

of acts of terror in the United States. We face the very real threat that a weapon of mass destruction will be used against civilians in a major American city in the next 10 or 20 years. We certainly pray that does not happen, but we must do everything in our power to reduce the threat of terrorism on a massive scale.

□ 1430

No one should be allowed to distribute bomb-making information with the intent that it be based and be used to commit a violent crime. This legislation has been carefully crafted to prohibit and punish conduct, not speech, and I am quite confident it will withstand constitutional challenge. Senator FEINSTEIN worked with the Justice Department on the constitutionality, and they support it.

With the Internet, it has become all too easy to disseminate bomb-making information to anyone with a personal computer. While we cannot and should not inhibit constitutionally-protected speech, we can and should do everything in our power to prohibit the dissemination of bomb-making information to commit a violent crime.

Similar or virtually identical provisions were passed on the floor of this House were passed previously and I am confident this will now finally become law if we pass it today.

Now, I turn to section 3 of this bill. S.606 additionally authorizes the U.S. Government to finally make good on a \$32 million court settlement with the Menominee Indian Tribe of Wisconsin. The history of this settlement can be traced back to 1954, when the Federal Government terminated the tribe's Federal trust status and the Bureau of Indian Affairs grossly mismanaged many of the tribe's assets.

In 1967, the tribe filed a lawsuit challenging this determination and seeking damages. After decades of litigation, in 1993 Congress passed a congressional reference directing the U.S. Claims Court to determine what damages, if any, were owed the tribe.

Finally, in August of last year, the tribe and the Federal Government presented a settlement agreement to the Claims Court paying the tribe \$32 million. That settlement was approved by the court. These dollars will only be used to improve education, health care, and economic opportunities for the tribe and the areas surrounding the reservation.

I particularly want to commend the gentleman from Wisconsin (Mr. GREEN) and the gentleman from Wisconsin (Mr. SENSENBRENNER) for their work in this particular area.

In closing, Mr. Speaker, though these three provisions are somewhat related, and as such a good illustration of the more open rules of process employed by the other body, each of the legislative initiatives contained within S.606 are straightforward and relatively non-controversial. I ask for the support of this bill.

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

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

Mr. Speaker, this bill, which passed both the Subcommittee on Immigration and Claims and the full Committee on the Judiciary during the 105th Congress, and passed the full Senate this year, will pay \$10 million and \$9,500,000 respectively to Kerr-McGee Corporation and Global Exploration and Development Corporation based on the recommendation made by the Court of Claims as to the amounts equitably due those companies.

This legislation is intended to resolve litigation between the Federal Government and these corporations. This litigation was based upon the corporations' allegations that the United States improperly failed to grant or approve leases or to allow phosphate mining by Global and Kerr-McGee Corporations in Osceola National Forest.

After a 6-week trial before the Court of Federal Claims, but before the court could issue an opinion, the parties agreed to a joint stipulation of settlement and submitted this stipulation to the court. On November 18, 1996, the court published its recommendation to Congress that the disputes be settled for the amounts set forth in this bill.

The Court's recommendation to Congress was not based upon the finding of any wrongdoing by the United States in its dealings with Global or the Kerr-McGee Corporations. Rather, the court's recommendation was based upon and limited to a finding that an equitable claim against the United States existed and it was in the best interest of all parties to settle this claim for the amounts set forth in the bill.

Mr. Speaker, I urge that my colleagues vote in favor of passing S. 606.

Mr. Speaker, I would note that the section referred to in the bill by my colleague, the chairman of the Subcommittee on Crime, relative to penalties for teaching individuals weapons of mass destruction may or may not prove violative of the first amendment. But clearly a very strong effort has been made to comport with the requirements of the first amendment, and I would urge my colleagues to support the measure. We will certainly find out soon enough whether our efforts to succeed in that regard are successful or not when the measure is challenged in court.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Let me just put a word of procedural caution relative to how this bill is being considered. All three of the provisions of this bill have merit and should be enacted into law on their own. Two of them are private bills in nature, the Kerr-McGee settlement and

the Menominee Indian Tribe settlement, and the other provision is public in nature relative to disseminating on the Internet a do-it-yourself kit on how individuals can make their own weapons of mass destruction. So they all should become law, and I support this legislation today.

However, I am disturbed at the practice of the other body in mixing public and private legislation in the same bill, and I would hope that the consideration of this bill today as a mixture of both public legislation and private legislation will not be viewed as a precedent for future mixings by either this body or the other body.

I would hope that this motion to suspend the rules will be overwhelmingly agreed to so that we can get these three items out of the way and enacted into law, but I would hope we would be a little bit more careful procedurally as we deal with both public and private legislation in the future.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume to simply respond that I think the gentleman from Wisconsin's point is well taken, I concur, and I also agree we should move forward today but we ought to be more vigilant. I appreciate his remarks.

