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No. 116

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, to know You is to love You; to love You is to serve You; and to serve You is life's ultimate joy. Thank You for the privilege of serving You while serving our Nation. May Your joy be expressed in all that we say and do. Replace our grimness with Your grace; our stress with Your strength; our fears with Your love. Instead of carrying our burdens, Lord, may we allow You to carry us. May we think Your thoughts for what is best for our Nation and carry out Your will in all our decisions.

Bless the Senators today. May they be open to receive Your power and to listen both to You and to each other. Make them party to Your Spirit rather than to a party spirit. Unite them in commitment to You and patriotism for our Nation.

This is going to be a great day because we will experience Your greatness; We will be strong in Your strength; We will be hopeful thinkers because of our hope in You. This is the day that You have made; We will rejoice and be glad in You! Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The acting majority leader is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, the Senate is about to begin a series of three stacked votes. The first vote is on a cloture motion to proceed to the Transportation appropriations bill, followed by a vote on or in relation to the Bond amendment No. 1621, and the third vote on or in relation to the Robb amendment No. 1583.

Following these votes, the Senate will resume consideration of the pending Hutchison amendment regarding oil royalties. Further amendments and votes are expected throughout the day, with the anticipation of completing action on this bill.

As previously announced, there will be no votes on Friday in observance of the Rosh Hashanah holiday.

I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR—S.J. RES. 33

Mr. GRASSLEY. I understand there is a resolution at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 33) deploring the actions of President Clinton regarding granting clemency to FALN terrorists.

Mr. GRASSLEY. Mr. President, I object to further proceedings on this resolution.

The PRESIDING OFFICER. The bill goes to the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to the Transportation appropriations bill:

Trent Lott, Pete V. Domenici, Paul Coverdell, Thad Cochran, Pat Roberts, Jesse Helms, Judd Gregg, George Voinovich, Ted Stevens, Slade Gorton, William V. Roth, Jr., Bob Smith of New Hampshire, Craig Thomas, Michael Crapo, James Inhofe, and Frank Murkowski.

VOTE

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2084, the Transportation appropriations bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI), are necessarily absent.

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—49

Abraham	Coverdell	Gregg
Allard	Craig	Hagel
Ashcroft	DeWine	Hatch
Bennett	Domenici	Helms
Bond	Enzi	Hutchinson
Brownback	Fitzgerald	Hutchison
Bunning	Frist	Inhofe
Burns	Gorton	Jeffords
Campbell	Gramm	Kyl
Cochran	Grams	Lott
Collins	Grassley	Lugar

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S10657

Mack	Sessions	Stevens
McCornell	Shelby	Thomas
Nickles	Smith (NH)	Thompson
Roberts	Smith (OR)	Thurmond
Roth	Snowe	
Santorum	Specter	

NAYS—49

Akaka	Edwards	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Moynihan
Biden	Graham	Murray
Bingaman	Harkin	Reed
Boxer	Hollings	Reid
Breaux	Inouye	Robb
Bryan	Johnson	Rockefeller
Byrd	Kennedy	Sarbanes
Chafee	Kerry	Schumer
Cleland	Kerry	Torricelli
Conrad	Kohl	Voinovich
Crapo	Landrieu	Warner
Daschle	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	
Durbin	Lieberman	

NOT VOTING—2

McCain	Murkowski
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The PRESIDING OFFICER (Mr. FRIST). On this vote, the yeas are 49 and nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2466, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Gorton amendment No. 1359, of a technical nature.

Bond (for Lott) amendment No. 1621, to provide funds to assess the potential hydrologic and biological impact of lead and zinc mining in the Mark Twain National Forest of Southern Missouri.

Hutchison amendment No. 1603, to prohibit the use of funds for the purpose of issuing a notice of rulemaking with respect to the valuation of crude oil for royalty purposes until September 30, 2000.

Robb amendment No. 1583, to strike section 329, provisions that would overturn recent decisions handed down by the 11th circuit corporation and federal district court in Washington State dealing with national forests.

AMENDMENT NO. 1621

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on or in relation to amendment No. 1621.

The Senator from Missouri.

Mr. BOND. Mr. President, this amendment requires a study of mining in the Mark Twain Forest to address the scientific gaps identified specifically by the Director of the U.S. Geological Survey on behalf of the Forest Service, EPA, and others. While the information is collected, it delays any prospecting or withdrawal decisions for the fiscal year.

It does not permit mining, prospecting or weaken environmental

standards. It preserves the long-term requirements of a full NEPA process, which will ultimately dictate whether additional mining will occur.

The opponents seem to have an argument not with me but with the administration scientists who have concluded that there is insufficient information. The bipartisan county commissioners of the eight counties in the area are unanimous and adamant in their support. I met with the representatives of the 1,800 miners whose continued livelihood in this poor area depends on the opportunity to continue to mine. They want a hearing held in Mark Twain country.

I ask unanimous consent that the two additional letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, MARK TWAIN NATIONAL FOREST,

Rolla, MO, July 27, 1999.

HON. CHRISTOPHER BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: Thank you for the opportunity to respond to the situation concerning the collection of data to assess the potential impacts of lead mining on the Doniphan and Eleven Point Ranger Districts of the Mark Twain National Forest. These two districts were acquired in the Fristoe Purchase Unit in the 1930's, so there is some documentation that refers to the area as the Fristoe Unit. A Multi-agency Technical Team was established in 1988 to identify and collect the information necessary to evaluate the impacts of mining upon this area of the Forest. The Forest Service has chaired this Team since it began and since 1989 the Forest staff officer for Technical Services, Bob Willis, has been Chair. The original charter for the Team is enclosed.

A great deal of information has been collected, but there is much that remains to be gathered if a decision for mineral production is ever proposed. At this time, there are no proposals for exploration or leasing in this area of the Forest. The information that has been gathered is all that is identified in Phase I of the plan and is a portion of the information that may be required. The remaining information identified will be collected only if a proposal to mine is made. A proposal to withdraw the area from mineral entry would require collection of similar information.

Members of the Multi-agency Technical Team as well as a summary of the information the Team has collected is enclosed.

We anticipate the Technical Team will identify additional site specific information if a proposal to mine or a proposal to withdraw the area from mineral entry is made. This information will only be a portion of the information necessary to make a National Environmental Policy Act decision, and a multi-disciplinary team will take the Technical Team data as well as cultural, economic, social, biological, and additional ecological information to analyze the impacts of mining. Funding for the Technical Team information collection has been limited, and only a small portion of the data identified as needed for a mining decision has been collected. The remaining information will be extremely expensive to collect and has been waiting on a proposal to mine to initiate collection. The technical data needed to analyze the impacts of mineral de-

velopment in this portion of the Forest is complex and the technical Team has done a good job identifying the technical data needs of the decision and collecting the first place of information. Additional effort by the Team will be needed on any mineral entry or withdrawal proposal.

Thank you for your interest regarding this issue and the Mark Twain National Forest. If you have additional questions, please contact me.

Sincerely,

RANDY MOORE,
Forest Supervisor.

