

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. SERRANO).

The motion was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the motion to instruct and that I may include tabular extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. Walsh, Young of Florida, Cunningham, Wamp, Latham, Livingston, Serrano, Fazio of California, Hoyer, and Obey.

There was no objection.

#### APPOINTMENT OF CONFEREES ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SABO moves, that in resolving the differences between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4328, be instructed to disagree to a provision in the Senate bill that amends the Alaska National Interest Lands Conservation Act to allow helicopters unrestricted access to wilderness areas in Alaska.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. SABO) and the gentleman from Virginia (Mr. WOLF) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

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

Mr. Speaker, when H.R. 4328, the fiscal year 1999 transportation appropriations bill passed the House, it was a bill that was relatively free of antienvironmental riders. However, the Senate has attached to the bill several controversial riders that undermine important environmental protections.

Mr. Speaker, this Motion to instruct addresses the most controversial of

those riders which would amend the Alaskan National Interest Lands Conservation Act to permit helicopters to operate inland in all national wildlife refuges, national parks and wilderness study areas in Alaska. This motion to instruct directs the House conferees to disagree with this provision which is not in the House bill.

Mr. Speaker, the Senate rider has no place in the transportation appropriations bill. First, the provision is a legislative provision that amends the Alaska National Interest Lands Conservation Act, a law that is within the jurisdiction of the House Committee on Resources.

Second, this provision is not simply a provision to clarify as some have claimed. It would rewrite 18 years of national environmental policy with potentially far-reaching impacts that, according to the National Park Service, could fundamentally change the character of national parks in Alaska.

Currently, helicopter landings are allowed in Alaska wilderness areas only for emergency reasons and on a case-by-case basis for nonemergency uses in nonwilderness areas. These restrictions were carefully constructed when ANILCA was adopted in 1980.

This amendment would lift those restrictions, allowing helicopters to land routinely in the remote areas of the Tongass National Forest, the glaciers of Kenai Fjords National Park, and the inlets of Glacier Bay, primarily for the benefit of helicopter tour operators and cruise ship passengers who want to take these sightseeing tours.

Mr. Speaker, the administration has strongly objected to this provision. The Secretaries of Interior and Agriculture have previously recommended that bills containing similar provisions be vetoed. Federal land management agencies have already considered the expanded use of helicopters on wilderness lands in Alaska and found it to be inappropriate.

Numerous environmental groups also have objected to this provision. They fear that the constant buzz of helicopters dropping tourists into fragile ecosystems on the tops of mountains, near isolated lakes, and in other pristine areas for purely recreational purposes could destroy the very essence of these wild areas, disturb wildlife, and disrupt habitat protection activities for threatened and endangered species.

Further, hunting and sporting organizations have objected to this provision. They are asking us to safeguard default hunting and sporting opportunities in Alaska by rejecting this provision.

Mr. Speaker, this anti-environmental rider is controversial and complex and should not be included in the conference report on the transportation appropriation bill. I urge adoption of this motion.

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

#### GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members have 5

legislative days to revise and extend their remarks on the motion to instruct and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

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

Mr. Speaker, I rise in very, very strong support of the motion to instruct the conferees offered by my good friend, the gentleman from Minnesota (Mr. SABO).

The Senate version of the FY 1999 Department of Transportation and Related Agencies Appropriations bill includes a rider which would amend current law to change "airplanes" to "aircraft" to allow helicopters to operate and land in conservation systems units in Alaska, including wilderness areas and wilderness study areas. To permit helicopters in Alaskan wilderness and other conservation areas would be a travesty and, quite frankly, just flat wrong.

If the Senate provision were adopted, there would be widespread commercialization of the Alaska wilderness. Recreational helicopters, operated by tour companies, would penetrate and land in parks, wilderness and other conservation areas, significantly altering the experience of the park and threatening the resources of these very special places.

Opening these conservation units in Alaska to aircraft access is opening them to virtually unlimited access. Helicopter use has few limitations. Virtually any area can be accessed and any small clearing is suitable for landing. Furthermore, the Senate provision opens the door not only for helicopters but also for hover craft, ultralights and virtually any and every technological innovation that personal aircraft industry may produce.

