

Lazio	Owens	Simpson
Leach	Oxley	Sisisky
Lee	Packard	Skeen
Levin	Pallone	Skelton
Lewis (CA)	Pastor	Slaughter
Lewis (KY)	Paul	Smith (MI)
Linder	Pease	Smith (NJ)
Lipinski	Pelosi	Smith (TX)
Lofgren	Peterson (PA)	Smith (WA)
Lowey	Petri	Snyder
Lucas (KY)	Phelps	Souder
Lucas (OK)	Pickering	Spratt
Luther	Pitts	Stabenow
Maloney (CT)	Pombo	Stark
Maloney (NY)	Pomeroy	Stearns
Manzullo	Porter	Stenholm
Markey	Portman	Stump
Martinez	Price (NC)	Sununu
Mascara	Pryce (OH)	Talent
Matsui	Quinn	Tanner
McCarthy (MO)	Radanovich	Tauscher
McCarthy (NY)	Rahall	Tauzin
McCrery	Rangel	Taylor (NC)
McGovern	Regula	Terry
McHugh	Reyes	Thomas
McInnis	Reynolds	Thornberry
McIntyre	Riley	Thune
McKeon	Rivers	Thurman
McKinney	Rodriguez	Tiahrt
McNulty	Roemer	Tierney
Meehan	Rogan	Toomey
Meek (FL)	Rogers	Towns
Meeks (NY)	Rohrabacher	Trafficant
Menendez	Ros-Lehtinen	Turner
Metcalf	Rothman	Udall (CO)
Mica	Roukema	Upton
Millender-	Roybal-Allard	Velazquez
McDonald	Royce	Vitter
Miller (FL)	Rush	Walden
Miller, Gary	Ryan (WI)	Walsh
Minge	Ryun (KS)	Wamp
Mink	Salmon	Watkins
Moakley	Sanchez	Watt (NC)
Mollohan	Sanders	Watts (OK)
Moran (KS)	Sandlin	Waxman
Morella	Sanford	Weiner
Murtha	Sawyer	Weldon (FL)
Myrick	Saxton	Weldon (PA)
Nadler	Schakowsky	Wexler
Napolitano	Sensenbrenner	Weygand
Neal	Serrano	Whitfield
Nethercutt	Sessions	Wicker
Ney	Shadegg	Wilson
Northup	Shaw	Wise
Norwood	Shays	Wolf
Nussle	Sherman	Woolsey
Obey	Sherwood	Wynn
Olver	Shimkus	Young (AK)
Ortiz	Shows	Young (FL)
Ose	Shuster	

NOES—45

Aderholt	Gutierrez	Peterson (MN)
Baird	Hastings (FL)	Pickett
Billbray	Hefley	Ramstad
Borski	Hill (MT)	Sabo
Brady (PA)	Hilleary	Strickland
Chenoweth-Hage	Hilliard	Stupak
Clay	Hinche	Sweeney
Clyburn	Kucinich	Taylor (MS)
Coburn	Lewis (GA)	Thompson (CA)
Costello	LoBiondo	Thompson (MS)
Crane	McDermott	Udall (NM)
Dickey	Miller, George	Visclosky
English	Moore	Waters
Filner	Oberstar	Weller
Gibbons	Pascrell	Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—19

Bono	Granger	Scarborough
Brown (OH)	Kasich	Schaffer
Capuano	LaTourette	Scott
Clement	McCollum	Spence
Cooksey	McIntosh	Vento
Frank (MA)	Moran (VA)	
Frost	Payne	

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So the Journal was approved.

The result of the vote was announced as above recorded.

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REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 396

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Concurrent Resolution 396.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from California?

There was no objection.

IVANPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

The SPEAKER pro tempore. Pursuant to House Resolution 433 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1695.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

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

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

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

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of H.R. 1695, introduced by my colleague, the gentleman from Nevada (Mr. GIBBONS).

An enormous amount of effort has gone into the preparation of this bill, and I would like to commend the gentleman from Nevada (Mr. GIBBONS) for working so diligently on this bill and bringing it to the floor. I do not think a lot of my colleagues realize that the gentleman from Nevada probably knows as much about aviation as any Member in the Congress, serving both as a military pilot and a commercial pilot, as well as the many other accomplishments he has had in his life. And I commend him on doing an excellent job on a piece of legislation that has been quite controversial, but which I think we now have a meeting of the minds on.

Clark County, Nevada, is the fastest growing metropolitan area in the Nation, and its current McCarran Airport, located in Las Vegas, is quickly exceeding capacity. The exorbitant growth in development and tourism has made the need for another airport in the Las Vegas metro area absolutely critical. The ever-increasing influx of

visitors to southern Nevada is overrunning the present airport. Approximately half of the visitors to Las Vegas arrive as passengers at McCarran Airport, and that figure will continue to climb as the city increasingly becomes an international destination. I have been given to understand that it is now the ninth busiest airport in America.

H.R. 1695 authorizes the sale of Federal lands to Clark County for the construction of a new airport which will serve southern Nevada and the Las Vegas Valley. Clark County would pay fair market value for 6,500 acres in Ivanpah Valley, the proceeds of which would be used to purchase and preserve environmentally-sensitive areas within the State of Nevada.

The topography and orientation of the Ivanpah Valley make it an ideal location for an airport. The land is a dried-up lakebed, with nothing more than an interstate highway and a railroad on either side. An airport in this valley would be close enough to serve the metro area; however, its existence will not interfere with the current airspace needs of McCarran Airport or Nellis Air Force Base.

The environmental impact of this airport will be minimal. Nevertheless, H.R. 1695 ensures full compliance with all of the National Environmental Protection Act's provisions prior to operation of this airport. The airport will be located 16 miles away from the Mojave Preserve to avoid interference with that area. The Secretary of Transportation will design an airspace management plan that will avoid, to the maximum extent possible, overflights of the Mojave Preserve.

Mr. Chairman, at the appropriate time I will be offering an en bloc amendment to address the outstanding concerns with this legislation. The amendment has been agreed to by the minority and provides bipartisan support for this legislation, and I thank my staff and the staff of the gentleman from Nevada (Mr. GIBBONS) and the minority for working diligently to work out this en bloc amendment.

Mr. Chairman, I reiterate my support for H.R. 1695 and ask for the endorsement of the Members to provide this much-needed improvement to Nevada's infrastructure.

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

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

Mr. Chairman H.R. 1695 directs the conveyance of a substantial tract of public lands located near the Mojave National Preserve for the development of a large commercial airport and related facilities for the Las Vegas area.

As reported by the Committee on Resources, H.R. 1695 was a controversial measure. The bill was opposed by the administration, the environmental community, and many Members because the legislation failed to adequately address the potential environmental impacts, land-use conflicts, and

administrative problems associated with large-scale land conveyance.

Attempts were made to address these significant issues in the Committee on Resources. These efforts were spearheaded by our colleague, the gentleman from Minnesota (Mr. VENTO), who is unable to be here with us today because he is recovering from major surgery; but I know he is watching this closely. The gentleman from Minnesota has been involved in the legislative consideration of this matter for several years, and his expertise on public lands issues gave him keen insight into the problems associated with the bill. The gentleman from Minnesota offered several constructive amendments to the legislation in committee. Although the committee did not adopt these amendments at that time, the seeds of his efforts are bearing fruit.

