 AM June 28, 1993

**COMMENTS: IF WE DO NOT HEAR FROM YOUR AGENCY WITHIN THE  
PRESCRIBED TIME FRAME WE WILL ASSUME THAT YOU HAVE NO COMMENT  
ON THE ATTACHED TESTIMONY.**

OMB requests the views of your agency on the above subject before  
advising on its relationship to the program of the President, in  
accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or  
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Title XIII of the Omnibus Budget Reconciliation Act of 1990.

**CC:**

M. Mitchell  
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B. Damus  
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B. Clendenin  
D. Hennessy

**STATEMENT OF  
VICTOR J. KIMM  
ACTING ASSISTANT ADMINISTRATOR  
OFFICE OF PREVENTION, PESTICIDES, AND TOXIC SUBSTANCES  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE  
TOXIC SUBSTANCES, RESEARCH AND DEVELOPMENT SUBCOMMITTEE  
ENVIRONMENT AND PUBLIC WORKS COMMITTEE  
UNITED STATES SENATE**

**JUNE 29, 1993**

Mr. Chairman and members of the Subcommittee, I want to thank you for the opportunity to appear before you today to discuss S. 729, "The Lead Exposure Reduction Act of 1993" and the U.S. Environmental Protection Agency's (EPA) own efforts at reducing lead exposures. Lead can pose a significant public health threat -- and our children are the most vulnerable. That is why EPA is committed to reducing lead exposures to the fullest extent practicable, focusing particularly on reducing the risk to children. Considerable data suggest a correlation between elevated blood lead and delays in early neurological and physical development, cognitive and behavioral alterations, alterations in red blood cell metabolism and vitamin D synthesis, and kidney impairment. The risks associated with lead exposure demand attention from federal, state and local governments; health care and environmental professionals; as well as parents and citizens.

Average blood lead levels in children have declined dramatically over the past 10 to 20 years, from about 15 ug/dl to about 5 ug/dl. This decline has been largely affected by actions taken by the federal government. The federal government has banned the use of lead in house paint and in the solder and pipes used in public drinking water systems. It has encouraged the phaseout of solder in food cans. It has virtually removed lead from gasoline.

*Robert Coronado- 202-5417*

While we estimate that blood lead levels in U.S. children have declined by a factor of three in the past two decades, continuing scientific research has demonstrated that harmful effects may occur at blood lead levels previously considered safe. Based on this new information, our threshold level of concern for lead toxicity has declined steadily over the past decade. In the fall of 1991, the Department of Health and Human Services (HHS) announced a new and lower "threshold of concern" for lead levels in children's blood — 10 ug/dl, or less than half the level of 25 ug/dl identified by the Centers for Disease Control (CDC) in 1985. While much has been accomplished, experts agree that a large number of children are still at unacceptable levels of risk and that much remains to be done.

#### Current Key Activities in EPA's Lead Program

Over the last few years, EPA has focused its lead program on addressing the most serious sources of lead exposure in children — lead-based paint and the dust which is formed as the paint deteriorates, and lead-contaminated soil and drinking water.

The majority of the most serious cases of childhood lead poisoning are caused by exposure to paint and dust from lead-based paint, both inside of a building and in the area where the dust has settled on the soil. In the fall of 1992, President Bush signed Title X of the Housing and Community Development Act of 1992, or "Title X" as we call it, into law, providing EPA with the authority we need to develop the lead abatement infrastructure necessary to address this problem. Title X provides for a comprehensive approach to dealing with lead-based paint hazards in the nation's housing stock. The new law requires a number of federal agencies to contribute to the effort to reduce lead-based paint hazards, including the Department of Housing and Urban Development (HUD), HHS, and the National Institute for Occupational Safety and Health (NIOSH). Using our authority under Title X, we are

developing training accreditation and certification programs for lead abatement professionals, building laboratory programs, enhancing public education, and identifying lead hazard levels.

### **Training and Accreditation**

The new law requires EPA to promulgate regulations by spring of 1994 ensuring that individuals engaged in lead-based paint activities are trained, training programs are accredited and contractors are certified. The Agency is also required to set standards for performing abatement activities to ensure reliability, effectiveness, and safety.

Prior to the passage of Title X, EPA had testified at hearings on other lead legislation that it would have been inappropriate to require the federal government to directly accredit and train lead abatement professionals. We felt that this was a more appropriate role for the states. Title X addressed this concern by requiring EPA to develop and promulgate a model State program to be adopted by any State seeking to administer and enforce a training and accreditation program. Although we have concerns with tight time constraints, EPA fully intends to meet the Title X statutory deadline of April 28, 1994 for promulgation of a final rule which will include a model State program.

### **Laboratory Programs**

Under Title X, we are establishing protocols, criteria and minimum performance standards for laboratory analysis of lead in paint, dust, and soil. These protocols, criteria and performance standards are being incorporated into a laboratory accreditation program with two parts: a proficiency test and an on-site audit. Laboratories wishing to be accredited must demonstrate their proficiency by testing for lead in samples of paint, dust, and soil on a quarterly basis. Over 200 laboratories are involved in this program, and have already received samples for testing. Through a formal agreement, EPA is providing NIOSH

\$150,000 per year for three years to evaluate these test results. EPA is now working to set up the second part of the program, the on-site audit. Rather than visiting each lab individually, EPA plans to rely on the auditing capabilities of private and public laboratory accrediting organizations which will be formally recognized by EPA through a Memorandum of Understanding (MOU). EPA is developing a comprehensive set of requirements which accrediting organizations, and the laboratories themselves, must meet. The requirements will be incorporated into these MOUs.

#### Public Education

I am very pleased to report that, with the help of other federal agencies, we have established a lead hotline and clearinghouse as required by Title X. We have also published a lead brochure designed to give practical advice to parents and others who are involved with young children. The lead hotline, an automated toll-free service, provides callers with copies of this brochure and several related fact sheets about prevention of lead poisoning. Our clearinghouse, staffed by information specialists who have received training on various lead-related topics, gathers and disseminates a wide range of both technical and nontechnical lead-related information. Callers have access to the clearinghouse through a toll-free telephone number. Together with the National Safety Council, we kicked-off a campaign in March aimed at placing ads in the popular media — on television and radio and in print — to alert the public about the risks associated with lead exposure. This campaign advertises the number of the lead hotline — 1-800-LEAD-FYL.

Title X also requires that EPA, jointly with HUD, promulgate rules for the disclosure of lead-based paint hazards in housing built before 1978 which is offered for sale or lease. This requirement calls for prospective purchasers to be notified of known lead hazards,

allowed 10 days to have a lead inspection conducted, and given a lead hazard information pamphlet. The requirement also calls for a warning of the existence of possible lead hazards to be printed in purchasing contracts. Title X also requires that EPA promulgate a second rule to require renovators of target housing to inform their customers of potential lead risks. EPA expects to meet the statutory deadline of fall of 1994 for promulgation of both of these rules. We are also producing another lead hazard brochure to be given to potential purchasers, renters, and renovation customers.

#### **Hazard Identification**

Under Title X, we are also promulgating regulations identifying lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil. Because we recognize the importance of these regulations to the government's entire lead abatement program, we are coordinating this work with technical and non-technical experts in the private sector and with our own hazardous waste offices. We intend to promulgate this regulation by April 1994, meeting the statutory deadline. As you know, this regulation will directly address urban soil which has been contaminated by paint and gasoline, or by industrial sources. We are continuing to analyze the results of the Three-City study, a \$15 million study of soil contaminated by non-industrial sources in Boston, Baltimore, and Cincinnati, as we develop these regulations.

EPA is also conducting a study of potential hazards associated with renovation and remodeling activities. The results of the study are scheduled to be published by the spring of 1994. We are currently determining what types of activities should be covered by such a study. Along with the study, we will be issuing guidelines on how these activities are to be conducted. Ultimately, we will use the results of the study and experience in using the

guidelines to revise the accreditation and certification regulations mentioned earlier to cover renovation and remodelling.

### **Lead in Drinking Water**

We are also continuing to address the hazards associated with lead in drinking water. While virtually everyone is exposed to some lead in drinking water, average exposures from drinking water are not very high. Lead occurs in drinking water primarily due to corrosion of lead-bearing materials in water supply distribution systems and in household plumbing. The highest exposures occur in areas with corrosive waters and in buildings with lead pipes containing solder, brass faucets, or drinking water coolers containing lead. Concentrations vary widely.

We estimate the average contribution to a child's blood level to be approximately 1.0 to 2.0 ug/dl, but a small fraction of the population may be exposed at much higher levels. As with soil and paint contamination, exposures caused by drinking water are due primarily to past practices, especially the use of lead in solder and pipes in household plumbing and water distribution systems and the continued use of lead solder. In addition, the installation of new brass and bronze plumbing fixtures may result in a significant exposure to lead. EPA is considering how to reduce risks through a regulatory or voluntary control program as well as additional research and education efforts. We are currently working with the National Sanitation Foundation (NSF) to establish voluntary standards for lead leaching from fixtures and faucets.

In 1988, EPA proposed revisions to the National Primary Drinking Water Regulation for lead under the Safe Drinking Water Act (SDWA). We promulgated the new rule in May 1991. The major provisions of the new rule require water suppliers to monitor lead levels in

high-risk homes, under conditions expected to produce the highest concentration of lead, such as in first-flush, standing water. The new rule also requires water suppliers to implement optimal corrosion control treatment to minimize the corrosivity of the water and to conduct public education if lead concentrations are above the action level established by EPA. We estimate that actions by water suppliers to comply with the rule will result in reduced lead exposure for over 130 million Americans, including over half a million children whose blood lead levels will be brought below 10 ug/dl.

In the two years since ~~this~~ rule was promulgated, we have published a number of technical and regulatory guidance documents intended for both states and public water suppliers. We also have an ongoing program to conduct training seminars for state regulators to provide guidance on administering and enforcing the requirements of the rule.

The Office of Drinking Water also developed an extensive program to help schools correct lead contamination problems in accordance with the Lead Contamination Control Act (LCCA) of 1988. This program includes: distributing guidance and a testing protocol to monitor for and remedy lead contamination in schools' drinking water; conducting training on proper testing and remediation procedures; publishing brands and models of water coolers that are not lead-free; and listing certified analytical laboratories. Our guidance and training have been disseminated to thousands of schools across the United States.

Additionally, EPA's Office of Drinking Water continues to oversee state implementation of the 1986 ban on plumbing products that are not lead-free, and has established a Safe Drinking Water Hotline to provide information to hundreds of callers each month on the LCCA, the lead ban, and other aspects of lead in drinking water.

## Lead in Products

EPA also recognizes that lead in products can pose an exposure risk. In response to a petition the Agency recently received under section 21 of the Toxic Substances Control Act (TSCA), we are considering drafting a rule to regulate lead fishing sinkers, which pose risks to waterfowl. We are also investigating the use of rulemaking under TSCA to support the lead-in-drinking-water program. One potential rulemaking would limit the amount of lead that is leached from brass and bronze plumbing fixtures. Studies appear to indicate that these fixtures can be a significant source of lead in drinking water. Another rulemaking being investigated would limit the sale of lead solder in order to support the SDWA ban on lead solder used to join pipes. We are also assessing other products and uses of lead in order to determine if the health or environmental risk is "unreasonable" and should be regulated under TSCA. One use under investigation is industrial lead paint used on bridges and water towers. The Agency is investigating this use by assessing current risks, and analyzing the cost, feasibility, and relative risks of potential substitute coatings. The Agency is also exploring a rule, which would be similar to the inventory described in S. 729, to require advance notice from anyone intending to manufacture or process lead for a new use, thus giving the Agency an opportunity to review the intended new use and, if appropriate, limit or ban it.

Because lead presents risks through a wide range of media, the Agency has clustered the rules and policies addressing lead risks from these various media. This approach will allow the Agency and the public to review the regulatory programs of each of EPA's program offices as a whole, and it will help ensure that lead pollution is not simply transferred from one medium to another.

## Our Comments on the Provisions of S. 729

### **Restricting the lead content in products**

As I mentioned above, EPA recognizes that lead in certain products can pose an exposure risk. A few decades ago, it was common to add lead to household paint — we now see that exposure to the dust which results when this paint deteriorates has become the main source of childhood lead poisoning. Because of this, lead-based paint for use in households was banned nation-wide in 1978. In the spirit of pollution prevention, a concept that EPA's new Administrator, Carol Browner, has embraced, we feel it is crucial to avoid possible future sources of lead exposure now. For this reason, we agree with the authors of S. 729 that an inventory of lead-containing products can be useful in identifying potential high-exposure uses. In fact, EPA staff are now working on developing such a list of lead-containing products. We would be pleased to share with you and your staff our technical expertise on how to effectively develop an inventory and control any new uses which may be found to cause an exposure risk.

Of course, the presence of lead in a product does not necessarily mean that lead exposure will occur. While we applaud the intent of S. 729 to prevent pollution in controlling the amount of lead in certain products, it would be most effective and efficient to focus on products where significant exposure risks exist. Another important point to raise when considering restricting the lead content of a certain product is what may enter the market as a substitute for that lead. As noted earlier, EPA is currently responding to a petition to restrict fishing weights because of their lead content. In our consideration of this petition, we have identified several substitute materials that are as or more toxic to waterfowl than lead, such as zinc, copper and brass.

### **Battery Recycling**

While EPA believes that battery recycling is a laudable goal, and that the recycling program contained in this bill appears reasonable, EPA has some concerns about a federal rule requiring lead-acid battery recycling. The large number of potentially regulated parties would make this difficult to enforce on a Federal level. In addition, the majority of states already have mandatory battery recycling programs to limit the risks associated with disposal of lead-acid batteries. EPA is developing a response to a petition submitted under section 21 of TSCA to address the recycling of all batteries including those containing lead, mercury and cadmium.

### **Controlling Lead Exposure in Schools and Daycare Centers**

We are pleased that this bill places emphasis not only on the exposure risks in children's homes, but also on other areas where they spend significant amounts of time. However, EPA has several concerns about S. 729's requirements for inspection and abatement of lead hazards in schools and daycare centers. Our first concern is that the primary focus of the bill should be on daycare centers. As you know, children six years of age or younger are the population most vulnerable to lead exposure. Therefore, we feel that inspection for hazards in daycare centers, where the most vulnerable population would be, is a more appropriate use of limited grant funding than inspection for hazards in schools. Moreover, the inspection program should be focused on those daycare centers where the greatest opportunity to reduce risk exists -- for example, inspection of centers could be prioritized based on the number of children they serve or the age of the building in which they are located. Finally, given their limited access to funding mechanisms, it is important that daycare centers have available funding to abate, if necessary, any hazards they identify.

In addition, we are also concerned about the nation's capacity to implement the inspection program as it is described in S. 729. Without some way of phasing-in over time the universe of daycare centers in which inspections for lead hazards would be required, we risk overwhelming an inspection and abatement industry which is just now in its infancy. We should be similarly concerned about the capacity of the states to ensure that lead hazards in daycare centers are inspected and abated. We feel that this is more appropriately managed on a state level, where daycare centers are licensed. However, we must remember that we are already encouraging states to take on significant responsibilities in implementing certain provisions of Title X.

#### Conclusion

In conclusion, let me stress that EPA continues to be concerned about the risk posed by lead exposure, particularly to children. At this point, the main priority of the Agency's lead program is implementation of Title X. While we applaud the goal of S. 729 to control the various sources of lead poisoning, we are concerned that new proposals which would significantly add to the responsibilities EPA has had to undertake within its lead program, unless very narrowly focused and/or phased-in over time, will jeopardize our ability to successfully meet currently legislated mandates.

Again, thank you for inviting me to share with you the achievements and continuing activities of the Agency's lead program.

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503

October 28, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-1563

TO: Legislative Liaison Officer -

AGRIC-CR - Hal Gross (all testimony) - (202)720-7095 - 230  
DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325  
ENERGY - Bob Rabben - (202)586-6718 - 209  
INTERIOR - Danny Consenstein - (202)208-6706 - 329  
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217  
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226  
TREASURY - Richard S. Carro - (202)622-1146 - 228  
EPA - Thomas C. Roberts - (202)260-5414 - 326  
GSA - William R. Ratchford - (202)501-0563 - 237

FROM: RONALD K. PETERSON (for)   
Assistant Director for Legislative Reference

OMB CONTACT: Craig CRUTCHFIELD (395-3857)  
Secretary's line (for simple responses): 395-6194  
Jim McDIVITT (395-3715)

SUBJECT: Proposed Statement of Administration Policy  
RE: S 21, California Desert Protection Act of  
1993

DEADLINE: November 3, 1993

COMMENTS: The Senate Energy Committee filed its report on S. 21 (S. Rept. No. 103-165) on October 26th, so the bill could be considered by the Senate at any time. Attached is a marked up version of the bill. If you do not respond by the deadline, we must assume your agency has no objection to the SAP.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:

C. Tuttle  
K. McGinty  
K. Way  
J. Kohlenberger  
L. Haber (Title  
VIII)  
P. Kuhn (sections  
707 & 708)

A. Stigile  
(sections 707 &  
708)  
E. Rea (sections  
707 & 708)  
D. Haun (sections  
707 & 708)

November \_\_, 1993  
(Senate)

S. 21 - California Desert Protection Act of 1993  
(Feinstein (D) CA and 36 others)

The Administration supports S. 21.

\* \* \* \* \*

Markup shows bill as ordered reported on 10/5

PROPOSED BUMPERS AMENDMENT TO S. 21

by Senate  
Energy  
Ctte.

CALIFORNIA DESERT PROTECTION ACT

September 17, 1993

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "California Desert Protection  
3 Act of 1993".

4 SEC. 2. FINDINGS AND POLICY.

5 (a) The Congress finds and declares that--

6 (1) the Federally owned desert lands of southern  
7 California constitute a public wildland resource of  
8 extraordinary and inestimable value for this and future  
9 generations;

10 (2) these desert wildlands display unique scenic,  
11 historical, archeological, environmental, ecological,  
12 wildlife, cultural, scientific, educational, and recreational  
13 values used and enjoyed by millions of Americans for hiking  
14 and camping, scientific study and scenic appreciation;

15 (3) the public land resources of the California desert  
16 now face and are increasingly threatened by adverse pressures  
17 which would impair, dilute, and destroy their public and  
18 natural values;

19 (4) the California desert, embracing wilderness lands,  
20 units of the National Park System, other Federal lands, State  
21 parks and other State lands, and private lands, constitutes a  
22 cohesive unit posing unique and difficult resource protection  
23 and management challenges;

24 (5) through designation of national monuments by  
25 Presidential proclamation, through enactment of general

1 public land statutes (including section 601 of the Federal  
2 Land Policy and Management Act of 1976, 90 Stat. 2743, 43  
3 U.S.C. 1701 et seq.) and through interim administrative  
4 actions, the Federal government has begun the process of  
5 appropriately providing for protection of the significant  
6 resources of the public lands in the California desert; and

7 (6) statutory land unit designations are needed to  
8 afford the full protection which the resources and public  
9 land values of the California desert merit.