MULTI-AGENCY TECHNICAL TEAM MEMBERS
USDA Forest Service—Mark Twain National Forest.
Bureau of Land Management.
National Park Service—Ozark National Scenic Riverways.
Environmental Protection Agency.
U.S. Geological Survey—Water Resources Division.
U.S. Geological Survey—Geologic Division.
U.S. Geological Survey—Mineral Resource Program.
U.S. Geological Survey—Mapping Division.
Missouri Department of Natural Resources.
Missouri Department of Conservation.
U.S. Geological Survey—Columbia Environmental Research Center.
Ozark Underground Laboratory.
Doe Run Company.
Cominco.
University of Missouri—Rolla.
U.S. Fish and Wildlife Service.

U.S. DEPARTMENT OF THE INTERIOR,
U.S. GEOLOGICAL SURVEY,
Reston, VA, July 30, 1999.

HON. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: This is in response to your letter of July 20, 1999, to Mr. Jim Barks, related to mining in the Mark Twain National Forest (MTNF) area. In your letter, you ask that we provide a brief and clear assessment as to the quality of information that was compiled by the interagency technical team charged with building a "relevant database to assess mining impacts and base future decisions." You ask that we, "specifically address the question as to the adequacy and relevance of information currently available to provide a solid scientific foundation for any decision to justify either withdrawal or mining in the region."

In 1988, an interagency technical team was assembled to guide the identification, collection, and dissemination of scientific information needed to assess the potential environmental impact of lead mining in the MTNF area. Since 1989, the team has been chaired by Bob Willis of the Forest Service. The U.S. Geological Survey (USGS) has actively participated on the team from the beginning, with Mr. James H. Barks, USGS Missouri State Representative, serving as our representative.

The technical team believes that there is insufficient scientific information available to determine the potential environmental impact of lead mining in the MTNF area. This is a consensus opinion that the technical team has held from the beginning through the present. Due to the lack of scientific information available to assess the potential impacts of lead mining, the technical team proposed that a comprehensive study be conducted.

In January 1998 at the request of the technical team, the USGS prepared a proposal for a multi-component scientific study to address the primary questions about the potential environmental impacts of lead mining in

the MTNF area. Mr. Barks provided a copy of the proposed study to Brian Klippenstein of your staff at his request on July 9, 1999. Neither a requirement for full environmental review to support a Secretarial decision nor a source of funding has been established. For these reasons the proposed study has not been initiated.

Please let us know if we can provide additional information or assistance.

Sincerely,

CHARLES G. GROAT,
Director.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I urge colleagues to oppose the Bond amendment. This sets the stage for lead mining in the Mark Twain National Forest, one of the most beautiful recreational areas in the Midwest. This is opposed by the Governor of Missouri, the attorney general of Missouri, every major newspaper in the State, a score of different groups of citizens living in the area, as well as environmental groups.

To open this area to lead mining is to run the risk of making an industrial wasteland out of one of the most beautiful recreation areas in Missouri. It is an area shared by those of us who live in Illinois and in many other States. At the current time, the Department of the Interior has the authority to review this. What the Senator from Missouri is attempting to do is to circumvent that process. That should not happen. Please, preserve this land owned by the taxpayers of America, which should not be exploited for lead mining purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—54

Abraham	Enzi	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Nickles
Bennett	Gorton	Roberts
Bond	Gramm	Roth
Brownback	Grams	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Byrd	Hagel	Smith (NH)
Campbell	Hatch	Smith (OR)
Chafee	Helms	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voivovich
Domenici	Lugar	Warner

NAYS—44

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NOT VOTING—2

McCain	Murkowski
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The amendment (No. 1621) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. ASHCROFT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1583

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on or in relation to the pending Robb amendment No. 1583.

The Senator from Virginia.

Mr. ROBB. Mr. President, this amendment would strike section 329, the legislative rider which attempts to bypass the administrative and legislative process. Section 329 would overturn recent Federal court decisions which merely required the Forest Service to collect the data the law requires for making forest management decisions like cutting timber. It would apply to all activities that are affecting wildlife on all 450 million acres of public lands in the United States. The Secretaries of Agriculture and the Interior said:

It is unnecessary, confusing, difficult to interpret, and wasteful. If enacted, it will likely result in additional and costly delays, conflicts, and lawsuits, with no clear benefit to the public or the health of public lands.

It is opposed by the Forest Service. It is opposed by BLM. The Forest Service can comply and is complying with the court rulings. They are gathering the information now.

Last night, my colleagues complained that the New York Times and the Washington Post did not understand the Northwest. Here is what the Seattle Times has to say about the decisions, in an editorial opposing section 329 with the headline, "No More Outlaw Logging."

It falls to the Forest Service to balance scientific and commercial interests . . . keeping the Forest Service honest and forcing it to commit resources to make the plan work.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Washington.

Mr. GORTON. Mr. President, the effect of the Robb amendment would be to terminate all harvests on all public lands in the United States and much recreational activity that requires any kind of improvement. It requires be-

tween \$5 billion and \$9 billion worth of wildlife surveys beyond endangered species, surveys that are unnecessary and so expensive that it will not be wise to go ahead with any of them.

The amendment does not require the Forest Service or the Secretary of the Interior to do anything. It simply authorizes them to conduct their business in the future as they have conducted it in the past. If they do not want to, if they want to go after these surveys, they still can. Section 329 is entirely discretionary and is entirely within the power of the administration to interpret as it wills.

Mr. LOTT. Mr. President, I express my full support for Senator GORTON's section 329. It is the right thing to do because, without it there would be a new \$8 billion mandate on the Forest Service.

This provision is needed because it affirms a position taken by three circuit courts and nine Federal courts. Senator GORTON's effort is necessary because it will ensure that the Forest Service and the Nation have a uniform public policy.

The opponents of section 329 want to ignore the position taken by three circuit courts and nine Federal courts because they got the decision they liked from the 11th Circuit Court.

There is a certain irony here. Here is an instance where environmentalists do not want a one-size-fits-all national policy.

Senator GORTON's provision helps the Forest Service. It properly eliminates very expensive and completely unnecessary work by the Forest Service.

Senator GORTON would allow the Forest Service to rely on sampling data regarding available habitats for the species.

Opponents want the Forest Service to count the actual populations of the species—not just once, but several times to determine population trends. In each case, the three circuit courts and nine Federal courts did not buy this argument.

Currently, the Forest Service has followed the Federal court decisions. It has correctly contained to inventory wildlife by habitat availability for almost two decades.

Now, the Senate is being asked to ignore 20 years of experience plus decisions from three circuit courts and nine Federal courts.

Mr. President, I do not want to ignore the experts at the Forest Service.

The Senate is also faced with a decision that will significantly increase the cost of operating the timbers sales program in the Forest Service. Eight billion dollars is real money and spending the taxpayer's hard earned money unwisely is criminal.

Let me put the Senator ROBB mandated spending into a context. Eight billion dollars is 2½ times the entire annual budget of the whole Forest Service.

Mr. President, it is clear the 11th Circuit Court has "overreached" and Senator ROBB's mandated spending is unjustified.

The current wildlife data requirements can be applied nationwide without threatening species habitats. But timber sales, an authorized and core mission of the Forest Service, would be placed in jeopardy.

In Mississippi, timber sales are the lifeblood of many counties. It funds children's education in some of Mississippi's and the Nation's poorest counties.

Congress must ensure that Forest Service timber sales continue in a timely fashion.

