

In 1976 Mo ran for President of the United States. Many say his incredible wit and unabashed kindness got in his way. He simply would not attack his opponents. After coming in a close second in numerous primary battles, Mo stepped back and refocused on the environment. He also put his carefully collected notes together and authored *Too Funny to Be President*, a compilation of some of his favorite campaign stories and political humor. I think he wrote this book so he could just hand it out each time one of us came up to him and ask him to tell a story just one more time so we could get it straight and then use it ourselves.

Mo is a World War II veteran and played professional basketball for the Denver Nuggets; he is also an attorney and private pilot. Mo lost one of his eyes in a childhood accident. His basketball prowess was so unaffected by this disability that one sport reporter claimed the false eye to be a myth.

Mo's stories are legendary. He made us laugh, he made us think, and he made this Nation a better place for our children and our children's children. As we get caught up in this contentiousness and tumult of this Congress, we should ponder one of Mo Udall's most oft repeated lines: "Oh Lord, may you help me today to utter words which are soft and tender—for tomorrow I may have to eat them."

Mr. Speaker, today our friend Mo Udall remains in a nursing home not far from here. Parkinson's Disease has rendered this excellent communicator unable to regale us with his wisdom and his wit. Yet his good deeds here will be long remembered, just as they so appropriately earned him the Medal of Freedom.

Congratulations, Mo, on receiving the Presidential Medal of Freedom.

#### DEFENSE BREAKS COMMITMENTS TO GUAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 24, 1996*

Mr. UNDERWOOD. Mr. Speaker, in the past four weeks, Guam has shown once again its immense value to the projection of our national interests in the western Pacific. Guam is the base that launched the B-52s against Iraq. Guam is now the temporary home for over 2100 Kurdish refugees who were evacuated from Iraq. And Guam may be called on again in the coming days to do even more to help with the Kurdish refugees.

Guam is the reliable partner for United States interests in Asia, indeed the world. But recent actions of the Department of Defense threaten to undermine this partnership, and to determine the good will between the people of Guam and the military.

Today DoD sent a letter to the Chairman of the House Committee on Resources objecting to certain provisions of my bill to return excess federal land to the people of Guam. The basis of the DoD objections cause us to wonder if any progress has been made in Guam's efforts to return excess lands over the past twenty five years.

In 1993 and again in 1994, I hosted two Guam Land Conferences that DoD participated in. The first land conference, held on Guam, allowed our people to make a direct

plea for land no longer needed by DoD. The second conference built on the initial good will as we discussed actions to be taken to return land.

It used to be our common ground to agree that DoD should in fact give up land it no longer needs. In preparing for the Guam Land Conferences, DoD prepared a comprehensive study detailing its needs for the future—a study drafted by operational commanders in the Pacific and on Guam. Now we learn today that past assurances by a whole array of military officials over the past twenty five years are no longer valid. Now we learn that DoD does not know what its land needs are, and in fact, would rather not return land to the people of Guam, preferring instead to give its excess holdings to the Fish and Wildlife Service.

It is impossible for Guam to make a case for excess lands if we do not know what DoD's needs are. It is troubling if DoD does not know itself what it needs are. But it is even more ridiculous, if just for the sake of the Fish and Wildlife's interests, DoD would now repudiate its own report issued just seventeen months ago by the operational commands where releasable lands were listed in great detail acre by acre.

We are told today that DoD prefers to give land to the Fish and Wildlife Service just so that it may take these lands back at some indeterminate point in the future for some unknown contingency.

Yet, I would point out that all the operational commanders who gave their input to the 1994 Guam Land Use Plan did in fact consider all their needs for any credible contingency. It is now amazing to me that the Department of Defense has surrendered its military planning functions to the U.S. Fish and Wildlife Service.

I want to enter into the record the three taskings that the Guam Land Use Plan addressed:

- (1) Review the requirements for military land holdings based on foreseeable mission taskings and force levels;
- (2) Develop a comprehensive plan for all DoD land requirements on Guam which considers combined service use of property where feasible; and
- (3) Identify opportunities for functional consolidations and joint use arrangements, and address environmental considerations that affect land use.

Nowhere in the Guam Land Use Plan is there any mention of giving excess lands to the Fish and Wildlife Service for some unknown contingency. But now that Congress is considering legislation to give the people of Guam the first right of refusal for any excess Federal land, DoD suddenly remembers that this is what they want to do with excess lands.

This is wrong. This is unfair to the people of Guam who have been the most accommodating community for the needs of our national security.

We cannot make progress on land issues on Guam unless we deal with the issues in a forthright and open manner. We cannot accept double dealing and broken promises. We cannot let a special interest, the environmentalists, and their narrow agenda define and not influence the entire relationship between the people of Guam and the military bases.

That is what happened today in the DoD letter to Congress. I hope that those who are serious about solving land issues to ensure the future good will of the people of Guam to the

military presence on our island will work with us to undo the damage done by this DoD action. After this latest crisis with Iraq passes, Guam will be called upon again to serve the national security interest. If we want to have a reliable partner in Guam, we have to work to return unneeded land to the people of Guam.

