

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 25, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Last week I was appointed to the Committee on Government Reform. As a result of this appointment, I hereby resign as a member of the Committee on Small Business.

Thank you for your attention to this request.

Sincerely,

JANICE D. SCHAKOWSKY,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM DAVID M. DELQUADRO, ASSISTANT DIRECTOR, ADMINISTRATION AND INFORMATION DIVISION, CONGRESSIONAL BUDGET OFFICE

The SPEAKER laid before the House the following communication from David M. Delquadro, Assistant Director, Administration and Information Division, Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 30, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I received a subpoena for documents and testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined to comply with the subpoena to the extent that it is consistent with Rule VIII.

Sincerely,

DAVID M. DELQUADRO,
Assistant Director, Administration
and Information Division.

CHINESE ESPIONAGE JEOPARDIZES SECURITY OF AMERICA AND ITS CITIZENS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the security of America and its citizens has been seriously jeopardized because of the nuclear weapons and missile transfer of technology to China. The American people deserve to know just how our Nation's goose has been cooked.

Newsweek recently reported that our top nuclear weapons expert practically fainted when briefed by CIA analysts on the preliminary damage assessment from Chinese espionage.

Additionally, I think the American people will also feel faint when they learn that the investigating officials believe that the Chinese spying, even

into our most serious secret weapons programs, is described as almost total.

Mr. Speaker, nuclear warhead technology might be hard for most to conceive, but the fact that China could conceivably have the power to kill as many as seven million Americans with one missile is something that I think everyone can visualize.

This Chinese espionage has gone on far too long. I urge the Security Council to release the Cox report because this administration needs to stand up and take responsibility for release of this Top Secret technology, and the American people deserve to fully know what kind of mess we are actually in.

Mr. Speaker, I yield back any secrets we may have.

KOSOVO IS ONE BIG WAR CRIME

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, rape, murder, torture. Kosovo is one big war crime. I say it is time to indict Slobodan Milosevic for his war crimes. I say it is time to arm the opposition forces in Kosovo so they can defend themselves. I say it is time for Europe, yes, Europe, to send in ground troops to help.

And finally, Mr. Speaker, Milosevic has lost all moral and legal authority to rule Kosovo. It is time to support and recognize independence for Kosovo.

Members of Congress, we can pay now or Congress and the world can pay much, much more later.

I yield back all of the crimes of Slobodan Milosevic.

MICROCREDIT LENDING

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to speak about a wonderful program which is transforming the lives of millions of poor families around the world. I am referring to microcredit lending.

Microcredit involves giving small, low-interest, start-up loans to poor but hard-working, aspiring entrepreneurs so that they can start their thriving small businesses known as microenterprises. It is a program which has demonstrated the potential to help the poorest family emerge from poverty and, by extension, to help create a more inclusive global economy. Results in Miami under the leadership of Gail Newman, Kathleen Gordon, and many other volunteers has helped dozens become entrepreneurs.

Microcredit works locally and it can work globally, as well. It is not a hand-out. It is an opportunity, an investment, an exercise in responsibility and accountability. In developing countries, the rate of repayment to these established programs range from 95 to 99 percent.

Foreign assistance used under the microcredit program is loaned and paid back with interest and is recycled and used for new loans, thus reaching an even greater percentage of the world's poor.

Microcredit is empowerment. It is a tool which builds upon the human spirit. It is the U.S. helping others to help themselves. Microcredit is action in support of our humanitarian instincts and objectives.

I support this program, and when the bill comes to the floor, H.R. 1143, I ask that my colleagues give their strong support. I know that results in Miami works, and it works internationally, as well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

OTAY MOUNTAIN WILDERNESS ACT OF 1999

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15) to designate a portion of the Otay Mountain region of California as wilderness.

The Clerk read as follows:

H.R. 15

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Otay Mountain Wilderness Act of 1999".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) The public lands within the Otay Mountain region of California are one of the last remaining pristine locations in western San Diego County, California.