10 (b) In order to secure for the American people of this and  
11 future generations an enduring heritage of wilderness, national  
12 parks, and public land values in the California desert, it is  
13 hereby declared to be the policy of the Congress that--

14 (1) appropriate public lands in the California desert  
15 shall be included within the National Park System and the  
16 National Wilderness Preservation System, in order to--

17 (A) preserve unrivaled scenic, geologic, and  
18 wildlife values associated with these unique natural  
19 landscapes;

20 (B) perpetuate in their natural state significant  
21 and diverse ecosystems of the California desert;

22 (C) protect and preserve historical and cultural  
23 values of the California desert associated with ancient  
24 Indian cultures, patterns of western exploration and  
25 settlement, and sites exemplifying the mining, ranching  
26 and railroading history of the Old West;

27 (D) provide opportunities for compatible outdoor  
28 public recreation, protect and interpret ecological and

geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

TITLE I--DESIGNATION OF WILDERNESS ADDITIONS TO BE ADMINISTERED  
BY THE BUREAU OF LAND MANAGEMENT.

SEC. 101. FINDINGS.

The Congress finds and declares that--

(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the wilderness values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and

(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.

SEC. 102. DESIGNATION OF WILDERNESS.

In furtherance of the purpose of the Wilderness Act (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps referenced herein, ~~dated February 1986 (except as otherwise dated),~~ are hereby designated

1 as wilderness, and therefore, as components of the National  
2 Wilderness Preservation System:

3 (1) certain lands in the California Desert Conservation Area,  
4 of the Bureau of Land Management, which comprise approximately  
5 seventy-four thousand eight hundred and ninety acres, as generally  
6 depicted on a map entitled "Argus Range Wilderness--Proposed 1",  
7 dated May 1991, and two maps entitled "Argus Range Wilderness--  
8 Proposed 2" and "Argus Range Wilderness--Proposed 3" dated January  
9 1989, and which shall be known as the Argus Range Wilderness;

10 (2) certain lands in the California Desert Conservation Area,  
11 of the Bureau of Land Management, which comprise approximately ten  
12 thousand three hundred and eighty acres, as generally depicted on  
13 a map entitled "Bigelow Cholla Garden Wilderness--Proposed", dated  
14 ~~October 1991~~, July 1993, and which shall be known as the Bigelow  
15 Cholla Garden Wilderness;

16 (3) certain lands in the California Desert Conservation Area,  
17 of the Bureau of Land Management, and within the San Bernardino  
18 National Forest, which comprise approximately ~~thirty-nine thousand~~  
19 ~~two hundred~~ thirty-nine thousand one hundred and eighty-five  
20 acres, as generally depicted on a map entitled "Bighorn Mountain  
21 Wilderness--Proposed", dated ~~September 1991~~, July 1993, and which  
22 shall be known as the Bighorn Mountain Wilderness;

23 (4) certain lands in the California Desert Conservation Area  
24 and the Yuma District, of the Bureau of Land Management, which  
25 comprise approximately forty-seven thousand five hundred and  
26 seventy acres, as generally depicted on a map entitled "Big Maria  
27 Mountains Wilderness--Proposed", dated February 1986, and which  
28 shall be known as the Big Maria Mountains Wilderness;

1 (5) certain lands in the California Desert Conservation Area,  
2 of the Bureau of Land Management, which comprise approximately  
3 thirteen thousand nine hundred and forty acres, as generally  
4 depicted on a map entitled "Black Mountain Wilderness--Proposed",  
5 dated July 1993, and which shall be known as the Black Mountain  
6 Wilderness;

7 (6) certain lands in the California Desert Conservation Area,  
8 of the Bureau of Land Management, which comprise approximately  
9 nine thousand five hundred and twenty acres, as generally depicted  
10 on a map entitled "Bright Star Wilderness--Proposed", dated May  
11 1991, and which shall be known as the Bright Star Wilderness;

12 (7) certain lands in the California Desert Conservation Area,  
13 of the Bureau of Land Management, which comprise approximately  
14 sixty-eight thousand five hundred and fifteen acres, as generally  
15 depicted on two maps entitled "Bristol Mountains Wilderness--  
16 Proposed 1", and "Bristol Mountains Wilderness--Proposed 2", dated  
17 September 1991, and which shall be known as Bristol Mountains  
18 Wilderness;

19 (8) certain lands in the California Desert Conservation Area,  
20 of the Bureau of Land Management, which comprise approximately  
21 ~~forty two thousand six hundred and forty~~ thirty-nine thousand  
22 seven hundred and forty acres, as generally depicted on a map  
23 entitled "Cadiz Dunes Wilderness--Proposed", dated July 1993, and  
24 which shall be known as the Cadiz Dunes Wilderness;

25 (9) certain lands in the California Desert Conservation Area,  
26 of the Bureau of Land Management, which comprise approximately  
27 ~~eighty five thousand nine hundred and seventy~~ eighty-four thousand  
28 four hundred acres, as generally depicted on a map entitled "Cady

Mountains Wilderness--Proposed", dated ~~July 1992~~, July 1993, and which shall be known as the Cady Mountains Wilderness;

(10) certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness--Proposed", dated February 1986, and which shall be known as the Carrizo Gorge Wilderness;

(11) certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management, which comprise approximately sixty-four thousand ~~six hundred and forty~~ three hundred and twenty acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness--Proposed", dated ~~October 1991~~, July 1993, and which shall be known as the Chemehuevi Mountains Wilderness;

(12) certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Peak Wilderness--Proposed 1" and "Chimney Peak Wilderness--Proposed 2", dated May 1991, and which shall be known as the Chimney Peak Wilderness;

(13) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty thousand seven hundred and seventy acres, as generally depicted on two maps entitled "Chuckwalla Mountains Wilderness--Proposed 1" and "Chuckwalla Mountains Wilderness--Proposed 2", dated July 1992, and which shall be known as the Chuckwalla Mountains Wilderness;

(14) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise ~~thirty-four thousand three hundred and eighty~~ thirty-three thousand nine hundred and eighty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness--Proposed", dated ~~September 1991~~, July 1993, and which shall be known as the Cleghorn Lakes Wilderness. The Secretary may, pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road within the area depicted as "non-wilderness road corridor" on such map;

(15) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ~~forty thousand~~ twenty-six thousand acres, as generally depicted on a map entitled "Clipper Mountain Wilderness--Proposed", dated ~~May 1991~~, July 1993, and which shall be known as Clipper Mountain Wilderness;

(16) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand five hundred and twenty acres, as generally depicted on a map entitled "Coso Range Wilderness--Proposed", dated May 1991, and which shall be known as Coso Range Wilderness;

(17) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ~~eighteen thousand six hundred~~ seventeen thousand acres, as generally depicted on a map entitled "Coyote Mountains Wilderness--Proposed", dated ~~May 1991~~, July 1993, and which shall be known as Coyote Mountains Wilderness;

1           (18) certain lands in the California Desert Conservation  
2     Area, of the Bureau of Land Management, which comprise  
3     approximately eight thousand six hundred acres, as generally  
4     depicted on a map entitled "Darwin Falls Wilderness--Proposed",  
5     dated May 1991, and which shall be known as Darwin Falls  
6     Wilderness;

7           (19) certain lands in the California Desert Conservation Area  
8     and the Yuma District, of the Bureau of Land Management, which  
9     comprise approximately forty-eight thousand eight hundred and  
10    fifty acres, as generally depicted on a map entitled "Dead  
11    Mountains Wilderness--Proposed", dated October 1991, and which  
12    shall be known as Dead Mountains Wilderness;

13          (20) certain lands in the Bakersfield District, of the Bureau  
14    of Land Management, which comprise approximately thirty-six  
15    thousand three hundred acres, as generally depicted on two maps  
16    entitled "Domeland Wilderness Additions--Proposed 1" and "Domeland  
17    Wilderness Additions--Proposed 2", and which are hereby  
18    incorporated in, and which shall be deemed to be a part of, the  
19    Domeland Wilderness as designated by Public Laws 93-632 and  
20    98-425;

21          (21) certain lands in the California Desert Conservation  
22    Area, of the Bureau of Land Management, which comprise  
23    approximately ~~sixteen thousand one hundred~~ twenty-three thousand  
24    seven hundred and eighty acres, as generally depicted on a map  
25    entitled "El Paso Mountains Wilderness--Proposed", dated July  
26    1993, and which shall be known as the El Paso Mountains  
27    Wilderness;

28          (22) certain lands in the California Desert Conservation

1 Area, of the Bureau of Land Management, which comprise  
2 approximately ~~twenty-six thousand three hundred~~ twenty-five  
3 thousand nine hundred and forty acres, as generally depicted on a  
4 map entitled "Fish Creek Mountains Wilderness--Proposed", dated  
5 ~~May 1991,~~ July 1993, and which shall be known as Fish Creek  
6 Mountains Wilderness;

7 (23) certain lands in the California Desert Conservation  
8 Area, of the Bureau of Land Management, which comprise  
9 approximately twenty-eight thousand one hundred and ten acres, as  
10 generally depicted on a map entitled "Funeral Mountains  
11 Wilderness--Proposed", dated May 1991, and which shall be known as  
12 Funeral Mountains Wilderness;

13 (24) certain lands in the California Desert Conservation  
14 Area, of the Bureau of Land Management, which comprise  
15 approximately thirty-seven thousand seven hundred acres, as  
16 generally depicted on a map entitled "Golden Valley Wilderness--  
17 Proposed", dated February 1986, and which shall be known as Golden  
18 Valley Wilderness;

19 (25) certain lands in the California Desert Conservation  
20 Area, of the Bureau of Land Management, which comprise  
21 approximately ~~thirty-one thousand seven hundred and twenty~~ thirty-  
22 one thousand six hundred and ninety-five acres, as generally  
23 depicted on a map entitled "Grass Valley Wilderness--Proposed",  
24 dated July 1993, and which shall be known as the Grass Valley  
25 Wilderness;

26 (26) certain lands in the California Desert Conservation  
27 Area, of the Bureau of Land Management, which comprise  
28 approximately eight thousand eight hundred acres, as generally

1 depicted on a map entitled "Great Falls Basin Wilderness--  
2 Proposed", dated February 1986, and which shall be known as the  
3 Great Falls Basin Wilderness;

4 (27) certain lands in the California Desert Conservation  
5 Area, of the Bureau of Land Management, which comprise  
6 approximately twenty-two thousand two hundred and forty acres, as  
7 generally depicted on a map entitled "Hollow Hills Wilderness--  
8 Proposed", dated May 1991, and which shall be known as the Hollow  
9 Hills Wilderness;

10 (28) certain lands in the California Desert Conservation  
11 Area, of the Bureau of Land Management, which comprise  
12 approximately twenty-six thousand four hundred and sixty acres, as  
13 generally depicted on a map entitled "Ibex Wilderness--Proposed",  
14 dated May 1991, and which shall be known as the Ibex Wilderness;

15 (29) certain lands in the California Desert Conservation  
16 Area, of the Bureau of Land Management, which comprise  
17 approximately ~~thirty-five thousand and fifteen~~ thirty-three  
18 thousand eight hundred and fifty-five acres, as generally depicted  
19 on a map entitled "Indian Pass Wilderness--Proposed", dated  
20 ~~October 1991~~, July 1993, and which shall be known as the Indian  
21 Pass Wilderness;

22 (30) certain lands in the California Desert Conservation Area  
23 and the Bakersfield District, of the Bureau of Land Management,  
24 and within the Inyo National Forest, which comprise approximately  
25 two hundred and five thousand and twenty acres, as generally  
26 depicted on three maps entitled "Inyo Mountains Wilderness--  
27 Proposed 1", "Inyo Mountains Wilderness--Proposed 2", "Inyo  
28 Mountains Wilderness--Proposed 3", ~~numbered in the title one~~

1 ~~through three, and~~ dated May 1991, and which shall be known as the  
2 Inyo Mountains Wilderness;

3 (31) certain lands in the California Desert Conservation  
4 Area, of the Bureau of Land Management, which comprise  
5 approximately ~~thirty four thousand five hundred and fifty~~ thirty-  
6 three thousand six hundred and seventy acres, as generally  
7 depicted on a map entitled "Jacumba Wilderness--Proposed", dated  
8 ~~October 1991,~~ July 1993, and which shall be known as the Jacumba  
9 Wilderness;

10 (32) certain lands in the California Desert Conservation  
11 Area, of the Bureau of Land Management, which comprise  
12 approximately one hundred and twenty-nine thousand five hundred  
13 and eighty acres, as generally depicted on a map entitled "Kelso  
14 Dunes Wilderness--Proposed 1", dated October 1991, a map entitled  
15 "Kelso Dunes Wilderness--Proposed 2", dated May 1991, and a map  
16 entitled "Kelso Dunes Wilderness--Proposed 3", dated September  
17 1991, and which shall be known as the Kelso Dunes Wilderness;

18 (33) certain lands in the California Desert Conservation  
19 Area, of the Bureau of Land Management, and the Sequoia National  
20 Forest, which comprise approximately eighty-eight thousand two  
21 hundred and ninety acres, as generally depicted on a map entitled  
22 "Kiavah Wilderness--Proposed 1", dated February 1986, and a map  
23 entitled "Kiavah Wilderness--Proposed 2", dated May 1991, and  
24 which shall be known as the Kiavah Wilderness;

25 (34) certain lands in the California Desert Conservation  
26 Area, of the Bureau of Land Management, which comprise  
27 approximately two hundred ~~forty nine thousand and three~~ nine  
28 thousand, six hundred and ~~sixty-~~

1 eight acres, as generally depicted on ~~two~~ four maps entitled  
2 "Kingston Range Wilderness--Proposed 1", "Kingston Range  
3 Wilderness--Proposed 2", ~~dated October 1991~~, "Kingston Range  
4 Wilderness--Proposed 3", ~~dated May 1991~~, "Kingston Range  
5 Wilderness--Proposed 4", ~~dated January 1989, and two maps entitled~~  
6 dated July 1993, and which shall be known as the Kingston Range  
7 Wilderness;

8 (35) certain lands in the California Desert Conservation  
9 Area, of the Bureau of Land Management, which comprise  
10 approximately ~~forty six thousand four hundred and sixty~~ twenty-  
11 nine thousand eight hundred and eighty acres, as generally  
12 depicted on a map entitled "Little Chuckwalla Mountains  
13 Wilderness--Proposed", dated ~~October 1991~~, July 1993, and which  
14 shall be known as the Little Chuckwalla Mountains Wilderness.

15 (36) certain lands in the California Desert Conservation Area  
16 and the Yuma District, of the Bureau of Land Management, which  
17 comprise approximately ~~thirty six thousand four hundred and forty~~  
18 thirty-three thousand six hundred acres, as generally depicted on  
19 a map entitled "Little Picacho Wilderness--Proposed", dated  
20 ~~October 1991~~, July 1993, and which shall be known as the Little  
21 Picacho Wilderness;

22 (37) certain lands in the California Desert Conservation  
23 Area, of the Bureau of Land Management, which comprise  
24 approximately thirty-two thousand three hundred and sixty acres,  
25 as generally depicted on a map entitled "Malpais Mesa Wilderness--  
26 Proposed", dated September 1991, and which shall be known as the  
27 Malpais Mesa Wilderness;

28 (38) certain lands in the California Desert Conservation

1 Area, of the Bureau of Land Management, which comprise  
2 approximately sixteen thousand one hundred and five acres, as  
3 generally depicted on a map entitled "Manly Peak Wilderness--  
4 Proposed", dated October 1991, and which shall be known as the  
5 Manly Peak Wilderness;

6 (39) certain lands in the California Desert Conservation  
7 Area, of the Bureau of Land Management, which comprise  
8 approximately ~~twenty-four thousand two hundred and eighty~~ twenty-  
9 four thousand two hundred acres, as generally depicted on a map  
10 entitled "Mecca Hills Wilderness--Proposed", dated ~~October 1991,~~  
11 July 1993, and which shall be known as the Mecca Hills Wilderness;

12 (40) certain lands in the California Desert Conservation  
13 Area, of the Bureau of Land Management, which comprise  
14 approximately forty-seven thousand three hundred and thirty acres,  
15 as generally depicted on a map entitled "Mesquite Wilderness--  
16 Proposed", dated May 1991, and which shall be known as the  
17 Mesquite Wilderness;

18 (41) certain lands in the California Desert Conservation  
19 Area, of the Bureau of Land Management, which comprise  
20 approximately twenty-two thousand nine hundred acres, as generally  
21 depicted on a map entitled "Newberry Mountains Wilderness--  
22 Proposed", dated February 1986, and which shall be known as the  
23 Newberry Mountains Wilderness;

24 (42) certain lands in the California Desert Conservation  
25 Area, of the Bureau of Land Management, which comprise  
26 approximately ~~one hundred ten thousand eight hundred and eighty~~  
27 one hundred ten thousand eight hundred and sixty acres, as  
28 generally depicted on a map entitled "Nopah Range Wilderness--

1 Proposed", dated ~~May 1991~~, July 1993, and which shall be known as  
2 the Nopah Range Wilderness;

3 (43) certain lands in the California Desert Conservation  
4 Area, of the Bureau of Land Management, which comprise  
5 approximately thirty-two thousand two hundred and forty acres, as  
6 generally depicted on a map entitled "North Algodones Dunes  
7 Wilderness--Proposed", dated October 1991, and which shall be  
8 known as the North Algodones Dunes Wilderness;

9 (44) certain lands in the California Desert Conservation  
10 Area, of the Bureau of Land Management, which comprise  
11 approximately twenty-five thousand five hundred and forty acres,  
12 as generally depicted on a map entitled "North Mesquite Mountains  
13 Wilderness--Proposed", dated May 1991, and which shall be known as  
14 the North Mesquite Mountains Wilderness;