Unrestricted helicopter access, operations and landings would disrupt ongoing conservation efforts in the national parks, national wildlife refuges, national forests and on the public lands. Scientific research has demonstrated that helicopter noise levels can adversely impact wildlife. The noise and wind disruption from helicopters would impact the caribou, the moose, the waterfowl, raptors and other bird species, brown and black bears, and certain other animals and mammals.

Unrestricted helicopter operations would destroy the very essence of these wild areas, by allowing helicopter-borne recreation, hunting and fishing access to areas of this country that we have determined to be pristine, and would be absolutely wrong. Poaching and other illegal hunting would also, I think, become commonplace.

The Senate amendment should be resoundingly rejected by the House. We must protect our Nation's wilderness areas for generations to come. We must not permit the commercialization of

national wilderness lands and allow tour operators to destroy these untarnished areas, all for the sake of a couple of dollars.

I favor the gentleman offering the amendment and strongly urge the Members to support it.

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

Mr. SABO. Mr. Speaker, I thank the chairman for his support of this motion.

Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman from Minnesota (Mr. SABO) and I also thank the chairman for his comment in accepting this motion by my colleague, the gentleman from Minnesota (Mr. SABO).

Mr. Speaker, I rise in certainly strong support of it. I would just point out to my colleagues that Alaska under the land use laws that were passed in ANILCA and in other land use laws is already treated special by permitting airplanes to land within some parks, wilderness and refuges. We do not permit helicopters landing in wilderness or on an open basis in refuges, or certainly in our national parks for that matter, other than that we do have some of the Frank Church wilderness, some landing strips which were preserved there.

Congress and the law already treats Alaska special by permitting aircraft and other access with special transportation through these stretches of wilderness of refuge and parks in Alaska. We already do that. What is being proposed here is that you take off almost all restrictions with regards to the penetration of helicopters, ultralights in wilderness, parks refuges in Alaska, basically in such a way as would substantially damage these areas.

We are not talking for safety and health reasons in this case. We are talking for sport purposes, for tourist purposes and, in fact, of course, you prevent the basic aircraft definition in law and the business that has been built up in Alaska today relying upon the current law.

As far as sportsmen are concerned, I do not think it takes much imagination to recognize if you can put a helicopter into a key area where you have some of the trophy hunting that might go on, it would not be long before there would not be many of those species left that are so desirable.

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That is why I think some of the hunting groups have spoken out against this, recognizing that it is really destroying this last great stretch of wilderness and these special areas which serve as home for the spectacular species.

So, I certainly rise in strong opposition to this proviso in the Senate-passed measure and would point out

that there is no technical mistake in the law. Some of my colleagues and I were here when this law was enacted. Senator GLENN and others were active. Obviously, our good friend and my mentor, Mo Udall, was here and when he wrote this there was a pretty big debate about what constituted transportation in this area at that time and how we are going to conduct ourselves, and extended some privileges and some opportunities, I think practically, to the residents of Alaska and others to facilitate the transportation and use of such significant areas under the special land designations.

Mr. Speaker, the legislative language points out the use of some motorized vehicles such as snowmobiles and others in the report language explaining intent. So, it is very specific in terms of how it deals with and defines airplanes. Thus, the effort to try and rewrite and suggest that words mean what we say they mean by our two esteemed Senators from Alaska that have placed this in the language here is just dead wrong.

Mr. Speaker, I would urge my colleagues to support the Sabo motion, as the gentleman from Virginia (Chairman WOLF) has offered to do, and for them to stick by this recommendation in the House in conference. It is an important change, an unnecessary change, and we should not accept it legislatively. We should not accept it in this end-around, rider process that is being practiced all too often, I might say, by the Senate and by others in the appropriation process. This motion should be supported and these proposed Senate amendments eliminated.

Mr. SABO. Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I rise in support of the Motion to Instruct the conferees on the bill H.R. 4328.

Section 342 of the Senate-passed version of the Transportation Appropriations Bill contains an extremely controversial legislative rider which would amend the Alaska National Interest Lands Conservation Act to allow commercial and private helicopter fly and land in Alaskan wilderness areas, National Parks, National Wildlife Refuges and National Forests.

