

SEC. 10. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 11. CONSTRUCTION OVERSIGHT.

(a) **AUTHORIZATION.**—The Secretary may provide construction oversight to the water supply system for areas of the water supply system.

(b) **PROJECT OVERSIGHT ADMINISTRATION.**—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) \$15,000,000 for the planning and construction of the water system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

**EXTENDING DEADLINE UNDER
FEDERAL POWER ACT**

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4081, just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4081) to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

The Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed and that the motion to reconsider be laid upon the table, without intervening action or debate.

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

The bill (H.R. 4081) was considered read the third time and passed.

**ORDERS FOR THURSDAY, OCTOBER
8, 1998**

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Thursday, October 8. I further ask unanimous consent that the time for the two leader be reserved.

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

Mr. McCAIN. I further ask unanimous consent that there then be a period for the transaction of morning business until 10 a.m., with Senators permitted to speak for up to 5 minutes each.

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

Mr. McCAIN. Mr. President, I further ask unanimous consent that following morning business, the Senate proceed to the consideration of the VA-HUD conference report, and that there be 1 hour for debate equally divided on the report. I further ask that at 11 a.m., the Senate proceed to vote on the adoption of the conference report.

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

PROGRAM

Mr. McCAIN. Mr. President, for the information of all Senators, on Thursday, there will be a period for the transaction of morning business until 10 a.m. Following morning business, the Senate will begin consideration of the VA-HUD conference report under a 1-hour time agreement. At 11 a.m., the Senate will proceed to vote on the adoption of the VA-HUD conference report.

Following that vote, the Senate may resume consideration of the Internet tax bill or begin consideration of the intelligence authorization conference report, the human services reauthorization conference report and possibly the Treasury-Postal appropriations conference report. The Senate may also consider any other available conference reports or other legislative or executive items cleared for action.

Once again, the leader would like to stress to all Members that there are only a few days remaining in which to complete many important legislative items. Therefore, Members are encouraged to be flexible to accommodate a busy schedule, with votes occurring throughout each day and into the evenings.

ORDER FOR RECESS

Mr. McCAIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that following the remarks of the Senator from Hawaii, the Senate stand in recess under the previous order.

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

Mr. McCAIN. Mr. President, I thank the Senator from Hawaii for his usual courtesy in allowing me to proceed with this closing business. I thank my dear friend from Hawaii. I yield the floor.

**REAUTHORIZATION OF THE
ENDANGERED SPECIES ACT**

Mr. AKAKA. Mr. President, for the last year or so, both the House and Senate have been working on legislation that would reauthorize the Endangered Species Act of 1973. The Senate Environment and Public Works Committee has reported legislation offered by my colleague from Idaho, Senator KEMPTHORNE, that would modify the

Act in significant ways. Although it is unlikely that we will take up this bill in the short time remaining to us, I would like to make a few observations about the Endangered Species Act and what it has meant to Hawaii, home to more endangered species than any other state or territory within the United States.

Mr. President, as legislators, we are guardians of our Nation's rich natural inheritance; in this capacity, we cannot afford to squander the ecological legacy we leave to our children. Surely, part of our concern for rare species and ecosystems is the simple realization that once they are gone, we would have failed in our stewardship responsibility. Hawaii is poised on the brink of irreversible ecological change, and it is important that wise stewardship decisions be rendered to preserve our unique, tropical ecosystem.

The term "ecosystem" has become a political buzzword and does not adequately described the delicate checks and balances that make up the natural world. The basis of Hawaii's natural system begins not with a list of threatened plants and animals, but with the unique origin of the islands. For millions of years, lava welling out from the earth's mantle cooled upon the ocean floor, gradually forming the Hawaiian islands, one by one, a process that is ongoing even today. As one island moves away from the influence of a "hot spot" in the middle of the Pacific, another island is born. Each island is the peak of a volcanic mountain, with its base hidden far below the surface of the ocean. Only a few types of birds, insects, and plants were able to colonize the remote islands, and these few evolved into scores or even hundreds of unique species. The islands sheltered no large land mammals or reptiles, only creatures that have gradually lost their natural defenses against such predators.

The Endangered Species Act is critical to this unique, insular ecosystem. There are, 1,126 total U.S. species listed by Fish and Wildlife Service under protection of the ESA, and although its islands represent just two-tenths of one percent of the total U.S. land area, Hawaii is home to more rare and endangered species than any other state or territory. In addition, three-fourths of the nation's now extinct plants and birds once existed only in Hawaii. Hawaii has an astounding 363 listed endangered species. Only California, with 223 listed species, rivals Hawaii in the number of listed endangered species. The Pacific islands, not including Hawaii, have a total of 16 listed endangered species.

The causes of Hawaiian species decline are numerous and complicated, but the most significant threats come from non-native animals that uproot and devour fragile native plants. Feral pigs, rats, and mongooses not only physically destroy plants, but spread the seeds of aggressive alien plants such as the South American banana

poke vine, and small invasive trees like the Brazilian strawberry guava. These alien plants form thick, impenetrable monocultures that choke out native plants. When native plants disappear, the birds and insects that rely on native plants for food are also threatened. Diseases that kill native flora and fauna are also spread by alien species: birds in particular are ravaged by diseases transmitted through mosquitoes.

Hawaiian plants and animals co-evolved over millions of years and continue to depend on each other for survival. The interdependency of Hawaiian insects, birds, and plants makes this ecosystem susceptible to rapid, irreversible change due to loss of species richness. Endangered species in Hawaii range from mammals such as the charismatic monk seal and the Hawaiian goose (also the state bird), or nene [nay-nay], to sea creatures like the hawksbill sea turtle and invertebrates such as the Oahu tree snail. There are endangered plants from 279 taxa, including plants with great cultural significance such as the mahoe and uhiuhi. Hawaii harbors at least 5,000 species as yet unknown to science as well as many rare species, including the wekiu bug, which has "antifreeze" in its blood, and the Wood's tree hibiscus, a small tree previously unknown to science, found in Kauai, with only four individuals known worldwide.