I urge my colleagues to vote against the efforts of Senator ROBB. His amendment would, quite frankly, destroy the fiscal viability of two counties in Mississippi. Wayne County and Perry County are currently listed by Federal Governments as two of the poorest in the Nation. They depend on Federal timber sales—remember, this is a legal and primary mission of the Forest Service.

Mr. President, Senator GORTON's section 329 is the right provision on the right appropriation bill.

Mrs. MURRAY. Mr. President, we all want to solve the problems concerning implementation of the Northwest Forest Plan and the so-called "survey and manage" requirements. I have long supported and continue to support the plan and believe it should work as written. Unfortunately, section 329 undermines the important protection and scientific credibility of the forest plan and does not solve the current problems. That's why today I supported the Robb/Cleland amendment to strike section 329 from the fiscal year 2000 Interior appropriations bill.

Recently, a Federal court injunction halted dozens of timber sales in Washington, Oregon, and California. The injunction is not the fault of the timber industry, the environmental community, or the Northwest Forest Plan. The blame rests squarely on the forest Service and the Bureau of Land Management (BLM). They have failed to undertake the survey and manage requirements of the forest Plan despite having five years in which to do so. The Forest Service and BLM may believe they were meeting the requirements of the forest Plan, but clearly they did not. Unfortunately, the Forest Service and BLM's failure is harming innocent communities and, potentially, species.

The Northwest Forest Plan came out of a time of discord in the Pacific Northwest. In 1992, our timber industry was shut down by the spotted owl. The Forest Plan was designed to provide industry with a greater assurance regarding timber harvest levels, while also protecting the forests and the species they support.

The Northwest Forest Plan's survey and manage provision was developed by scientists to help land managers reduce the potential impact of timber harvests and other activities on a wide variety of currently unlisted species, ranging from fungi, to mollusks, to

tree voles. The result should have been a management program for the Pacific Northwest national forest that provided for stable timber harvest levels and protection against another spotted owl crisis. That hasn't happened.

However, we cannot abandon the Northwest Forest Plan. We especially cannot abandon it without putting in place other ways to protect our forests species and provide a sustainable flow of timber.

Section 329, is not a solution to the failure of federal agencies to meet their survey and manage requirements. The solution lies in the forest Service and BLM getting their acts together and doing what they are required to do. If some of the survey and manage requirements are flawed or unnecessary, we need the Federal agencies and the scientific community to tell us. We can then all work to find a balanced solution. I commit to working with the industry, agencies, environmentalists, and my colleagues to find a way to make the Northwest Forest Plan work.

Mr. COVERDELL. Mr. President, I rise today in opposition to the amendment offered by the Senator from Virginia, Mr. ROBB, that will move to strike a section of the Interior appropriations bill that is not only important to the future of the management of our national forests, but critical to the taxpayers of this country.

Section 329 of the fiscal year 2000 Interior appropriations bill is a necessary clarification to the National Forest Management Act provision that requires the Forest Service to include wildlife diversity in its management of the national forests. A recent decision by the 11th Circuit Court determined that the Forest Service must conduct comprehensive wildlife population surveys in every area of each national forest that would be disturbed by a timber sale or any other management activity in order to authorize that activity.

This may seem like a simple requirement. However, in order to understand this amendment, you need to understand what types of surveys are currently being done and how expensive it would be to comply with the new recent decision. It is also important to know that this decision overturns 17 years of agency practice and is contrary to decisions in 3 other courts of appeal.

From 1982 until 1999, the Forest Service has consistently interpreted its rules implementing the wildlife diversity by inventorying habitat and analyzing existing population data when determining the effect of planning decisions on wildlife populations. During this same 17 year period, the United States Court of Appeals for the Fourth, Eighth, and Ninth Circuits have upheld the Forest Service's interpretation of its own rule, not to mention several lower courts.

Then this year the Eleventh Circuit overruled a lower court decision concerning one national forest in Georgia and found that the Forest Service, de-

spite two decades of agency interpretation and performance and judicial opinions, must count every member of every species on the ground. This decision sets a standard never seen before in the management of our national forests. The cost estimate to carry out such a laborious task could be as high as \$9 billion. That is almost three times the entire National Forest Service budget. This inventory standard is unachievable and sets a paralysis on the management of our national forests.

In my home State of Georgia, this decision threatens small saw mills that purchase their lumber from public lands as well as fisheries and wildlife projects, recreation, land exchanges and new facility construction such as trails and campgrounds. Section 329 will reapply the standard that the Forest Service has been using for the past 17 years, and allow for a balance between protection of wildlife and protection of public lands.

I strongly urge my colleagues to look beyond the rhetoric on this amendment and see that section 329 does not interfere with the judicial process, nor does it reverse current policy of the Forest Service or the Bureau of Land Management. It simply allows agencies to use the best information that is available to them to protect our national forests. I urge you to support sensible management and vote "no" on the amendment to strike the language of section 329.

Mr. HUTCHINSON. Mr. President, I rise today in opposition to Senator ROBB's amendment to strike section 329 from the Interior appropriations bill. This effort is misguided and I urge my colleagues to understand the need for this Section if our National Forests are going to continue to function.

The ability of my home State's national forests to provide timber and other important resources is critical to the survival of many communities. I know the supervisors of both the Ozark-St. Francis and Ouachita National Forests in Arkansas. They are dedicated to preserving the forests' survival and natural beauty, while providing a healthy source of timber. The timber purchase program in Arkansas is one of the few in the country that consistently makes a profit. Not only does Arkansas' timber industry benefit, but so do school children who receive a portion of the earnings from the timber sales.

Section 329 simply clarifies that despite a recent circuit court decision, the Secretaries of Agriculture and Interior should maintain the discretion to implement current regulations as they have been doing for nearly 20 years. Specifically, on February 18, 1999, the 11th Circuit Court of Appeals ruled that the Forest Service must conduct forest-wide wildlife population surveys on all proposed, endangered, threatened, sensitive, and management indicator species in order to prepare or revise national forest plans on all "ground disturbing activity." Never

before has such an extensive and impossible standard been set by the courts. In the end, this ruling results in paralysis by analysis.

It would require the Forest Service to examine every square inch of a project area and count the animals and plant life before it approved any "ground disturbing activity." The cost to carry out such extensive studies—studies which have never been required before—could be as much as \$9 billion nationwide. How do we know this? Because the Forest Service does contract for population inventoring on occasion.

If one were to extrapolate from the \$8,000 cost of one plant inventory, they will reach \$38.1 million for the 864,000 acres within the Chattahoochee National Forest where the 11th Circuit Court decision originated. When applied to Arkansas, one could deduce that this action could cost my state's industry roughly \$78 million. If applied to the 188-million acre national forest system, the cost reaches \$8.3 billion. During the past two decades, nine separate court decisions have backed the way the Forest Service has been conducting their surveying populations by inventoring habitat and analyzing existing population data.

We appropriate roughly \$70 million for forest inventory and monitoring. Are we prepared to shift the \$9 billion necessary for this new standard? If not, this recent interpretation forces the Forest Service to shut down until they can apply the new standard.

The purpose of section 329 is not to change the court decision or set a new lower standard. It is simply to clarify that the existing regulation gives the discretion to the Forest Service and the BLM when determining what kind of surveys are needed when management activities are being considered.