H.R. 1695 was headed to the floor this week with solid opposition from the administration, from the environmental community, and from many Members of Congress, including myself, concerned about the environmental consequences of this proposal. Fortunately, efforts have been underway to address these concerns, and for that I want to commend our colleague, the gentlewoman from Nevada (Ms. BERKLEY). The involvement of the gentlewoman from Nevada (Ms. BERKLEY) was critical in helping to diffuse that opposition and make possible the manager's amendment that will be offered to this legislation.

In helping to craft these changes, the gentlewoman from Nevada showed herself to be a strong advocate for her community and the environment. I can attest to that fact because I have been cornered by her numerous times over the last couple of months about this legislation and about her concerns for the opposition to the legislation that was being registered at that time.

As a result of that, I believe the manager's amendment that we now have before us makes a significant improvement to the bill by providing a joint lead agency status for the Department of the Interior on the Environmental Impact Statement necessary for the planning and construction of an airport facility on the conveyed lands. This is important, since the lands to be conveyed are currently administered by the Department of the Interior; and the potential environmental impacts of such an airport involve the Mojave National Preserve and other resource responsibilities of the Interior Department.

A detailed EIS will be crucial in determining whether an airport should be placed within the Ivanpah Valley. As noted in the NEPA regulations, found in 40 CFR 1502.14, the EIS must rigorously explore and objectively evaluate all reasonable alternatives, including the no-action alternative. Further, it will have to include a detailed analysis of environmental issues and consequences associated with the proposed airport facilities and the related infrastructure.

These are questions that cannot be answered today. With the potential impacts to the environment that exist with the proposal, especially for the Mojave National Preserve, it is incumbent the EIS thoroughly address all alternatives and environmental consequences.

As one of the cosponsors of the California Desert Protection Act, I have a long-standing interest in protecting the biological diversity of the region's desert ecosystem, especially as it relates to the Mojave National Preserve and the wilderness areas designated in the 1994 act. These are areas that some might dismiss as dirt and rock but in truth hold significant environmental values that ought to be addressed before any decision is made about a new airport that could negatively impact these areas.

Even with these changes made by the manager's amendment, the bill is not perfect; but it is certainly an improvement as to what the House would otherwise have been faced with. And again I want to commend the committee and the gentlewoman from Nevada (Ms. BERKLEY) for their efforts in putting together this amendment.

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

Mr. HANSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), the sponsor of this legislation.

Mr. GIBBONS. Mr. Chairman, before I begin, I would like to take this moment to thank my colleague, the gentleman from Utah (Mr. HANSEN), for having participated diligently with me in 3 years of effort to bring this bill to the floor here today. The efforts of the gentleman from Utah have been critical in terms of his work and his support to bridge those gaps between the questions that have been raised by the environmental and minority committees and bringing together all of those parties so that we have a workable resolution, a workable bill here today.

The en bloc amendment of the gentleman from Utah (Mr. HANSEN) offered here today, Mr. Chairman, is certainly one which I think allows for us to proceed with this bill and which will accomplish the goals that Las Vegas needs to have in the coming years with a new airport that will relieve the stress of congestion at the ninth busiest airport in America today.

Mr. Chairman, as has already been mentioned, southern Nevada is the fastest growing area in the United States. Last year alone, in Las Vegas, there were more than 20,000 new homes constructed in the area. And because Nevada has somewhere between 87 and 92 percent of its land owned by the Federal Government, it makes expansion for many of our communities almost impossible. Fortunately, H.R. 1695 addresses the issue of smart growth and expansion and prepares Clark County, the home of Las Vegas, for the 21st century.

As Las Vegas and southern Nevada continue to grow, a greater demand is

put upon its airport and its facility. Currently, passengers traveling through the Las Vegas McCarran International Airport account for approximately 50 percent of the 31 million visitors who come to Las Vegas each and every year. As the Valley's resorts increasingly become desirable nationally and internationally as travel destinations, this percentage can be expected to climb, and an exhausting strain will be placed on McCarran Airport. That is why this legislation is so critically important to the future of the Las Vegas Valley, indeed the economy of our State.

This is similar to the Dulles International Airport and the National Airport situation that we had existing right here in Washington, D.C. When Washington National, now Ronald Reagan National Airport, was becoming overcrowded and burdened by excess travel, there was a demand, 30 years ago, to increase its capacity by building a facility 30 miles to the west of here. That became known as Dulles International Airport. Today, the same problems, the same stress, are occurring in Las Vegas with the McCarran International Airport. Thirty miles to the Southwest will be the Ivanpah Airport as a reliever facility for McCarran's International Airport.

The Ivanpah Airport will be located far enough away from McCarran's Airport and the Nellis Air Force Base in Las Vegas to be free from their flight restrictions, yet it has a close proximity to Interstate 15 and the Union Pacific Railroad which will provide an excellent union of intermodal and multimodal transportation opportunities. And lastly, it is surrounded by vacant Federal land, which gives Clark County an opportunity to continue their forward-thinking and responsible growth while protecting the airport from incompatible land uses.

As McCarran reaches its physical capacity, expected to be in the year 2008, H.R. 1695 becomes a necessity to accommodate this county's favorable oasis in the desert and its future. There are those who rally against smart growth, forward-thinking planning, or even needed expansion. However, with the guidance and hard work, as I said earlier, of our colleague, the gentleman from Utah (Mr. HANSEN), and after working on this legislation for over 3 years, dedicating many hours to working out these compromises with the administration and environmental organizations, I believe we have finally found a common ground among all groups.

This compromise is reflected, as I said earlier, in the manager's amendment. It allows greater say by the Secretary of the Interior on initial Environmental Impact Statement planning processes to take care of the administration's objections. The manager's amendment also takes care of a small technical problem associated with the revisionary clause; and, finally, it addresses a small concern brought up by

the Committee on the Budget. However, if there are still concerns by some in this body, I would like to take the next few minutes, Mr. Chairman, to dispel these thoughts and concerns.

Some have stated that H.R. 1695 makes the National Environmental Protection Agency process moot.

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Realize, however, that NEPA is a necessity. Before the Ivanpah site can be developed as an airport, the Secretary of Transportation and the Secretary of Interior will be required to prepare a full Environmental Impact Statement pursuant to NEPA. H.R. 1695 merely authorizes the sale of the land which otherwise could not be sold.

Another question has been raised that others have stated that the bill obstructs policy comment required by FLPMA. There is only one reference to FLPMA in H.R. 1695, and it is not a waiver of public comment or environmental protections.

Since the Ivanpah Airport project is to be Congressionally mandated, this subsection merely relieved the Secretary from the requirement that the project be accounted for in land inventories, maps, and land use plans. Not to mention there have been numerous local public meetings by the Clark County Commission concerning the Ivanpah Airport project.

There is no significant local opposition to providing Southern Nevada a much needed second airport site. The bill is supported by the entire bipartisan Congressional delegation, the State, city, county and many local businesses and labor unions in Nevada.

Another concern raised was that one of the most timely and important issues facing Clark County is growth and the protection of their natural resources. Mr. Chairman, this issue was weighed heavily when I crafted H.R. 1695 because of its proximity to the Mojave Preserve.