This is an ill-advised rider. Helicopters simply do not belong in Congressionally designated wilderness areas, except in cases of emergency, which is already permitted by law. The concentrated noise that helicopters produce and their ability to hover, move slowly, and descend anywhere can drive wildlife out of habitat areas and destroy the wilderness experience of those visiting these protected places.

Some in the Republican Majority seem to be spending half their time trying to pass laws like the so-called American Land Sovereignty Protection Act (which was supposed to protect us from an invasion of imaginary black helicopters), and the other half of their time trying to allow real commercial helicopters to buzz through pristine wilderness areas, disrupting the wildlife, annoying campers, hunters, and hikers.

The Alaska National Lands Conservation Act contains a carefully crafted compromise

which allows fixed-wing airplane landings in Alaska's wilderness areas. This provision in current law was adopted because Congress recognized that airplanes were a reasonable and necessary way to reach some of the remote wilderness areas in Alaska, and they cause only a fraction of the noise and disturbance produced by helicopters. To now undo this compromise and allow helicopter landings in wilderness undermines the original intent of the Wilderness Act of 1964 and the Alaska National Lands Conservation Act of 1980.

We have had no hearings on such a significant change in national wilderness policy in the Resources Committee, which is the jurisdictional authorizing Committee. We have had no process. No bills have been introduced in the House that would authorize such a change in the law. We have heard no testimony as to why Congress should undo the compromise which was struck back in 1980 when we last considered this issue. In 1996, the U.S. Forest Service considered a request to allow helicopters to land in the Tongass National Forest, but rejected it due to public opposition. Shouldn't we at least have a single hearing before we tell the helicopter pilots: Gentlemen, start your engines?

Sportsmen and conservation groups are opposed to this provision. This rider is opposed by the National Audubon Society, Sportsman's Network, the Wilderness Society, the Alabama Rifle & Pistol Association, the Alaska Wilderness League, the National Parks Conservation Association, the Alaska Center for the Environment, the Alaska Conservation Alliance, the Alaska Quiet Rights Coalition, the Alaska Rainforest Campaign, the Alaska Wildlife Alliance, the Denali Citizen's Council, the Southeast Alaska Conservation Council, and the Trustees for Alaska. In addition, this rider is also opposed by the Alaska Wilderness Recreation & Tourism Association, which represents more than 300 small Alaskan tourism businesses that depend on Alaska's wild lands and wildlife.

The Motion to Instruct would direct the conferees to oppose this ill-advised provision that would disrupt the wilderness character of Alaska's national parks and wildlife refuges. I urge my colleagues to support its adoption.

Mr. YOUNG of Alaska. Mr. Speaker, the motion to instruct conferees is unjustified and just boggles my mind. The motion in effect says the House of Representatives does not believe that helicopter landings in the millions of acres of wilderness areas of Alaska should be permitted. It says that if you're elderly, infirm, or unable to walk, you can't use the aid of a helicopter to see public wilderness areas.

These areas should be open to everyone, not just rugged backcountry hikers.

The provision inserted by Alaska's Senators simply clarifies what we thought helicopter operators should have the right to do: land where they have traditionally landed before such areas were designated as wilderness.

It must be remembered that Alaska has over 50 million acres of wilderness. This is an area half the size of California. If the Federal Government enacted legislation restricting aircraft flight over an area this size in any other State, there would be an outcry.

There has been an outcry in Alaska.

The land management agencies will not recognize the historical use of such aircraft in areas where they clearly operated prior to the passage of ANILCA or the Wilderness Act.

The Wilderness Act and ANILCA provide that helicopters can land in wilderness areas. Here is what section 4(d)(1) of the Wilderness Act says, "Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable." I don't know about anyone else, but "aircraft" means airplanes and helicopters.

This is crystal clear, but ANILCA reinforced this further when it allowed valid existing access rights to continue. This is a fair and balanced approach in public lands policy because it doesn't take away rights and privileges that were enjoyed long before Congress designated wilderness in my State.

The problem addressed by the Senate provision is that land management agencies will not even recognize the historical use of helicopters—or any other aircraft like hot air balloons—in areas where they clearly operated prior to wilderness designation. For example, the U.S. Forest Service recently concluded a major record of decision in which it completely prohibited helicopter access to all wilderness areas in the national forests in southeast Alaska.