Some of my colleagues would argue that this is an issue for the authorizing committees to deal with. I agree. This is an issue that absolutely should be dealt with by those committees. They need to determine whether the agencies have been correctly interpreting their regulation for the past 17 years. They need to determine whether it is sufficient to inventory habitat, rely on existing populations, consult with state and Federal agencies and conduct population inventories only for specific reasons. But I argue that the appropriations process should not be made to bear the burden while the authorizing committees study the question.

All section 329 seeks to do is preserve the status quo, as the already limited resources of our home States' National Forests would be further stretched if they are required to fund this new standard. I urge my colleagues to oppose this amendment and support sensible management.

The PRESIDING OFFICER. The question is on agreeing to amendment. The yeas and nays have been ordered. The clerk will call the roll. The legislative clerk called the roll.

Mr. ROTH (when his name was called). Mr. President, on this vote, Senator MURKOWSKI is absent but would have voted "nay." If I were allowed to vote, I would vote "yea." I therefore withhold my vote.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—45

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Hollings	Reed
Boxer	Inouye	Reid
Bryan	Jeffords	Robb
Chafee	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kerry	Specter
Dodd	Kohl	Torricelli
Dorgan	Lautenberg	Warner
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden

NAYS—52

Abraham	Enzi	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McConnell
Bennett	Gorton	Nickles
Bond	Gramm	Roberts
Breaux	Grams	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith (NH)
Byrd	Hatch	Smith (OR)
Campbell	Helms	Snowe
Cochran	Hutchinson	Stevens
Collins	Hutchison	Thomas
Coverdell	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Voinovich
DeWine	Lincoln	
Domenici	Lott	

PRESENT AND GIVING A LIVE PAIR—1

Roth, for

NOT VOTING—2

McCain Murkowski

The amendment (No. 1583) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, what is the pending business?

AMENDMENT NO. 1603

The PRESIDING OFFICER. The pending amendment is the Hutchison amendment No. 1603.

UNANIMOUS CONSENT REQUEST

Mr. NICKLES. Mr. President, I see both the sponsor of the amendment and also a couple of opponents of the amendment.

I ask unanimous consent that we have an up-or-down vote on the Hutchison amendment no later than 12 o'clock today.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, I ask unanimous consent that we have a vote on the Hutchison amendment no later than 5 p.m. today.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, for the information of my colleagues, I would like to have a vote on the Hutchison amendment. I think the Senator from Texas has a good amendment. The Senator from New Mexico, Mr. DOMENICI, has worked on this amendment. It is unfortunate that it is needed.

I am chairman of the Energy Regulation Subcommittee, and we had a hearing on this issue. The issue was whether or not MMS could change policy on royalties, or does that take an act of Congress. Does MMS have the power to increase taxes or the power to increase royalties? They have the power to collect royalties; that has been the law. Do they have the power to change it?

I tell my colleague from California, if she is not going to give us a vote on the amendment, then I am going to move to table the amendment momentarily. I am going to make a couple more comments. If she wishes to have a couple of minutes on this, I will agree to that. I listened to the debate last night for a while. I wasn't able to get in here to join the debate. I will make a couple of comments momentarily. If the Senator from California wishes to speak before I move to table, I will agree to that.

Mrs. BOXER. Mr. President, may I ask the Senator from Oklahoma a question?

The PRESIDING OFFICER. The Senator may.

Mrs. BOXER. Mr. President, I say to my friend, it is very generous to offer me a little time before he moves to table. My friend and I have spoken. We are very open about our disagreement on this amendment and whether it is the right or the wrong thing. That will come out in our debate. We have a couple of people who wanted to talk and weren't able to get over here last night. Senator WELLSTONE has been waiting. We would be very happy to agree to quite a limited time, a few minutes, if that would be possible, before my friend makes his motion to table.

Perhaps we can have a unanimous consent agreement that includes sufficient time, not exceeding 10 or 15 minutes total, before he moves to table. And, by the way, we are all going to vote not to table. I don't exactly know why we are going to do this. We think this deserves more discussion.

Mr. NICKLES. Mr. President, I ask unanimous consent that we have 20 minutes of debate on the motion to table, equally divided between the Senator from Texas and the Senator from California.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank the Senator from Oklahoma for being generous. We know that under the rules he can move to table immediately, and we would not be able to have time for debate. I want to tell my friends from Illinois and Minnesota that I intend to yield to them under this unanimous consent request.

Let me set the stage, before I do that, by encapsulating in a very few minutes why I think the Hutchison amendment is not a good idea, why I think it is dangerous for the Senate to put its imprimatur on the Hutchison amendment, and why I think it is wrong for the taxpayers to continue to be cheated out of millions and millions of dollars.

Mr. President, if rushing through this center door here in this beautiful Senate Chamber we saw someone with a bag full of cash that he or she had stolen, we would call the police. Yet what is going on today on behalf of 5 percent of the oil companies is out and out thievery. Those are strong words, but they are backed up.

Listen to the words of USA Today. They say:

Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 to 10 percent discount off the marketplace. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing threatened to change that cozy arrangement.

They say:

It is time for Congress to clean up this mess.

Yet the amendment we have before us continues this mess. We have already lost, because of these amendments in the past, \$88 million from this Treasury. This amendment will continue that loss—another \$66 million.

It is wrong. How do we know it is wrong? First of all, a royalty payment is not a tax. May I say that again. A royalty payment is not a tax. The Senator from Texas calls it a tax. It is not a tax. It is an agreement that is freely signed by the oil companies. It says they will pay royalty payments when they drill on Federal lands belonging to the people of the United States of America, and that payment will be based on the fair market value of the production. As a matter of fact, it is even stronger language:

It shall never be less than the fair market value of the production.

Yet 5 percent of the oil companies that are vertically integrated are continuing to underpay. How do we know this? We know this because there is proof of this.

We know this because already the oil companies have settled with seven different States for \$5 billion. In other words, rather than face the trial, they settled for \$5 billion—I don't think any of us could imagine how much that is—because they didn't want to face the truth. They settled because they admitted it in essence, although technically they didn't. But by settling, the basic message is, we were wrong. How

else do we know there is cheating going on?

How about the retired ARCO employee who said that the company underpaid oil royalties. Where do you think this ran? It didn't run in some liberal publication. It ran in Platt's Oilgram News. It is big news. It is big news—since the last time this rider went into effect.

Here he is, a retired Atlantic Richfield employee, admitting in court that while he was secretary of ARCO's crude price committee, the posted prices were far below market value. He basically says that he admitted he was not being truthful 5 years ago when he testified in a deposition that ARCO posted prices representing fair market value. What did he say while he was an ARCO employee? Some of the issues being discussed were still being litigated. He says: My plan was to get to retirement.

So you have a former employee from ARCO who raises his hand on the Bible and tells the truth about the scam that is going on. What does the amendment do? It continues the very scam that he has rebuked.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes 20 seconds.

Mrs. BOXER. I yield 3 minutes to the good Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I think the Hutchison amendment is one of the most outrageous provisions to be offered to the Interior appropriations bill and shouldn't be included in this legislation. This amendment would restrict the Interior Department from doing its job, which is to make sure that these oil companies pay full royalties for the oil they are drilling on Federal and Indian lands.

I thank the Senator from California, who is willing to stand up to oil companies. There are many Senators who will not do so. The Senator from California has the courage to do it.