However, the Ivanpah site is more than 16 miles from the Mojave Preserve and there is already a substantial community between the Mojave Preserve and the airport site known as Primm, Nevada. This community is located at the California State line, which includes three casinos and a large regional outlet mall.

Because of this existing development, the BLM land management plan has already decided to sell over 5,000 acres of land along Interstate 15 for private development. Any further releases of land will require an amendment to the land management plan. If an airport is built at Ivanpah, a clear zone will be established around it which will preclude additional growth surrounding the site.

A provision was added to H.R. 1695 which requires the Secretary of Transportation to work with the Secretary of the Interior to develop an air space management plan which precludes, except when safety requires, arrivals or departures over the Mojave Preserve.

H.R. 1695 also mandates that the air space management plan determine the

optimum flight approach and departure corridors. This was done in a proactive manner to minimize overflight impacts on the preserve.

Another question that was raised was to ensure that the people of America receive fair compensation for their public lands. H.R. 1695 requires that the land be sold at fair market value. I repeat, Mr. Chairman, that the land will be sold at fair market value. This is not a give-away. The bill originally allowed the land to be purchased in phases and the new appraisals were required every 3 years. At a resources hearing, however, the County has indicated its intent to purchase the entire site as soon as possible; and the bill was amended in committee to require Clark County to buy the entire parcel for fair market value.

It is important to ensure that our citizens not only realize the benefits of this new airport but are justly compensated for its use, for the use of our public lands.

Another concern was that flights over or near the preserve will destroy the scenic vistas, natural quiet, and night skies.

Mr. Chairman, let me say that, although H.R. 1695 precludes flights from the Ivanpah Airport over the Mojave National Preserve, the preserve is already heavily impacted by aircraft overflight. In fact, the preserve is actually located beneath one of the world's most concentrated air traffic corridors. Air traffic in and out of the Los Angeles basin airports, such as Los Angeles International, Palmdale Airport, John Wayne/Orange County Airport, Burbank, Ontario, and the Long Beach Airport, to name a few. Those airports require current overflights of the Mojave Preserve.

Additionally, there are a number of military airfields in California which also impact the Mojave Preserve with their operations. To give my colleagues an idea, there are in excess of 400,000 operations on the airways over the Mojave Preserve at 6,000 feet or more above the preserve.

Mr. Chairman, once again, there are 400,000 operations each year over the Mojave Preserve at 6,000 feet or more above the preserve.

Additionally, there are 147,000 operations that fly over the Mojave Preserve annually at altitudes of 10,000 to 16,000 feet, which is comparable to the elevations of aircraft 16 miles from the Ivanpah location.

This is the same distance between the Ivanpah Airport and the Mojave Preserve, which simply means that all aircraft arriving and departing at Ivanpah at a distance of 16 miles will be at least 10,000 feet and probably 16,000 feet or more above the preserve.

Finally, concerns have been advanced about airport related light emissions impacting star gazing activities within the Mojave Preserve. Frankly, a small commercial service airport located between the two communities, such as Jean and Primm, Nevada, will con-

tribute little, if any, to the local light emanating from the Ivanpah Valley.

The last concern I would like to address this morning is the potential impact to the desert tortoise, mountain sheep, and their habitats. Clark County and I are extremely sensitive to the concerns regarding the potential impact of the airport on these desert animals. However, it was determined that the airport did not impact the critical habitat for the desert tortoise or areas of critical concern as set forth in the BLM Resource Management Plan.

Remember that the site will also have to pass the rigorous standards of the National Environmental Policy Act process, as well as a possible section 7 consultation under the Endangered Species Act.

It is important to note that the United States Air Force Research Laboratory studied the effects of subsonic as well as supersonic aircraft noise on the desert tortoise. The report, dated May 1999, stated, "There was no increase in blood lactate levels during or post exercise. The most extreme response to simulated subsonic aircraft noise was a typical reptilian defense response."

The University of Arizona also evaluated the effects of simulated low-altitude F-16 jet aircraft noise on the behavior of captive mountain sheep. They concluded "that when F-16 aircraft flew over the sheep, the noise levels created did not alter behavior or increase heart rates to the detriment of the population."

Mr. Chairman, I would like to point out that these aircraft were flying along a ridge line at 125 meters, that is approximately 375 feet, above the ground, not the 6,000 feet or more that would be used by aircraft traveling to, arriving, or departing from the Ivanpah Airport and possibly over the Mojave Preserve.

And if there were a safety issue requiring them to fly over, that would be a rare and abnormal occurrence that would only occur infrequently, at best.

Finally, I would again like to thank the gentleman from Utah (Mr. HANSEN), the chairman of the subcommittee, for his hard work once again and dedication in helping me see this project through over the last 3 years.

As a freshman, and with the help of former Congressman John Ensign, the gentleman from Utah (Chairman HANSEN) stood behind the people of Southern Nevada and enabled us to get to this point today. The State of Nevada owes the gentleman many thanks.

Mr. Chairman, I ask everyone to support H.R. 1695, which is so very important to the Southern Nevada area and its future.

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

Mr. Chairman, I thank the gentleman from Nevada (Mr. GIBBONS) for all of his work and effort in coming to an agreement on this legislation. I know

that he has been involved with it for a considerable period of time.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY); and I again thank her for all of her help and effort on this legislation.

Ms. BERKLEY. Mr. Chairman, I rise in support of H.R. 1695.

I particularly wish to thank the gentleman from California (Mr. GEORGE MILLER) for his help with this issue; the gentleman from Minnesota (Mr. OBERSTAR), who was instrumental in making sure that this, in fact, was heard by all the parties; the gentleman from Utah (Chairman HANSEN) for his extraordinarily diplomatic work on these efforts; and I want to thank my colleague the gentleman from Nevada (Mr. GIBBONS) for graciously acknowledging my involvement, and I wish to do the same to him.

Mr. Chairman, I represent the fastest growing district in the United States, which is located in one of the fastest growing States in the United States. I have 5,000 new residents a month coming into Southern Nevada to establish residence and raise their families there.

In addition to that, we have 32 million visitors a year coming to Southern Nevada to enjoy the exciting family entertainment that Las Vegas offers to its visitors. A very large percentage of that 32 million visitors that come to Las Vegas do so by accessing McCarran Airport. Because of the unprecedented growth and the extraordinary growth that we have experienced in Southern Nevada, it has become apparent recently that the McCarran Airport will be at 100 percent capacity by the year 2008.

It was, therefore, imperative that we moved quickly in order to facilitate the ability of Southern Nevada to continue to grow, continue to prosper, continue to allow people easy access to enjoy our Southern Nevada life-style. Therefore, it became very important for us to pass this legislation so that we might have another access route for people to come to Southern Nevada.

The Ivanpah Airport is not a new idea. It is certainly a very important one for the people of Southern Nevada, particularly for our continued growth and development.

One of the things that is particularly important about this legislation is the fact that we have been able to marry and blend not only the economic needs of our community but the environmental needs, as well. And for somebody like me and my family that are now three generations of Southern Nevadans, the environment was as important to me as the future growth and development of my community.