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

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume to conclude.

I think it has been well stated what is in this legislation. It is good legislation. It is three separate provisions that should become law, and I urge its adoption.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the Senate bill, S. 606, as amended.

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

A motion to reconsider was laid on the table.

ARCTIC TUNDRA HABITAT EMERGENCY CONSERVATION ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2454) to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese, as amended.

The Clerk read as follows:

H.R. 2454

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 "Arctic Tundra Habitat Emergency Conservation Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The winter index population of mid-continent light geese was 800,000 birds in 1969, while the total population of such geese is more than 5,200,000 birds today.

(2) The population of mid-continent light geese is expanding by over 5 percent each year, and in the absence of new wildlife management actions it could grow to more than 6,800,000 breeding light geese in 3 years.

(3) The primary reasons for this unprecedented population growth are—

(A) the expansion of agricultural areas and the resulting abundance of cereal grain crops in the United States;

(B) the establishment of sanctuaries along the United States flyways of migrating light geese; and

(C) a decline in light geese harvest rates.

(4) As a direct result of this population explosion, the Hudson Bay Lowlands Salt-Marsh ecosystem in Canada is being systematically destroyed. This ecosystem contains approximately 135,000 acres of essential habitat for migrating light geese and many other avian species. Biologists have testified that 1/3 of this habitat has been destroyed, 1/3 is on the brink of devastation, and the remaining 1/3 is overgrazed.

(5) The destruction of the Arctic tundra is having a severe negative impact on many avian species that breed or migrate through this habitat, including the following:

(A) Canada Goose.

(B) American Wigeon.

(C) Dowitcher.

(D) Hudsonian Godwit.

(E) Stilt Sandpiper.

(F) Northern Shoveler.

(G) Red-Breasted Merganser.

(H) Oldsquaw.

(I) Parasitic Jaeger.

(J) Whimbrel.

(K) Yellow Rail.

(6) It is essential that the current population of mid-continent light geese be reduced by 50 percent by the year 2005 to ensure that the fragile Arctic tundra is not irreversibly damaged.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To reduce the population of mid-continent light geese.

(2) To assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend.

SEC. 3. FORCE AND EFFECT OF RULES TO CONTROL OVERABUNDANT MID-CONTINENT LIGHT GEESSE POPULATIONS.

(a) FORCE AND EFFECT.—

(1) IN GENERAL.—The rules published by the Service on February 16, 1999, relating to use of additional hunting methods to increase the harvest of mid-continent light geese (64 Fed. Reg. 7507-7517) and the establishment of a conservation order for the reduction of mid-continent light goose populations (64 Fed. Reg. 7517-7528), shall have the force and effect of law.

(2) PUBLIC NOTICE.—The Secretary, acting through the Director of the Service, shall take such action as is necessary to appropriately notify the public of the force and effect of the rules referred to in paragraph (1).

(b) APPLICATION.—Subsection (a) shall apply only during the period that—

(1) begins on the date of the enactment of this Act; and

(2) ends on the latest of—

(A) the effective date of rules issued by the Service after such date of enactment to control overabundant mid-continent light geese populations;

(B) the date of the publication of a final environmental impact statement for such rules

under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(C) May 15, 2001.

(c) RULE OF CONSTRUCTION.—This section shall not be construed to limit the authority of the Secretary or the Service to issue rules, under another law, to regulate the taking of mid-continent light geese.

SEC. 4. DEFINITIONS.

In this Act:

(1) MID-CONTINENT LIGHT GEESSE.—The term "mid-continent light geese" means Lesser snow geese (*Anser caerulescens caerulescens*) and Ross' geese (*Anser rossii*) that primarily migrate between Canada and the States of Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

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

(3) SERVICE.—The term "Service" means the United States Fish and Wildlife Service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. SAXTON. Mr. Speaker, I am pleased that we are considering H.R. 2454, the Arctic Tundra Habitat Emergency Conservation Act. This bipartisan legislation addresses the devastating impact of an exploding population of light geese, more commonly known as snow geese.

Included within the Members' folders is a chronology on the issue. The U.S. Fish and Wildlife Service has been monitoring snow geese populations for over 50 years. During that time the mid-continent population, that is the population that frequents the Mississippi flyway, has increased from 800,000 birds in 1969 to more than 5.2 million geese today. In the absence of new wildlife management actions, there will be more than 6 million breeding light geese in 3 years.

This unprecedented population explosion is creating serious problems. The geese appetite for Arctic coastal tundra has created a strip of desert stretching for 2,000 miles in Canada. These birds are world-class foragers, and their favorite foods are found in the 135,000 acres that comprise the Hudson Bay lowland salt marsh ecosystem. These geese are literally eating themselves out of house and home and, in the process, destroying thousands of acres of irreplaceable nesting habitat. These wetlands are crucial to the survival not only of light geese but to dozens of other species.