I don't know why it is that all of a sudden we appear to have such sympathy for people who appear to be cheating the public. I know that when it comes to finding out what is happening to poor women and children, we do not seem to have a lot of interest in figuring out what is going on in their lives. I know that when we try to raise the minimum wage, my colleagues on the other side of the aisle want to block that. But in through the door walks the CEO of one of these large, integrated oil companies that has been underpaying its royalties—oil companies that have been heavy campaign contributors—and all of sudden we have sympathy to spare. We have sympathy coming out the wazoo. We feel their pain. All of a sudden, it is: "At your service; we can do it for you, Senator. How can we serve you better?"

This is a vote about whether or not we have an open, accountable political process. These companies should pay

their fair share, and when they try to get away with basically not being honest and paying what they owe the public, they call on their friends in the Congress. The Republican-led Congress answers their call without a moment's hesitation with an amendment to this bill. Congress comes to the rescue and rewards them for chronically underpaying the royalties which they owe to people in this country.

That is what this is all about.

I think this amendment is a sweetheart deal. It lets the oil companies off the hook. Frankly, I don't believe we should let them do that—not if we represent the people in this country.

I thank the Senator for her amendment. I will vote against tabling the amendment because I want to have a lot of debate and discussion. Because the more the people in this country know what is at stake on the floor of the Senate and understand what is going on, the better the chance we have of a significant victory.

Mrs. BOXER. Mr. President, will the Senator yield the remaining time?

How much time more time does the Senator have?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mrs. BOXER. I want to ask the Senator if he was aware that the Hutchison amendment had been included in the bill, and whether when it came out of the Appropriations Committee it was stripped out because it was deemed legislating on appropriations. Now it is back before us in a little bit of a changed technical fashion. But doesn't the Senator agree with me that the Senator from Texas is legislating on an appropriations bill?

This is a matter that is very serious. It is not about appropriations. As a matter of fact, it is stealing appropriations. It is stealing money from the people. It results in money being lost from the Interior bill.

Mr. WELLSTONE. I don't have time. But I agree.

Mrs. BOXER. Mr. President, I reclaim any time and give an additional 30 seconds to the Senator.

If he will continue to yield, doesn't he believe that this kind of a rider doesn't belong on this bill?

Mr. WELLSTONE. I don't think the rider belongs on this bill. I don't think the rider belongs on any bill. I think these oil companies should pay the royalty. I think the public is cheated when they don't. I don't think, because they are big contributors and heavy hitters, that they should be taken off the hook. I don't believe it should be included in any bill, especially this bill.

Mrs. BOXER. I thank my friend. I leave the remaining time to the Senator from Illinois.

Before I do, I wanted to call to my colleagues' attention a Los Angeles Times editorial, "The Great American Oil Ripoff." "America's big oil companies have been ripping off Federal and State Governments for decades by underpaying royalties for oil drilled on public lands."

It goes on. It says that Congress should not buckle to the pressure of the oil lobby, and that the Hutchison bill should be defeated.

Let me say I don't think you need a degree in economics; I don't think you need a degree in political science to know cheating when you see it. We know cheating when we see it. We know these companies are settling for billions because they do not want to face the courts. Yet this Senate, if it votes for the Hutchison amendment—I feel so strongly about it—is putting its approval on organized cheating. How do we know that it is organized? Because we have had former ARCO executives and others admit that it was, in fact, planned and organized.

I yield the remaining time to Senator DURBIN.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. Twenty seconds.

Mrs. BOXER. I am sorry.

Mr. DURBIN. Mr. President, let me say in conclusion that this is one of the legislative riders that calls into question the basic issue. Who owns the public lands of America? Will they be a playground for the companies that want to come in and use our lands to make a profit, or will these companies pay their fair share for using public lands?

The Senator from California is resisting Senator HUTCHISON's amendment. She wants these companies to pay their fair share in royalties.

The PRESIDING OFFICER. The Senator's time has expired.

Who seeks time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wonder if the Senator from Texas would give me time. I know the Senator from Louisiana wants a couple of minutes.

Mrs. HUTCHISON. Mr. President, I yield 2 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. BREAUX. Mr. President, I thank the Senator for yielding.

When I heard some of the arguments by my colleagues about cheating, stealing, and lying, I thought I was listening to a country and western song at one point. The question is not about cheating, stealing, and lying. It is not about whether you have sympathy for the oil companies coming out the wazoo. I checked my wazoo, and I don't have any sympathy for the oil companies coming out of it. But I do think I have sympathy for what is fair and what is right.

The Federal Government owns the oil, and it allows companies to explore and produce it. The companies give back in return one-sixth or one-eighth of the royalties to the Federal Government—to the taxpayers of the United

States—in payment for the right to do this type of production.

The only question is, What is the value of oil? The companies don't set that. We do. Congress does. The only issue is, How do you determine the legitimate value of the oil?

We have a formula that has been in place for years. The Federal Government, through minerals management, said we will try to make it simple. We are not going to try to raise any additional money and keep it revenue-neutral. We want to have a simpler way of doing it.

The issue now boils down to the regulations. They are very complicated. It is not an easy process. How do you determine the price of oil that is produced in the middle of the Gulf of Mexico? If you sold it at the well 200 miles offshore, it would be easy to determine what the price is. But it is not sold in the middle of the Gulf of Mexico. It is transported hundreds and hundreds of miles onshore where it is refined and then ultimately sold.

The question is, What is the legitimate production price? Who pays for the transportation from the middle of the gulf? It is the Federal Government's oil. Do the companies pay for the transportation, or does the Federal Government pay for the transportation?

The question is, What is the legitimate production in determining what the price is?

Could I have 30 seconds to conclude?

What the Senator from Texas has done is say: Look, pull over. There is a huge disagreement. It is very difficult and very complicated. Nobody is stealing, cheating, or lying. But we need a little bit more time to try to bring both sides together to come up with a realistic way of determining fair market value.

I think our amendment is a good one and should be supported.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate so much the explanation of the Senator from Louisiana because he is getting to the real point.

This chart shows what the MMS is proposing to do under the new rule. As the Senator from Louisiana said, the mandate to MMS was to simplify the rule so the Federal Government and the taxpayers of America get a fair share of the oil royalties. This is what they have come up with.

I believe if we can have a 1-year moratorium that MMS, which has a new leader, will come forward with a reasonable plan. It is not going to tax costs. No other industry has a tax on their transportation costs and their marketing costs. It is going to be a fair return. That is what we are after.

I want to make one other point before I yield to the Senator from New Mexico.

We keep hearing about this former ARCO employee and all of the oil companies settling. But the Senator from

California fails to mention that 2 weeks ago, there was a verdict by a jury in California saying that Exxon did not cheat the taxpayers of California. That is the oil company that didn't settle because it didn't believe it had cheated. The former ARCO employee who has been referred to by the Senator from California testified in the case and was found unbelievable.

So I think it is very important that be in the debate.

I yield 2 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first I thank the distinguished Senator from Texas. I think the Senate has an opportunity today to decide whether we are going to give in to a group of Federal bureaucrats who have decided it is going to be their way or no way. That is actually the issue. All we are trying to determine through the activities of an established regulatory body is what the fair market value of the oil is on which the U.S. taxpayers are entitled to receive a royalty.