To be able to blend both needs for future prosperity and to continue the vibrant economy of Southern Nevada, blend that with the environmental concerns, which we all have, in order to maintain the beauty of the environment and keep it as pristine as pos-

sible, to be able to blend both of those very important needs in a piece of legislation that all parties concerned about this have agreed to support I think is great statesmanship, and I applaud everybody that was involved in the process.

It was very important that we have all the parties at the table agreeing not only to see that the future of Southern Nevada is in very good hands and the economy, the future growth, and prosperity of our economy is ensured into the next several decades, but also to make sure that the thing we care about the most, our beautiful desert environment, is protected.

So I want to applaud my colleagues for working very diligently to make sure that this piece of legislation was, in fact, crafted in a way that everybody could be very excited about the future of Las Vegas, the future of Southern Nevada, not only the economic side but the environmental side, as well.

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

1145

Mr. Chairman, the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, is not able to be here and has asked that I read into the RECORD his brief statement.

He says,

Mr. Chairman, I rise in strong support of H.R. 1693, a bill to provide for the conveyance of certain Federal-owned land for the development of a much needed airport for the Ivanpah Valley in Nevada. This piece of legislation was introduced by one of our most active and effective resource committee members, our colleague, Congressman Jim Gibbons from Nevada.

I want to commend the gentleman for his hard work on this bill that is so important to Nevada and to the many visitors to Nevada who will someday use this airport facility.

Nevada has the highest percentage of Federally owned lands of any State in the union with more than 80 percent of Nevada's land base owned and managed by Federal conservation agencies. This of course makes it very difficult to provide for public services in fast growing areas such as Clark County, Nevada. I can sympathize with the problem. Alaska has similar problems since so much of my State is owned by the Federal Government.

However, I am satisfied that this land transfer will not in any way lessen or diminish the quality of the environment in Nevada but is absolutely necessary to provide an essential means of air transportation for the region. My committee has held hearings not only on the issues relating to this airport but also to the impacts of the Minneapolis-St. Paul Airport expansion on the Minnesota Valley National Wildlife Refuge.

The Minnesota refuge is home to a broad range of wildlife species, including threatened bald eagles, 35 mammal species, 23 reptile and amphibian species and 97 species of birds including tundra swans migrating all the way from Alaska. Our hearings revealed that the expansion of the Minneapolis Airport would result in overflights as low as 500 feet above the wildlife refuge. Yet the environmental impact statement for the Minnesota Airport revealed that the wildlife would not be disturbed so much that the airport expansion should be stopped. They also

found no impact on the threatened bald eagle and no need for the protections of the endangered species act. The scientist studying the impacts of the airport found that the wildlife in the refuge would adjust to the noise from the low overflights. They found that there is little scientific evidence that wildlife would be seriously harmed by over 5,000 takeoffs and landings per month at less than 2,000 feet above these important migratory bird breeding, feeding and resting areas.

Just as the Minneapolis Airport has no impact on the wildlife refuge less than one mile away, I am sure that the new airport in the Ivanpah Valley of Nevada will have little if any impact on the environment and will have no impact on any wildlife refuges or preserves. Building this much-needed airport is, however, an issue of public safety and the safety of the flying public as well as those who will operate private planes and commercial flights.

I strongly support this legislation and urge my colleagues to do so as well.

Mr. Speaker, I insert the following letters for the RECORD.

COMMITTEE ON RESOURCES,
Washington, DC, March 8, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and
Infrastructure, Rayburn HOB, Washington,
DC.

DEAR MR. CHAIRMAN: This week the leadership may schedule H.R. 1695, the Ivanpah Valley Public Lands Transfer Act, for consideration under a rule. This bill, authored by Congressman Jim Gibbons, directs the Secretary of the Interior to sell approximately 6400 acres of Bureau of Land Management land just south of Las Vegas, Nevada, to Clark County to develop an airport facility and related infrastructure. The bill was referred to the Committee on Resources, which filed its report on the bill on November 16, 1999 (H. Rept. 106-471).

While the H.R. 1695 is primarily a public land transfer bill, Section 4 directs the Secretary of Transportation, in consultation with the Secretary of the Interior, to develop an airspace management plan that shall, to the maximum extent practicable, avoid the airspace for the Mojave Desert Preserve in California. In addition, under Section 4(b), the Federal Aviation Administration must make certain certifications to the Secretary of the Interior regarding Clark County's airspace assessment.

The Committee on Resources recognizes your Committee's jurisdiction over Section 4 under Rule X of the Rules of the House of Representatives. I agree that allowing this bill to go forward in no way impairs your jurisdiction over this or any similar provisions, and I would be pleased to place this letter and any response you may have in the Congressional Record during our deliberations on this bill. In addition, if a conference is necessary on this bill, I would support any request to have the Committee on Transportation and Infrastructure be represented on the conference.

This bill is vitally important to Congressman Jim Gibbons and the people of Clark County, Nevada, so I very much appreciate your cooperation, and that of Aviation Subcommittee Chairman John Duncan (who serves on both our Committees) and Rob Chamberlin of your staff during this very busy time. I look forward to passing this bill on the Floor soon and thank you again for your assistance.

Sincerely,

DON YOUNG,
Chairman.

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, March 8, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth
House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 8, 2000 regarding H.R. 1695, the Ivanpah Valley Public Lands Transfer Act. I understand that this bill is primarily a land transfer bill. However, as you point out, Section 4 of the bill requires the Secretary of Transportation, in consultation with the Secretary of the Interior, to develop an airspace management plan that shall, to the maximum extent practicable, avoid the airspace for the Mojave Desert Preserve in California. In addition, under Section 4(b), the Federal Aviation Administration must make certain certifications to the Secretary of the Interior regarding Clark County's airspace assessment. These provisions are of jurisdiction interest to the Committee on Transportation and Infrastructure.

Your recognition of the Committee's jurisdiction and your acknowledgment that allowing this bill to go forward will not impair the Committee's jurisdiction over this or other similar provisions allay my jurisdiction concerns. In addition, I am pleased to accept your offer of placing our letters in the Congressional Record as well as your offer of support if the Committee on Transportation & Infrastructure requests representation on any potential conference.

Thank you for your assistance on this issue and your continued support of aviation matters.

With warm personal regards, I remain,
Sincerely,

BUD SHUSTER,
Chairman.

Mr. VENTO. Mr. Chairman, I would like to express my vigorous opposition to H.R. 1695, the "Ivanpah Valley Airport Public Lands Transfer Act." Since this project could not meet the environmental or procedural expectations of the federal government to transfer 6,600 acres of public land administratively, this body must now debate the merits of legislation that visibly flaunts thirty years of sound federal land use policy and procedure. It is my hope that as the full House debates this measure it will see the numerous inconsistencies with regard to standard federal policy that makes this legislation unacceptable. Frankly, the advocates have systematically avoided the administrative procedure this measure was before the bill's sponsors introduced it three years ago. During this time, a transfer could have been achieved administratively without forcing a policy and land transfer down the Department of Interior's throat. One wonders if the sponsors want an airport site or a political confrontation.