(2) This rugged mountain adjacent to the United States-Mexico border is internationally known for its diversity of unique and sensitive plants.

(3) This area plays a critical role in San Diego's multi-species conservation plan, a national model made for maintaining biodiversity.

(4) Due to its proximity to the international border, this area is the focus of important law enforcement and border interdiction efforts necessary to curtail illegal immigration and protect the area's wilderness values.

(5) The illegal immigration traffic, combined with the rugged topography, also presents unique fire management challenges for protecting lives and resources.

SEC. 3. DESIGNATION.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain

public lands in the California Desert District of the Bureau of Land Management, California, comprising approximately 18,500 acres as generally depicted on a map entitled "Otay Mountain Wilderness" and dated May 7, 1998, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System, which shall be known as the Otay Mountain Wilderness.

SEC. 4. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, a map and a legal description for the Wilderness Area shall be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. Such map and legal description shall have the same force and effect as if included in this Act, except that the Secretary, as appropriate, may correct clerical and typographical errors in such legal description and map. Such map and legal description for the Wilderness Area shall be on file and available for public inspection in the offices of the Director and California State Director, Bureau of Land Management, Department of the Interior.

(b) UNITED STATES-MEXICO BORDER.—In carrying out this section, the Secretary shall ensure that the southern boundary of the Wilderness Area is 100 feet north of the trail depicted on the map referred to in subsection (a) and is at least 100 feet from the United States-Mexico international border.

SEC. 5. WILDERNESS REVIEW.

The Congress hereby finds and directs that all the public lands not designated wilderness within the boundaries of the Southern Otay Mountain Wilderness Study Area (CA-060-029) and the Western Otay Mountain Wilderness Study Area (CA-060-028) managed by the Bureau of Land Management and reported to the Congress in 1991, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), and are no longer subject to the requirements contained in section 603(c) of that Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

SEC. 6. ADMINISTRATION OF WILDERNESS AREA.

(a) IN GENERAL.—Subject to valid existing rights and to subsection (b), the Wilderness Area shall be administered by the Secretary in accordance with the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in such provisions to the effective date of the Wilderness Act is deemed to be a reference to the effective date of this Act; and

(2) any reference in such provisions to the Secretary of Agriculture is deemed to be a reference to the Secretary of the Interior.

(b) BORDER ENFORCEMENT, DRUG INTERDICTION, AND WILDLAND FIRE PROTECTION.—Because of the proximity of the Wilderness Area to the United States-Mexico international border, drug interdiction, border operations, and wildland fire management operations are common management actions throughout the area encompassing the Wilderness Area. This Act recognizes the need to continue such management actions so long as such management actions are conducted in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and are subject to such conditions as the Secretary considers appropriate.

SEC. 7. FURTHER ACQUISITIONS.

Any lands within the boundaries of the Wilderness Area that are acquired by the United States after the date of enactment of this Act shall become part of the Wilderness

Area and shall be managed in accordance with all the provisions of this Act and other laws applicable to such a wilderness.

SEC. 8. NO BUFFER ZONES.

The Congress does not intend for the designation of the Wilderness Area by this Act to lead to the creation of protective perimeters or buffer zones around the Wilderness Area. The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness Area shall not, of itself, preclude such activities or uses up to the boundary of the Wilderness Area.

SEC. 9. DEFINITIONS.

As used in this Act:

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

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

(3) WILDERNESS AREA.—The term "Wilderness Area" means the Otay Mountain Wilderness designated by section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

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

Mr. GIBBONS. Mr. Speaker, the Otay Mountains, near the U.S.-Mexico border, are a unique region with diverse natural values. The area has good opportunities for solitude and primitive recreation and is particularly important to the people of San Diego County. The area contains several sensitive species, including the only known U.S. populations of the Mexican flannel bush and Tecate cypress.