I cannot stress enough that the loss of even one species may contribute to the decline of entire ecosystems, and barring unprecedented action, many species may vanish undiscovered. Along with the species, lost also is genetic information that could lead to new foods and medicines.

Mr. President, the survival of hundreds of endangered species now depends on human intervention. Though gravely threatened, Hawaii's remaining natural treasures can be saved. Conservation of habitat, control and eradication of noxious introduced plants and predators, and enlightened resource management are the answer. Conservationists within Hawaii kill feral animals, erect fences to keep ungulates away from fragile plants, breed animals in captivity, pollinate flowers by hand, and destroy alien plants. We are hoping to restore and maintain healthy ecosystems so that Hawaii's native species have the respite and protection they need to survive. Thus, Hawaii is not a lost cause: more than a quarter of the state's land remains unspoiled. But we must continue in our struggle to protect rare and endangered species before the battle is over and our legacy to our children is robbed of species richness.

Since the enactment of the Endangered Species Act of 1973, we have garnered important knowledge and won substantial victories across the country in our efforts to protect imperiled species. Eight U.S. species have been removed from the list due to recovery and another 18 species have been upgraded from endangered to threatened.

More importantly, at least half of all species listed for a decade or more are not either stable or improving in status.

For example, the first group of captive-bred Mexican wolves was released back into the American southwest this year; California condors, southeastern fish, and dear to me, the Hawaiian silversword plant and 'alala have also been re-introduced to the wild. Bird conservation groups in my own state have hatched eggs from 12 different endemic species—species that have never before been reared in captivity like the 'akohekohe, palila, Maui parrotbill, puaiohi, 'elepaio, and 'amakihi. All of this has been accomplished in 25 years since the Act's passage—remarkable when considered on nature's time scale rather than our fast paced Congressional calendar.

But these successful conservation efforts are not merely a result of Federal law. In Hawaii at least, the State legislature has enacted an endangered species law that is comparable, and, in some instances, stronger than Federal law. Last year, the State amended this law to allow "take" of endangered or threatened species when such authorization is issued in conjunction with a safe harbor agreement or habitat conservation plan. Although modeled after Federal law, the State amendments are more strict. For example, under the ESA, in order to allow for a "take," the population must not decrease; however, under the Hawaiian statute, the likelihood of population increase must be proven before taking is allowed.

Despite success on the Federal and State levels to protect and preserve biological diversity, Congress may next year consider legislation similar to the Kempthorne bill, that in its current form could weaken the Endangered Species Act of 1973, the Nation's most important law protecting endangered wildlife and wildlife habitat.

There are many provisions of the Kempthorne bill, S. 1180, the Endangered Species Recovery Act of 1997, that I applaud and support. The bill emphasizes recovery efforts, and codifies many of the administration's efforts to provide incentives to landowners that are affected by the Endangered Species Act. The Kempthorne bill also expands the role of States in implementing the act, which has the potential to tailor species recovery efforts on a case-by-case basis, rather than applying a Federal cookie-cutter approach to species protection.

However, there are key elements of S. 1180 that are fundamentally unsound. For example, the legislation would lock in Habitat Conservation Plans without allowing for review and adjustment. Mr. President, our knowledge of rare species is slow in coming; but as our information base grows, Habitat Conservation Plans need to change and grow, too, reflecting new and more complete information about the needs of endangered species. Imag-

ine if our knowledge or medical science were similarly locked in—we would still be using leeches to bleed patients of "humors."

In addition, the Kempthorne measure does not fully cover water rights, nor does it provide just compensation to property owners. It would also establish significant bureaucratic obstacles to listing, management, and recovery plans. And it offers less conservation per dollar appropriated.

Our House colleague, Congressman GEORGE MILLER, has put forward a bill that I find more consistent with the original intent of the Endangered Species Act. The Miller bill emphasizes recovery of species; steps up protection of candidate species; creates a new and important category of "survival habitat" which is designated at time of listing, yet also has a version of "no surprises" permits; and creates a habitat conservation fund based on performance bonds paid by recipients of incidental take permits. It contains extensive tax benefits for landowners affected by the Endangered Species Act. Most importantly, under the Miller legislation, the public is allowed to sue to enforce the terms of Habitat Conservation Plans.

I applaud Senator KEMPTHORNE for attempting in his legislation to balance the needs of private landowners against the protections we accord endangered species; unfortunately, I believe his bill tilts too far in favor of the former. However well-meaning, key provisions of the bill represent a backtracking on endangered species and endangered species habitat protection. Until these shortcomings are addressed, Congress should not consider altering the most important and effective law we have on the books for protecting our rarest forms of life.

Mr. President, let me conclude by noting that more than any other state, Hawaii is teetering on the edge of no return. The Endangered Species Act is our ultimate safety net when the more than 150 other U.S. laws and international treaties fail to prevent a species from declining toward extinction. When measured in terms of preventing threatened species from going extinct, the Act has been an overwhelming success. I would be reluctant to support legislation, however well-intentioned, that would reduce the effectiveness of this landmark law.

I therefore look forward to debating reauthorization of the Endangered Species Act when the 106th Congress convenes. Senator KEMPTHORNE and Congressman MILLER have both made good starts in heightening concern about endangered species and in bringing to light the complexities of species protection and recovery. Let us build on their efforts next year and debate more thoroughly the requirements that are necessary to crafting a stronger, more effective endangered species law.

I yield the floor.