The MMS has decided to change the way we have done it in the past and in the process, in the opinion of this Senator and many others, has made it no longer fair. It is not actually levying a royalty on the value of the oil. They have decided to have new starting points. They are not allowing certain things to be deducted that are actual business expenses. In a nutshell, they are establishing a price upon which the royalty is predicated which is not the result of the marketplace and ordinary business practices but some concoction that they have come up with which will cost more money to an American industry that clearly should not be paying new taxes today.

This is a new tax because you change the way you regulate it and the way you determine value and you thus increase the taxes. If it is not the right way, then it is an increase in taxes. I do not believe they should be doing this. I think we should be doing this. I believe they ought to establish a process and submit it to us and ask, Do you want to change the rules on this or not?

Essentially, I listened attentively to the Senator from Louisiana. He hit it right on the head. And the distinguished Senator from Oklahoma in his brief remarks was right there. There has not been a better fighter than KAY HUTCHISON. She has been right again. We have been right together on this, and we have convinced the Senate heretofore, but we cannot convince the MMS to be fair, and that is what the issue is all about.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I yield the remainder of my time to the distinguished assistant majority leader and thank him very much for his leadership on this issue. Senator DOMENICI, Senator NICKLES, and I have been fighting this fight and I could not think of

two people who better understand the issue.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 3½ minutes remaining.

Mr. NICKLES. Mr. President, I compliment my colleague from Texas for her statement of yesterday and today, and also for the chart. I hope my colleagues will look at the chart because that is what MMS is proposing and it is not workable. People who work in this field all the time have come before our committee, a committee of Congress, and said this proposal is not workable. They told that to myself, they told that to the Senator from New Mexico, Mr. BINGAMAN, as well as Senator DOMENICI, also from New Mexico. They said it is not workable.

I have two or three problems. I am going to touch on them briefly.

One, I have a problem with the Senator from California saying she doesn't like the amendment so she is going to filibuster the amendment. I earlier said: Let's vote on the amendment an hour from now, or 5 hours from now.

No, no, we are not going to have a vote on the amendment; she's going to filibuster the amendment.

If we are going to filibuster every amendment coming along on an appropriations bill, we are never going to get it done. If we do this, we are never going to be able to get finished.

People can talk all they want about a do-nothing Congress, but if we have members of one party or the other, or individual Members, who say: I don't like that provision in the transportation bill so I am going to filibuster the transportation bill—we have already seen that happen today—or I don't like this provision so we are going to filibuster it so we are not going to get an Interior bill unless I get my way, or get a supermajority—to say we need to have 60 votes to pass any amendment, I think that is a mistake. So we should get away from that.

Let me touch on the subject of this amendment. We passed in 1996 a bill, the Federal Royalty Fairness and Simplification Act, of which I was one of the principal sponsors, in a bipartisan way to simplify royalty collection. We did that. It passed overwhelmingly. The President signed it. It was a good bill.

The chart Senator HUTCHISON shows, the proposed MMS regs, is just the opposite of royalty simplification and fairness. If we follow the MMS proposal, what we have is an invitation for litigation. You have litigation nightmares already going on. The Senator from Texas already mentioned the testimony of the ARCO employee. His testimony was not persuasive. The issue of royalty under payments went before a jury of twelve in California in a case that had been ongoing for 14 years, and guess what? The jury decided in favor of the oil companies. They decided that the oil company was right. This company litigated the issue of underpayments for 14 years.

A lot of companies decided it was not worth the expense. It was not worth the bad press. It was not worth these editorials that really do not know what they are talking about, that know nothing about oil valuation and the complexity of it. So maybe they do settle. That does not mean they are guilty, that they are stealing. That is like somebody who says, wait a minute, the IRS audited your taxes and you owe some more money. Does that mean you are stealing?

There are some things wrong with the current royalty valuation program. We had two government employees who were involved in these developing the new MMS regulations and all of a sudden they got paid \$350,000 each by an outside group who supports the proposed regulations. That is pretty corrupt. That is like having an IRS agent say: I audited your return and as a result we found out you owed more money. I want half of it. That is what happened in this case.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. Mr. President, I ask unanimous consent to speak on the majority leader's time for 1 minute.

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

Mr. NICKLES. That investigation is pending. Supposedly, the Justice Department is reviewing that case.

I urge all of our colleagues, to think about that. There are two federal employees involved in developing these MMS regulations who were paid \$350,000 by a group with a financial interest in the final rule. I find that to be corrupt. I find that to be unethical. I find that to be outlandish. It needs to be stopped.

So I compliment, again, my colleague from Texas for this amendment. We need to make sure that Congress raises taxes if Congress is going to. If there is going to be a tax increase, if there is going to be a royalty increase, it should happen by an act of Congress. It should not happen by an act of unelected bureaucrats changing the rules without appropriate legislative authority and opening up a litigation nightmare.

Mr. President, I move to table.

Mrs. HUTCHISON. Will the Senator withhold for a unanimous consent request to add Senators BROWNBACK and THOMAS as cosponsors of the Hutchison-Domenici amendment.

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

Mr. BROWNBACK. Mr. President, I rise in support of Senator HUTCHISON's amendment to continue the moratorium on the Minerals Management Service (MMS) oil royalty valuation rule. I am concerned that the MMS proposed rules for determining federal royalty payments will increase compliance costs for small, independent oil producers. These producers have just begun to recover from some of the lowest oil prices in 30 years, which cost the oil and gas industry more than

67,000 American jobs and saw the closure of more than 200,000 oil and gas wells. A hike in the royalty rates will make a bad situation worse and could cause more domestic oil production to be replaced by foreign imports.

It is up to Congress and not federal agencies to establish public policy. The MMS clearly exceeded its authority by proposing to raise royalty rates without congressional authorization. No congressional committee or affected industry groups were notified before the final version of the rule was announced. The MMS has also tried to get around the congressional moratorium by changing federal lease forms and taking other measures that are similar to the prohibited rule. These reckless actions have led me to believe that this is an agency out of control.

I am also very concerned about the appearance of a *quid pro quo* with respect to payments that were made by the Project on Government Oversight (POGO) to officials at the Departments of Interior and Energy who were involved with the royalty rate valuation issue. I agree with Senator HUTCHISON that the Interior Department should not proceed with this rule until this matter has been resolved by the Justice Department.

I do believe that the current royalty rate valuations are fundamentally flawed and should be changed. But the regulations proposed by the MMS would increase the amount of royalties to be paid by assessing royalties on downstream values without full consideration of costs. In a period of low oil prices, the government should be considering royalty rate reductions, not an increase.

It is the responsibility of Congress to make policy decisions affecting royalty rates and the responsibility of the MMS to implement those policies. We, the United States Senate, have been elected by our constituents in order to make these difficult decisions and should not have our authority preempted by federal bureaucrats. I urge my colleagues to support the Hutchison royalty rate moratorium amendment and I yield the floor.

Mr. BINGAMAN. Mr. President, I am supporting Senator HUTCHISON's amendment to extend the moratorium on the oil valuation rule of the Department of the Interior. I do this with some reluctance because like most of my colleagues from oil producing States, I believe strongly that this issue must be settled. Yet, after careful consideration, I cannot honestly conclude that the rule as currently proposed will achieve that.