GENERAL COUNSEL OF THE

DEPARTMENT OF DEFENSE,

*Washington, DC, September 24, 1996.*

Hon. DON YOUNG,

*Chairman, Committee on Resources, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: In response to your request, the Department of Defense provides the following views on H.R. 3501, the "Guam Land Return Act."

The Department of Defense opposes enactment of Section 2 of H.R. 3501. Section 2 would give the Government of Guam a priority over Federal agencies with respect to the acquisition of Federal real property declared by one agency to be excess to that agency's needs. Specifically, Section 2 would amend the Organic Act of Guam to require the Administrator of GSA to transfer to the Government of Guam, at no cost, all Federal real property on Guam declared excess by any Federal agency, notwithstanding the possibility that another Federal agency may have a demonstrable need for that property. In this way, the proposed bill would, in effect, trump the existing GSA property disposal process.

Our principal objection to Section 2 is that it represents a piecemeal approach to the resolution of issues currently being discussed with the Guamanians in the context of a draft Guam Commonwealth Act. The Guamanians, through Mr. John Garamendi, Deputy Secretary of the Interior and the Administration's Special Representative for the Guam Commonwealth negotiations, have proposed a draft Guam Commonwealth Act for consideration by interested Federal agencies. (An earlier version of this draft was introduced in the 104th Congress as H.R. 1056, the "Guam Commonwealth Act"; the draft under consideration in these negotiations has evolved significantly from that which remains before Congress.) The Department of Defense has been actively engaged in discussions and is working with all concerned parties to develop a mutually satisfactory position on all issues presented in the draft Guam Commonwealth Act, including those concurrently presented by Section 2 of this bill. Because the disposition of excess Federal lands on Guam is being addressed in the context of negotiations on the draft Guam Commonwealth Act, and because resolution of this issue is closely linked to other land issues presented by the Guam Commonwealth Act, the Department of Defense believes Congressional action on Section 2 of H.R. 3501 is not appropriate at this time. We recommend instead that this issue be considered only in the context of the more comprehensive Guam Commonwealth discussions. The Department of Defense is committed to making every reasonable effort to reach a mutually satisfactory resolution of all the issues presented by the draft Guam Commonwealth Act, and to that end will continue to participate cooperatively in interagency discussions of that draft Act.

In the event Congress elects to consider H.R. 3501 outside of the Guam Commonwealth discussions, the Department of Defense has several more specific concerns with enactment of Section 2 as currently drafted.

The Department of Defense currently relies on the flexibility inherent in the GSA land disposal process to ensure the viability of current and future missions. The existing process allows the Department of Defense to transfer lands not presently being actively

managed for core needs (e.g., certain safety and buffer zones) to another Federal agency to further that agency's mission, yet retain the ability both to protect continuing operations on retained lands and, under certain limited circumstances, obtain access to the transferred lands to meet national defense contingencies. This flexibility is critically important to the Department of Defense and the nation. While the Department is quite willing to discuss with Guam alternative ways of providing this needed flexibility, the Department believes these discussions would more profitably take place in the context of the overall Guam Commonwealth proposal.

In addition, Section 2 is unclear with respect to its effect on existing Federal environmental laws. As currently drafted, it is difficult to reconcile the requirement of Section 2 for the immediate transfer to Guam of all excess federal lands with the requirement of Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) that all necessary environmental cleanup actions be in place and operating successfully before property may be transferred from Federal ownership. In order to meet the requirements of Section 120(h)(3) of CERCLA, the Government of Guam must be prepared to wait until all necessary cleanup actions have been taken (which may—depending on the complexity of the situation, the risk presented, and the availability of resources—take several years).

In summary, the Department of Defense opposes enactment of Section 2 of H.R. 3501 as currently drafted. While we prefer resolving this issue in the context of the Guam commonwealth discussions, if Congress elects to consider H.R. 3501 at this time, we request that it consider the attached redrafting of that bill. I am forwarding a letter expressing similar views on S. 1804 (which contains language identical to Section 2 of H.R. 3501) to Senator Murkowski, Chairman of the Senate Energy and Natural Resources Committee and Senator McCain, Chairman of the Senate Armed Services Committee, Readiness Subcommittee.

The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presentation of these views for the consideration of the Committee.

Sincerely,

JUDITH A. MILLER.

Enclosure.

#### GUAM LAND USE PLAN UPDATE

The island of Guam is strategically located at the boundary between the Pacific Ocean and Philippine Sea, and has been an integral part of the U.S. military's base support complex since World War II. Guam is a major logistic, communication, surveillance, and weather center in the Western Pacific, and is becoming more important as a training area for units assigned to the island, as well as transient units.

The intent of the Guam Land Use Plan Update (GLUP 94) is to:

Review the requirements for military land holdings based on foreseeable mission taskings and force levels.

Develop a comprehensive plan for all DOD land requirements on Guam which considers combined service use of property where feasible.

Identify opportunities for functional consolidations and joint use arrangements, and address environmental considerations that affect land use.