H.R. 1695 directs the sale of 6,600 acres of public land near the Mojave Desert Preserve for the development of a commercial cargo airport for the city of Las Vegas and its surrounding suburbs. Although the Bureau of Land Management (BLM) has failed to identify this land for disposal because of the important environmental and recreational resources it contains, Clark County, Nevada is seeking ownership of this land at substantially discounted prices. This mandatory conveyance of public lands circumvents the existing statutory requirements for land use planning and the sale of public lands including the Federal Land Policy and Management Act (FLMPA) and the National Environmental Policy Act (NEPA). As a result of this directed land sale, Clark Coun-

ty is circumventing the necessary environmental safeguards that, under normal circumstances would allow this project to proceed in an environmentally responsible manner and make it accountable to the public through the NEPA and FLPMA public participation processes prior to the land transfer taking place.

The intent of this legislation makes it apparent that Clark County has self-determined that there is not need for them to follow a national policy regarding the disposal of federal lands. It became apparent during the hearing on this legislation that the county has independently, and subjectively, studied the issue and determined that there is no other feasible alternative than construction of an airport in this area. The feasibility review obtained by the Committee shows that Clark County only briefly mentions any harmful environmental impacts associated with the construction of this airport and that the country made no attempt to study alternative areas on which to locate the airport.

While in committee, I offered an amendment that would have addressed the problems associated with this bill by requiring a full environmental review of the proposed airport and its surrounding facilities. This amendment contained language from the Airport and Airway Development Act of 1970 (PL 91-258) that directs the Secretary of Transportation to consult with the Secretary of the Interior regarding environmental impacts associated with the construction of an airport facility. If adverse impacts were found, but there were no alternative sites on which to locate the airport, then the amendment allowed for reasonable steps to be taken to reduce the impact of this airport on the environment. Unfortunately, it was defeated and, instead, replaced with a toothless amendment that only references NEPA after the land transfer is complete.

It is my understanding that an agreement has been made to address the Department of Interior's concerns. This agreement allows the Federal Aviation Administration and the National Park Service to jointly proceed on the development of the Environmental Impact Statement prior to construction of the airport. This amendment follows the premise of the amendment I offered in Committee by not making the location of the airport an irrevocable decision regardless of the environmental impacts associated with its construction. This represents a positive step forward in the development of this legislation by all interested parties. Although I am still troubled by H.R. 1695, I am grateful that supporters of this legislation were able to find common ground with its opponents to include a firewall that may provide a small measure of environmental protection to this ecologically sensitive region.

Should construction of this airport be allowed to proceed, it would be a mistake to not discuss the irreversible impacts that it may have on the land and its inhabitants. In 1994, Congress established the Mojave National Preserve that is adjacent to the proposed airport. Because of prevailing winds to the south, the airport can only accommodate a north-south facing runway that forces all departing planes to fly directly over the northern portion of the preserve. The environmental degradation associated with the airport and low-flying planes will ultimately threaten one of the most ecologically diverse desert landscapes in the

world. The low-flying craft would destroy the natural quiet and visitor experience to those exploring the area, harm wildlife and destroy spectacular views of the night sky through light pollution.

In addition to displacing the migratory habits of humans while on vacation in the area, the construction and operation of this airport will have dire consequences for the 700 plants and 200 animal species that permanently reside here. Unlike humans, the wildlife does not have the ability to escape the intrusion of man's inventions into their increasingly displaced and ecologically fragmented world. Two animals that would be especially threatened by noise generated from the airport include the desert bighorn sheep and the endangered desert tortoise. Studies have demonstrated that repeated jet noise at regular intervals could increase the stress levels of these animals and have an adverse impact on their reproductive efforts and their ability to detect and escape predators.

The location of the proposed airport on a dry lakebed also raises important hydrologic concerns that may threaten to ground this project before it gets its wings in the air. The BLM testified during the hearing on H.R. 1695 that this dry lakebed periodically floods and that displaced water could affect development in the area. Furthermore, the region lacks any reliable source of water. The closest water resource is located south of Primm, Nevada in a California aquifer. Should the proposed airport and its facilities tap into this aquifer, it could place a severe strain on water resources for the flora and fauna, in addition to creating clean air problems, resulting from dust storms created by the evaporation of what little moisture remains in the dry lakebed.

Finally, I would like to point out the administrative shortcomings of this legislation. Firstly, H.R. 1695 makes the United States liable for claims that may arise from a conveyance by failing to protect the valid and existing rights that under normal circumstances would be standard policy for such legislation. This legislation also fails to compensate the federal government for the fair market value of the land by requiring it to be appraised without reflecting any future enhancements that may increase its value. Lastly, there are a number of administrative costs associated with the bill that the federal government, not Clark County, must pay, including land and resource surveys, appraisals and land transfer patent expenses. I would like to stress that it is Clark County directing the purchase of this land and not the federal government.

Mr. Chairman, this project deserves the same environmental scrutiny as other similar projects being pursued around the nation. I find it disturbing that this Congress may blatantly disregard the rules and procedures established by them to practically give away federal land to a county that has determined the sites of its next large airport, without the benefit of a full environmental review. If the sponsors worked as hard to resolve the problems and work with the Department of Interior as they have the past three years to circumvent the policy and laws in place, we would have a resolution, not a confrontation as is evident today! It is my hope that this body will find it beneficial to carry out the proper studies so Clark County can provide to its citizens and visitors a safe and environmentally friendly solution for air transport. Without adequate safeguards, though, I fear that Congress will give

its nod of approval to a project that essentially subsidizes a community's efforts to carry out an ill-conceived plan. While it is true that the Las Vegas area is in need of a new airport, a project of this magnitude should proceed in the same responsible manner as required by other communities to ensure the safety and health of their communities and surrounding environment.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of H.R. 1695, a bill that would allow for the sale of certain Federal public lands in the Ivanpah Valley, Nevada to Clark County for the purposes of building a new airport. I applaud the efforts of the Gentlewoman from Nevada, Congresswoman BERKLEY, not only for her early recognition that a third airport is key to accommodate the explosive growth in the Las Vegas area, but also for her dedication to ensure that the construction of any new airport will be balanced with environmental concerns in the nearby Mojave Preserve. As of a few days ago, many issues with regard to H.R. 1695 were still unresolved. However, through Congresswoman BERKLEY's tireless efforts to bridge the gap on a bipartisan basis, those issues have been resolved such that H.R. 1695 has full support from all parties involved.

The demand for aviation has grown dramatically over the last several decades, a trend that is expected to continue for the foreseeable future. In 1998, 656 million passengers flew commercially, twice the number in 1980. This number is expected to grow to almost 1 billion over the next 10 years. In addition, the air cargo market is growing faster than any other sector of the aviation industry, an average of 6.6% a year. To accommodate that growth, the Boeing Company estimates that the world's jet freighter fleet will have to double by 2017—that means adding 1,000 more aircraft.

No where has this explosive growth in aviation been evident as in the Las Vegas, Nevada area. Passenger traffic at Las Vegas' McCarran International Airport has increased by 64 percent since 1990, with growth at 13 percent alone in 1999. In less than eight years, McCarran will be at full capacity. To accommodate this rapid growth, several options have been carefully considered, such as adding a 5th runway at McCarran. However, the costs of constructing an additional runway are estimated at upwards of 1.7 billion—four times the cost of the Ivanpah proposal—and would have involved the condemnation of several homes surrounding the airport. After careful consideration of other possible sites, the Department of Aviation concluded that the site located in the Ivanpah Valley was the most suitable. Importantly, the site located in the Ivanpah Valley is the only area that will allow aircraft to use a full precision instrument approach that will not result in airspace conflict with nearby McCarran Airport.