On February 16, the U.S. Fish and Wildlife Service issued two final rules to reduce this ever-expanding population of light geese. Sadly, in response to a legal challenge, the U.S. Fish and

Wildlife Service withdrew these two regulations on June 17. While the judge did not rule on the merits of the regulations, the Service was instructed to complete an Environmental Impact Statement. This process will take between 12 and 18 months to complete, and during that time the tundra will continue to be systematically destroyed by an ever-increasing population of light geese.

This is a simple bill. It will reinstate the two regulations already carefully evaluated, approved and then withdrawn by the Fish and Wildlife Service. States would have the flexibility to allow the use of electronic goose calls and unplugged shotguns, and to implement conservation orders to take mid-continent light geese.

H.R. 2454 enacts these regulations in their identical form. In addition, the bill sunsets when the Service has completed both its Environmental Impact Statement and a new rule on mid-continent light geese. In short, this is an interim solution to a very serious and evergrowing environmental problem.

Mr. Speaker, I urge an "aye" vote.

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

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

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of this legislation with the changes that have been made in terms of making this program available for the next two hunting seasons. I think that puts the kind of limitation on it that we can monitor and will make it a well-run program.

In game bird and wildlife management, some times our best efforts to restore wildlife populations can go awry and produce unintended consequences, and that seems to be the case with mid-continent light geese.

No reasonable field biologist who has examined light geese census data disputes the fact that the population of light geese has shot up dramatically over the past decade to a point now where the birds are virtually eating themselves out of their arctic and subarctic nesting habitats. Our own management actions, including the establishment of protective areas and abundance of cereal grain crops, are partly to blame, but so is the natural wariness and reproductive capacity of this species.

And so, we are left with the unfortunate reality that in one or another—either through increased human harvest or natural mortality—population of light geese will be culled in order to prevent widespread habitat deterioration. It is a regrettable circumstance which offers no simple, painless solutions.

H.R. 2454 would authorize two emergency regulations proposed earlier this year by the Fish and Wildlife Service to increase the harvest of light geese in States within either the Mississippi and Central flyways. These regulations were broadly supported by a wide range of State and private wildlife and conservation organizations, including Ducks Unlimited and the National Audubon Society.

These regulations were withdrawn earlier this year by the Fish and Wildlife Service after

a Federal appeals court ruled that the Service needed to complete a full environmental impact statement (EIS) regarding the proposed emergency actions. I commend the Service for voluntarily withdrawing their proposed regulations and for recognizing the need to develop a full EIS, and urge the Service to complete this EIS at the earliest possible date.

I think it important to note for members that Congress is legislating in this matter solely because all other administrative options available to the Service—under NEPA or any other statute—had been exhausted, and that the only remedy remaining was a legislative fix. This is an important factor driving the need for this legislation.

I do appreciate the helpful modifications made to the bill in the Resources Committee. Even improved, the bill does contain two troubling provisions of which I am still concerned. First, the bill would waive all procedural requirements under the National Environmental Policy Act (NEPA). And second, the bill authorizes the use of otherwise outlawed hunting practices, notably the use of electronic calling devices and un-plugged shotguns.

However, while I personally disagree with the Congress passing legislation to waive NEPA or to authorize the otherwise illegal hunting methods, and while I remain concerned that these regulations may be too broad, I realize that under the constraints of this specific emergency situation, such provisions may be warranted, if not necessary.

Moreover, I am pleased that the Resources Committee amended the bill to include an expiration date of May 15, 2001, or earlier if the Service files its final EIS before that date, to limit the duration of this emergency action.

And while I believe the Fish and Wildlife Service will act in good faith to complete the EIS at the earliest possible date, I also believe that a fixed expiration date is necessary to ensure that a temporary action does not inadvertently become permanent. I look forward to the Service completing its EIS, and I hope that this additional analysis will provide other alternatives to address the overabundance of light geese in a less indiscriminate manner and without requiring Congress to pass legislation.

Mr. DINGELL. Mr. Speaker, I rise in strong support of the legislation being offered today by the gentleman from New Jersey [Mr. SAXTON].

H.R. 2545, the "Arctic Tundra Habitat Emergency Conservation Act," quite simply is trying to head off an unmitigated conservation disaster for white geese, including greater and lesser snow geese and Ross' geese. During the past three decades, these mid-continent snow geese species populations have literally exploded, from an estimated 800,000 in 1969 to more than five million today. This dramatic increase has resulted in the devastation of nearly 50,000 acres of snow geese habitat around Canada's Hudson Bay. This tundra habitat, most of which comprises a coastal salt marsh, is vital for nesting. As the snow geese proliferate and consume this habitat, other populations of birds are also placed at risk by this loss of habitat.