The study area for GLUP 94 includes all land currently owned by the Department of Defense (DOD) on Guam. This amounts to a total of approximately 44,800 acres of land. Of this, about 24,500 acres are owned by the

Navy and 20,300 acres are owned by the Air Force. The total DOD land holdings constitute approximately 33 percent of the total land area of Guam.

Projected base loading requirements provided the major focus for GLUP 94. The Air Force's current personnel loading is 2,500 persons (PN). No personnel loading changes are anticipated in the near- or long-term, although there is a need to maintain an adequate footprint on Guam to accommodate the Air Force's contingency plan for the Pacific Region. The Navy's current authorized personnel loading is 7,700 PN. Reductions in the near-term are expected to occur due to the closure of Naval Air Station (NAS) Agana and the transfer of supply ship operations from military control to the Military Sealift Command (MSC). These actions would result in an estimated loading of 5,600 PN. Based on the recent decision to temporarily relocate the VQ-1 and VQ-5 squadrons to CONUS, this figure will decrease to approximately 4,600 PN. Neither the Air Force nor the Navy have long-term land requirements to accommodate a potential rollback scenario.

[Note: During the final stages of the preparation of this report, potential changes to baseloading on Guam were announced as part of the Base Realignment and Closure (BRAC) process for 1995. These proposed changes were not incorporated in this report since the final decisions for BRAC 95 will not be final until Fall of this year.]

DOD land requirements were addressed through analyses of various functional areas. This effort was guided by an overall land use concept which recommended the consolidation of military activities in the northern and southern sectors of the island. Such a concept would create more efficient operations and lower operational costs. The result of the functional analyses was the identification of lands which are currently developed and required for military use, in addition to undeveloped areas that are impacted by DOD missions (i.e., training areas, explosive safety zones, electromagnetic interference/hazard zones, and aircraft safety zones). The process also identified areas not required for DOD mission requirements.

An overview of land release recommendations is presented in Figure ES-1. Recommendations of this study propose the release or potential release of an estimated 8,207 acres. This includes 3,670 acres of land owned by the Air Force, and 4,537 acres owned by the Navy. When combined with 3,200 acres previously identified as excess, the DOD footprint on Guam is projected to decrease by about one fourth.

Several major steps must be completed prior to final disposal of the property. First, plant account holding activities need to submit reports of excess, environmental certification forms and McKinney Act checklists to the Pacific Division, Naval Facilities Engineering Command (PACNAVFACENGCOM) via their chain of command to the major claimant level. Environmental baseline surveys may be prepared to complete the environmental certification forms. The next step is to request Washington, D.C. approvals for disposal actions. Then, legal property descriptions and easement boundaries must be established. The above tasks may require one and two years to complete, respectively. The initial environmental baseline surveys will cost approximately \$520,000, and could be higher if follow-up studies are required. The cost of preparing property descriptions will be approximately \$300,000.

Following the environmental baseline surveys, environmental mitigation studies (including clean-up analyses, cultural resource surveys, etc.) would be conducted in order to determine necessary environmental mitiga-

tion actions and timeframe for completion. It should be noted that property disposal actions for contaminated areas must be deferred until environmental mitigation studies and clean up actions are completed. For example, any military land listed on the National Priority List (NPL), which includes all land owned by the Air Force on Guam, must be first certified clean by the Administrator of the U.S. Environmental Protection Agency (EPA).

#### TRIBUTE TO JOHN LOCKHART, LEGISLATIVE ADVOCATE FOR THE SAN DIEGO COUNTY OFFICE OF EDUCATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 24, 1996*

Mr. FILNER. Mr. Speaker, I rise today to commemorate the retirement of John Lockhart, who later this month will complete a distinguished career in education spanning nearly 30 years, including the last 20 as the legislative advocate for the San Diego County Office of Education.

As legislative advocate, John Lockhart has been charged with a multitude of difficult tasks: following education legislation both in the California Legislature and in Congress; working closely with local, State, and Federal officials in San Diego County; coordinating with superintendents, trustees, and staff of the San Diego County School District; and organizing an endless number of programs, briefings, and workshops.

For all of these responsibilities, John Lockhart has had one goal: to improve the education of elementary school students in San Diego with leadership and service. As a former member of the San Diego School Board, I can attest to the fact that John Lockhart has achieved this goal year after year. The entire San Diego County educational community will remember John for his efforts to improve the educational quality of our schools.

John began his career in 1957 as a science education researcher for the National Science Foundation. He next served as executive assistant to the chief lobbyist at the National Education Association.

Beginning in 1966 he was an educational systems specialist at Litton Educational Publishing in Washington, DC. He later served as vice president of the Taber Management Co. in Washington, DC, where he helped education clients with membership, funding, and program promotion, and was involved in the marketing of multimedia materials in applied behavioral sciences.

John has also worked for the Washington State Department of Public Instruction and the Colorado Education Association.

Since his arrival to San Diego in 1977, John has become a highly respected member of the Association of California School Administrators. His contributions as legislative advocate for education in San Diego County will forever be remembered and appreciated. I ask all residents of San Diego County to join me in saying "well done" to a true leader and advocate for education.