In the 1980s, the Bureau of Land Management recommended a large portion of these mountains as wilderness, and this recommendation has received strong public support. The Otay Mountain Wilderness Act of 1999, introduced by our distinguished colleague from California (Mr. BILBRAY), would designate about 18,500 acres of the Otay Mountain region as wilderness to protect its sensitive resources and preserve it for future generations.

During the negotiations and hearings on H.R. 15, several sources expressed concern that wilderness designation in the Otay Mountain region could adversely affect Border Patrol and drug interdiction activities.

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The Border Patrol assured the committee that in light of the fact that the roads in the area were excluded from the wilderness area and given the language in section 6(b) of the bill, border operations would not be adversely affected by wilderness designation. Given these assurances, the committee decided not to amend section 6(b).

I want to emphasize once again that H.R. 15 has widespread support from environmental groups, the BLM, the DEA, the Border Patrol and the people

of San Diego County. I commend the gentleman from California for his hard work on this important piece of legislation. This is good legislation that will protect an important area. I urge my colleagues to support H.R. 15.

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

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

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 15 would designate 18,500 acres of the Otay Mountain area in eastern San Diego County as wilderness. Lands within and around the Otay Mountains are currently managed as wilderness study areas and form part of the U.S.-Mexico border.

Last Congress, in hearings on similar legislation, H.R. 3950, the administration testified in support of the wilderness designation but opposed language in the bill which would have allowed all law enforcement activities and fire management activities to occur without regard to the wilderness designation or without regard to the Wilderness Act of 1964.

The Subcommittee on National Parks and Public Lands, in adopting the bill last Congress, agreed to an amendment to address the problems with the bill. This new language recognized ongoing drug interdiction, border enforcement and fire management and the need to allow these activities to continue as long as they are in accordance with the Wilderness Act and subject to appropriate conditions as determined by the Secretary of the Interior.

H.R. 15 reflects the agreed upon language from the last Congress. While there are some individuals and organizations that would prefer no mention in the bill of border activities or fire activities, we believe the language of the bill is acceptable and will not undermine the administration of the area as wilderness. As such, we support passage of the bill and encourage our colleagues to vote for the bill.

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

Mr. GIBBONS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. BILBRAY), the sponsor of this piece of legislation.

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

Mr. BILBRAY. Mr. Speaker, H.R. 15 will designate as wilderness area 18,500 acres of Otay Mountain, a rugged area along the U.S.-Mexico border in southern San Diego County. It is a stunning place, where people can still go and see how the neighborhood looked when Father Serra entered California over 200 years ago.

H.R. 15 is a bipartisan consensus effort made possible by strong support from many different interest groups in an effort to work together. Both local,

Federal and State agencies were involved, including the San Diego County Board of Supervisors, the Endangered Habitats League, the California Department of Forestry, the Border Patrol, the Departments of Justice and Interior, and Secretary Babbitt, who toured the area himself and addressed it in December.

I want to specifically thank the gentleman from Utah (Mr. HANSEN), the chairman of the subcommittee, and the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, for their strong support of H.R. 15. I also wish to sincerely thank my colleague from California, Senator FEINSTEIN, whose strong support of the Otay Mountain wilderness area and this legislation has been critical to its success. I look forward to working with her on the bill as it moves to the Senate.

The unique thing, Mr. Speaker, about H.R. 15 is it serves as an example of how we can dovetail two apparently conflicting strategies of State and Federal agencies and make them work together in a cooperative purpose. H.R. 15 gives the Border Patrol the continuing ability to conduct its essential law enforcement mission along the border in this region. This increased enforcement has proven to be a positive if not essential part of preserving the wildlife habitat and the unique natural fauna in this area.

The Border Patrol's increased level of interdictions in this area has resulted in a lessening of the impact on the Otay Mountain itself, fewer illegal trails, trash piles, human waste and campfires which have caused innumerable damage to the area. This includes wildfires that have been purposely set by smugglers as diversionary tactics while they smuggled drugs and illegal aliens into the area.