Although H.R. 1695 will allow for the sale by the Bureau of Land Management of approximately 6,600 acres of public land located in Ivanpah Valley to Clark County for purposes of developing this third airport, it also contains many safeguards to preserve environmental interests at the Mojave Preserve. First, H.R. 1695 would require the Secretaries of Transportation and Interior to work together to develop an airspace management plan to restrict arrivals or departures over the Mojave Preserve, unless necessary for safety. In addition,

Clark County would have to conduct an assessment, with Federal Aviation Administration (FAA) approval, to identify potential impacts on access to the Las Vegas Basin under VFR flight rules.

Importantly, the Managers Amendment to H.R. 1695, offered by the Gentleman from Utah, Congressman HANSEN, would require, prior to construction of the airport, a full environmental assessment under the National Environmental Policy Act, with the Departments of Interior and Transportation as co-lead agencies. If, at the conclusion of the NEPA process, the FAA and Clark County determine that the site is not suitable for an airport facility, custody of the land would revert back to the Department of Interior. This provision is pivotal in ensuring that all potential impacts of aircraft overflights on the Mojave Preserve are assessed before any construction begins.

Passage of H.R. 1695 will allow the Las Vegas area to plan for its future growth by increasing air capacity, while preserving the integrity of the environment in the Mojave Preserve. I urge my colleagues to support this important legislation.

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

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

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

The CHAIRMAN. All time for general debate has expired.

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

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

H.R. 1695

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 "Ivanpah Valley Airport Public Lands Transfer Act".

SEC. 2. CONVEYANCE OF LANDS TO CLARK COUNTY, NEVADA.

(a) *IN GENERAL.*—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1713), but subject to subsection (b) of this section, the Secretary shall convey to the County all right, title, and interest of the United States in and to the Federal public lands identified for disposition on the map entitled "Ivanpah Valley, Nevada-Airport Selections" numbered 01, and dated April 1999, for the purpose of developing an airport facility and related infrastructure. The Secretary shall keep such map on file and available for public inspection in the offices of the Director of the Bureau of Land Management and in the district office of the Bureau located in Las Vegas, Nevada.

(b) *CONDITIONS.*—The Secretary shall make no conveyance under subsection (a) until each of the following conditions are fulfilled:

(1) *The County has conducted an airspace assessment to identify any potential adverse effects on access to the Las Vegas Basin under visual flight rules that would result from the construction and operation of a commercial or primary airport, or both, on the land to be conveyed.*

(2) *The Federal Aviation Administration has made a certification under section 4(b).*

(3) *The County has entered into an agreement with the Secretary to retain ownership of Jean Airport, located at Jean, Nevada, and to maintain and operate such airport for general aviation purposes.*

(c) PAYMENT.—

(1) *IN GENERAL.*—As consideration for the conveyance of each parcel, the County shall pay to the United States an amount equal to the fair market value of the parcel.

(2) *DEPOSIT IN SPECIAL ACCOUNT.*—The Secretary shall deposit the payments received under paragraph (1) in the special account described in section 4(e)(1)(C) of the Southern Nevada Public Land Management Act (31 U.S.C. 6901 note).

(d) REVERSION AND REENTRY.—

(1) *IN GENERAL.*—During the 5-year period beginning 20 years after the date on which the Secretary conveys the lands under subsection (a), if the Secretary determines that the County is not developing or progressing toward the development of the conveyed lands as an airport facility, all right, title, and interest in those lands shall revert to the United States, and the Secretary may reenter such lands.

(2) *PROCEDURE.*—Any determination of the Secretary under paragraph (1) shall be made only on the record after an opportunity for a hearing.

(3) *REFUND.*—If any right, title, and interest in lands revert to the United States under this subsection, the Secretary shall refund to the County all payments made to the United States for such lands under subsection (c).

SEC. 3. MINERAL ENTRY FOR LANDS ELIGIBLE FOR CONVEYANCE.

The public lands referred to in section 2(a) are withdrawn from mineral entry under the Act of May 10, 1872 (30 U.S.C. 22 et seq.; popularly known as the Mining Law of 1872) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

SEC. 4. ACTIONS BY THE DEPARTMENT OF TRANSPORTATION.

(a) *DEVELOPMENT OF AIRSPACE MANAGEMENT PLAN.*—The Secretary of Transportation shall, in consultation with the Secretary, develop an airspace management plan for the Ivanpah Valley Airport that shall, to the maximum extent practicable and without adversely impacting safety considerations, restrict aircraft arrivals and departures over the Mojave Desert Preserve in California.

(b) *CERTIFICATION OF ASSESSMENT.*—The Administrator of the Federal Aviation Administration shall certify to the Secretary that the assessment made by the County under section 2(b)(1) is thorough and that alternatives have been developed to address each adverse effect identified in the assessment, including alternatives that ensure access to the Las Vegas Basin under visual flight rules at a level that is equal to or better than existing access.

SEC. 5. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 REQUIRED.

Prior to operation of an airport facility on lands conveyed under section 2, all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to that operation shall be completed.

SEC. 6. DEFINITIONS.

In this Act—

(1) the term "County" means Clark County, Nevada; and

(2) the term "Secretary" means the Secretary of the Interior.

The CHAIRMAN. The amendment printed in House Report 106-515 shall be considered read and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed

in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

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

AMENDMENT NO. 1 OFFERED BY MR. HANSEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 106-515 offered by Mr. HANSEN:

Page 2, line 12, after "section" insert "and valid existing rights".

Page 3, strike line 22 and insert the following:

Management Act of 1998 (112 Stat. 2345). The second sentence of section 4(f) of such Act (112 Stat. 2346) shall not apply to interest earned on amounts deposited under this paragraph.

Page 3, strike line 23 and all that follows through page 4, line 14, and insert the following:

(d) REVERSION AND REENTRY.—If, following completion of compliance with section 5 of this Act, the Federal Aviation Administration and the County determine that an airport cannot be constructed on the conveyed lands—

(1) the Secretary of the Interior shall immediately refund to the County all payments made to the United States for such lands under subsection (c); and

(2) upon such payment—

(A) all right, title, and interest in the lands conveyed to the County under this Act shall revert to the United States; and

(B) the Secretary may reenter such lands.

Page 5, strike line 16 and all that follows through line 19 and insert the following:

Prior to construction of an airport facility on lands conveyed under section 2, all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to initial planning and construction shall be completed by the Secretary of Transportation and the Secretary of the Interior as joint lead agencies.

Mr. HANSEN. Mr. Chairman, I am happy to note that we recently reached a compromise with the minority to add these en bloc amendments to the bill. The amendments would make fairly technical changes to the environmental review requirements and the reversionary clause in the bill.