By doing so, it completely ignored the historical record by which helicopters had operated in these areas for over 40 years. Further, it made this decision even though the preferred alternative of an EIS done by the Forest Service specifically allowed for landings in wilderness areas, pursuant to written law. This was a political decision made in Washington and didn't reflect the record of the NEPA process which carefully analyzed the potential wilderness areas.

Let me describe the silliness of the situation. In these areas it is perfectly legal to land a plane on a river sand bar, or a grassy area, or even on a glacier on skis, but in the same area you cannot land a helicopter or hot air balloon.

Think about it—bureaucrats in Washington decided a fixed-wing airplane which needs hundreds of feet to land will have a worse impact than a helicopter or a hot air balloon, which can land on an area less than 15 feet by 15 feet.

In fact, a helicopter has less impact than a fixed-wing aircraft on the environment in many cases.

My colleagues considering the motion to instruct conferees need to evaluate these facts when they vote. But I want them to think of one more thing.

Helicopters now land in the wilderness—but only when it serves the interest of the government or special interests. Let me give some examples. Helicopters are regularly used to assist mountain climbers in trouble on Denali (also called Mt. McKinley). In fact, the Park Service has a special high-altitude helicopter on stand-by to help them. Another example is when the Park Service quickly issued a special permit for the Chairman of FERC to use a helicopter to land in a wilderness area of Glacier Bay National Park to inspect the area for a potential hydro site.

Federal agencies use helicopters in support of wilderness management. This is reasonable, but it has no less impact than the relatively few helicopter landings by non-federal operators.

The message here is—if you're a government official, enjoy helicopters in the wilder-

ness. If you're a taxpayer—forget it. In their minds, people in wilderness areas are bad—unless you're a government employee.

This motion is wrong, unfair, and misguided, and I strongly urge its defeat.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

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

Mr. SABO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Without objection, further proceedings on this question are postponed.

There was no objection.

The SPEAKER pro tempore. The point of no quorum is considered withdrawn.

#### DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY  
MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4194, be instructed to insist on the House position providing a total of \$17,361,395,998 for the Department of Veterans Affairs medical care account.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Speaker, I do not think this will take very long. Let me simply explain what is in this motion to instruct.

During House consideration of this bill a number of weeks ago, an amend-

ment was adopted which reduced non-overhead administrative expenses of the Federal Housing Administration by \$303 million and transferred the funding to the Veterans Medical Care account. During that debate, I do not believe that anyone spoke against providing additional funding for Veterans Medical Care. There were, however, concerns about the source of the funding used as an offset for the increased funds. That concern was that reducing FHA administrative expenses by approximately one-third would cripple its operations with disastrous effects throughout the country.

Since that time, we have now had a ruling by the Office of Management and Budget, and it appear that the reasons for those concerns, because of that ruling, have now gone away. I am not sure what the rationale for their change of heart is, but apparently the general counsels of both OMB and the Department of Housing and Urban Development have determined that at least for fiscal 1999, the FHA does not have to have appropriated funds to pay for its nonoverhead administrative expenses.

If adopted by the House and followed by the conferees, the motion now before us would result in providing \$17.36 billion for Veterans Medical Care in 1999. While this amount is still far below the \$18.8 billion recommended by the veterans service organizations' independent budget, it is a big improvement above the \$17.06 billion in the House-reported bill and higher than the Senate recommendation of \$17.25 billion.

So, Mr. Speaker, my motion is very simple. It simply reaffirms the action of the House, providing an additional \$303 million for Veterans Medical Care, but without the negative impact of virtually shutting down the Federal Housing Administration in order to do so, the concern which existed prior to the OMB ruling.

Since the OMB has now decided that the appropriated funds are not required for the FHA administrative expenses, this is, in essence, a win-win situation. Veterans health care is increased and, unlike the situation when the bill was before the House, it will not have to cripple its operating expenses in FHA in order to pay for it.

Mr. Speaker, I therefore urge all Members on both sides of the aisle to support the motion.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding and I rise to support his motion to instruct.

Mr. Speaker, I was one that voted against the transfer of this money, because I am concerned about housing and the problems that we have had with the ownership and the goals of ownership of housing in the Nation and did not want to take away from the FHA program.