I have spoken directly with Bill Veale, the regional director of the Border Patrol in this region, and he strongly supports this bill. He assures me that the important task that he has been vested with will continue to be effective, especially with H.R. 15 designation.

Access to Otay Mountain by the Border Patrol, the California Department of Forestry and the public will not be diminished by H.R. 15. It will be guaranteed. The two main truck trails on Otay Mountain are completely excluded, called cherrystemmed, from the wilderness area, and other jeep trails and spur roads are not included within the wilderness boundary of H.R. 15.

Mr. Speaker, H.R. 15 preserves a unique and rugged area of San Diego as wilderness for future generations to enjoy, and specifically ensures that both critical law enforcement activities and public access will continue in the region. It is my hope that this bill will serve as a blueprint for future situations where resource management and law enforcement activities must coexist and hopefully do so in a way that benefits all involved.

Mr. Speaker, this bill can be the blueprint for not only law enforcement and habitat preservation but for this Congress, that we can protect the public and protect the wildlife resources of this Nation.

Mr. Speaker, I urge my colleagues to support H.R. 15.

Mr. Speaker, it gives me great satisfaction to rise in strong support of H.R. 15, the Otay Mountain Wilderness Act of 1999. H.R. 15 will designate as wilderness roughly 18,500 acres of the Otay Mountain region, in southern San Diego County along the U.S.-Mexico border. This is a rugged and stunning place, where people can still go to experience a sense of what this area looked like when Father Junipero Serra first explored it more than two hundred years ago.

H.R. 15 is a common-sense and bipartisan consensus effort, which was built from the ground level up, involving elected officials, agencies, and public interest stakeholders at the local, state and federal level. As a result of working together to address the needs and concerns of all participants, I am happy to be able to tell my colleagues that the broad support for H.R. 15 runs the gamut—from the San Diego County Board of Supervisors and the Endangered Habitats League (a respected local conservation organization), to the California Department of Forestry (CDF) and the Border Patrol, to the Departments of Justice and the Interior, including Secretary Babbitt.

I want to particularly thank Chairman JIM HANSEN and Chairman DON YOUNG, along with all my colleagues on the Resources Committee, for all their assistance to date on this legislation and their willingness to make it a priority. I am also grateful to my California colleague, Senator FEINSTEIN, for her support of this legislation. In the last several years, Senator FEINSTEIN has played a key role in facilitating access by the Border Patrol to Otay Mountain, which has resulted in dramatic reductions in illegal activity in this border region. She deserves a great deal of credit for the progress which has been achieved there to date, and I look forward to working with her as this legislation moves through the Senate.

In addition to protecting as wilderness a particularly unique and rugged area of San Diego County, H.R. 15 is important for the constructive precedent I hope it can set for future resource conservation and land management policy. By working together at all levels, the broad coalition of support for H.R. 15 has demonstrated that wilderness designation is not inherently incompatible with essential law enforcement activities in the same region, and vice versa. Where it is appropriate, we should take these opportunities to demonstrate that different agency missions or operating strategies can be made to complement each other, rather than to exist completely independently from one another, or worse, in conflict.

We have already seen the positive environmental and enforcement results of the Border Patrol's increased access to Otay Mountain and adjoining areas near the border. The reductions in illegal smuggling and immigration there have directly translated into a lessened impact on the resource itself, such as fewer illicit trails beaten through sensitive habitat, less discarded trash and human waste, and greatly lessened risk of damage from warming or diversionary fires set by smugglers, such as devastated much of the mountain several

years ago. H.R. 15 will ensure that Border Patrol's access to this region will continue unhindered, with continued resulting benefit to both law enforcement and environmental protection concerns.

In addition to facilitating increased and continued law enforcement and resource protection for Otay Mountain, the ability of the general public to enjoy this beautiful region is maintained. When I first introduced this legislation, several of my colleagues expressed to me their strong interest in maintaining public access, and as this has also been a high priority of mine, H.R. 15 does so.