A special report issued in January 1998, by Ducks Unlimited provides a good example of the depth and the breadth of the problem. In studies conducted in Churchill, Manitoba, there were 2,000 nesting pairs in 1968. In 1997, that number grew to more than 40,000 pairs. The result is a cruel fate for the birds,

particularly the thousands of orphaned, malnourished and eventually dead goslings who cannot survive on barren tundra.

Together with expected population increases is another vexing problem: recovery of habitat, destroyed by overfeeding at this far-north latitude, is expected to take at least 15 years; it will take even longer if some of the acreage continues to be foraged by geese during the recovery period.

The U.S. Fish and Wildlife Service has been working for a few years in partnership with the Canadian Wildlife Service, several departments of Fish and Game, Ducks Unlimited, the Audubon Society and other non-governmental entities to try to address the problem. In February of this year, the Fish and Wildlife Service issued two final rules to authorize the use of additional hunting methods to reduce the population of snow geese so that a reasonable population can survive on a viable habitat. The goal was to reduce the number of mid-continent light geese in the first year by 975,000 using additional hunting methods carefully studied and approved by the Fish and Wildlife Service.

Unfortunately, the Service withdrew the rules in the aftermath of a court challenge. The result of inaction, however, would be devastating. Chairman Saxton was correct to press for a legislative solution to expedite the recovery process by implementing the Service's rules, as the bill before us does today. It is clear that human decision making has contributed mightily to the light geese problem through increased agricultural production, sanctuary designation, and reduction in harvest rates.

Mr. Speaker, the bill before us takes an affirmative and humane step to help assure the long-term survival of mid-continent light geese and the conservation of the habitat upon which they and other species depend. I urge my colleagues to support this important bill.

Mr. YOUNG of Alaska. Mr. Speaker, as co-author of H.R. 2454, I rise in strong support of the Arctic Tundra Habitat Emergency Conservation Act. The fundamental goal of this legislation is to stop the destruction of the Canadian Arctic Tundra by a growing population of mid-continent light geese. If we do not act, these valuable wetlands may be lost forever.

Three years ago, the U.S. Fish and Wildlife Service joined with the Canadian Wildlife Service, Ducks Unlimited, the National Audubon Society and several State and Provincial Fish and Game Departments in forming the Arctic Goose Habitat Working Group. After carefully studying the problem, the Group issued a report that recommended that the population of mid-continent light geese, which now numbers more than five million birds, be cut in half within six years.

The working group suggested that the food supply be reduced along U.S. Flyways, baiting of light geese be permitted, sharpshooters be hired to kill large numbers of geese and additional hunting methods such as electronic goose calls and unplugged shotguns be utilized.

The Fish and Wildlife Service carefully reviewed these recommendations and it conducted an exhaustive analysis of the various wildlife management options to reduce the population. It flatly rejected the flawed idea of "letting nature run its course" because it would cause an environmental catastrophe and many of the suggestions of the Working Group were not implemented.

In fact, in the end, the Service issued two modest rules which would have increased the harvest of light geese by allowing hunters to use electronic calls and unplugged shotguns. While these changes by themselves would not save the fragile Arctic ecosystem, they were a responsible step in the right direction.

Once enacted these rules will reduce the population of mid-continent geese and more importantly they will slow the destruction of the Arctic Tundra that is being transformed from thickly vegetated wetlands to a virtual desert.

In La Prouse Bay in Canada, which is a critical nesting site, more than 60 percent of the salt-marsh vegetation has already been destroyed or damaged to the point where it is unable to nourish birds.

Regrettable, in response to a court order, the Fish and Wildlife Service withdrew their regulations and they are now completing an Environmental Impact Statement on mid-continent light geese.

While that occurs, the Arctic Tundra will continue to be destroyed an acre at a time and these essential wetlands which provide life for literally hundreds of avian species, besides geese, will be irreplaceably lost.

There is a better way. H.R. 2454 will reinstate the Fish and Wildlife Service's rules in their identical form. It is a temporary solution and it will sunset no later than May 15, 2001. This legislation is strongly supported by the Administration, the States, and by most of the conservation community including Ducks Unlimited and the National Audubon Society.

In closing, let me quote from the Chairman of the Arctic Goose Habitat Working Group, Dr. Bruce Batt, who testified that "the finite amount of suitable goose breeding habitat is rapidly being consumed and eventually will be lost. Every technical, Administrative, legal and political delay just adds to the problem. There is real urgency here as we may not be far from the point where the only choice is to record the aftermath of the crash of goose numbers with the related ecosystem destruction with all the other species that live there with geese."

I urge an aye vote on H.R. 2454, a bipartisan bill that will save critical Arctic wetlands.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 2454, as amended.

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

A motion to reconsider was laid on the table.

ARIZONA STATEHOOD AND ENABLING ACT AMENDMENTS OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 747) to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds.