Waste Policy Act. I suggest there is much more at stake.

I am taking on this battle because there is an intrinsic value in opposing the careless disregard of science and the decisionmaking process. It's important to stand up against those who engage in this dangerous manipulation of public fear. It is my job to work against the oppression of the public good by a vocal few. Because I very much care about human health, safety and the environment, I believe it makes sense to store this radioactive low-level waste at a single, monitored location in the desert, rather than at 800-some locations throughout California, near schools, neighborhoods, hospitals, medical centers, and so forth.

Finally, I believe it is important to ensure that the Government keeps its promises. It was the intent of Congress, when it passed the Low-Level Waste Policy Act of 1980, and further amended it in 1985, that the safe management of low-level radioactive waste would be a responsibility of the States. That is precisely what the Secretary of the Interior, Bruce Babbitt, lobbied for when he was Governor. He argued that low-level waste should be a State responsibility. At that time, he was serving with the now President, but then Governor, Bill Clinton in the National Governors' Association. Well, he has changed his position.

I know the view from the top floor of the Department of the Interior changes one's perspective from time to time, but it's difficult to appreciate, much less justify, the actions of the Department in this regard.

Are the continuing delays at Ward Valley the good-faith actions of public officials purporting to act in the public interest? I think not.

To answer those questions, I am announcing today that we are going to explore, in great detail on the committee, the Ward Valley issue in the next session, with a series of investigatory oversight hearings. What we are attempting to obtain, obviously, are the facts on why this administrative bungling seems to continue. I would like all who have an interest in this issue to be aware that these hearings will commence early in the next session.

In the interim, we will be seeking relevant documentation from the Department of the Interior and the White House. With that notice given, I thank you, Mr. President, and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the period of morning business be extended for about 5 or 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

## OVERSIGHT OF THE HEADWATERS FOREST AND NEW WORLD MINE ACQUISITIONS

Mr. MURKOWSKI. Mr. President, I would like to share with my colleagues a little oversight on an issue that will be coming before this body again, and it covers the Headwaters Forest and New World Mine acquisitions taking place in both California and Montana. I have the obligation as chairman of the Energy and Natural Resources Committee to initiate authorization of these matters. I have had an active interest in the decisions of the Clinton administration to acquire the Headwaters Forest in northern California, and the New World Mine Site in Montana.

These decisions were made by the administration with little congressional involvement and the administration has now gone out of its way to, in my opinion, limit the role of Congress in how these properties actually are acquired.

Originally, the administration proposed acquiring both of these properties through land exchanges. When that proved to be very difficult and impossible to do without going through Congress, the idea of land exchanges was abandoned. So clearly the objective was to circumvent Congress.

The Clinton administration then proposed using $315 million from the Land and Water Conservation Fund to purchase both of these properties.

The administration then insisted, contrary to the provisions of the Land and Water Conservation Fund Act, that such money could be spent without specific congressional authorization, clearly intending to go around Congress.

Ultimately, that argument failed. While I would have preferred to enact separate authorizing legislation, authorizations were contained within the 1998 Interior Appropriations bill.

However, the authorizations do not take effect and the money cannot be spent until a minimum of 180 days after enactment, and then only if no separate authorizing legislation is enacted.

During the 180-day review period, as chairman of the Energy and Natural Resources Committee, I intend to conduct a series of oversight hearings to examine the Headwaters Forest and New World Mine acquisitions. One focus of these oversight hearings will be the appraised value of the properties. To date the Clinton administration has refused to conduct appraisals to determine fair market values. This failure is in direct contradiction of existing law, which requires the appraisals be conducted for any Federal land acquisition. The appropriators had the foresight, of course, to recognize this hypocrisy.

Fair market value appraisals for both properties must be submitted to Congress within 120 days of enactment. The appraisals also must be reviewed, and independently analyzed by the Comptroller General of the United States.

Once these appraisals are completed, I intend to closely examine them. I plan to look at the methodology and data used in the appraisals. Among the specific questions, I will ask:

Do the appraisals comply with the Department of Justice's Uniform Appraisal Standards for Federal Land Acquisitions?

What criteria were employed to determine fair market value?

What assumptions were made about the property and the use of the property?

What was the scope of the appraisal?

It is important to remember that neither the Headwaters Forest nor New World Mine acquisitions can proceed, absent these appraisals. So these appraisals must be done.

Further, Congress will have, at a minimum, 60 days to examine the appraisals. For every day, after 120 days, that appraisals are not submitted to Congress, the 180 day period will be extended by 1 day.

I also intend to examine during the 180 day review period, the true cost to the American taxpayer of the Headwaters Forest acquisition. A condition to the Headwaters Forest acquisition is that the current owner of the property can take on his Federal taxes, as a business loss, the difference between what he contends is the property's fair market value and the price the Federal Government and California are paying for the property. That differential is $700 million.

In the event the owner receives such a ruling from the IRS, there will be a lost of tax revenue to the Federal treasury. This lost tax revenue could amount to $100 million or more. It is inaccurate to say that the Headwaters Forest is costing the American taxpayer $250 million. It could well cost the American taxpayer not only the $250 million cash purchase price but also this lost tax revenue. Under no circumstances should this total cost exceed the appraised value of the Headwaters Forest.

As to the New World Mine acquisition, I intend to examine exactly what land or interests in the land the Federal Government is acquiring for $65 million from the mining company. This issue needs to be examined because the agreement, committing the United States to buy this property, incredibly does not answer this question.

The mining company, which agreed to sell, owns or has under lease, interests in nearly 6,000 acres. However, the mining company has fee title to only 1,700 acres. The remainder is unpatented mining claims. The ownership situation is further complicated by the fact that most of the interests in the 6,000 acres are owned by a third party not a signatory to the agreement with the Federal Government. Congress, and the American taxpayer, have

a right to know, what we are getting for $65 million.