The two existing access roads on Otay Mountain (the Otay Truck trail and the Minnewawa Truck trail) have been "cherrystemmed" from the wilderness boundaries, to ensure that both the Border Patrol and the CDF will be able to continue their critical law enforcement and fire suppression activities in the region under H.R. 15, and that the history of access by the public to this tremendous resource will continue. Other roads in the vicinity, specifically the Otay Mountain Pack trail and the East and West Spur roads, are not included within the wilderness boundaries and so are not impacted by this legislation.

There may be other regions of extraordinary natural beauty elsewhere in our country, perhaps even in other border regions, where the critical individual missions of various state or federal law enforcement agencies have in the past been (or have been perceived to be) operating at "cross purposes" with equally important missions of resource conservation or environmental protection. It is my hope that H.R. 15 can serve as a blueprint for how a mutually beneficial working relationship can be established among such agencies, in order to best address the needs of a given region. I thank my colleagues for their support of this bipartisan bill, and would issue an open tour invitation for any of you that might like to visit this beautiful and rugged jewel of San Diego.

SAN DIEGO COUNTY BOARD
OF SUPERVISORS,

San Diego, CA, February 17, 1999.

To: Board of Supervisors
Subject: Resolution supporting wilderness area designation for Otay Mountain

Summary

Congressman Brian Bilbray has submitted H.R. 15, the Otay Mountain Wilderness Act of 1999, to the United States House of Representatives Committee on Resources. Otay Mountain possesses critically important natural resources that are unique to the Nation. A wilderness designation would provide long-term protection of this unique ecosystem while creating a comprehensive management framework which will enable the U.S. Border Patrol and the California Department of Forestry and Fire Protection to improve public safety in the region.

Recommendation: Supervisor Jacob

Adopt the attached resolution supporting the Otay Wilderness Act of 1999.

Fiscal impact

None.

Background

Otay Mountain has long been recognized as a unique ecosystem. The mountain is composed of rock with unusual properties that benefit plant growth. As a result, the mountain supports a large number of endangered and sensitive species. Otay Mountain is also home to the world's largest strand of rare Tecate Cypress.

Designation of 18,500 acres on Otay Mountain as part of the National Wilderness Preservation System will ensure long-term protection of valuable natural resources and wildlife and opportunities for public recreation will be established. Furthermore, as this area has experienced extensive resource damage as a result of illegal immigrant activity and wildfires, designation as a Wilderness Area will help in coordinating and improving public safety.

Support of H.R. 15 authored by Congress Brian Bilbray would be consistent with San Diego County's efforts to protect threatened flora and fauna and continue its role as the Nation's leader in habitat planning.

Respectfully Submitted,

DIANNE JACOB,
Supervisor, Second District.

RESOLUTION OF THE BOARD OF SUPERVISORS
SUPPORTING THE OTAY WILDERNESS ACT OF 1999

On the motion of Supervisor Horn, seconded by Supervisor Cox, the following resolution is adopted:

WHEREAS, Otay Mountain is a valuable ecosystem, consisting of 18,500 acres of rare, endangered and sensitive flora and fauna that is unique to this region; and

WHEREAS, the important biology existing on Otay Mountain includes the world's largest strand of rare Tecate Cypress; and

WHEREAS, preservation of this land will be consistent with the goals of the County of San Diego to protect its threatened natural resources and wildlife; and

WHEREAS, establishment of a Wilderness Area would create opportunities for public recreation at Otay Mountain; and

WHEREAS, designation of Otay Mountain as a Wilderness Area is supported by the U.S. Border Patrol, the California Department of Forestry and Fire Protection, and the U.S. Attorney's Office;

THEREFORE, BE IT RESOLVED, that the San Diego County Board of Supervisors hereby recommends to the United States Congress that H.R. 15, the Otay Mountain Act of 1999, sponsored by Congressman Brian Bilbray, be adopted designating Otay Mountain as part of the National Wilderness Preservation System.

On motion of Supervisor Horn, seconded by Supervisor Cox, the foregoing Resolution was passed and adopted by the Board of Supervisors, County of San Diego, State of California, on this 17th day of February, 1999, by the following vote:

AYES: Cox, Jacob, Slater, Horn.

ABSENT: Roberts.

State of California, County of San Diego.

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA,

Clerk of the Board of Supervisors.

By Frank Galang, Deputy.

SECRETARY OF THE INTERIOR,
Washington, DC, February 3, 1999.

Hon. BRIAN P. BILBRAY,
House of Representatives,
Washington, DC.

DEAR MR. BILBRAY: Thank you for your letter of December 14, 1998, regarding the proposal to designate Otay Mountain in San Diego County as wilderness.

I regret that you were unable to join me on the Otay Mountain tour. I was pleased to meet the many individuals and local officials committed to preserving the special resources on Otay Mountain.

The conclusion of the group present was that the time was appropriate to designate Otay Mountain as part of the National Wilderness Preservation System. Bureau of Land Management Acting Director Tom Fry

will be testifying on February 4, 1999, before the House Resources Subcommittee on National Parks and Public Lands on behalf of the Administration in strong support of H.R. 15.

I look forward to working with you to preserve the unique resources of this area as the legislation makes its way through Congress.

Sincerely,

BILL BABBITT.

ENDANGERED HABITATS LEAGUE,

Los Angeles, CA, February 1, 1999.

Re: Otay Mountain Wilderness Bill HR-15 (Bilbray).

Hon. BRUCE BABBITT,

Secretary,

Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: In 1993, you came to San Diego and announced a dramatic change of policy for the Department of the Interior. Your announcement that Bureau of Land Management holdings within the San Diego region would be managed for conservation consistent with the management directives of the Multiple Species Conservation Program (MSCP) was of fundamental importance. It underscored the fact that management of the biological systems that we are attempting to preserve and restore required regional consistency among agencies and jurisdictions responsible for land use and land management. At that time, however, we did not realize how difficult that would turn out to be on Otay Mountain, the heart of the largest biological core area in the MSCP.

When the combination of illegal immigration and interdiction began to destroy the resources on the mountain we met with you, Ed Hasty and others to consider possible solutions. After much discussion it was agreed that in exchange for our support in moving the interdiction skirmish line down to the border via the development of the spur roads, you would work for and support wilderness designation for the mountain. As we saw last month when we met with you on this site, the interdiction part of the strategy has worked better than any of us expected. The land is recovering, and the loss of human life on the mountain has been reduced dramatically. It is rare that a plan works out as well as this one has.

In our view, wilderness designation was the strongest assurance that the invaluable biological resources of Otay Mountain would be protected in perpetuity. Your handshake agreement with us has been good, and despite concern with section 6(b) of HR-15, we have an acceptable wilderness bill in front of us. We are very appreciative of your leadership on this issue.

The point of contention in section 6(b) has been the special language regarding border interdiction. As you know, the Endangered Habitats League and the Sierra Club have been working with the Wilderness Society and the Natural Resources Defense Council on this important issue. While the special circumstances of this particular border area are acknowledged, there remain concerns about the possibility of weakening The Wilderness Act by establishing a precedent that could be misused elsewhere in the future.

In our judgment, the language in section 6(b) is acceptable for our circumstance in San Diego. While we feel that the appropriate place for this language is in the report accompanying the bill, we are willing to accept its placement in the body of the bill based on our understanding of the last sentence of the section which reads: "This Act recognizes the need to continue such management actions so long as such management actions are conducted in accordance with The Wilderness Act (16 U.S.C. 1131 et seq.) and are subject to such conditions as

the Secretary considers appropriate." We read this to mean that consistency with The Wilderness Act, as written, is mandatory.

We look forward to working with the wildlife agencies, BLM, and border and fire protection agencies on the development of the critically important biological management plan for Otay Mountain. Both the County and City of San Diego have species covered under their subarea plans that are dependent upon that management plan. It is my hope that we can begin the process this year.