The original reversionary clause of this bill in section 2(d) gave a lengthy period of time before the Secretary of the Interior could assess the development and progress of land and determine whether it should be given back to the United States. Under the amendment, Clark County and the FAA would determine whether the airport could be constructed on the conveyed lands through the NEPA process. If it was determined that the airport could not be constructed, the title to the land would immediately revert to the United States and the Secretary of the Interior must refund to the county all

payments made for the land. This language is agreed to by the majority and the minority as well as the airport authority.

The second major change is a complete rewrite of section 5 dealing with compliance of the National Environmental Protection Act of 1969. Under the amendment, NEPA compliance must occur prior to the initial planning and construction of the airport. Moreover, the language provides that the Secretary of Transportation and Secretary of the Interior will be joint lead agencies in conducting the NEPA work for the initial planning and construction. However, we do not expect the Secretary of the Interior to be a joint lead agency in subsequent NEPA compliance which the airport may experience during its long-term development.

Lastly, Mr. Chairman, there is a technical amendment to the nature of how the proceeds are expended by the Secretary. This amendment is made at the request of the Committee on the Budget.

Mr. Chairman, these are bipartisan amendments that serve to make this bill acceptable to both sides of the aisle. I urge my colleagues to support the amendments.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of this amendment. I thank the gentleman from Utah, the gentleman from Nevada, and the gentlewoman from Nevada for working out this amendment to make the bill acceptable to both sides of the aisle. I urge Members to support the amendment.

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

Mr. Chairman, I rise today in strong support of the en bloc amendments to H.R. 1695 as offered by the gentleman from Utah (Mr. HANSEN). First as we have already heard, there is a change to how the revenues generated from the sale of this property to Clark County, Nevada will be handled. This amendment simply states that those revenues were to be applied under section 4(f) of the act, 112 Statutes 2346, which provided for those proceeds to be generated in the same fashion that the southern Nevada land sales proceeds were developed. However, the Committee on the Budget decided that it needed to revise its treatment of the interest since that was not covered in the prior act. That interest amount will go to the general treasury on any funds that are generated from the sale of this property.

Secondly, as the gentleman from Utah has already explained, the re-entry revision finally recognizes that, if under the Secretary's determination that this project cannot go forward under the NEPA process and that there is a determination of a no-action alternative, this property then will be reverted back to the United States and title to the United States and the money which will be paid by Clark County shall be returned to Clark County for the reversionary interest.

Lastly, of course, is the determination that prior to construction, facility owned lands will be required to address all of the National Environmental Policy Act requirements of 1969. To dispel any concerns, Mr. Chairman, that Members may have, I would like to share with them the environmental process that this airport will have to comply with. Under title 49, section 47101, subsection H, Consultation, let me say that to carry out the policy of this section, the Secretary of Transportation shall consult with the Secretary of Interior and the administrator of the Environmental Protection Agency about any project included in a project grant application involving the location of an airport or runway or any major runway extension that may have a significant effect on, one, natural resources including fish and wildlife; two, natural scenic and recreational assets; three, water and air quality; or, four, another factor affecting the environment.

Under subsection C, the environmental requirements, the Secretary of Transportation may approve an application under this subchapter for an airport development project involving the location of an airport or runway or a major runway extension. A, only if the sponsor certifies to the secretary that (i) an opportunity for a public hearing was given to consider the economic, social and environmental impacts of the location and the location's consistency with the objectives of any planning that the community has carried out and (ii) the airport management board has voting representation from the communities in which the project is located or has advised the communities that they have the right to petition the secretary about a proposed project.

Subsection B of that part says that only if the chief executive officer of the State in which the project will be located certifies in writing to the secretary that there is a reasonable assurance that the project will be located, designed, constructed and operated in compliance with the applicable air and water quality standards, except that the administrator of the Environmental Protection Agency shall make the certification instead of the chief executive officer if, subsection (i) the State has not approved any applicable State or local standards, and (ii) the administrator has prescribed applicable standards.

And subsection C finally says that if the application is found to have a significant adverse effect on natural resources including fish and wildlife, natural, scenic and recreational assets, water and air quality, or another factor affecting the environment, only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect.

Mr. Chairman, these are simply items that this project is going to have to comply with. There is no attempt in

this bill to skirt or circumvent any of the environmental process. We think that this amendment brings forward and highlights those aspects. We certainly rise in support of the en bloc amendment offered by the gentleman from Utah.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 3, not voting 14, as follows:

[Roll No. 36]

AYES—417

Abercrombie	Collins	Gilman
Ackerman	Combest	Gonzalez
Aderholt	Condit	Goode
Allen	Conyers	Goodlatte
Andrews	Cook	Goodling
Archer	Costello	Gordon
Armey	Cox	Goss
Baca	Coyne	Graham
Bachus	Cramer	Green (TX)
Baird	Crane	Green (WI)
Baker	Crowley	Greenwood
Baldacci	Cubin	Gutierrez
Baldwin	Cummings	Gutknecht
Ballenger	Cunningham	Hall (OH)
Barcia	Danner	Hall (TX)
Barr	Davis (FL)	Hansen
Barrett (NE)	Davis (IL)	Hastings (FL)
Barrett (WI)	Davis (VA)	Hastings (WA)
Bartlett	Deal	Hayes
Barton	DeFazio	Hayworth
Bass	DeGette	Hefley
Bateman	Delahunt	Herger
Becerra	DeLauro	Hill (IN)
Bentsen	DeLay	Hill (MT)
Bereuter	DeMint	Hilleary
Berkley	Deutsch	Hilliard
Berman	Diaz-Balart	Hinche
Berry	Dickey	Hinojosa
Biggert	Dicks	Hobson
Bilbray	Dingell	Hoefel
Bilirakis	Dixon	Hoekstra
Bishop	Doggett	Holden
Blagojevich	Dooley	Holt
Bliley	Doolittle	Hooley
Blumenauer	Doyle	Hostettler
Blunt	Dreier	Houghton
Boehlert	Duncan	Hoyer
Boehner	Dunn	Hulshof
Bonilla	Edwards	Hutchinson
Bonior	Ehlers	Hyde
Bono	Ehrlich	Inslee
Borski	Emerson	Isakson
Boswell	Engel	Istook
Boucher	English	Jackson (IL)
Boyd	Eshoo	Jackson-Lee
Brady (PA)	Etheridge	(TX)
Brady (TX)	Evans	Jefferson
Brown (FL)	Everett	Jenkins
Bryant	Ewing	John
Burr	Farr	Johnson (CT)
Burton	Fattah	Johnson, E.B.
Buyer	Filner	Jones (NC)
Callahan	Fletcher	Jones (OH)
Calvert	Foley	Kanjorski
Camp	Forbes	Kaptur
Campbell	Ford	Kasich
Canady	Fossella	Kelly
Cannon	Fowler	Kennedy
Capps	Frank (MA)	Kildee
Capuano	Franks (NJ)	Kilpatrick
Cardin	Frelinghuysen	Kind (WI)
Carson	Frost	King (NY)
Castle	Gallegly	Kingston
Chabot	Ganske	Klecza
Chambliss	Gejdenson	Klink
Clay	Gekas	Knollenberg
Clayton	Gephardt	Kolbe
Clement	Gibbons	Kucinich
Clyburn	Gilchrest	Kuykendall
Coble	Gillmor	LaFalce