I have worked hard with officials from the Department of the Interior and others to try to find the right approach to resolving the disputes involved in this rulemaking. I am very aware of the hard work and good faith efforts of many in the environmental and public interest community, within the States, and within the industry, to address the controversial issues raised

by this rule. I believe there has been progress. However, we are not there yet.

The way oil from Federal leases is valued for purposes of calculating royalty payments is complex to say the least. Nonetheless, it is also very important; it is important to those producing the Federal oil, it is important to the American taxpayers, and it is important to the States who receive up to half of the proceeds from Federal leases within their state boundaries.

My State of New Mexico is the second largest producer of onshore Federal oil and gas. In 1998, there were almost twelve thousand Federal oil and gas leases within New Mexico, covering over seven million acres of land. The majority of these leases are operated by small independent producers whose livelihood is greatly impacted by the manner in which Federal payments are calculated.

In 1998, the State of New Mexico received almost \$168 million as its share of the revenues from Federal mineral leases within the State. My State uses these payments to help fund its public education system.

Given these circumstances, it is obvious to me that the method of valuing these Federal royalty payments is of deep concern to New Mexico, from a number of different angles. It is important to get it right. It is pointless to create rules that are unworkable, or unfair, or that will be mired in costly and nonproductive litigation. I owe it to the honest producers in my State, as well as to my State Treasury, to try to ensure that a final rulemaking on this subject will achieve the desired end of fairness to all, and creation of a clear set of standards that will not be plagued by endless controversy.

For this reason I am supporting an additional moratorium. I do not believe the rulemaking as it is currently proposed will work. The Department of the Interior has indicated that its latest round of comments has resulted in information which it has found helpful, and which could result in changes that would satisfy the concerns of industry and others, while ensuring that the United States receives fair market value for its oil resources. The Department has suggested that with this new information, it may be able to work out ways to resolve the issues that to date have proven so intractable.

I believe imposition of this moratorium will allow the Department the additional time it needs to re-propose this rule, and get to the elusive, but necessary resolution of this issue.

In comments I submitted to this rule, I recommended a number of areas for change, based on my conversations with New Mexico producers, and with other interested groups. These include ensuring that independent producers and others who engage in arms-length sales of their oil pay royalties only on the actual amount they receive; creating reasonable deductions for transportation costs; and resolving the

treatment of marketing costs. I continue to urge the Department to consider these recommendations as it addresses the final rule.

Mr. NICKLES. Mr. President, so we will have all Senators on record voting either for or against the Hutchison amendment, I move to table the Hutchison amendment. I urge my colleagues to vote no on the motion to table.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1603. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 2, nays 96, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—2

Byrd

Gregg

NAYS—96

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murray
Biden	Gramm	Nickles
Bingaman	Grams	Reed
Bond	Grassley	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—2

McCain

Murkowski

The motion was rejected.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, the present order of business, of course, is a continuing debate on the Hutchison amendment. There will be a cloture motion filed on that amendment that will ripen either Monday or Tuesday; I

am not certain which. The Senator from California has justifiably, in defending her position, asked for assurances that there will not be a cloture motion filed on the whole bill, which could theoretically deprive her of her right to continue debate until some conclusion with respect to the Hutchison amendment.

I assure her that will not take place. Her amendment will be disposed of one way or another—either by the adoption of cloture and the eventual vote on the amendment, or by a failure of cloture and its withdrawal before any cloture motion will be filed on the bill as a whole. In fact, I can say I don't see any reason or need that we should have to file cloture on the bill as a whole. We are making good progress on it. There are other amendments we can discuss and vote on today, and perhaps even on Monday, so it may very well be that the disposition of her amendment is the last significant matter.

In any event, I assure her that her rights will be protected, and that, of course, is a necessary precondition to my asking unanimous consent to set the Hutchison amendment aside and go on to other amendments. The Senator from New Jersey, Mr. TORRICELLI, has such an amendment. So I hope with that assurance, it is sufficient that we can go forward on another subject.

Mrs. BOXER. Will the Senator yield to me?

Mr. GORTON. I will.

Mrs. BOXER. Mr. President, I thank the chairman of the committee for being so gracious in preserving my rights. My friend from Texas and I feel equally strongly on the point, just on different sides. I think each of us wants to have justice done on the amendment. So I want to reiterate what my friend stated so we all agree that this is the procedure. There will be a cloture motion filed on the Hutchison amendment.

Mr. GORTON. That is correct.

Mrs. BOXER. A vote will be held Monday or Tuesday, or perhaps later, at whatever date it ripens. Then, in any case, there will not be a cloture vote on the entire bill until the cloture vote on the Hutchison amendment is held.

Mr. GORTON. The Senator from California is correct.

Mrs. BOXER. I thank the Senator very much. With that, I do not object to laying the amendment aside.

Mr. GORTON. Mr. President, I ask unanimous consent that the Hutchison amendment be laid aside and the Senator from New Jersey be recognized to propose an amendment.

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

AMENDMENT NO. 1571

(Purpose: To prohibit the use of funds made available by this Act to authorize, permit, administer, or promote the use of any jawed leghold, trap, or neck snare in any unit of the National Wildlife Refuge System)

Mr. TORRICELLI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Jersey [Mr. TORRICELLI], for himself, Mrs. BOXER, Mr. SCHUMER, Mr. DURBIN, Mr. REID, Mr. MOYNIHAN, and Mr. DODD, proposes an amendment numbered 1571.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 62, between lines 3 and 4, insert the following:

SEC. 1. USE OF TRAPS AND SNARES IN NATIONAL WILDLIFE REFUGES.

None of the funds made available in this Act may be used to authorize, permit, administer, or promote the use of any jawed leghold trap or neck snare in any unit of the National Wildlife Refuge System, except for the purpose of research, subsistence, conservation, or facilities protection.

Mr. GORTON. Will the Senator from New Jersey yield?

Mr. TORRICELLI. Yes.

Mr. GORTON. I have been informed that members of his party are in a policy meeting and would like to defer any vote on this amendment to a time certain—2 o'clock. Am I correct in that?

Mr. TORRICELLI. If, indeed, it is required to have a rollcall vote, that would be OK. I have some expectation that it might not be required.

Mr. GORTON. It seems to me to be appropriate to say, for Members, that there won't be another rollcall vote prior to 2 o'clock, and we hope by that time we will have completed debate on the Torricelli amendment and deal with it either by rollcall or voice vote at the necessary time.

Mr. TORRICELLI. I thank the Senator. Mr. President, trapping has been part of the American economic and cultural life before there was a United States, whether for recreational purposes or subsistence—

Mrs. BOXER. Will the Senator yield? I don't want to interrupt, but this is so crucial, and I am with him on it.

Mr. TORRICELLI. Yes.

Mrs. BOXER. I wanted to correct myself and make sure the Senator from Washington would allow me this chance and not on Senator TORRICELLI's time. I wanted to say that I agree with the Senator that there would not be a cloture vote on the bill until the Hutchison amendment was resolved. Those were his words. I didn't say it exactly in that way in my agreement.

Mr. GORTON. I thought she did. In any event, that is the agreement.

Mrs. BOXER. In remembering my words, I am in agreement with my friend. I have no objection.