15 (45) certain lands in the California Desert Conservation  
16 Area, of the Bureau of Land Management, which comprise  
17 approximately ~~one hundred forty six thousand and seventy one~~  
18 hundred forty-six thousand and twenty acres, as generally depicted  
19 on a map entitled "Old Woman Mountains Wilderness--Proposed 1",  
20 dated ~~May 1991~~ July 1993 and a map entitled "Old Woman Mountains  
21 Wilderness--Proposed 2", dated ~~October 1991~~, July 1993, and which  
22 shall be known as the Old Woman Mountains Wilderness;

23 (46) certain lands in the California Desert Conservation  
24 Area, of the Bureau of Land Management, which comprise  
25 approximately ~~forty thousand seven hundred and seventy forty~~  
26 thousand seven hundred and thirty-five acres, as generally  
27 depicted on a map entitled "Orocopia Mountains Wilderness--  
28 Proposed", dated ~~July 1992~~, July 1993, and which shall be known as

1 the Orocopia Mountains Wilderness;

2 (47) certain lands in the California Desert Conservation Area  
3 and the Bakersfield District, of the Bureau of Land Management,  
4 which comprise approximately seventy-four thousand six hundred  
5 and forty acres, as generally depicted on a map entitled "Owens  
6 Peak Wilderness--Proposed 1", dated February 1986, and two maps  
7 entitled "Owens Peak Wilderness--Proposed 2" and "Owens Peak  
8 Wilderness--Proposed 3", dated May 1991, and which shall be known  
9 as the Owens Peak Wilderness;

10 (48) certain lands in the California Desert Conservation  
11 Area, of the Bureau of Land Management, which comprise  
12 approximately seventy-four thousand eight hundred acres, as  
13 generally depicted on a map entitled "Pahrump Valley Wilderness--  
14 Proposed", dated February 1986, and which shall be known as the  
15 Pahrump Valley Wilderness;

16 (49) certain lands in the California Desert Conservation  
17 Area, of the Bureau of Land Management, which comprise  
18 approximately ~~two hundred fourteen thousand one hundred and forty~~  
19 ~~nine~~ two hundred seventy thousand six hundred and twenty-nine  
20 acres, as generally depicted on a map entitled "Palen/McCoy  
21 Wilderness--Proposed 1", dated ~~May 1991~~, July 1993, and a map  
22 entitled "Palen/McCoy Wilderness--Proposed 2", dated ~~February~~  
23 ~~1986~~, July 1993, and which shall be known as the Palen/McCoy  
24 Wilderness;

25 (50) certain lands in the California Desert Conservation  
26 Area, of the Bureau of Land Management, which comprise  
27 approximately thirty-two thousand three hundred and ~~twenty~~ ten  
28 acres, as generally depicted on a map entitled "Palo Verde

Mountains Wilderness--Proposed", dated ~~January 1987~~, July 1993,  
and which shall be known as the Palo Verde Mountains Wilderness;

(51) certain lands in the California Desert Conservation  
Area, of the Bureau of Land Management, which comprise  
approximately seven thousand seven hundred acres, as generally  
depicted on a map entitled "Picacho Peak Wilderness--Proposed",  
dated May 1991, and which shall be known as the Picacho Peak  
Wilderness;

(52) certain lands in the California Desert Conservation  
Area, of the Bureau of Land Management, which comprise  
approximately ~~seventy-two thousand six hundred~~ seventy-two  
thousand five hundred and seventy-five acres, as generally  
depicted on a map entitled "Piper Mountain Wilderness--Proposed",  
dated ~~May 1991~~, July 1993, and which shall be known as the Piper  
Mountain Wilderness;

(53) certain lands in the California Desert Conservation  
Area, of the Bureau of Land Management, which comprise  
approximately ~~thirty-seven thousand eight hundred~~ thirty-six  
thousand eight hundred and forty acres, as generally depicted on a  
map entitled "Piute Mountains Wilderness--Proposed", dated ~~October  
1991~~, July 1993, and which shall be known as the Piute Mountains  
Wilderness;

(54) certain lands in the California Desert Conservation  
Area, of the Bureau of Land Management, which comprise  
approximately seventy-eight thousand eight hundred and sixty-eight  
acres, as generally depicted on a map entitled "Resting Spring  
Range Wilderness--Proposed", dated May 1991, and which shall be  
known as the Resting Spring Range Wilderness;

1           (55) certain lands in the California Desert Conservation  
2     Area, of the Bureau of Land Management, which comprise  
3     approximately forty thousand eight hundred and twenty acres, as  
4     generally depicted on a map entitled "Rice Valley Wilderness--  
5     Proposed", dated May 1991, and which shall be known as the Rice  
6     Valley Wilderness;

7           (56) certain lands in the California Desert Conservation Area  
8     and the Yuma District, of the Bureau of Land Management, which  
9     comprise approximately twenty-two thousand three hundred eighty  
10    acres, as generally depicted on a map entitled "Riverside  
11    Mountains Wilderness--Proposed", dated May 1991, and which shall  
12    be known as the Riverside Mountains Wilderness;

13          (57) certain lands in the California Desert Conservation  
14    Area, of the Bureau of Land Management, which comprise  
15    approximately ~~twenty-seven thousand seven hundred~~ twenty-one  
16    thousand three hundred acres, as generally depicted on a map  
17    entitled "Rodman Mountains Wilderness--Proposed", dated ~~January~~  
18    ~~1989,~~ July 1993, and which shall be known as the Rodman Mountains  
19    Wilderness;

20          (58) certain lands in the California Desert Conservation Area  
21    and the Bakersfield District, of the Bureau of Land Management,  
22    which comprise approximately fifty-one thousand nine hundred  
23    acres, as generally depicted on two maps entitled "Sacatar Trail  
24    Wilderness--Proposed 1" and "Sacatar Trail Wilderness--Proposed  
25    2", dated May 1991, and which shall be known as the Sacatar Trail  
26    Wilderness;

27          (59) certain lands in the California Desert Conservation  
28    Area, of the Bureau of Land Management, which comprise

1 approximately ~~one thousand eight hundred~~ one thousand four hundred  
2 and forty acres, as generally depicted on a map entitled "Saddle  
3 Peak Hills Wilderness--Proposed", dated ~~May 1991~~, July 1993, and  
4 which shall be known as the Saddle Peak Hills Wilderness;

5 (60) certain lands in the California Desert Conservation  
6 Area, of the Bureau of Land Management, which comprise  
7 approximately ~~thirty-three thousand five hundred~~ thirty-seven  
8 thousand nine hundred and eighty acres, as generally depicted on a  
9 map entitled "San Gorgonio Wilderness Additions--Proposed", dated  
10 July 1993, and which are hereby incorporated in, and which shall  
11 be deemed to be a part of, the San Gorgonio Wilderness as  
12 designated by Public Laws 88-577 and 98-425;

13 (61) certain lands in the California Desert Conservation  
14 Area, of the Bureau of Land Management, which comprise  
15 approximately ~~fifty-three thousand two hundred and forty~~ sixty-  
16 four thousand seven hundred and sixty acres, as generally depicted  
17 on a map entitled "Santa Rosa Wilderness Additions--Proposed",  
18 dated ~~May 1991~~, July 1993, and which are hereby incorporated in,  
19 and which shall be deemed to be a part of, the Santa Rosa  
20 Wilderness designated by Public Laws 98-425;

21 (62) certain lands in the California Desert District, of the  
22 Bureau of Land Management, which comprise approximately thirty-  
23 five thousand ~~four hundred~~ and eighty acres, as generally depicted  
24 on a map entitled "Sawtooth Mountains Wilderness--Proposed", dated  
25 July 1993, and which shall be known as the Sawtooth Mountains  
26 Wilderness;

27 (63) certain lands in the California Desert Conservation  
28 Area, of the Bureau of Land Management, which comprise

1 approximately one hundred seventy-four thousand eight hundred  
2 acres, as generally depicted on two maps entitled "Sheephole  
3 Valley Wilderness--Proposed 1", dated October 1991, and "Sheephole  
4 Valley Wilderness--Proposed 2", dated February 1986, and which  
5 shall be known as the Sheephole Valley Wilderness;

6 ~~(64) certain lands in the California Desert Conservation~~  
7 ~~Area, of the Bureau of Land Management, which comprise~~  
8 ~~approximately sixty one thousand six hundred and thirty acres, as~~  
9 ~~generally depicted on a map entitled "South Algodones Dunes~~  
10 ~~Wilderness Proposed", dated January 1989, and which shall be~~  
11 ~~known as the South Algodones Dunes Wilderness,~~

12 ~~(65)~~ (64) certain lands in the California Desert Conservation  
13 Area, of the Bureau of Land Management, which comprise  
14 approximately sixteen thousand seven hundred and eighty acres, as  
15 generally depicted on a map entitled "South Nopah Range  
16 Wilderness--Proposed", dated February 1986, and which shall be  
17 known as the South Nopah Range Wilderness;

18 ~~(66)~~ (65) certain lands in the California Desert Conservation  
19 Area, of the Bureau of Land Management, which comprise  
20 approximately seven thousand and fifty acres, as generally  
21 depicted on a map entitled "Stateline Wilderness--Proposed", dated  
22 May 1991, and which shall be known as the Stateline Wilderness;

23 ~~(67)~~ (66) certain lands in the California Desert Conservation  
24 Area, of the Bureau of Land Management, which comprise  
25 approximately eighty-one thousand six hundred acres, as generally  
26 depicted on a map entitled "Stepladder Mountains Wilderness--  
27 Proposed", dated February 1986, and which shall be known as the  
28 Stepladder Mountains Wilderness;

1       ~~(68)~~ (67) certain lands in the California Desert Conservation  
2       Area, of the Bureau of Land Management, which comprise  
3       approximately twenty-nine thousand one hundred and eighty acres,  
4       as generally depicted on a map entitled "Surprise Canyon  
5       Wilderness--Proposed", dated September 1991, and which shall be  
6       known as the Surprise Canyon Wilderness;

7       ~~(69)~~ (68) certain lands in the California Desert Conservation  
8       Area, of the Bureau of Land Management, which comprise  
9       approximately seventeen thousand eight hundred and twenty acres,  
10      as generally depicted on a map entitled "Sylvania Mountains  
11      Wilderness--Proposed", dated February 1986, and which shall be  
12      known as the Sylvania Mountains Wilderness;

13      ~~(70)~~ (69) certain lands in the California Desert Conservation  
14      Area, of the Bureau of Land Management, which comprise  
15      approximately ~~thirty-three thousand seven hundred and twenty~~  
16      thirty-one thousand one hundred and sixty acres, as generally  
17      depicted on a map entitled "Trilobite Wilderness--Proposed", dated  
18      ~~May 1991~~, July 1993, and which shall be known as the Trilobite  
19      Wilderness;

20      ~~(71)~~ (70) certain lands in the California Desert Conservation  
21      Area, of the Bureau of Land Management, which comprise  
22      approximately one hundred forty-four thousand five hundred acres,  
23      as generally depicted on a map entitled "Turtle Mountains  
24      Wilderness--Proposed 1", dated February 1986 and a map entitled  
25      "Turtle Mountains Wilderness--Proposed 2", dated May 1991, and  
26      which shall be known as the Turtle Mountains Wilderness; and

27      ~~(72)~~ (71) certain lands in the California Desert Conservation  
28      Area and the Yuma District, of the Bureau of Land Management,

1 which comprise approximately ~~seventy five thousand three hundred~~  
2 seventy-seven thousand five hundred and twenty acres, as generally  
3 depicted on a map entitled "Whipple Mountains Wilderness--  
4 Proposed", dated ~~May 1991~~, July 1993, and which shall be known as  
5 the Whipple Mountains Wilderness.

6 ~~(73) certain lands in the California Desert Conservation~~  
7 ~~Area, of the Bureau of Land Management, which comprise~~  
8 ~~approximately forty six thousand and seventy acres, as generally~~  
9 ~~depicted on a map entitled "Avawats Mountains Wilderness--~~  
10 ~~Proposed", dated July 1992, and which shall be known as the~~  
11 ~~Avawats Mountains Wilderness.~~

12 ~~----- (74) certain lands in the California Desert Conservation~~  
13 ~~Area, of the Bureau of Land Management, which comprise fifty five~~  
14 ~~thousand five hundred and sixty acres, as generally depicted on a~~  
15 ~~map entitled "Soda Mountains Wilderness Proposed", dated July~~  
16 ~~1992, and which shall be known as the Soda Mountain Wilderness."~~

17 . SEC. 103. ADMINISTRATION OF WILDERNESS AREAS.

18 (a) MANAGEMENT.--Subject to valid existing rights, each  
19 wilderness area designated under section 102 shall be administered  
20 by the ~~appropriate~~ Secretary of the Interior (hereinafter in this  
21 Act referred to as the "Secretary") or the Secretary of  
22 Agriculture, as appropriate, in accordance with the provisions of  
23 the Wilderness Act, except that any reference in such provisions  
24 to the effective date of the Wilderness Act shall be deemed to be  
25 a reference to the effective date of this title and any reference  
26 to the Secretary of Agriculture shall be deemed to be a reference  
27 to the Secretary who has administrative jurisdiction over the  
28 area.

1 ~~SEC. 104. CRAZING.~~

2 (b) MAP AND LEGAL DESCRIPTIONS.--As soon as practicable after  
3 the date of enactment of section 102, the Secretary concerned  
4 shall file a map and legal description ~~on~~ for each wilderness area  
5 designated under this title ~~shall be filed by the Secretary~~  
6 ~~concerned~~ with the Committee on Energy and Natural Resources of  
7 the United States Senate and the Committee on Natural Resources of  
8 the United States House of Representatives. ~~and each~~ Each such map  
9 and description shall have the same force and effect as if  
10 included in this title, except that the Secretary or the Secretary  
11 of Agriculture, as appropriate, may correct clerical and  
12 typographical errors in each such legal description and map. Each  
13 such map and legal description shall be on file and available for  
14 public inspection in the office of the Director of the Bureau of  
15 Land Management, Department of the Interior, or the Chief of the  
16 Forest Service, Department of Agriculture, as appropriate.

17 (c) LIVESTOCK.--Within the wilderness areas designated under  
18 section 102, the grazing of livestock, where established prior to  
19 the date of enactment of this Act, shall be permitted to continue  
20 subject to such reasonable regulations, policies, and practices as  
21 the Secretary deems necessary, as long as such regulations,  
22 policies, and practices fully conform with and implement the  
23 intent of Congress regarding grazing in such areas as such intent  
24 is expressed in the Wilderness Act and section ~~108 of Public Law~~  
25 ~~96-560 (16 U.S.C. 133 note).~~ 101(b)(f) of Public Law 101-628.

26 ~~SEC. 105. BUFFER ZONES.~~

27 (d) NO BUFFER ZONES.--The Congress does not intend for the  
28 designation of wilderness areas in section 102 of this Act to lead

1 to the creation of protective perimeters or buffer zones around  
2 any such wilderness area. The fact that nonwilderness activities  
3 or uses can be seen or heard from areas within a wilderness area  
4 shall not, of itself, preclude such activities or uses up to the  
5 boundary of the wilderness area.

6 (e) FISH AND WILDLIFE.--As provided in section 4(d)(7) of the  
7 Wilderness Act, nothing in this title shall be construed as  
8 affecting the jurisdiction of the State of California with respect  
9 to wildlife and fish on the public lands located in that State.

10 (f) WILDLIFE MANAGEMENT.--In furtherance of the purposes of  
11 the Wilderness Act, management activities to maintain or restore  
12 fish and wildlife populations and the habitats to support such  
13 populations may be carried out within wilderness areas designated  
14 by this title, where consistent with relevant wilderness  
15 management plans, in accordance with appropriate policies and  
16 guidelines, as set forth in section 101(h) of Public Law 101-628.

17 (g) LAW ENFORCEMENT BORDER ACTIVITIES.--Nothing in this  
18 title, including the designation as wilderness of lands within the  
19 Jacumba Wilderness and Fish Creek Mountains Wilderness designated  
20 in section 102 of this Act, shall be construed as--

21 (1) precluding or otherwise affecting continued border  
22 operations by the Immigration and Naturalization Service, the  
23 Drug Enforcement Administration, or the United States Customs  
24 Service within such wilderness areas, in accordance with any  
25 applicable interagency agreements in effect on the date of  
26 enactment of this Act; or

27 (2) precluding the Attorney General of the United States  
28 or the Secretary of the Treasury from entering into new or

1 renewed agreements with the Secretary concerning Immigration  
2 and Naturalization Service, Drug Enforcement Administration,  
3 or United States Custom Service border operations within such  
4 wilderness areas, consistent with management of the  
5 wilderness areas for the purpose for which such wilderness  
6 areas were established, and in accordance with the Federal  
7 Land Policy and Management Act of 1976 (43 U.S.C. 1701 et  
8 seq.).

9 SEC. ~~106.~~ 104. MINING CLAIM VALIDITY REVIEW.

10 The Secretary ~~of the Interior~~ and the Secretary of  
11 Agriculture shall not approve any plan of operation within any  
12 wilderness area designated under section 102 prior to determining  
13 the validity of the unpatented mining claims, mill sites, and  
14 tunnel sites affected by such plan. ~~within any wilderness area~~  
15 ~~designated under section 102.~~

16 SEC. ~~107.~~ FILING OF MAPS AND DESCRIPTIONS.

17 SEC. ~~108.~~ 105. WILDERNESS REVIEW.

18 (a) IN GENERAL.--Except as provided in subsection (b), the  
19 Congress hereby finds and directs that lands in the California  
20 Desert Conservation Area, of the Bureau of Land Management, not  
21 designated as wilderness or wilderness study areas by this Act  
22 have been adequately studied for wilderness designation pursuant  
23 to section 603 of the Federal Land Policy and Management Act of  
24 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), and are no longer  
25 subject to the requirement of section 603(c) of the Federal Land  
26 Policy and Management Act of 1976 pertaining to the management of  
27 wilderness study areas in a manner that does not impair the  
28 suitability of such areas for preservation as wilderness.

*Delete per C.A.*

1       (b) AREAS NOT RELEASED.--The following areas shall continue  
2       to be subject to the requirements of section 603(c) of the Federal  
3       Land Policy and Management Act of 1976, pertaining to the  
4       management of wilderness study areas in a manner that does not  
5       impair the suitability of such areas for preservation as  
6       wilderness.--

7       (1) certain lands which comprise approximately forty-six  
8       thousand and seventy acres, as generally depicted on a map  
9       entitled "Avawatz Mountains Wilderness--Proposed", dated May 1991;

10       (2) certain lands which comprise approximately thirty-nine  
11       thousand seven hundred and fifty acres, as generally depicted on a  
12       map entitled "Kingston Range Wilderness--Proposed 4", dated July  
13       1993;

14       (3) certain lands which comprise approximately fifty-five  
15       thousand five hundred and sixty acres, as generally depicted on  
16       two maps entitled "Soda Mountains Wilderness--Proposed 1", dated  
17       May 1991, and "Soda Mountains Wilderness--Proposed 2", dated  
18       January 1989; and

19       (4) certain lands as generally depicted on a map entitled  
20       "South Avawatz Mountains Wilderness--Proposed", dated May 1991.

21       (c) WITHDRAWAL.--Subject to valid existing rights, the  
22       Federal lands referred to in subsection (b) are hereby withdrawn  
23       from disposition under the public land laws and from entry or  
24       appropriation under the mining laws of the United States, from the  
25       operation of the mineral leasing laws of the United States, and  
26       from operation of the Geothermal Steam Act of 1970, and any  
27       amendments thereto.

28       SEC. ~~109~~ 106. DESIGNATION OF WILDERNESS STUDY AREA.

1 In furtherance of the provisions of the Wilderness Act,  
2 ~~certain~~ the following lands in the California Desert Conservation  
3 Area, of the Bureau of Land Management, are hereby designated as  
4 Wilderness Study Areas and shall be administered by the Secretary  
5 in accordance with the provisions of section 603(c) of the Federal  
6 Land Policy and Management Act of 1976 (43 U.S.C. 1782)--

7 (1) certain lands which comprise approximately eleven  
8 thousand two hundred acres as generally depicted on a map entitled  
9 "White Mountains Wilderness Study Area--Proposed", dated May 1991,  
10 are hereby designated as the White Mountains Wilderness Study  
11 Area.

12 SEC. ~~110.~~ 107. SUITABILITY REPORT.

13 The Secretary is required, ten years after the date of  
14 enactment of this Act, to report to Congress on current and  
15 planned exploration, development or mining activities on, and  
16 suitability for future wilderness designation of, the lands as  
17 generally depicted on maps entitled "Surprise Canyon Wilderness--  
18 Proposed", "Middle Park Canyon Wilderness--Proposed", and "Death  
19 Valley National Park Boundary and Wilderness 15", dated September  
20 1991 and a map entitled "Manly Peak Wilderness--Proposed", dated  
21 October 1991.

22 SEC. 108. DESERT LILY SANCTUARY.

23 (a) DESIGNATION.--There is hereby established the Desert Lily  
24 Sanctuary within the California Desert Conservation Area,  
25 California, of the Bureau of Land Management, comprising  
26 approximately two thousand forty acres, as generally depicted on a  
27 map entitled "Desert Lily Sanctuary", dated February 1986. The  
28 Secretary shall administer the area to provide maximum protection

1 to the desert lily.

2 (b) WITHDRAWAL.--Subject to valid existing rights, all  
3 Federal lands and interests therein within the sanctuary are  
4 hereby withdrawn from all forms of entry, appropriation, or  
5 disposal under the public land laws; from location, entry or  
6 patent under the United States mining laws; and from the operation  
7 of the mineral leasing laws of the United States, and from  
8 operation of the Geothermal Steam Act of 1970.

9 SEC. 109. DINOSAUR TRACKWAY AREA OF CRITICAL ENVIRONMENTAL  
10 CONCERN.

11 (a) DESIGNATION.--There is hereby established the Dinosaur  
12 Trackway Area of Critical Environmental Concern with the  
13 California Desert Conservation Area, of the Bureau of Land  
14 Management, comprising approximately five hundred and ninety acres  
15 as generally depicted on a map entitled "Dinosaur Trackway Area of  
16 Critical Environmental Concern", dated July 1993. The Secretary  
17 shall administer the area to preserve the paleontological  
18 resources within the area.

19 (b) WITHDRAWAL.--Subject to valid existing rights, Federal  
20 lands and interests therein within and adjacent to the Dinosaur  
21 Trackway Area of Critical Environmental Concern, as generally  
22 depicted on a map entitled "Dinosaur Trackway Mineral Withdrawal  
23 Area", dated July 1993, are withdrawn from disposition under the  
24 public land laws and from entry, location, or patent under the  
25 mining laws, from the operation of the mineral leasing laws, from  
26 the operation of the Geothermal Steam Act of 1970, and from the  
27 mineral material disposal laws.

28 TITLE II -- DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY

1                   THE UNITED STATES FISH AND WILDLIFE SERVICE.

2   ~~SEC. 111. WILDERNESS DESIGNATION AND MANAGEMENT IN THE NATIONAL~~  
3   ~~WILDLIFE REFUGE SYSTEM.~~

4   SEC. 201. DESIGNATION AND MANAGEMENT.

5           (a) DESIGNATION.--In furtherance of the purposes of the  
6   Wilderness Act, the following lands are hereby designated as  
7   wilderness and therefore, as components of the National Wilderness  
8   Preservation System:

9           (1) certain lands in the Havasu National Wildlife  
10   Refuge, California, which comprise approximately three  
11   thousand one hundred and ninety-five acres, as generally  
12   depicted on a map entitled "Havasu Wilderness--Proposed", and  
13   dated October 1991, and which shall be known as the Havasu  
14   Wilderness; and

15          (2) certain lands in the Imperial National Wildlife  
16   Refuge, California, which comprise approximately five  
17   thousand eight hundred and thirty-six acres, as generally  
18   depicted on two maps entitled "Imperial Refuge Wilderness--  
19   Proposed 1" and "Imperial Refuge Wilderness--Proposed 2", and  
20   dated October 1991, and which shall be known as the Imperial  
21   Refuge Wilderness.

22          (b) MANAGEMENT.--Subject to valid existing rights, the  
23   wilderness areas designated under this ~~section~~ title shall be  
24   administered by the Secretary in accordance with the provisions of  
25   the Wilderness Act governing areas designated by that Act as  
26   wilderness, except that any reference in such provisions to the  
27   effective date of the Wilderness Act (or any similar reference)  
28   shall be deemed to be a reference to the date of enactment of this

Act.

(c) MAPS AND LEGAL DESCRIPTION.--As soon as practicable after enactment of this ~~section~~, title, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committees on Energy and Natural Resources and Environment and Public Works of the United States Senate and Natural Resources and Merchant Marine and Fisheries of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, Department of the Interior.

SEC. 202. NO EFFECT ON COLORADO RIVER DAMS.

Nothing in this title shall be construed to affect the operation of Federally owned dams located on the Colorado River in the Lower Basin.

SEC. 203. NO EFFECT ON UPPER BASIN.

Nothing in titles I or II of this Act shall amend, construe, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.

TITLE III--DEATH VALLEY NATIONAL PARK

SEC. ~~201~~ 301. FINDINGS.

← Insert  
Section  
204

AMENDMENT NO. 3A Ex.        Calendar No.       

Purpose: Conform water language to Arizona Wilderness

IN THE SENATE OF THE UNITED STATES      103rd Cong., 1st Session

S. 21 California Desert

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( ) Referred to the Committee on                       
and ordered to be printed

( ) Ordered to lie on the table and to be printed

Intended to be proposed by Mr. Wallop

Viz:

1) On page 29, line 20 (in section 203), delete "titles I or II of".

Purpose: Clarifies that the savings language for the Upper Basin applies to the entire legislation.

2) On page 29, after line 26 (after section 203), add the following section 204:

"Sec. 204. With respect to the Havasu and Imperial wilderness areas designated by subsection 201(a) of this title, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise."

*Inser*

Purpose: Picks up language from the Arizona Wilderness legislation clarifying that enactment of this Act will not create any reserved water rights for the Refuges from the Colorado.

1 The Congress hereby finds that--

2 (1) proclamations by Presidents Herbert Hoover in 1933 and  
3 Franklin Roosevelt in 1937 established and expanded the Death  
4 Valley National Monument for the preservation of the unusual  
5 features of scenic, scientific, and educational interest therein  
6 contained;

7 (2) Death Valley National Monument is today recognized as a  
8 major unit of the National Park System, having extraordinary  
9 values enjoyed by millions of visitors;

10 (3) the monument boundaries established in the 1930's exclude  
11 and thereby expose to incompatible development and inconsistent  
12 management, contiguous Federal lands of essential and superlative  
13 natural, ecological, geological, archeological, paleontological,  
14 cultural, historical and wilderness values;

15 (4) Death Valley National Monument should be substantially  
16 enlarged by the addition of all contiguous Federal lands of  
17 national park caliber and afforded full recognition and statutory  
18 protection as a National Park; and

19 (5) the wilderness within Death Valley should receive maximum  
20 statutory protection by designation pursuant to the Wilderness  
21 Act.

22 SEC. ~~202~~ 302. ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK.

23 There is hereby established the Death Valley National Park,  
24 (hereinafter in this title referred to as the "park") as generally  
25 depicted on 23 maps entitled "Death Valley National Park Boundary  
26 and Wilderness--Proposed", numbered in the title one through  
27 twenty-three, and dated ~~September 1991~~ July 1993 or prior, which  
28 shall be on file and available for public inspection in the

1 offices of the Superintendent of the park and the Director of the  
2 National Park Service, Department of the Interior. The Death  
3 Valley National Monument is hereby abolished as such, the lands  
4 and interests therein are hereby incorporated within and made part  
5 of the new Death Valley National Park, and any funds available for  
6 purposes of the monument shall be available for purposes of the  
7 park.

8 SEC. ~~203~~ 303. TRANSFER AND ADMINISTRATION OF LANDS.

9 Upon enactment of this title, the Secretary shall transfer  
10 the lands under the jurisdiction of the Bureau of Land Management  
11 depicted on the maps described in section ~~202~~ 302 of this title,  
12 without consideration, to the administrative jurisdiction of the  
13 ~~Director of the~~ National Park Service for administration as part  
14 of the National Park System, and the boundary of the park shall  
15 ~~The boundaries of the public lands and the national parks shall~~ be  
16 adjusted accordingly. The Secretary shall administer the areas  
17 added to ~~the National Park System~~ the park by this title in  
18 accordance with the provisions of law generally applicable to  
19 units of the National Park System, including the Act entitled "An  
20 Act to establish a National Park Service, and for other purposes",  
21 approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

22 SEC. ~~204~~ 304. MAPS AND LEGAL DESCRIPTION.

23 Within six months after the enactment of this title, the  
24 Secretary shall file maps and a legal description of the park  
25 designated under this title with the Committee on Energy and  
26 Natural Resources of the United States Senate and the Committee on  
27 Natural Resources of the United States House of Representatives.  
28 Such maps and legal description shall have the same force and

effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section ~~202~~ 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior.

SEC. ~~205~~ 305. ~~DISPOSITION UNDER MINING LAWS~~, WITHDRAWAL.

Subject to valid existing rights, the Federal lands and interests therein added to the ~~National Park System~~ park by this title are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

SEC. ~~206~~ 306. STUDY AS TO VALIDITY OF MINING CLAIMS.

The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the additions to the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

SEC. ~~207~~ 307. GRAZING.

(a) IN GENERAL.--The privilege of grazing domestic livestock on lands within the park may continue to be exercised at no more than the current level, subject to applicable laws and National

Delete per Comm

1 Park Service regulations, by those persons holding permits for  
2 such grazing on July 1, 1991. Upon the expiration of such permits  
3 the Secretary ~~acting through the Director of the National Park~~  
4 ~~Service~~, may issue to such persons new permits for such grazing,  
5 subject to applicable laws and National Park Service regulations,  
6 but all grazing of ~~such~~ livestock on such lands shall cease on  
7 July 1, ~~2016~~ 2018.

8 (b) SALE OF PROPERTY.--If a ~~permittee~~ person holding a  
9 grazing permit referred to in subsection (a) informs the Secretary  
10 that such permittee is willing to convey to the United States any  
11 base property with respect to which such permit was issued and to  
12 which such permittee holds title, the Secretary shall make the  
13 acquisition of such base property a priority as compared with the  
14 acquisition of other lands within the park, provided agreement can  
15 be reached concerning the terms and conditions of such  
16 acquisition. Any such base property which is located outside the  
17 park and acquired as a priority pursuant to this section shall be  
18 managed by the Federal agency responsible for the majority of the  
19 adjacent lands in accordance with the laws applicable to such  
20 adjacent lands.

21 TITLE ~~III~~ IV--JOSHUA TREE NATIONAL PARK  
22 SEC. ~~301~~ 401. FINDINGS.

23 The Congress hereby finds that--

24 (1) a proclamation by President Franklin Roosevelt in 1936  
25 established Joshua Tree National Monument to protect various  
26 objects of historical and scientific interest;

27 (2) Joshua Tree National Monument today is recognized as a  
28 major unit of the National Park System, having extraordinary

values enjoyed by millions of visitors;

(3) the monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical and wilderness values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the non-designated wilderness within Joshua Tree should receive statutory protection by designation pursuant to the Wilderness Act.

SEC. ~~302~~ 402. ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK.

There is hereby established the Joshua Tree National Park, (hereinafter in this section referred to as the "park"), as generally depicted on a map entitled "Joshua Tree National Park Boundary--Proposed", dated May 1991, and four maps entitled "Joshua Tree National Park Boundary and Wilderness", numbered in the title one through four, and dated October 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

1     SEC. ~~303~~ 403. TRANSFER AND ADMINISTRATION OF LANDS.

2             Upon enactment of this title, the Secretary shall transfer  
3     the lands under the jurisdiction of the Bureau of Land Management  
4     depicted on the maps described in section ~~302~~ 402 of this title,  
5     without consideration, to the administrative jurisdiction of the  
6     ~~Director of the~~ National Park Service for administration as part  
7     of the National Park System. The boundaries of the ~~public lands~~  
8     ~~and the national~~ park shall be adjusted accordingly. The  
9     Secretary shall administer the areas added to the ~~National Park~~  
10    ~~System~~ park by this title in accordance with the provisions of law  
11    generally applicable to units of the National Park System,  
12    including the Act entitled "An Act to establish a National Park  
13    Service, and for other purposes", approved August 25, 1916 (39  
14    Stat. 535; 16 U.S.C. 1, 2-4).

15    SEC. ~~304~~ 404. MAPS AND LEGAL DESCRIPTION.

16            Within six months after the date of enactment of this title,  
17    the Secretary shall file maps and legal description of the park  
18    ~~designated by this title~~ with the Committee on Energy and Natural  
19    Resources of the United States Senate and the Committee on Natural  
20    Resources of the United States House of Representatives. Such  
21    maps and legal description shall have the same force and effect as  
22    if included in this title, except that the Secretary may correct  
23    clerical and typographical errors in such legal description and ~~in~~  
24    ~~the maps, referred to in section 302.~~ The maps and legal  
25    description shall be on file and available for public inspection  
26    in the appropriate offices of the ~~Superintendent of the Park and~~  
27    ~~the Director of the~~ National Park Service, Department of the  
28    Interior.

1 SEC. 305. ~~DISPOSITION UNDER MINING LAWS.~~ WITHDRAWAL.

2 Subject to valid existing rights, Federal lands and interests  
3 therein added to the ~~National Park System~~ park by this title are  
4 withdrawn from disposition under the public lands laws and from  
5 entry or appropriation under the mining laws of the United States,  
6 from the operation of the mineral leasing laws of the United  
7 States, and from the operation of the Geothermal Steam Act of  
8 1970.

9 SEC. ~~306~~ 406. UTILITY RIGHTS-OF-WAY.

10 Nothing in this title shall have the effect of terminating  
11 any validly issued right-of-way or customary operation  
12 maintenance, repair, and replacement activities in such right-of-  
13 way, issued, granted, or permitted to the Metropolitan Water  
14 District pursuant to the Boulder Canyon Project Act (43 U.S.C.  
15 617-619b), which is located on lands included in the Joshua Tree  
16 National Park, but outside lands designated as wilderness under  
17 section ~~501(2)~~ 601(2). Such activities shall be conducted in a  
18 manner which will minimize the impact on park resources. Nothing  
19 in this title shall have the effect of terminating the fee title  
20 to lands or customary operation, maintenance, repair, and  
21 replacement activities on or under such lands granted to the  
22 Metropolitan Water District pursuant to the Act on June 18, 1932  
23 (47 Stat. 324), which are located on lands included in the Joshua  
24 Tree National Park, but outside lands designated as wilderness  
25 under section ~~501(2)~~ 601(2). Such activities shall be conducted  
26 in a manner which will minimize the impact on park resources. The  
27 Secretary shall prepare within 180 days after the date of  
28 enactment of this Act, in consultation with the Metropolitan Water

District, plans for emergency access by the Metropolitan Water District to its lands and rights-of-way.

SEC. ~~307~~ 407. STUDY AS TO VALIDITY OF MINING CLAIMS.

The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

TITLE IV--MOJAVE NATIONAL PARK.

SEC. ~~401~~ 501. FINDINGS.

The Congress hereby finds that--

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave desert possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) portions of the Mojave desert should be afforded full recognition and statutory protection as a National Park;

(4) the wilderness within the Mojave desert should receive maximum statutory protection by designation pursuant to the Wilderness Act; and

\* Map changed to delete the Lantain Valley area from the Mojave NP. Wallop argued these lands were provided to residents under the Homesteading acts 70 years ago and the area is not essential to the Fc.

(5) the Mojave desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101-336, the Americans With Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

SEC. ~~402~~ 502. ESTABLISHMENT OF THE MOJAVE NATIONAL PARK.

There is hereby established the Mojave National Park, (hereinafter in this title referred to as the "park") comprising approximately ~~one million four hundred and sixty thousand one~~ million four hundred [fifty-eight thousand] acres, as generally depicted on a map entitled "Mojave National Park Boundary--Proposed", dated [July] 1992, 1993, and ten maps entitled "Mojave National Park Boundary and Wilderness--Proposed", numbered in the title one through ten, and dated July 1992 or prior, which shall be on file and available for inspection in the appropriate offices of the ~~Director of the~~ National Park Service, Department of the Interior.

SEC. ~~403~~ 503. TRANSFER OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section ~~402~~ 502 of this title, without consideration, to the administrative jurisdiction of the ~~Director of the~~ National Park Service. ~~The boundaries of the public lands shall be adjusted accordingly.~~

SEC. ~~404~~ 504. MAPS AND LEGAL DESCRIPTION.

Within six months after the date of enactment of this title,

AMENDMENT NO. 2C Ex. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To delete the Lanfair Valley area from the Mojave National Park/Monument.

IN THE SENATE OF THE UNITED STATES 103rd Cong., 1st Session

S. 21. California Desert Protection Act of 1993.

( ) Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

( ) Ordered to lie on the table and to be printed  
Intended to be proposed by Mr. Wallop.

Viz:

Section 502 of the Bumpers amendment to S. 21 is amended:

1) on page 38, beginning on line 10, by striking "comprising one million four hundred fifty-eight thousand acres," and inserting "comprising one million four hundred \_\_\_\_\_ acres,";

2) on page 38, line 14, by striking "dated July 1993, and" and inserting "dated \_\_\_\_\_ 1993, and";

3) Section 516 of the Bumpers amendment to S. 21 is amended by striking paragraph 516(b) in its entirety.

PURPOSE: To delete the Lanfair Valley area from the Mojave National Park/Monument, and to correct the acreage, and the dates of the maps which correlate with the deletion of the Lanfair Valley area. Land in this area was provided to the current residents in the area under the Homesteading acts seventy years ago. The Lanfair Valley is adjacent to, and not essential to the integrity of the Mojave National Park/Monument.

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1 the Secretary shall file maps and a legal description of the park  
2 ~~designated under this title~~ with the Committee on Energy and  
3 Natural Resources of the United States Senate and the Committee on  
4 Natural Resources of the United States House of Representatives.  
5 Such maps and legal descriptions shall have the same force and  
6 effect as if included in this title, except that the Secretary may  
7 correct clerical and typographical errors in such legal  
8 descriptions and ~~in the maps, referred to in section 402.~~ The maps  
9 and legal description shall be on file and available for public  
10 inspection in the appropriate offices of the National Park  
11 Service, Department of the Interior.

12 SEC. ~~405.~~ 505. ABOLISHMENT OF SCENIC AREA.

13 The East Mojave Scenic Area, designated on January 13, 1981  
14 (46 FR 3994), and modified on August 9, 1983 (48 FR 36210), is  
15 hereby abolished.

16 SEC. ~~406.~~ 506. ADMINISTRATION OF PARK.

17 The Secretary shall administer the park in accordance with  
18 this title and with the provisions of law generally applicable to  
19 units of the National Park System, including the Act entitled "An  
20 Act to establish a National Park Service, and for other purposes",  
21 approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

22 SEC. ~~407.~~ 507. ~~DISPOSITION UNDER MINING LAWS.~~ WITHDRAWAL.

23 Subject to valid existing rights, Federal lands within the  
24 park, and interests therein, are withdrawn from disposition under  
25 the public land laws and from entry or appropriation under the  
26 mining laws of the United States, from the operation of the  
27 mineral leasing laws of the United States, and from operation of  
28 the Geothermal Steam Act of 1970.

1 the Geothermal Steam Act of 1970.

2 SEC. ~~408~~ 508. STUDY AS TO VALIDITY OF MINING CLAIMS.

3 The Secretary shall not approve any plan of operation prior  
4 to determining the validity of the unpatented mining claims, mill  
5 sites, and tunnel sites affected by such plan within the park and  
6 shall submit to Congress recommendations as to whether any valid  
7 or patented claims should be acquired by the United States,  
8 including the estimated acquisition costs of such claims, and a  
9 discussion of the environmental consequences of the extraction of  
10 minerals from these lands.

11 SEC. ~~409~~ 509. REGULATION OF MINING.

12 Subject to valid existing rights, all mining claims located  
13 within the park shall be subject to such reasonable regulations as  
14 the Secretary may prescribe to assure that mining will, to the  
15 maximum extent practicable, be consistent with the protection of  
16 the scenic, scientific, cultural and other resources of the park,  
17 and any patent which may be issued after the date of enactment of  
18 this title shall convey title only to the minerals together with  
19 the right to use the surface of lands for mining purposes subject  
20 to such reasonable regulations.

21 SEC. ~~410~~ 510. GRAZING.

22 (a) IN GENERAL.--The privilege of grazing domestic livestock  
23 on lands within the park may continue to be exercised at no more  
24 than the current level, subject to applicable laws and National  
25 Park Service regulations, by those persons holding permits for  
26 such grazing on July 1, 1991. Upon the expiration of such permits  
27 the Secretary, acting through the Director of the National Park  
28 Service, may issue to such persons new permits for such grazing,

*Deleted per Crin*

1 subject to applicable laws and National Park Service regulations,  
2 but all grazing of such livestock on such lands shall cease on  
3 July 1, ~~2016~~ 2018.

4 (b) OFFERS TO SELL.--If a person holding a grazing permit  
5 referred to in subsection (a) informs the Secretary that such  
6 permittee is willing to convey to the United States any base  
7 property with respect to which the permit was issued and to which  
8 such permittee holds title, the Secretary shall make the  
9 acquisition of such base property a priority as compared with the  
10 acquisition of other lands within the park, provided agreement can  
11 be reached concerning the terms and conditions of such  
12 acquisition. Any such base property which is located outside the  
13 park and acquired as a priority pursuant to this section shall be  
14 managed by the Federal agency responsible for the majority of the  
15 adjacent lands in accordance with the laws applicable to such  
16 adjacent lands.

17 SEC. 411 ~~511~~. UTILITY RIGHTS OF WAY.

18 (a)(1) Nothing in this title shall have the effect of  
19 terminating any validly issued right-of-way or customary  
20 operation, maintenance, repair, and replacement activities in such  
21 right-of-way, issued, granted, or permitted to Southern California  
22 Edison Company, which is located on lands included in the Mojave  
23 National Park, but outside lands designated as wilderness under  
24 section ~~501(3)~~ 601(3). Such activities shall be conducted in a  
25 manner which will minimize the impact on park resources.

26 (2) Nothing in this title shall have the effect of  
27 prohibiting the upgrading of an existing electrical  
28 transmission line for the purpose of increasing the capacity

1 of such transmission line in the Southern California Edison  
2 Company validly issued Eldorado-Lugo Transmission Line right-  
3 of-way and Mojave-Lugo Transmission Line right-of-way, or in  
4 a right-of-way if issued, granted, or permitted by the  
5 Secretary adjacent to the existing Mojave-Lugo Transmission  
6 Line right-of-way (hereafter in this section referred to as  
7 "adjacent right-of-way"), including construction of a  
8 replacement transmission line: Provided, That--

9 (A) in the Eldorado-Lugo Transmission Line rights-  
10 of-way (hereafter in this section referred to as the  
11 "Eldorado rights-of-way") at no time shall there be more  
12 than 3 electrical transmission lines,

13 (B) in the Mojave-Lugo Transmission Line right-of-  
14 way (hereafter in this section referred to as the  
15 "Mojave right-of-way") and adjacent right-of-way,  
16 removal of the existing electrical transmission line and  
17 reclamation of the site shall be completed no later than  
18 three years after the date on which construction of the  
19 upgraded transmission line begins, after which time  
20 there may be only one electrical transmission line in  
21 the lands encompassed by Mojave right-of-way and  
22 adjacent right-of-way,

23 (C) if there are no more than two electrical  
24 transmission lines in the Eldorado rights-of-way, two  
25 electrical transmission lines in the lands encompassed  
26 by the Mojave right-of-way and adjacent right-of-way may  
27 be allowed,

28 (D) in the Eldorado rights-of-way and Mojave right-

1 of-way no additional land shall be issued, granted, or  
2 permitted for such upgrade unless an addition would  
3 reduce the impacts to park resources,

4 (E) no more than 350 feet of additional land shall  
5 be issued, granted, or permitted for an adjacent right-  
6 of-way to the south of the Mojave right-of-way unless a  
7 greater addition would reduce the impacts to park  
8 resources, and

9 (F) such upgrade activities, including helicopter  
10 aided construction, shall be conducted in a manner which  
11 will minimize the impact on park resources.

12 (3) The Secretary shall prepare within 180 days after  
13 the date of enactment of this title, in consultation with the  
14 Southern California Edison Company, plans for emergency  
15 access by the Southern California Edison Company to its  
16 rights-of-way.

17 (b)(1) Nothing in this title shall have the effect of  
18 terminating any validly issued right-of-way, or customary  
19 operation, maintenance, repair, and replacement activities in such  
20 right-of-way; prohibiting the upgrading of and construction on  
21 existing facilities in such right-of-way for the purpose of  
22 increasing the capacity of the existing pipeline; or prohibiting  
23 the renewal of such right-of-way; issued, granted, or permitted to  
24 the Southern California Gas Company, its successors or assigns,  
25 which is located on lands included in the Mojave National Park,  
26 but outside lands designated as wilderness under section ~~501(3)~~  
27 601(3). Such activities shall be conducted in a manner which will  
28 minimize the impact on park resources.

1        (2) The Secretary shall prepare within 180 days after the  
2        date of enactment of this title, in consultation with the Southern  
3        California Gas Company, plans for emergency access by the Southern  
4        California Gas Company to its rights-of-way.

5        (c) Nothing in this title shall have the effect of  
6        terminating any validly issued right-of-way or customary  
7        operation, maintenance, repair, and replacement activities of  
8        existing facilities issued, granted, or permitted for  
9        communications cables or lines, which are located on lands  
10       included in the Mojave National Park, but outside lands designated  
11       as wilderness under section ~~501(3)~~ 601(3). Such activities shall  
12       be conducted in a manner which will minimize the impact on park  
13       resources.

14       (d) Nothing in this title shall have the effect of  
15       terminating any validly issued right-of-way or customary  
16       operation, maintenance, repair, and replacement activities of  
17       existing facilities issued, granted, or permitted to Molybdenum  
18       Corporation of America; Molycorp, Incorporated; or Union Oil  
19       Company of California (d/b/a Unocal Corporation); or its  
20       successors or assigns, or prohibiting renewal of such right-of-  
21       way, which is located on lands included in the Mojave National  
22       Park, but outside lands designated as wilderness under section  
23       601(3). Such activities shall be conducted in a manner which will  
24       minimize the impact on park resources.

25       SEC. ~~412~~ 512. GENERAL MANAGEMENT PLAN.

26       (a) IN GENERAL.--Within three years of the date of enactment  
27       of this title, the Secretary shall submit to the Committee on  
28       Energy and Natural Resources of the United States Senate and the

1 Committee on Natural Resources of the United States House of  
2 Representatives a detailed and comprehensive management plan for  
3 the park. Such plan shall place emphasis on historical and  
4 cultural sites and ecological and wilderness values within the

5 boundaries of the park. *Such plan shall evaluate the feasibility  
using the Kelso Depot and existing railroad  
corridor to provide public access to, and a facility*

6 (b) DEVELOPMENT.--Any development, including road *for, special interpretive, educational and*  
7 improvements, proposed by such plan shall be strictly limited to *sciences*  
8 that which is essential and appropriate for the administration of *the park*  
9 the park and shall be designed and located so as to maintain its  
10 primitive nature of the area and to minimize the impairment of  
11 park resources or ecological values. To the extent practicable,  
12 administrative facilities, employee housing, commercial visitor  
13 services, accommodations, and other park-related development shall  
14 be located or provided for outside of the boundaries of the park.  
15 Such plan shall evaluate the feasibility of using the Kelso Depot  
16 and existing railroad corridor to provide public access to and a  
17 facility for special interpretive, educational, and scientific  
18 programs within the park.

19 (c) Such plan shall specifically address the needs of  
20 individuals with disabilities in the design of services, programs,  
21 accommodations and facilities consistent with section 504 of the  
22 Rehabilitation Act of 1973, ~~Public Law 101-336~~, the Americans with  
23 Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate  
24 laws and regulations.

25 SEC. ~~413~~ 513. GRANITE MOUNTAINS NATURAL RESERVE.

26 (a) ESTABLISHMENT.--There is hereby designated the Granite  
27 Mountains Natural Reserve within the park comprising approximately  
28 nine thousand acres as generally depicted on a map entitled

AMENDMENT NO. 2B Ex. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: Deletes the provision that facilities must be located outside of the Mojave National Park/Monument.

IN THE SENATE OF THE UNITED STATES 103rd Cong., 1st Session

S. 21 California Desert Protection Act of 1993.

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( ) Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

( ) Ordered to lie on the table and to be printed

Intended to be proposed by Mr. Wallop.

Viz:

Section 512 of the Bumpers amendment to S. 21 is amended:

1) on page 45, line 5 by striking "park." and inserting "park. Such plan shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to, and a facility for, special interpretive, educational, and scientific programs within the park.";

2) by striking all of paragraph (b), and renumbering paragraph (c) as paragraph (b).

Purpose: Deletes the provision that facilities must be located outside of the Mojave National Park/Monument. However, it retains the direction to the Secretary that Kelso Depot and the railroad corridor should be evaluated for use.

1 "Mojave National Park Boundary and Wilderness--Proposed 6", dated  
2 May 1991.

3 (b) COOPERATIVE MANAGEMENT AGREEMENT.--Upon enactment of this  
4 title, the Secretary ~~of the Interior~~ shall enter into a  
5 cooperative management agreement with the University of California  
6 for the purposes of managing the lands within the Granite  
7 Mountains Natural Reserve. Such cooperative agreement shall  
8 ensure continuation of arid lands research and educational  
9 activities of the University of California, consistent with the  
10 provisions of this title and laws generally applicable to units of  
11 the National Park System.

12 SEC. ~~414.~~ 514. SODA SPRINGS DESERT STUDY CENTER.

13 Upon enactment of this title, the Secretary shall enter into  
14 a cooperative management agreement with California State  
15 University for the purposes of managing facilities at the Soda  
16 Springs Desert Study Center. Such cooperative agreement shall  
17 ensure continuation of the desert research and educational  
18 activities of California State University, consistent with the  
19 provisions of this title and laws generally applicable to units of  
20 the National Park System.

21 SEC. ~~415.~~ 515. CONSTRUCTION OF VISITOR CENTER.

22 Notwithstanding section 502(b), the Secretary is authorized  
23 to construct a visitor center in the park for the purpose of  
24 providing information through appropriate displays, printed  
25 material, and other interpretive programs, about the resources of  
26 the park.

27 SEC. ~~416.~~ 516. ACQUISITION OF LANDS.

28 (a) IN GENERAL.--The Secretary is authorized to acquire all

lands and interests therein ~~in lands~~ within the boundary of the park by donation, purchase, or exchange, except that--

(1) any lands or interests therein within the boundary of the park which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange except for lands managed by California State Lands Commission; and

(2) lands or interests therein within the boundary of the park which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the park or which is otherwise incompatible with the purposes of this title.

(b) LANFAIR VALLEY.--(1) There is established within the park the Lanfair Valley Special Acquisition Area (hereinafter in this section referred to as the "Lanfair Valley area"), as depicted on a map entitled \_\_\_\_\_.

(2) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all privately owned lands within the Lanfair Valley area during all times when the County of San Bernadino shall have in force and applicable to such property a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of this section.

(3) As soon after the enactment of this title as may be practicable, the Secretary shall issue regulations specifying standards for approval by the Secretary of zoning bylaws for

*Dr. J. H. ...*

1 purposes of this section. The Secretary may issue amended  
2 regulations specifying standards for approval by the Secretary of  
3 zoning bylaws whenever the Secretary considers such amended  
4 regulations to be desirable due to changing or unforeseen  
5 conditions. All such regulations and amended regulations shall,  
6 both in their proposed and final forms, be published in the  
7 Federal Register.

8 (4)(A) The Secretary shall approve any zoning bylaw and any  
9 amendment to any approved zoning bylaw submitted which conforms to  
10 the standards contained in the regulations in effect at the time  
11 of the adoption by the county: Provided, however, That before the  
12 time of adoption the Secretary has proposed amended regulations  
13 which have been published in the Federal Register with which the  
14 bylaw or amendment may not be in conformity, the Secretary may  
15 withhold his approval pending completion of the review and final  
16 publication in the Federal Register and shall thereafter approve  
17 the bylaw of amendment only if it is in conformity with the  
18 amended regulations in their final form.

19 (B) Once a bylaw or amendment is approved by the Secretary  
20 under this section, the Secretary shall not withdraw or revoke  
21 approval, nor shall its effect be altered by the issuance of any  
22 amended regulations after the date of such approval, as long as  
23 the bylaw or amendment remains in effect as approved. The zoning  
24 bylaw approved under this section shall be subject to secretary  
25 review and approval every five years.

26 (5) No zoning bylaw or amendment of a zoning bylaw shall be  
27 approved by the Secretary which contains any provision which the  
28 Secretary considers adverse to the purposes for which the park was

1 created, or fails to have the effect of providing that the  
2 Secretary shall receive notice before any variance granted under  
3 any exception made to the application of such bylaw or amendment.

4 (6) In the case of any property with respect to which the  
5 Secretary's authority to acquire by condemnation has been  
6 suspended under this section, if a zoning bylaw applicable to such  
7 property --

8 (A) is made the subject of a variance under or any  
9 exception to such bylaw, which variance or exception fails to  
10 conform or is in any manner opposed to or inconsistent with  
11 any applicable standard contained in any regulations issued  
12 under this section and in effect at the time of the approval  
13 of such bylaw; or

14 (B) is property upon or with respect to which there  
15 occurs any use, commencing after the date of the publication  
16 by the Secretary of such regulations, which fails to conform  
17 or is in any manner opposed to or inconsistent with any  
18 applicable standard contained in such regulations (but no use  
19 which is in conformity with the provisions of such bylaw  
20 shall be held to fail to conform or be opposed to or  
21 inconsistent with any such standard),

22 the Secretary may, any time and in his discretion, terminate the  
23 suspension of his authority to acquire such property by  
24 condemnation: Provided, however, That the Secretary may agree with  
25 the owner or owners of such property to refrain from the exercise  
26 of the condemnation authority during such time and upon such terms  
27 and conditions as the Secretary may deem to be in the best  
28 interests of the park.

1       (7) The Secretary shall furnish to any party in interest upon  
2       request a certificate indicating, with respect to any property  
3       located within the Lanfair Valley area as to which the Secretary's  
4       authority to acquire such property by condemnation has been  
5       suspended in accordance with the provisions of this section, that  
6       this authority has been suspended, and the reasons for the  
7       suspension.

8       SEC. ~~417.~~ 517. SUITABILITY REPORT.

9       The Secretary is required, twenty years after the date of  
10      enactment of this ~~Act,~~ title, to report to Congress on current and  
11      planned exploration, development or mining activities on, and  
12      suitability for future park designation of, the lands as generally  
13      depicted on a map entitled "Mojave National Park Study Area--  
14      Proposed", dated July 1992.

15                   TITLE VI--NATIONAL PARK WILDERNESS

16      SEC. ~~501.~~ 601. DESIGNATION OF WILDERNESS.

17      ~~The following lands are hereby designated as wilderness in~~  
18      ~~accordance with the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131~~  
19      ~~et seq.) and shall be administered by the Secretary of the~~  
20      ~~Interior in accordance with the applicable provisions of the~~  
21      ~~Wilderness Act.~~

22      In furtherance of the purposes of the Wilderness Act (78  
23      Stat. 890; 16 U.S.C. 1311 et seq.), the following lands within the  
24      units of the National Park System designated by this Act are  
25      hereby designated as wilderness, and therefore, as components of  
26      the National Wilderness Preservation System:

27      (1) Death Valley National Park Wilderness, comprising  
28      approximately ~~three million one hundred eighty three thousand four~~

1 ~~hundred and thirty-eight~~ three million one hundred fifty-eight  
2 thousand thirty-eight acres, as generally depicted on 23 maps  
3 entitled "Death Valley National Park Boundary and Wilderness",  
4 numbered in the title one through twenty-three, and dated  
5 ~~September 1991~~ July 1993 or prior, and three maps entitled "Death  
6 Valley National Park Wilderness", numbered in the title one  
7 through three, and dated ~~May 1991~~ July 1993 or prior, and which  
8 shall be known as the Death Valley Wilderness;

9 (2) Joshua Tree National Park Wilderness Additions,  
10 comprising approximately one hundred thirty-one thousand seven  
11 hundred and eighty acres, as generally depicted on four maps  
12 entitled "Joshua Tree National Park Boundary and Wilderness--  
13 Proposed", numbered in the title one through four, and dated  
14 October 1991 or prior, and which are hereby incorporated in, and  
15 which shall be deemed to be a part of the Joshua Tree Wilderness  
16 as designated by Public Law 94-567; and

17 (3) Mojave National Park Wilderness, comprising approximately  
18 ~~six hundred ninety-five thousand fifty-six~~ six hundred ninety-five  
19 thousand two hundred and sixteen acres, as generally depicted on  
20 ten maps entitled "Mojave National Park Boundary and Wilderness--  
21 Proposed", numbered in the title one through ten, and dated  
22 ~~October 1991~~ July 1993 or prior, and seven maps entitled "Mojave  
23 National Park Wilderness--Proposed", numbered in the title one  
24 through seven, and dated ~~October 1991~~ July 1993 or prior, and  
25 which shall be known as the Mojave Wilderness.

26 (b) POTENTIAL WILDERNESS.--Upon cessation of all uses  
27 prohibited by the Wilderness Act and publication by the Secretary  
28 in the Federal Register of notice of such cessation, potential

wilderness, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on map in the Draft Plan entitled "Wilderness Plan Death Valley National Monument", dated January 1988, and which shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

SEC. ~~502~~ 602. FILING OF MAPS AND DESCRIPTIONS.

Maps and a legal description of the boundaries of the areas designated in section ~~501~~ 601 of this title shall be on file and available for public inspection in the appropriate offices ~~Office of the Director~~ of the National Park Service, Department of the Interior, ~~and in the Office of the Superintendent of each area designated in section 501.~~ As soon as practicable after the date of enactment of this title takes effect, maps and legal descriptions of the wilderness areas shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, and such maps and legal descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

SEC. ~~503~~ 603. ADMINISTRATION OF WILDERNESS AREAS.

The areas designated by section ~~501~~ 601 of this title as

1 wilderness shall be administered by the Secretary in accordance  
2 with the applicable provisions of the Wilderness Act governing  
3 areas designated by that title as wilderness, except that any  
4 reference in such provision to the effective date of the  
5 Wilderness Act shall be deemed to be a reference to the effective  
6 date of this title, and where appropriate, and reference to the  
7 Secretary of Agriculture shall be deemed to be a reference to the  
8 Secretary of the Interior.

9 TITLE VIII--MISCELLANEOUS PROVISIONS

10 SEC. ~~601~~ 701. TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK.

11 Upon enactment of this title, the Secretary ~~of the Interior~~  
12 shall transfer to the State of California certain lands within the  
13 California Desert Conservation Area, California, of the Bureau of  
14 Land Management, comprising approximately twenty thousand five  
15 hundred acres, as generally depicted on two maps entitled "Red  
16 Rock Canyon State Park Additions 1" and "Red Rock Canyon State  
17 Park Additions 2", dated May 1991, for inclusion in the State of  
18 California Park System. Should the State of California cease to  
19 manage these lands as part of the State Park System, ownership of  
20 the lands shall revert to the Department of the Interior to be  
21 managed as part of the California Desert Conservation Area to  
22 provide maximum protection for the area's scenic and scientific  
23 values.

24 ~~SEC. 602. DESERT LILY SANCTUARY.~~ (MOVED TO TITLE I)

25 ~~----- (a) There is hereby established the Desert Lily Sanctuary~~  
26 ~~within the California Desert Conservation Area, California, of the~~  
27 ~~Bureau of Land Management, comprising approximately two thousand~~  
28 ~~forty acres, as generally depicted on a map entitled "Desert Lily~~

Sanctuary", dated February 1986. The Secretary of the Interior shall administer the area to provide maximum protection to the desert lily.

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

SEC. ~~603.~~ 702. LAND TENURE ADJUSTMENTS.

In preparing land tenure adjustment decisions with the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

SEC. ~~604.~~ 703. LAND DISPOSAL.

Notwithstanding any other provision of law, the Secretary of the Interior and the Secretary of Agriculture may not dispose of any lands within the boundaries of the wilderness or park designated under this Act or grant a right-of-way in any lands within the boundaries of the wilderness designated under this Act. Further, none of the lands within the boundaries of the wilderness or park designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District and any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar acts.

SEC. ~~605.~~ 704. MANAGEMENT OF NEWLY ACQUIRED LANDS.

Any lands within the boundaries of a wilderness area

AMENDMENT NO. 4 Ex. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To allow the Secretary to continue to provide access and rights-of-way in parks and wilderness areas as currently provided.

IN THE SENATE OF THE UNITED STATES                      103rd Cong., 1st Session  
S. 21. California Desert Protection Act of 1993.

-----

( ) Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

( ) Ordered to lie on the table and to be printed

Intended to be proposed by Mr. Wallop.

Viz:

The Bumpers amendment to S. 21 is amended by striking Section 703 in its entirety.

Purpose: This section prohibits the Secretary from providing access and rights-of-way in parks and wilderness areas. This is more restrictive than either the Wilderness Act or general authorities available to the Park Service.

1 designated under this Act which are acquired by the Federal  
2 government, shall become part of the wilderness area within which  
3 they are located and shall be managed in accordance with all the  
4 provisions of this Act and other laws applicable to such  
5 wilderness area.

6 SEC. ~~606~~ 705. NATIVE AMERICAN ~~USES~~. INTERESTS

7 (a) In recognition of the past use of the parks and wilderness  
8 areas designed under this Act by Indian people for traditional  
9 cultural and religious purposes, the Secretary shall ensure access  
10 to such parks and wilderness areas by Indian people for such  
11 traditional cultural and religious purposes. In implementing this  
12 section, the Secretary, upon the request of an Indian tribe or  
13 Indian religious community, shall temporarily close to the general  
14 public use of one or more specific portions of park or wilderness  
15 in order to protect the privacy of traditional cultural and  
16 religious activities in such areas by Indian people. Any such  
17 closure shall be made to affect the smallest practicable area for  
18 the minimum period necessary for such purposes. Such access shall

19 be consistent with the purpose and intent of Public Law 95-341 (42  
20 U.S.C. 1996) commonly referred to as the "American Indian  
21 Religious Freedom Act", and with respect to areas designated as  
22 wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).

23 SEC. ~~607~~ 706. FEDERAL RESERVED WATER RIGHT.

24 Except as otherwise provided by section 204

(a) With respect to each wilderness area designated by this  
25 Act, Congress hereby reserves a quantity of water sufficient to  
26 fulfill the purposes of this Act. The priority date of such  
27 reserved water rights shall be the date of enactment of this Act.

28 (b) The Secretary ~~of the Interior~~ and all other officers of

Alaska amendment

Insert (b)

✓ Waller amendment

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To clarify the value of lands conveyed to Native Americans within the Cook Inlet area of Alaska.

IN THE SENATE OF THE UNITED STATES - 103d Cong., 1st Session

S.21

To designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

Viz:

1 On page 60, line 3, strike "USES" and insert "INTERESTS".

2 On page 60, line 4, insert "(a)" before "In recognition".

3 on page 60, between lines 19 and 20, insert the following new subsection:

4 (b) Section 12 of the Act of January 2, 1976 (89 Stat. 1151; 48 U.S.C. 1611  
5 note), as amended, is further amended -

6 (1) by redesignating subsections (c) through (i) as subsections (d) through  
7 (j), respectively,

8 (2) by inserting after subsection (b), the following new subsection:

9 (c) "The Native landowner shall be required to determine the  
10 fair value of subsurface interests conveyed to it pursuant to

*Insert  
new  
para (1)*

|                                          |         |                |
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| Dept.                                    | Phone # |                |
| Fax #                                    | Fax #   |                |

1 subsection (b) shall be the appraisal methodology  
2 customarily used by the Mineral Management Service for  
3 valuing similar interests (such as discounted cash flow based  
4 methodology). The fair value of any subsurface interests in  
5 land determined by a qualified independent appraiser  
6 designated by the Region utilizing the methodology  
7 described above shall be binding for all purposes, except for  
8 federal income tax matters, and provided that this exception  
9 shall create no inference that the determination is not  
10 appropriate for establishing fair value in such matters": and

11 (3) in paragraph (9) of subsection (b), by striking "section 12(h): and  
12 inserting "section 12(i)"

*Insert new  
para (b)*

1 the United States shall take all steps necessary to protect the  
2 rights reserved by this section, including the filing by the  
3 Secretary of a claim for the quantification of such rights in any  
4 present or future appropriate stream adjudication in the courts of  
5 the State of California in which the United States is or may be  
6 joined, and which is conducted in accordance with section 208 of  
7 the Act of July 10, 1952 (66 Stat. 560, 44 U.S.C. 666), commonly  
8 referred to as the McCarran Amendment.

*Delete per 4/1/11*

9 (c) Nothing in this Act shall be construed as a  
10 relinquishment or reduction of any water rights reserved or  
11 appropriated by the United States in the State of California on or  
12 before the date of enactment of this Act.

13 (d) The Federal water rights reserved by this Act are  
14 specific to the wilderness areas located in the State of  
15 California designated under this Act. Nothing in this Act related  
16 to the reserved Federal water rights shall be construed as  
17 establishing a precedent with regard to any future designations,  
18 nor shall it constitute an interpretation of any other Act or any  
19 designation made thereto.

20 ~~SEC. 609-~~ 707. CALIFORNIA STATE SCHOOL LANDS.

21 (a) Upon request of the California State Lands Commission  
22 (hereinafter in this section referred to as the "Commission"), the  
23 Secretary shall enter into negotiations for an agreement to  
24 exchange Federal lands or interests therein on the list referred  
25 to in subsection (b)(2) for California State School Lands or  
26 interests therein which are located within the boundaries of one  
27 or more of the wilderness areas or park units designated by this  
28 Act (hereinafter in this section referred to as "State School

AMENDMENT NO. 3B Ex.        Calendar No.       

Purpose: Clarify the reference to the McCarran Amendment

IN THE SENATE OF THE UNITED STATES      103rd Cong., 1st Session

S. 21 California Desert

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( ) Referred to the Committee on                                   
and ordered to be printed

( ) Ordered to lie on the table and to be printed

Intended to be proposed by Mr. Wallop

Viz:

On page 56 beginning on line 6 (section 706(b)), delete "joined and which is conducted in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 44 U.S.C. 666), commonly referred to as the McCarran Amendment." and insert in lieu thereof "joined."

Purpose: The language suggests that the McCarran Amendment dictates how State general stream adjudications are conducted. The McCarran amendment waives the defense of sovereign immunity to permit States to involuntarily join the United States in State proceedings and bind the United States with a final judgement adjudicating rights on a given stream. The amendment deletes the mischaracterization and requires the United States to defend any reserved right in any stream adjudication to which it is a party whether or not such participation is voluntary or involuntary pursuant to the McCarran Amendment.

1 Lands"). The Secretary shall negotiate in good faith to reach a  
2 land exchange agreement consistent with the requirements of  
3 section 206 of the Federal Land Policy and Management Act of 1976.

4 (b) Within six months after the date of enactment of this  
5 Act, the Secretary shall send to the Commission and to the  
6 ~~Committees~~ Committee on Energy and Natural Resources of the United  
7 States Senate and the Committee on Natural Resources of the United  
8 States House of Representatives a list of the following:

9 (1) State School lands or interests therein (including  
10 mineral interests) which are located within the boundaries of  
11 the wilderness areas or park units designated by this Act;

12 (2) lands within the State of California under the  
13 ~~Secretary's jurisdiction to be offered for exchange,~~  
14 ~~including in the following priority:~~ jurisdiction of the  
15 Secretary that the Secretary determines to be suitable for  
16 disposal for exchange, identified in the following priority--

17 (A) lands with mineral interests, including  
18 geothermal, which have the potential for commercial  
19 development but which are not currently under mineral  
20 lease or producing Federal mineral revenues;

21 (B) Federal lands in California managed by the  
22 Bureau of Reclamation that the Secretary determines are  
23 not needed for any Bureau of Reclamation project; and

24 (C) any public lands in California that the  
25 Secretary, pursuant to the Federal Land Policy and  
26 Management Act of 1976, has determined to be suitable  
27 for disposal through exchange; and

28 (c)(1) If an agreement under this section is for an exchange

*per Walling  
amendment #5*

*Insert  
(D)* →

AMENDMENT NO. 5 Ex.        Calendar No.       

Purpose: To provide the State of California with the opportunity to exchange State School lands affected by enactment of this measure.

IN THE SENATE OF THE UNITED STATES 103rd Cong., 1st Session

S. 21 California Desert

Fill in the long title of the bill or resolution you are amending.

( ) Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

( ) Ordered to lie on the table and to be printed  
Intended to be proposed by Mr. Wallop

Viz:

1) On page 57, beginning on line 23, amend subsection 707(b) by deleting "and" at the end of subparagraph 2(B), and deleting "exchange." at the end of subparagraph 2(C) and inserting in lieu thereof: "exchange; and

"(D) Any other federal land, or interest therein, within the State of California which is or becomes surplus to the needs of the agency with jurisdiction over such land or interest therein. The Secretary shall maintain such list and shall annually transmit such list to the Committees referred to in this section until all the state School lands identified in paragraph (1) of this subsection have been acquired."

*agreed to  
subject to  
confirmation  
that this  
does not  
disturb  
base de  
process*

1 involving five thousand acres or less of Federal land or interests  
2 therein, or Federal lands valued at less than \$5,000,000, the  
3 Secretary may carry out the exchange in accordance with the  
4 Federal Land Policy and Management Act of 1976.

5 (2) If an agreement under this section is for an exchange  
6 involving more than five thousand acres of Federal land or  
7 interests therein, or Federal land valued at more than \$5,000,000,  
8 the agreement shall be submitted to the ~~Committees~~, Committee on  
9 Energy and Natural Resources of the United States Senate and the  
10 Committee on Natural Resources of the United States House of  
11 Representatives together with a report containing--

12 (A) a complete list and appraisal of the lands or  
13 interests in lands proposed for exchange; and

14 (B) a determination that the State School Lands proposed  
15 to be acquired by the United States do not contain any  
16 hazardous waste, toxic waste, or radioactive waste.

17 (d) An agreement submitted under subsection (c)(2) shall not  
18 take effect unless approved by a joint resolution enacted by the  
19 Congress.

20 *Insert new paragraph (e)*  
(e) If exchanges of all State School lands are not completed  
21 by October 1, ~~1996~~, 1998, the Secretary shall adjust the appraised  
22 value of any remaining inholdings consistent with the provisions  
23 of section 206 of the Federal Land Management Policy Act of 1976.  
24 The Secretary of the Treasury shall establish an account in the  
25 name of the Commission (hereinafter in this section referred to as  
26 the "exchange account"). ~~in the amount of such appraised value.~~  
27 ~~Title to the State School Lands shall be transferred to the United~~  
28 ~~States at the time such account is credited.~~ Upon the transfer of

120  
D-12

Wallop amendment  
#5

2) On page 58, beginning on line 20, delete all after subsection (d) of section 707 and insert in lieu thereof the following:

(e) Notwithstanding any other provision of law, effective from the date of enactment of this Act and until all State School lands identified in paragraph (b)(1) of this section are acquired, no federal lands or interest therein within the State of California may be disposed of from federal ownership unless (1) the Secretary of the Interior is notified of the availability of such land or interest therein; (2) the Secretary of the Interior has notified the Commission of the availability of such lands or interests therein for exchange; and (3) the Commission has not notified the Secretary within six months that it wishes to consider entering into an exchange for such lands or interests therein. If the Commission notifies the Secretary that it wishes to consider an exchange for such lands or interests therein, the Secretary shall attempt to conclude such exchange in accordance with the provisions of this section as quickly as possible. If an agreement is reached with the Commission then such lands or interests therein shall automatically be transferred to the administrative jurisdiction of the Secretary for the purpose of concluding such exchange. Upon the acquisition of all State School lands or upon notice by the Commission to the Secretary that it no longer has an interest in such lands or interests therein, such lands or interests shall be released to the agency that originally had jurisdiction over such lands or interests for disposal in accordance with the laws otherwise applicable to such lands or interests."

Insert

Purpose: This amendment eliminates the provisions for the Secretary issuing credits for unacquired lands and gives the State Commission a priority to acquire any surplus federal lands within the State of California by exchange.

1 title by the Commission to all or a portion of the remaining State  
2 School lands to the United States, the Secretary of the Treasury  
3 shall credit the exchange account in the amount of the appraised  
4 value at the time of transfer.

5 (f)(1) The Commission may use the credit in ~~its~~ the exchange  
6 account to bid, in the same manner as any other bidder, for excess  
7 or surplus Federal property to be sold in the State of California  
8 in accordance with the applicable laws and regulations of the  
9 Federal agency offering such property for sale.

10 (2) An agency shall accept, in the same manner as cash, any  
11 amount tendered from the exchange account for property sold by  
12 such agency at public sale.