LaHood	Olver	Sisisky
Lampson	Ortiz	Skeen
Lantos	Ose	Skelton
Largent	Owens	Slaughter
Larson	Oxley	Smith (MI)
Latham	Packard	Smith (NJ)
Lazio	Pallone	Smith (TX)
Leach	Pascrell	Smith (WA)
Lee	Pastor	Snyder
Levin	Payne	Souder
Lewis (CA)	Pease	Spratt
Lewis (GA)	Pelosi	Stabenow
Lewis (KY)	Peterson (MN)	Stark
Linder	Peterson (PA)	Stearns
Lipinski	Petri	Stenholm
LoBiondo	Phelps	Strickland
Lofgren	Pickering	Stump
Lowe	Pickett	Stupak
Lucas (KY)	Pitts	Sununu
Lucas (OK)	Pombo	Sweeney
Luther	Pomeroy	Talent
Maloney (CT)	Porter	Tancredo
Maloney (NY)	Portman	Tanner
Manzullo	Price (NC)	Tauscher
Markey	Pryce (OH)	Tauzin
Martinez	Quinn	Taylor (MS)
Mascara	Radanovich	Taylor (NC)
Matsui	Rahall	Terry
McCarthy (MO)	Ramstad	Thomas
McCarthy (NY)	Rangel	Thompson (CA)
McCrery	Regula	Thompson (MS)
McDermott	Reyes	Thornberry
McGovern	Reynolds	Thune
McHugh	Riley	Thurman
McInnis	Rivers	Tiahrt
McIntosh	Rodriguez	Tierney
McIntyre	Roemer	Toomey
McKeon	Rogan	Towns
McKinney	Rogers	Trafficant
McNulty	Rohrabacher	Turner
Meehan	Ros-Lehtinen	Udall (CO)
Meek (FL)	Rothman	Udall (NM)
Meeks (NY)	Roukema	Upton
Menendez	Roybal-Allard	Velazquez
Metcalf	Royce	Visclosky
Mica	Rush	Vitter
Millender-	Ryan (WI)	Walden
McDonald	Ryun (KS)	Walsh
Miller (FL)	Sabo	Wamp
Miller, Gary	Salmon	Waters
Miller, George	Sanchez	Watkins
Minge	Sanders	Watt (NC)
Mink	Sandlin	Watts (OK)
Moakley	Sanford	Waxman
Mollohan	Sawyer	Weiner
Moore	Saxton	Weldon (FL)
Moran (KS)	Schakowsky	Weldon (PA)
Moran (VA)	Scott	Weller
Morella	Sensenbrenner	Wexler
Myrick	Serrano	Weygand
Nadler	Sessions	Whitfield
Napolitano	Shadegg	Wicker
Neal	Shaw	Wilson
Nethercutt	Shays	Wolf
Ney	Sherman	Woolsey
Northup	Sherwood	Wu
Norwood	Shinkus	Wynn
Nussle	Shows	Young (AK)
Oberstar	Shuster	Young (FL)
Obey	Simpson	

NOES—3

Chenoweth-Hage Coburn Paul

NOT VOTING—14

Brown (OH)	Johnson, Sam	Schaffer
Cooksey	LaTourette	Spence
Granger	McCollum	Vento
Horn	Murtha	Wise
Hunter	Scarborough	

1224

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any other amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE)

having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes, pursuant to House Resolution 433, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 1, not voting 13, as follows:

[Roll No. 37]

YEAS—420

Abercrombie	Borski	Cubin
Ackerman	Boswell	Cummings
Aderholt	Boucher	Cunningham
Allen	Boyd	Danner
Andrews	Brady (PA)	Davis (FL)
Archer	Brady (TX)	Davis (IL)
Armey	Brown (FL)	Davis (VA)
Baca	Bryant	Deal
Bachus	Burr	DeFazio
Baird	Burton	DeGette
Baker	Buyer	Delahunt
Baldacci	Callahan	DeLauro
Baldwin	Calvert	DeLay
Ballenger	Camp	DeMint
Barcia	Campbell	Deutsch
Barr	Canady	Diaz-Balart
Barrett (NE)	Cannon	Dickey
Barrett (WI)	Capps	Dicks
Bartlett	Capuano	Dingell
Barton	Cardin	Dixon
Bass	Carson	Doggett
Bateman	Castle	Dooley
Becerra	Chabot	Doolittle
Bentsen	Chambliss	Doyle
Bereuter	Chenoweth-Hage	Dreier
Berkley	Clay	Duncan
Berman	Clayton	Dunn
Berry	Clement	Edwards
Biggert	Clyburn	Ehlers
Bilbray	Coburn	Ehrlich
Bilirakis	Collins	Emerson
Bishop	Combest	Engel
Blagojevich	Condit	English
Bliley	Conyers	Eshoo
Blumenauer	Cook	Etheridge
Blunt	Costello	Evans
Boehlert	Cox	Everett
Boehner	Coyne	Ewing
Bonilla	Cramer	Farr
Bonior	Crane	Fattah
Bono	Crowley	Filner

Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inlee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Lazio
Leach

Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalfe
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley

Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancred
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise

Wolf
Woolsey

Wu
Wynn

Young (AK)
Young (FL)

NAYS—1
Coble
NOT VOTING—13

Brown (OH)
Cooksey
Granger
Johnson, Sam
LaTourette

McCollum
Saxton
Scarborough
Schaffer
Spence

Tiahrt
Vento
Waters

1339

Mr. SENSENBRENNER and Mr. BRADY of Texas changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COBLE. Mr. Speaker, on rollcall No. 37 I inadvertently pressed the "no" button. I meant to vote "yes."

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 1695.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Nevada?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3081, WAGE AND EMPLOYMENT GROWTH ACT OF 1999, AND H.R. 3846, MINIMUM WAGE INCREASE ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 434 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 434

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3081) to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on Ways and Means now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 3832 shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3846) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and any amendment

thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the amendments printed in the report of the Committee on Rules accompanying this resolution, which shall be in order without intervention of any point of order (except those arising under section 425 of the Congressional Budget Act of 1974) and which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 3. (a) In the engrossment of H.R. 3081, the Clerk shall—

(1) await the disposition of H.R. 3846;

(2) add the text of H.R. 3846, as passed by the House, as new matter at the end of H.R. 3081;

(3) conform the title of H.R. 3081 to reflect the addition of the text of H.R. 3846 to the engrossment;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 3846 to the engrossment of H.R. 3081, H.R. 3846 shall be laid on the table.

1345

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman and my friend from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, this resolution provides for the consideration of H.R. 3081 in the House under a closed rule without intervention of any point of order.

The rule provides that the bill be considered as read and that, in lieu of the amendment recommended by the Committee on Ways and Means now printed in the bill, the text H.R. 3832 shall be considered as adopted.

The rule provides two hours of debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means.

The rule provides one motion to recommit H.R. 3081 with or without instructions.

The rule also provides for consideration of H.R. 3846 in the House under a modified closed rule. It provides that the bill be considered as read and provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce.

The rule provides for consideration of the amendments printed in the Committee on Rules report accompanying the resolution, which shall be in order without intervention of any point of order, except those arising under section 425 of the Congressional Budget