The progress that has been made in the last six years for conservation in the South County has been truly remarkable. The Otay Mountain Wilderness will be the heart of this conservation area and the bedrock of the MSCP. Speaking for myself and the endangered Habitats League, and, if I can presume to speak for the resources, you have our deep appreciation.

Sincerely,

MICHAEL BECK,
San Diego Director.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I also rise in support of H.R. 15, the Otay Mountain Wilderness Act. This area should be designated as a wilderness area so that we can preserve its natural wonders and safeguard the many treasures it has to offer for future generations.

The gentleman from California (Mr. BILBRAY) and I are part of the San Diego congressional delegation that has been working hard with the U.S. Border Patrol, the California Department of Forestry, the California Department of Fish and Game, the City of San Diego, the County of San Diego and the U.S. Attorney's office, all together, to try to make H.R. 15 a reality. All of us have come together despite our differences to make sure that we preserve the pristine beauty of this natural wilderness for our children and our grandchildren. Mr. Speaker, it would be truly a shame if future generations could not enjoy this natural gem.

What does it mean to designate the Otay Mountain region as a wilderness area? It means that the land will be protected by the Federal Government from any activities that could harm the plant and animal life or the landscape in general. This will ensure the protection of this land for all of us, both today and tomorrow.

The Otay Mountain region, which is located in southwestern California near the U.S.-Mexico border, is an extraordinary landscape with many diverse natural, scientific and scenic values. The amazing diversity of this land includes both desert and coastal areas and boasts a number of plant species which can grow only in this area.

In fact, the directory of Federal Natural Areas lists at least 15 plant species that are candidates for Federal listing as Threatened or Endangered Species. The Tecate Cypress, coastal sage shrub, oak woodlands and a number of other vegetative associations are only a few of the plant species which grow only in small isolated populations in California and Mexico. These species play a critical role in San Diego's

multi-species conservation plan, a national model for maintaining biodiversity. Not protecting these species would be a travesty.

The Otay Mountain region was designated as the Otay National Cooperative Land and Wildlife Management Area back in 1962, and later, in 1980, two wilderness study areas were designated by the San Diego County Board of Supervisors and the Bureau of Land Management. Many people in our community know and have known for years that the Otay Mountain region is a valuable asset that we cannot lose. My colleagues and I would like to take this a step further by designating it as a wilderness area.

There are other reasons why it is absolutely critical that we preserve this beautiful place in America. Because the area is located near the busy city of San Diego and on the U.S.-Mexico border, the danger of pollution not only from smog and other toxins but also from binational travelers is very real. Moreover, the border location of this region is the focus of important law enforcement and border efforts to curtail illegal immigration. These additional strains can cause very real degradation to our environment. Finally, the area presents unique fire management challenges. The designation as a wilderness area will actually help us to manage all of these issues.

The lands within the Otay Mountain region represent some of the last pristine wilderness areas in western San Diego County, California. There are many benefits to designating this area as a wilderness area. I urge my colleagues to support H.R. 15, the Otay Mountain Wilderness Act.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge all my colleagues to support H.R. 15.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 15.

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

A motion to reconsider was laid on the table.

PROVIDING FOR COLLECTION OF FEES FOR MAKING OF MOTION PICTURES, TELEVISION PRODUCTIONS, AND SOUND TRACKS IN NATIONAL PARK SYSTEM AND NATIONAL WILDLIFE REFUGE SYSTEM UNITS

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 154) to provide for the collection of fees for the making of motion pic-

tures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes, as amended.

The Clerk read as follows:

H.R. 154

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

SECTION 1. FEE AUTHORITY AND REPEAL OF PROHIBITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior (in this section referred to as the "Secretary") may permit, under terms and conditions considered necessary by the Secretary, the use of lands and facilities administered by the Secretary for the making of any motion picture, television production, soundtrack, or similar project, if the Secretary determines that such use is appropriate and will neither impair the values and resources of the lands and facilities nor result in a significant disruption of normal visitor uses.

(2) FEES.—(A) Any permit under this section shall require the payment of fees to the Secretary in an amount determined to be appropriate by the Secretary sufficient to provide a fair return to the government in accordance with subparagraph (B), except as provided in subparagraph (C). The amount of the fee shall be not less than the direct and indirect costs to the Government for processing the application for the permit and the use of lands and facilities under the permit, including any necessary costs of cleanup and restoration, except as provided in subparagraph (C).

(B) The authority of the Secretary to establish fees under this paragraph shall include, but not be limited to, authority to issue regulations that establish a schedule of rates for fees under this paragraph based on such factors as—

(i) the number of people on site under a permit;

(ii) the duration of activities under a permit;

(iii) the conduct of activities under a permit in areas designated by statute or regulations as special use areas, including wilderness and research natural areas; and

(iv) surface disturbances authorized under a permit.

(C) The Secretary may, under the terms of the regulations promulgated under paragraph (4), charge a fee below the amount referred to in subparagraph (A) if the activity for which the fee is charged provides clear educational or interpretive benefits for the Department of the Interior.

(3) BONDING AND INSURANCE.—The Secretary may require a bond, insurance, or such other means as may be necessary to protect the interests of the United States in activities arising under such a permit.

(4) REGULATIONS.—(A) The Secretary shall issue regulations implementing this subsection by not later than 180 days after the date of the enactment of this Act.

(B) Within 3 years after the date of enactment of this Act, the Secretary shall review and, as appropriate, revise regulations issued under this paragraph. After that time, the Secretary shall periodically review the regulations and make necessary changes.

(b) COLLECTION OF FEES.—Fees shall be collected under subsection (a) whenever the proposed filming, videotaping, sound recording, or still photography involves product or service advertisements, or the use of models, actors, sets, or props, or when such filming, videotaping, sound recording, or still photography could result in damage to resources or significant disruption of normal visitor uses. Filming, videotaping, sound recording or still photography, including bona fide newsreel or news television film gathering, which does not involve the activities or impacts identified herein, shall be permitted without fee.

(c) EXISTING REGULATIONS.—The prohibition on fees set forth in paragraph (1) of section 5.1(b) of title 43, Code of Federal Regulations, shall cease to apply upon the effective date of regulations under subsection (a). Nothing in this section shall be construed to affect the regulations set forth in part 5 of such title, other than paragraph (1) thereof.

(d) PROCEEDS.—Amounts collected as fees under this section shall be available for expenditure without further appropriation and shall be distributed and used, without fiscal year limitation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program under section 315 of Public Law 104-134.

(e) PENALTY.—A person convicted of violating any regulation issued under subsection (a) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 6 months, or both, and shall be ordered to pay all costs of the proceedings.

(f) EFFECTIVE DATE.—This section and the regulations issued under this section shall become effective 180 days after the date of the enactment of this Act, except that this subsection and the authority of the Secretary to issue regulations under this section shall be effective on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

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

Mr. GIBBONS. Mr. Speaker, H.R. 154 was introduced by the gentleman from Colorado (Mr. HEFLEY). The gentleman from Colorado is to be commended for the hard work on this bill and his commitment to see this piece of legislation come to fruition.

H.R. 154 is a bipartisan bill which repeals the existing regulatory prohibition on collecting fees for commercial film productions on lands administered by the Department of the Interior, including units of the National Park System and National Wildlife Refuge Areas. H.R. 154 authorizes the Secretary to establish a fee schedule using a number of relevant factors, such as the number of people on-site and the duration of the filming activities. The bill would not affect newsreel or television news activities. Proceeds from these location fees would remain in the unit where the filming occurs as per the Recreational Fee Demonstration Program established under current public law.

This is a good bill which is long overdue. I urge my colleagues to support H.R. 154.

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

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

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 154 provides for the collection of fees for the making of motion pictures, television productions and sound