13 (3) The Secretary of the Treasury shall adjust the balance of  
14 the exchange account to reflect each transaction under this  
15 section, including but not limited to ~~The account shall be~~  
16 ~~adjusted to reflect~~ successful bids under this section or payments  
17 or forfeited deposits, penalties, or other costs assessed to the  
18 bidder in the course of such public sales.

19 (4) The Secretary of the Treasury, in consultation with the  
20 Secretary, shall establish procedures to permit the exchange  
21 account to be used to--

22 (A) receive deposits;

23 (B) make deposits into escrow when an escrow is required  
24 for sale of any property; and

25 (C) reinstate into the account any unused escrow  
26 deposits in the event a sale is not completed.

27 (5) The Secretary of the Treasury shall deem as cash receipts  
28 any amount tendered from the exchange account and received by

1 agencies as proceeds from a public sale. The Secretary of the  
2 Treasury shall take such actions as may be necessary to allow an  
3 agency to use the proceeds as authorized by law.

4 (6) In the event that the balance in the account has not been  
5 reduced to zero by October 1, 2000, there are authorized to be  
6 appropriated to the Secretary for payment to the California State  
7 Lands Commission funds equivalent to the balance remaining in the  
8 account as of October 1, 2000.

9 ~~(g) As used in this section, the term "Committees" means the~~  
10 ~~Committee on Natural Resources of the House of Representatives and~~  
11 ~~the Committee on Energy and Natural Resources of the Senate.~~  
12 ~~SEC. 610. EXCHANGES.~~

13 ~~(a) Upon request of the Catellus Development Corporation~~  
14 ~~(hereafter in this section referred to as "Catellus"), the~~  
15 ~~Secretary shall enter into negotiations for an agreement or~~  
16 ~~agreements to exchange Federal lands or interests therein on the~~  
17 ~~list referred to in subsection (b)(2) of this section for lands of~~  
18 ~~Catellus or interests therein which are located within the~~  
19 ~~boundaries of one or more of the wilderness areas or park units~~  
20 ~~designated by this Act.~~

21 ~~(b) Within six months after the date of enactment of this~~  
22 ~~Act, the Secretary shall send to Catellus and to the Committees a~~  
23 ~~list of the following:~~

24 ~~(1) Lands of Catellus or interests therein (including~~  
25 ~~mineral interests) which are located within the boundaries of~~  
26 ~~the wilderness areas or park units designated by this Act.~~

27 ~~(2) Lands, wherever located, under the Secretary's~~  
28 ~~jurisdiction to be offered for exchange, in the following~~

priority.

~~(A) Lands, including lands with mineral and geothermal interests, which have the potential for commercial development but which are not currently under lease or producing Federal revenues.~~

~~(B) Federal lands managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.~~

~~(C) Any public lands that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.~~

~~(c)(1) If an agreement under this section is for (A) an exchange involving lands outside the State of California, (B) more than five thousand acres of Federal land or interests therein in California, or (C) Federal lands in any State valued at more than \$5,000,000, the Secretary shall provide to the Committees a detailed report of such land exchange agreements.~~

~~(2) All land exchange agreements shall be consistent with the Federal Land Policy and Management Act of 1976.~~

~~(3) Any report submitted to the Committees under this subsection shall include the following:~~

~~(A) A complete list and appraisal of the lands or interests in land proposed for exchange.~~

~~(B) A complete list of the lands, if any, to be acquired by the United States which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or~~

1           ~~State law, together with the estimated costs of any such~~  
2           ~~action.~~

3           ~~(4) An agreement under this subsection shall not take effect~~  
4           ~~unless approved by a joint resolution enacted by the Congress.~~

5           ~~(d) The Secretary shall provide the California State Lands~~  
6           ~~Commission with a 180 day right of first refusal to exchange for~~  
7           ~~any Federal lands or interests therein, located in the State of~~  
8           ~~California, on the list referred to in subsection (b)(2). Any~~  
9           ~~lands with respect to which a right of first refusal is not~~  
10           ~~noticed within such period or exercised under this subsection~~  
11           ~~shall be available to Catellus for exchange in accordance with~~  
12           ~~this section.~~

13           ~~(e) On January 3, 1996, the Secretary shall provide to the~~  
14           ~~Committees a list and appraisal consistent with the Federal Land~~  
15           ~~Policy and Management Act of 1976 of all Catellus lands eligible~~  
16           ~~for exchange under this section for which an exchange has not been~~  
17           ~~completed. With respect to any of such lands for which an exchange~~  
18           ~~has not been completed by October 1, 1996 (hereafter in this~~  
19           ~~section referred to as "remaining lands"), the Secretary shall~~  
20           ~~establish an account in the name of Catellus (hereafter in this~~  
21           ~~section referred to as the "exchange account"). Upon the transfer~~  
22           ~~of title by Catellus to all or a portion of the remaining lands to~~  
23           ~~the United States, the Secretary shall credit the exchange account~~  
24           ~~in the amount of the appraised value of the transferred remaining~~  
25           ~~lands at the time of such transfer.~~

26           ~~(f) Catellus may use the credit in the exchange account to~~  
27           ~~bid, as any other bidder, for any property real, personal, or~~  
28           ~~mixed, wherever located, owned or controlled by the United States,~~

1 ~~including in a corporate capacity or as a receiver, conservator,~~  
2 ~~or similar fiduciary capacity to be sold in accordance with the~~  
3 ~~applicable laws and regulations of the Federal agency or~~  
4 ~~instrumentality, or any element thereof, offering such property~~  
5 ~~for sale. Upon approval by the Secretary in writing, the credits~~  
6 ~~in Catellus's exchange account may be transferred or sold in whole~~  
7 ~~or in part by Catellus to any other party, thereby vesting such~~  
8 ~~party with all the rights formerly held by Catellus. The exchange~~  
9 ~~account shall be adjusted to reflect successful bids under this~~  
10 ~~section or payments or forfeited deposits, penalties, or other~~  
11 ~~costs assessed to the bidder in the course of such sales.~~

12 ~~(g)(1) The Secretary shall not accept title pursuant to this~~  
13 ~~section to any lands unless such title includes all right, title,~~  
14 ~~and interest in and to the fee estate.~~

15 ~~(2) Notwithstanding paragraph (1), the Secretary may accept~~  
16 ~~title to any subsurface estate where the United States holds title~~  
17 ~~to the surface estate.~~

18 ~~(3) This subsection does not apply to easements and rights~~  
19 ~~of way for utilities or roads.~~

20 ~~(h) In no event shall the Secretary accept title under this~~  
21 ~~section to lands which contain any hazardous waste, toxic waste,~~  
22 ~~or radioactive waste which requires removal or remedial action~~  
23 ~~under Federal or State law unless such remedial action has been~~  
24 ~~completed prior to the transfer.~~

25 ~~(i) For purposes of the section, any appraisal shall be~~  
26 ~~consistent with the provisions of section 206 of the Federal Land~~  
27 ~~Policy and Management Act of 1976.~~

28 ~~(j) As used in this section, the term "Committees" means the~~

\* Wallops amendment #6  
actually had a number of  
revisions. Rather than  
accommodate

these concerns, the section  
was deleted in its entirety

~~Committee on Natural Resources of the House of Representatives and  
the Committee on Energy and Natural Resources of the Senate.~~

SEC 708. CATELLUS LAND EXCHANGES.

(a) As used in this section, the term--

(1) "agency" includes--

(A) any instrumentality of the United States;

(B) any element of an agency; and

(C) any wholly-owned or mixed-owned

corporation of the government of the United States

identified in chapter 91 of title 31, United States

Code;

(2) "Catellus" means the Catellus Development

Corporation, and includes subsidiaries and successors in

interest of Catellus Development Corporation;

(3) "Catellus lands" means any lands or interests

therein owned by Catellus Development Corporation which are

located within the boundaries of components of the National

Wilderness Preservation System or units of the National Park

System designated by this Act; and

(4) "property" has the same meaning given such term by

section 12(b)(7)(vii) of Public Law 94-204, as amended,

(43 U.S.C. 1611 note).

(b)(1) Upon request of Catellus, the Secretary shall enter

into negotiations to exchange Federal lands or interests therein

for Catellus lands.

(2)(A) Within 6 months after the date of enactment of this

Act, the Secretary shall prepare and transmit to Catellus, the

Committee on Energy and Natural Resources of the United States

\* Delete per  
Wallops  
amendment #6

Senate, and the Committee on Natural Resources of the United States House of Representatives a list of Catellus lands and a list of lands under the jurisdiction of the Secretary that the Secretary determines to be suitable for disposal through exchange.

(B) Lands identified by the Secretary as suitable for exchange shall be identified in the following priority--

(i) lands, including lands with mineral and geothermal interests, which have the potential for commercial development, but which are not currently under lease or producing Federal revenues;

(ii) Federal lands managed by the Bureau of Reclamation that Secretary determines are not needed for any Bureau of Reclamation project; and

(iii) any public lands that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, determines to be suitable for disposal through exchange.

(C) The Secretary may periodically revise the list of Federal lands available for exchange to reflect additional lands available for exchange or to remove lands which are no longer available for exchange.

(c) The Secretary shall provide the California State Lands Commission with a 180-day right of first refusal to exchange for any Federal lands or interests therein located in the State of California which are identified on the list prepared by the Secretary pursuant to subsection (b)(2). Such Federal lands or interests therein to which the right of first refusal is not exercised pursuant to this subsection shall be made available to Catellus for exchange in accordance with the provisions of this

1 section.

2 (d)(1) If any land exchange under this section includes--

3 (A) Federal lands or interests therein located outside  
4 of the State of California; or

5 (B) more than 5,000 acres of Federal lands or interests  
6 therein within the State of California,

7 the Secretary shall provide the Committee on Energy and Natural  
8 Resources of the United States Senate and the Committee on Natural  
9 Resources of the United States House of Representatives with a  
10 detailed report of such exchange at least 60 days before the  
11 effective date of the exchange.

12 (2) Any land exchange conducted pursuant to this section  
13 which involves Federal lands outside of the State of California  
14 shall not take effect unless approved by a joint resolution  
15 enacted by Congress.

16 (3) Any land exchange conducted pursuant to this section  
17 shall be consistent with the Federal Land Policy and Management  
18 Act of 1976 and other applicable law.

19 (4) The Secretary shall not accept title to any lands  
20 pursuant to this section unless such title includes all right,  
21 title, and interest in and to the fee estate: Provided, That the  
22 Secretary may accept title to any subsurface estate where the  
23 United States holds title to the surface estate: Provided further,  
24 That the Secretary may accept title to lands pursuant to this  
25 section which are subject to easements and rights-of-way for  
26 utilities or roads.

27 (5) In no event shall the Secretary accept title to lands  
28 which contain any hazardous waste, toxic waste, or radioactive

1 waste which requires removal or remedial action under Federal or  
2 State law unless such remedial action has been completed prior to  
3 the transfer.

4 (e)(1) On January 3, 1998, the Secretary shall provide the  
5 Committee on Energy and Natural Resources of the United States  
6 Senate and the Committee on Natural Resources of the United States  
7 House of Representatives a list and appraisal of Catellus lands  
8 for which an exchange has not been completed.

9 (2) If exchanges have not been completed for all Catellus  
10 lands by October 1, 1998, and the Secretary certifies to the  
11 Secretary of the Treasury that Catellus has made good faith  
12 efforts to enter into land exchange agreements with the Secretary,  
13 the Secretary of the Treasury shall establish in the Treasury of  
14 the United States an account to be known as the "Catellus Account"  
15 (hereinafter in this section referred to as the "exchange  
16 account").

17 (3) Upon the transfer of title by Catellus to all or a  
18 portion of the remaining Catellus lands to the United States, the  
19 Secretary of the Treasury shall credit the exchange account in the  
20 amount of the appraised value of such lands at the time of  
21 transfer: Provided, That no title shall be transferred to the  
22 United States without the prior approval of the Secretary.

23 (f) Amounts in the exchange account shall be made available  
24 by the Secretary of the Treasury to Catellus for bidding on and  
25 purchasing property sold at public sale, subject to the terms and  
26 conditions set forth in subsection (g), and shall remain available  
27 until expended.

28 (g)(1) Catellus may use the balance in the exchange account

1 to bid, in the same manner as any other bidder, for any property,  
2 wherever located, at any public sale by an agency in accordance  
3 with the applicable laws and regulations of such agency offering  
4 the property for sale.

5 (2) An agency shall accept, in the same manner as cash, any  
6 amount tendered from the exchange account for property sold by  
7 such agency at public sale.

8 (3) The Secretary of the Treasury shall adjust the balance of  
9 the exchange account to reflect each transaction under this  
10 section, including but not limited to successful bids, payments or  
11 forfeited deposits, penalties, or other costs assessed to the  
12 bidder as part of such public sales.

13 (4) The Secretary of the Treasury, in consultation with the  
14 Secretary, shall establish procedures to permit the exchange  
15 account to be used to--

16 (A) receive deposits;

17 (B) make deposits into escrow when an escrow is required  
18 for sale of any property; and

19 (C) reinstate into the account any unused escrow  
20 deposits in the event a sale is not completed.

21 (5) The Secretary of the Treasury shall deem as cash receipts  
22 any amount tendered from the exchange account and received by  
23 agencies as proceeds from a public sale. The Secretary of the  
24 Treasury shall take such actions as may be necessary to allow an  
25 agency to use the proceeds as authorized by law.

26 (h) Upon written notice to the Secretary and the Secretary of  
27 the Treasury the balance in the exchange account may transferred  
28 or sold in whole or in part by Catellus to any other party,

1 thereby vesting such party with all rights formerly held by  
2 Catellus.

3 ~~TITLE VII--DEFINITIONS~~

4 ~~SEC. 701. For the purposes of this Act--~~

5 ~~(1) The term "Secretary", unless specifically designated~~  
6 ~~otherwise, means the Secretary of the Interior.~~

7 ~~(2) The term "public lands" means any land and interest in~~  
8 ~~land owned by the United States and administered by the Secretary~~  
9 ~~of the Interior through the Bureau of Land Management.~~

10 TITLE VIII--MILITARY LANDS AND OVERFLIGHTS

11 SEC. 801. SHORT TITLE AND FINDINGS.

12 (a) SHORT TITLE.--This title may be cited as the "California  
13 Military Lands Withdrawal and Overflights Act of ~~1991~~ 1993".

14 (b) Findings.--The Congress finds that--

15 (1) Military aircraft testing and training activities as  
16 well as demilitarization activities in California are an  
17 important part of the national defense system of the United  
18 States, and are essential in order to secure for the American  
19 people of this and future generations an enduring and viable  
20 national defense system;

21 (2) the National Parks and wilderness areas designated  
22 by this Act lie within a region critical to providing  
23 training, research, and development for the Armed Forces of  
24 the United States and its allies;

25 (3) there is a lack of alternative sites available for  
26 these military training, testing, and research activities;

27 (4) continued use of the lands and airspace in the  
28 California desert region is essential for military purposes;

and

(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. MILITARY OVERFLIGHTS.

(a) Nothing in this Act shall restrict or preclude low-level overflights of military aircraft over the new units of the National Park or Wilderness Preservation System (or any additions to existing units) designated by this Act, including military overflights that can be seen or heard within the areas designated by this Act.

(b) Nothing in this Act shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act.

(c) Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

SEC. 803. WITHDRAWALS.

(a) CHINA LAKE.--(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the

*Replace with*

AMENDMENT NO. 7A Ex.        Calendar No.       

Purpose: This amendment ensures that military overflights can continue over the new park and wilderness areas created by this Act.

IN THE SENATE OF THE UNITED STATES                      103rd Cong., 1st Session

S. 21      California Desert Protection Act of 1993

-----  
( ) Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

( ) Ordered to lie on the table and to be printed

Intended to be proposed by Mr. Wallop

Viz:

Military Over Flights

1. On page 70, lines 8-18, strike subsections 1802(a) and (b) and insert in lieu thereof the following:

"(a) Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, include military overflights that can be seen or heard within such units."

A

(b) Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight routes over such new ~~park or wilderness units.~~

(B)

1 mineral leasing laws). Such lands are reserved for use by the  
2 Secretary of the Navy for--

3 (A) use as a research, development, test, and evaluation  
4 laboratory;

5 (B) use as a range for air warfare weapons and weapon  
6 systems;

7 (C) use as a high hazard training area for aerial  
8 gunnery, rocketry, electronic warfare and countermeasures,  
9 tactical maneuvering and air support;

10 (D) geothermal leasing and development and related power  
11 production activities; and

12 ~~(D)~~ (E) subject to the requirements of section 804(f),  
13 other defense-related purposes consistent with the purposes  
14 specified in this paragraph.

15 (2) The lands referred to in paragraph (1) are the Federal  
16 lands, located within the boundaries of the China Lake Naval  
17 Weapons Center, comprising approximately one million one hundred  
18 thousand acres in Inyo, Kern, and San Bernardino Counties,  
19 California, as generally depicted on a map entitled "China Lake  
20 Naval Weapons Center Withdrawal--Proposed", dated January 1985,  
21 and filed in accordance with section 803.

22 (b) CHOCOLATE MOUNTAIN.--(1) Subject to valid existing rights  
23 and except as otherwise provided in this title, the Federal lands  
24 referred to in paragraph (2), and all other areas within the  
25 boundary of such lands as depicted on the map specified in such  
26 paragraph which may become subject to the operation of the public  
27 land laws, are hereby withdrawn from all forms of appropriation  
28 under the public land laws (including the mining laws and the

1 mineral leasing and the geothermal leasing laws). Such lands are  
2 reserved for use by the Secretary of the Navy for--

3 (A) testing and training for aerial bombing, missile  
4 firing, tactical maneuvering and air support; and

5 (B) subject to the provisions of section 804(f), other  
6 defense-related purposes consistent with the purposes  
7 specified in this paragraph.

8 (2) The lands referred to in paragraph (1) are the Federal  
9 lands comprising approximately two hundred twenty-six thousand  
10 seven hundred and eleven acres in Imperial County, California, as  
11 generally depicted on a map entitled "Chocolate Mountain Aerial  
12 Gunnery Range Proposed--Withdrawal" dated November 1991. ~~and filed~~  
13 ~~in accordance with section 803.~~

14 SEC. 804. MAPS AND LEGAL DESCRIPTIONS.

15 (a) PUBLICATION AND FILING REQUIREMENT.--As soon as  
16 practicable after the date of enactment of this title, the  
17 Secretary of the Interior shall--

18 (1) publish in the Federal Register a notice containing  
19 the legal description of the lands withdrawn and reserved by  
20 this title; and

21 (2) file maps and the legal description of the lands  
22 withdrawn and reserved by this title with the Committee on  
23 Energy and Natural Resources of the United States Senate and  
24 with the Committee on Natural Resources of the United States  
25 House of Representatives.