There are many other issues that my committee will examine about these acquisitions including:

What is the status of the Habitat Conservation Plan for the land surrounding the Headwaters Forest?

What impact will that Habitat Conservation Plan have on other property owners in the western United States and Pacific Northwest?

Has California come up with its $130 million share of the purchase price for the Headwaters Forest?

Do both acquisitions comply with the terms of the National Environmental Policy Act?

How will the properties be managed?

By whom?

At what cost?

How will the public access the Headwaters Forest?

Is it good public policy to settle constitutional takings cases against the United States in this manner?

Is it good public policy to settle environmental litigation in this manner?

How does the Clinton administration interpret the phrase ''priority Federal land acquisitions?''

Are the Headwaters Forest and New World Mine acquisitions consistent with the Federal land management policy on Federal land acquisitions?

While this may seem like an exhaustive list of issue, I only have skimmed the surface of the numerous unanswered questions about the acquisitions.

I want all of these questions answered before the acquisitions occur. It is in the interest of the taxpayers. It is the responsibility of this body.

My goal is to ensure, despite the uncommon circumstances which have led us to this point, that Congress and the American people can have confidence in the decisions to acquire the Headwaters Forest and the New World Mine in the interest of the taxpayers.

Mr. President, I yield the floor. I see several Senators seeking recognition, including the majority leader.

The PRESIDING OFFICER. The majority leader.

## ACTION VITIATED ON AMENDMENT NO. 1602 TO S. 1269

Mr. LOTT. Mr. President, I ask unanimous consent the action on the Inhofe amendment, No. 1602, which was agreed to on S. 1269, be vitiated, and that the amendment be restored to the status quo when the Senate resumes the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank all Senators for their cooperation on this matter.

I particularly want to thank Senator INHOFE for agreeing to do this. He came to the floor and offered his amendment. And it was accepted on a voice vote. Senators were aware of what was being discussed. But in a desire to be totally fair and making sure the proper notification was given, and to have opposition on the floor when action of that nature is taken, Senator INHOFE has been willing to agree to vitiate that action at this time. I thank him for his cooperation.

This is a very important issue which will be debated in the Senate and which should be considered by the Senate. It is an issue that has support and opposition on both sides of the aisle. Senator INHOFE certainly is very committed to having this subject considered by the Senate either later on this year or next year.

Again, I reiterate my thanks to him.

## ORDER OF PROCEDURE

Mr. LOTT. Mr. President, it is my understanding that the Senate now is in a position to consider the Amtrak reform bill. The bill would then be agreed to after brief debate.

The Senate would then conduct a rollcall vote on the nomination of Judge Christina Snyder.

Following the confirmation vote, it is my hope that the District of Columbia appropriations bill will be ready to be considered.

Therefore, votes will occur with the first vote occurring at approximately 2:15 today.

I thank all Senators who have been involved in these other two bills, and we will update them further with information as to when votes may occur. It is possible that another vote will occur this afternoon. But it depends on action in the other body with regard to the appropriations conference reports.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me thank the majority leader for his efforts over the last 24 hours.

I also thank the Senator from Oklahoma.

Obviously, Democratic Senators need to be on the floor to voice their opposition and to object on the occasions when situations like this arise. We also have to work with good faith, and we intend to do that.

There is no reason why we need to be monitoring each other if we are working in good faith. I think this is a misunderstanding. I appreciate very much the cooperation. And we will work with the majority leader to ensure that at some point we have a good debate about the matter that would be addressed by the Inhofe amendment. We will work on this matter in the future.

Mr. INHOFE. Mr. President, will the leader yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. INHOFE. I want the majority leader to be aware that I did consult with several Democrats and Republicans before taking up the amendment. But I am happy to do this.

Mr. DASCHLE. Very good.

Again, Mr. President, let me just say that we have a lot of work to do. I look forward to working with the majority leader in the next 48 hours to see if we can complete it. I am pleased that we are now able to move to the Amtrak bill, and nominations. We can do that, and then move on to other things.

I yield the floor.

## UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF CHRISTINA A. SNYDER

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 2:15 today the Senate immediately proceed to executive session and a vote on the confirmation of Executive Calendar No. 255, Christina A. Snyder to be U.S. district judge for the Central District of California.

I further ask unanimous consent that following that vote the motion to reconsider be laid upon the table, any statements relating to the nomination appear at that point in the RECORD, and the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE SCHEDULE

Mr. LOTT. Mr. President, before we move to the Amtrak legislation, I want to say for the information of all Senators—and I will have more to say about this when we have a recorded vote at 2:15. I think at that time we should take the time to talk about the schedule for the remainder of the day and perhaps Saturday and Sunday.

It is our intent to stay and continue working. I don't see the necessity for us to be late tonight. But we will be back in on Saturday, and again on Sunday. We hope that we will have appropriations conference reports, possibly the first one being the Labor-HHS appropriations conference report, perhaps even later on today or tomorrow, and the Commerce-State-Justice conference report we hope to have by tomorrow, and, if not then, on Sunday.

We will continue to work on other issues, some of which may require votes, even on the Executive Calendar. And then when the House votes, of course, we would then proceed to act on fast track after the House has acted. Whether that is Saturday or Sunday now is not clear. But the House has postponed their action on fast track today. So that will not be taken up until Saturday or Sunday.

So we could be voting on fast track—perhaps on final passage—later on this weekend. But, in the meantime, of course, when we complete these intervening actions, we will go back to fast track as it is now pending before the Senate, and amendments will be in order, and other amendments I am sure will be offered. We will consult with the interested parties about how to proceed on those amendments and what time votes would occur.