26 (b) TECHNICAL CORRECTIONS.--Such maps and legal descriptions  
27 shall have the same force and effect as if they were included in  
28 this title except that the Secretary of the Interior may correct

1 clerical and typographical errors in such maps and legal  
2 descriptions.

3 (c) AVAILABILITY FOR PUBLIC INSPECTION.--Copies of such maps  
4 and legal descriptions shall be available for public inspection in  
5 the Office of the Director of the Bureau of Land Management,  
6 Washington, District of Columbia; the Office of the Director,  
7 California State Office of the Bureau of Land Management,  
8 Sacramento, California; the office of the commander of the Naval  
9 Weapons Center, China Lake, California; the office of the  
10 commanding officer, Marine Corps Air Station, Yuma, Arizona; and  
11 the Office of the Secretary of Defense, Washington, District of  
12 Columbia.

13 (d) REIMBURSEMENT.--The Secretary of Defense shall reimburse  
14 the Secretary of the Interior for the cost of implementing this  
15 section.

16 SEC. 805. MANAGEMENT OF WITHDRAWN LANDS.

17 (a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.--(1) Except  
18 as provided in subsection (g), during the period of the withdrawal  
19 the Secretary of the Interior shall manage the lands withdrawn  
20 under section 802 of this title pursuant to the Federal Land  
21 Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and  
22 other applicable law, including this title.

23 (2) To the extent consistent with applicable law and  
24 Executive orders, the lands withdrawn under section 802 may be  
25 managed in a manner permitting--

26 (A) the continuation of grazing pursuant to applicable  
27 law and Executive orders were permitted on the date of  
28 enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary ~~of the Interior~~ may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.--(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the

1 Secretary of the Navy shall--

2 (A) keep appropriate warning notices posted; and

3 (B) take appropriate steps to notify the public  
4 concerning such closures.

5 (c) MANAGEMENT PLAN.--The Secretary ~~of the Interior~~ (after  
6 consultation with the Secretary of the Navy) shall develop a plan  
7 for the management of each area withdrawn under section 802 of  
8 this title during the period of such withdrawal. Each plan shall--

9 (1) be consistent with applicable law;

10 (2) be subject to conditions and restrictions specified  
11 in subsection (a)(3);

12 (3) include such provisions as may be necessary for  
13 proper management and protection of the resources and values  
14 of such area; and

15 (4) be developed not later than three years after the  
16 date of enactment of this title.

17 (d) BRUSH AND RANGE FIRES.--The Secretary of the Navy shall  
18 take necessary precautions to prevent and suppress brush and range  
19 fires occurring within and outside the lands withdrawn under  
20 section 802 as a result of military activities and may seek  
21 assistance from the Bureau of Land Management in the suppression  
22 of such fires. The memorandum of understanding required by  
23 subsection (e) shall provide for Bureau of Land Management  
24 assistance in the suppression of such fires, and for a transfer of  
25 funds from the Department of the Navy to the Bureau of Land  
26 Management as compensation for such assistance.

27 (e) MEMORANDUM OF UNDERSTANDING.--(1) The Secretary ~~of the~~  
28 ~~Interior~~ and the Secretary of the Navy shall (with respect to each

1 land withdrawal under section 802 of this title) enter into a  
2 memorandum of understanding to implement the management plan  
3 developed under subsection (c). Any such memorandum of  
4 understanding shall provide that the Director of the Bureau of  
5 Land Management shall provide assistance in the suppression of  
6 fires resulting from the military use of lands withdrawn under  
7 section 802 if requested by the Secretary of the Navy.

8 (2) The duration of any such memorandum shall be the  
9 same as the period of the withdrawal of the lands under  
10 section 802.

11 (f) ADDITIONAL MILITARY USES.--(1) Lands withdrawn under  
12 section 802 of this title may be used for defense-related uses  
13 other than those specified in such section. The Secretary of  
14 Defense shall promptly notify the Secretary ~~of the Interior~~ in the  
15 event that the lands withdrawn by this title will be used for  
16 defense-related purposes other than those specified in section  
17 802. Such notification shall indicate the additional use or uses  
18 involved, the proposed duration of such uses, and the extent to  
19 which such additional military uses of the withdrawn lands will  
20 require that additional or more stringent conditions or  
21 restrictions be imposed on otherwise-permitted nonmilitary uses of  
22 the withdrawn land or portions thereof.

23 (g) MANAGEMENT OF CHINA LAKE.--(1) The Secretary ~~of the~~  
24 ~~Interior~~ may assign the management responsibility for the lands  
25 withdrawn under section 802(a) to the Secretary of the Navy who  
26 shall manage such lands, and issue leases, easements, rights-of-  
27 way, and other authorizations, in accordance with this title and  
28 cooperative management arrangements between the Secretary ~~of the~~

1 ~~Interior~~ and the Secretary of the Navy: Provided, That nothing in  
2 this subsection shall affect geothermal leases issued by the  
3 Secretary prior to the date of enactment of this title, or the  
4 responsibility of the Secretary to administer and manage such  
5 leases, consistent with the provisions of this section. In the  
6 case that the Secretary ~~of the Interior~~ assigns such management  
7 responsibility to the Secretary of the Navy before the development  
8 of the management plan under subsection (c), the Secretary of the  
9 Navy (after consultation with the Secretary ~~of the Interior~~) shall  
10 develop such management plan.

11 (2) The Secretary ~~of the Interior~~ shall be responsible  
12 for the issuance of any lease, easement, right-of-way, and  
13 other authorization with respect to any activity which  
14 involves both the lands withdrawn under section 802(a) and  
15 any other lands. Any such authorization shall be issued only  
16 with the consent of the Secretary of the Navy and, to the  
17 extent that such activity involves lands withdrawn under  
18 section 802(a), shall be subject to such conditions as the  
19 Secretary of the Navy may prescribe.

20 (3) The Secretary of the Navy shall prepare and submit  
21 to the Secretary ~~of the Interior~~ an annual report on the  
22 status of the natural and cultural resources and values of  
23 the lands withdrawn under section 802(a). The Secretary ~~of~~  
24 ~~the Interior~~ shall transmit such report to the Committee on  
25 Energy and Natural Resources of the United States Senate and  
26 the Committee on Natural Resources of the United States House  
27 of Representatives.

28 (4) The Secretary of the Navy shall be responsible for

1 the management of wild horses and burros located on the lands  
2 withdrawn under section 802(a) and may utilize helicopters  
3 and motorized vehicles for such purposes. Such management  
4 shall be in accordance with laws applicable to such  
5 management on public lands and with an appropriate memorandum  
6 of understanding between the Secretary ~~of the Interior~~ and  
7 the Secretary of the Navy.

8 (5) Neither this title nor any other provision of law  
9 shall be construed to prohibit the Secretary ~~of the Interior~~  
10 from issuing and administering any lease for the development  
11 and utilization of geothermal steam and associated geothermal  
12 resources on the lands withdrawn under section 802(a)  
13 pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001  
14 et seq.) and other applicable law, but no such lease shall be  
15 issued without the concurrence of the Secretary of the Navy.

16 (6) This title shall not affect the geothermal  
17 exploration and development authority of the Secretary of the  
18 Navy under section 2689 of title 10, United States Code,  
19 except that the Secretary of the Navy shall obtain the  
20 concurrence of the Secretary ~~of the Interior~~ before taking  
21 action under that section with respect to the lands withdrawn  
22 under section 802(a).

23 (7) Upon the expiration of the withdrawal or  
24 relinquishment of China Lake, Navy contracts for the  
25 development of geothermal resources at China Lake then in  
26 effect (as amended or renewed by the Navy after the date of  
27 enactment of this title) shall remain in effect: Provided,  
28 That the Secretary, with the consent of the Secretary of the

1        Navy, may offer to substitute a standard geothermal lease for  
2        any such contract.

3        SEC. 806. DURATION OF WITHDRAWALS.

4            (a) DURATION.--The withdrawals and reservations established  
5        by this title shall terminate twenty-five years after the date of  
6        enactment of this title.

7            (b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.--No later than  
8        twenty-two years after the date of enactment of this title, the  
9        Secretary of the Navy shall publish a draft environmental impact  
10       statement concerning continued or renewed withdrawal of any  
11       portion of the lands withdrawn by this title for which that  
12       Secretary intends to seek such continued or renewed withdrawal.  
13       Such draft environmental impact statement shall be consistent with  
14       the requirements of the National Environmental Policy Act of 1969  
15       (42 U.S.C. 4321 et seq.) applicable to such a draft environmental  
16       impact statement. Prior to the termination date specified in  
17       subsection (a), the Secretary of the Navy shall hold a public  
18       hearing on any draft environmental impact statement published  
19       pursuant to this subsection. Such hearing shall be held in the  
20       State of California in order to receive public comments on the  
21       alternatives and other matters included in such draft  
22       environmental impact statement.

23            (c) EXTENSIONS OR RENEWALS.--The withdrawals established by  
24        this title may not be extended or renewed except by an Act or  
25        joint resolution of Congress.

26        SEC. 807. ONGOING DECONTAMINATION.

27            (a) PROGRAM.--Throughout the duration of the withdrawals made  
28        by this title, the Secretary of the Navy, to the extent funds are

1 made available, shall maintain a program of decontamination of  
2 lands withdrawn by this title at least at the level of  
3 decontamination activities performed on such lands in fiscal year  
4 1986.

5 (b) REPORTS.--At the same time as the President transmits to  
6 the Congress the President's proposed budget for the first fiscal  
7 year beginning after the date of enactment of this title and for  
8 each subsequent fiscal year, the Secretary of the Navy shall  
9 transmit to the Committees on Appropriations, Armed Services, and  
10 Energy and Natural Resources of the United States Senate and to  
11 the Committees on Appropriations, Armed Services, and Natural  
12 Resources of the United States House of Representatives a  
13 description of the decontamination efforts undertaken during the  
14 previous fiscal year on such lands and the decontamination  
15 activities proposed for such lands during the next fiscal year  
16 including--

17 (1) amounts appropriated and obligated or expended for  
18 decontamination of such lands;

19 (2) the methods used to decontaminate such lands;

20 (3) amount and types of contaminants removed from such  
21 lands;

22 (4) estimated types and amounts of residual  
23 contamination on such lands; and

24 (5) an estimate of the costs for full decontamination of  
25 such lands and the estimate of the time to complete such  
26 decontamination.

27 SEC. 808. REQUIREMENTS FOR RENEWAL.

28 (a) NOTICE AND FILING.--(1) No later than three years prior

1 to the termination of the withdrawal and reservation established  
2 by this title, the Secretary of the Navy shall advise the  
3 Secretary ~~of the Interior~~ as to whether or not the Secretary of  
4 the Navy will have a continuing military need for any of the lands  
5 withdrawn under section 802 after the termination date of such  
6 withdrawal and reservation.

7 (2) If the Secretary of the Navy concludes that there will be  
8 a continuing military need for any of such lands after the  
9 termination date, the Secretary of the Navy shall file an  
10 application for extension of the withdrawal and reservation of  
11 such needed lands in accordance with the regulations and  
12 procedures of the Department of the Interior applicable to the  
13 extension of withdrawals of lands for military uses.

14 (3) If, during the period of withdrawal and reservation, the  
15 Secretary of the Navy decides to relinquish all or any of the  
16 lands withdrawn and reserved by this title, the Secretary of the  
17 Navy shall file a notice of intention to relinquish with the  
18 Secretary. ~~of the Interior.~~

19 (b) CONTAMINATION.--(1) Before transmitting a notice of  
20 intention to relinquish pursuant to subsection (a), the Secretary  
21 of Defense, acting through the Department of the Navy, shall  
22 prepare a written determination concerning whether and to what  
23 extent the lands that are to be relinquished are contaminated with  
24 explosive, toxic, or other hazardous materials.

25 (2) A copy of such determination shall be transmitted  
26 with the notice of intention to relinquish.

27 (3) Copies of both the notice of intention to relinquish  
28 and the determination concerning the contaminated state of

1 the lands shall be published in the Federal Register by the  
2 Secretary of the Interior.

3 (c) DECONTAMINATION.--If any land which is the subject of a  
4 notice of intention to relinquish pursuant to subsection (a) is  
5 contaminated, and the Secretary, ~~of the Interior,~~ in consultation  
6 with the Secretary of the Navy, determines that decontamination is  
7 practicable and economically feasible (taking into consideration  
8 the potential future use and value of the land) and that upon  
9 decontamination, the land could be opened to operation of some or  
10 all of the public land laws, including the mining laws, the  
11 Secretary of the Navy shall decontaminate the land to the extent  
12 that funds are appropriated for such purpose.

13 (d) ALTERNATIVES.--If the Secretary, ~~of the Interior,~~ after  
14 consultation with the Secretary of the Navy, concludes that  
15 decontamination of any land which is the subject of a notice of  
16 intention to relinquish pursuant to subsection (a) is not  
17 practicable or economically feasible, or that the land cannot be  
18 decontaminated sufficiently to be opened to operation of some or  
19 all of the public land laws, or if Congress does not appropriate a  
20 sufficient amount of funds for the decontamination of such land,  
21 the Secretary ~~of the Interior~~ shall not be required to accept the  
22 land proposed for relinquishment.

23 (e) STATUS OF CONTAMINATED LANDS.--If, because of their  
24 contaminated state, the Secretary ~~of the Interior~~ declines to  
25 accept jurisdiction over lands withdrawn by this title which have  
26 been proposed for relinquishment, or if at the expiration of the  
27 withdrawal made by this title the Secretary ~~of the Interior~~  
28 determines that some of the lands withdrawn by this title are

1 contaminated to an extent which prevents opening such contaminated  
2 lands to operation of the public land laws--

3 (1) the Secretary of the Navy shall take appropriate  
4 steps to warn the public of the contaminated state of such  
5 lands and any risks associated with entry onto such lands;

6 (2) after the expiration of the withdrawal, the  
7 Secretary of the Navy shall undertake no activities on such  
8 lands except in connection with decontamination of such  
9 lands; and

10 (3) the Secretary of the Navy shall report to the  
11 Secretary ~~of the Interior~~ and to the Congress concerning the  
12 status of such lands and all actions taken in furtherance of  
13 this subsection.

14 (f) REVOCATION AUTHORITY.--Notwithstanding any other  
15 provision of law, the Secretary, ~~of the Interior~~, upon deciding  
16 that it is in the public interest to accept jurisdiction over  
17 lands proposed for relinquishment pursuant to subsection (a), is  
18 authorized to revoke the withdrawal and reservation established by  
19 this title as it applies to such lands. Should the decision be  
20 made to revoke the withdrawal and reservation, the Secretary ~~of~~  
21 ~~the Interior~~ shall publish in the Federal Register an appropriate  
22 order which shall--

23 (1) terminate the withdrawal and reservation;

24 (2) constitute official acceptance of full jurisdiction  
25 over the lands by the Secretary ~~of the Interior~~; and

26 (3) state the date upon which the lands will be opened  
27 to the operation of some or all of the public lands law,  
28 including the mining laws.

1 SEC. 809. DELEGABILITY.

2 (a) DEPARTMENT OF DEFENSE.--The functions of the Secretary of  
3 Defense or the Secretary of the Navy under this title may be  
4 delegated.

5 (b) DEPARTMENT OF THE INTERIOR.--The functions of the  
6 Secretary ~~of the Interior~~ under this title may be delegated,  
7 except that an order described in section 807(f) may be approved  
8 and signed only by the Secretary, ~~of the Interior~~, the Under  
9 Secretary of the Interior, or an Assistant Secretary of the  
10 Department of the Interior.

11 SEC. 810. HUNTING, FISHING, AND TRAPPING.

12 All hunting, fishing, and trapping on the lands withdrawn by  
13 this title shall be conducted in accordance with the provisions of  
14 section 2671 of title 10, United States Code.

15 SEC. 811. IMMUNITY OF UNITED STATES.

16 The United States and all departments or agencies thereof  
17 shall be held harmless and shall not be liable for any injury or  
18 damage to persons or property suffered in the course of any  
19 geothermal leasing or other authorized nonmilitary activity  
20 conducted on lands described in section 802 of this title.

21 SEC. 812. EL CENTRO RANGES.

22 The Secretary ~~of the Interior~~ is authorized to permit the  
23 Secretary of the Navy to use until January 1, 1996, the  
24 approximately forty-four thousand eight hundred and seventy acres  
25 of public lands in Imperial County, California, known as the East  
26 Mesa and West Mesa ranges, in accordance with the Memorandum of  
27 Understanding dated June 29, 1987, between the Bureau of Land  
28 Management, the Bureau of Reclamation, and the Department of the

*Delete per W&H/1/92*

1 Navy. Such use shall be consistent with such Memorandum of  
2 Understanding and such additional terms and conditions as the  
3 Secretary of the Interior may require in order to protect the  
4 natural, scientific, environmental, cultural, and other resources  
5 and values of such lands and to minimize the extent to which use  
6 of such lands for military purposes impedes or restricts use of  
7 such or other public lands for other purposes. All military uses  
8 of such lands shall cease on January 1, 1996, unless authorized by  
9 subsequent Act of Congress.

10 TITLE IX -- AUTHORIZATION OF APPROPRIATIONS

11 SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

12 There are hereby authorized to be appropriated such sums as  
13 may be necessary to carry out the purposes of this Act.

46

AMENDMENT NO. 7B Ex. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To delete the prohibitions on the El Centro bombing range.

IN THE SENATE OF THE UNITED STATES                      103rd Cong., 1st Session

S. 21. California Desert Protection Act of 1993.

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( ) Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

( ) Ordered to lie on the table and to be printed

Intended to be proposed by Mr. Wallop.

Viz:

The Bumpers amendment to S. 21 is amended by striking Section 812 in its entirety.

Purpose: This section requires the Navy to discontinue use of the El Centro bombing range by January 1, 1996, and to preserve its natural, scientific, environmental, cultural and other resources in the meantime. The range, in use since the 1940s retains little in the way of natural, environmental, cultural resources, and certainly contains live and unexploded ordances, fragments of ordances, and possibly toxic materials. The technology for cleaning up such materials is an inexact science at present.