Mr. TORRICELLI. Mr. President, the amendment before the Senate deals with the issue of trapping on Federal wildlife refuge lands. It recognizes the reality that trapping has been part of the economic and cultural life of the

United States for generations and, indeed, an important part of the economic life of many communities. But as anything else in life, there is a right and a wrong way to have trappings on these Federal lands.

Overwhelmingly, trappers on Federal lands are using relatively humane methods of trappings that ensure the death of the animal so that there is no suffering. But in a small minority of these instances there are particularly egregious types of traps that continue to be used on Federal lands though many States have banned them for years. Most egregious of all are steel-jaw leg-hold traps and neck snares. These traps almost assure the suffering of an animal. The legislation before the Senate would ban these two specific types of traps and no others—traps used in a small minority of the trapping industry and no others, and not for all purposes.

Trapping for research is not included in this amendment. All scientific research can continue with any traps.

Subsistence: Many Native American tribes that live off these traps—live off the game they collect—should not be impacted and are not impacted.

Facilities protection, or conservation: For any of those purposes, trappers are free to use whatever type of traps they would like. But for recreational purposes or other subsistence purposes, we would ban these two specific types of traps.

I know some Senators have raised the question of whether or not banning any traps would cause a problem for the Government itself in maintaining stocks, endangered species, or other legitimate purposes of the Government itself.

It is important to note that Secretary Babbitt was asked to address this question, and he wrote:

The amendment would not impact the ability of the U.S. Fish and Wildlife Service to manage refuges under the Organic Act of 1997.

Specifically, therefore, Secretary Babbitt had given testimony that banning these traps would not contradict the lawful purposes of the U.S. Government.

It should also be noted that it is not a new issue for the States. It is not a new issue for the Congress. The House of Representatives on July 14 was confronted with the identical issue on whether or not these two specific traps should be banned for these narrow purposes. By a vote of 259 to 166, with 89 Members of the Republican majority, it overwhelmingly passed this same prohibition.

The question arises: Why have the States, why has the House of Representatives, and why have so many of our colleagues expressed concern and support on this floor about a ban on these two specific forms of traps?

A leg-hold trap is simply designed to trap an animal by its leg with the force of this steel jaw and hold the animal until the trapper returns. There are

several problems with this very old, very tested, but very cruel technology. The trapper may not return for days, or a week, in which case the animal starves to death, becomes dehydrated, and suffers over a period of days and days and days.

Second, the extraordinary power of this trap is nearly certain to cause a laceration, or to break the leg of the animal. The animal suffers. As is the case with 80 or 90 percent of these traps, the trap catches the wrong animal. It is not the animal the trapper wants. It is some other animal. If it were a live cage, as overwhelmingly trappers use, the trappers would then release to the wild the animal that was unwanted. But in 80 or 90 percent of the cases the trapper has an animal that he didn't even want. The leg is now broken, or the animal is bleeding to death. It cannot be released to the wild. And an unwanted species is destroyed for no purpose when another technology—a live-bait trap, which most trappers use—would have avoided the whole problem.

Even crueler, what is often happening is, these animals caught in the leg-hold trap for days and the trapper does not return are chewing off their own legs—destroying themselves to get free. The reality is that it is destroying unwanted species, with extraordinary suffering, with animals maiming themselves, and for absolutely no reason.

This legislation, I repeat, does not deal with scientific reasons, subsistence reasons for Native American tribes, or other scientific purposes. It is only for recreation. It is only for a minority of trappers. It is only for these two kinds of traps, and it only deals with wildlife refuges.

What kind of wildlife refuges are the United States maintaining if we are to allow these particularly egregious and cruel types of traps? These are refuges. They are set up for the safety and maintenance of an animal species. It allows trapping and harvesting of species, but not with this one particularly cruel kind of trap. That is the purpose of the amendment.

Only 1 out of every 10 species actually gets caught in these traps. It is the intended species—1 in 10.

I brought before you a protected species of bird caught in a leg-hold trap. No one was trying to trap an eagle. No one wanted to do so. It was unlawful. There is no purpose in doing so. But the trap doesn't discriminate. When the trapper arrives, what is he to do? The leg of this bird is broken. You can do nothing but kill this animal, though it was no one's intention.

This has been endorsed by the American Veterinary Medical Association, the American Animal Hospital Association, hunting groups, and sportsmen. The States of California, Arizona, Colorado, and Massachusetts have already passed statewide ballot initiatives banning these specific traps. Florida, New Jersey, and Rhode Island have legislative or administrative bans. Eighty-

eight nations—virtually the entire industrialized world—developed nations, all have banned these traps. We, and we alone, use them. And we are not only using them, we are using them in wildlife refuges that we have had set up for 100 years to protect these animals. How could anyone rise in defense of this trap?

Mr. President, I ask that the Senate join the House of Representatives and the various States and impose this narrow prohibition on these two specific traps for these narrow recreational purposes and on these Federal lands. It is a modest request for what is an egregious problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I rise today to oppose this amendment. I think it sets a bad precedent because I think it is bad politics.

I just came back from my State, as most of us did, and talked to my agricultural producers. We have a predator problem in Montana.

Let me tell you about a conversation I had with a good friend in Glasgow, MT. They are sheep producers. They run from the Fort Peck Reservoir south towards Circle, MT. That is McCone Valley and Roosevelt County. They have trapped and killed 90 coyotes on their ranch, and they are still run over with them.

This lies along the CMR Wildlife Refuge in Montana along the Missouri River. Those sheep are smart enough to stay in that refuge. The only time we can get them is when they come out. They lose about 300 lambs a day. I don't know how many people can sustain that much loss.

But this particular trap is sort of needed, whether it be in the use of predator control, whether it be used on the refuge, or on BLM or private land.

I said yesterday that on one of the amendments one of these days this body is going to be hit by a large bolt of common sense. Then I don't know what is going to happen. We will not know how to deal with things here.

But I will tell you that the U.S. Fish and Wildlife Service opposes this amendment. They are the ones who manage the refuge systems.

The International Association of Fish and Wildlife Agencies that represents the 50 fish and wildlife agencies and conservation groups—which includes the Izaak Walton League of America—all oppose this amendment. They oppose it for the simple reason that we get a little loose with definitions.

I think the point is that nobody likes to see the suffering and catching the wrong animal in the wrong trap. I would question the 80 to 90 percent wrong animal figure. I would question that because no trapper I know, whether they did it as a sportsman for recreation, whether they did it to prevent predation on livestock, or whether they did it for a living, worth his salt,

who knows how to trap, has figures similar to this. There is none that I know. And we have quite a few of them in my State.

So I ask we oppose and defeat this amendment. It is taking away some of those tools that do not meet the definition. We say, if States OK it for recreation, then define recreation. We know it has a habit of spilling over into areas where, if we cannot use these traps to prevent predation, then we are again put at the mercy of predators, of which we have many.

Businesses cannot sustain those losses. Maybe no one cares whether businesses sustain themselves or not. Let's face it; they have human faces, too, in this situation. So I rise in opposition to this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am pleased to join the Senator from Montana. I want the Senate to know this amendment would seriously harm a vital sector of the rural Alaskan economy. It would injure greatly those who follow the Alaskan way of life.

We are very much involved with this amendment. What it seeks to do is end trapping in the Federal wildlife refuges. There are some exceptions in the Senator's amendment for research, conservation, facilities protection, and subsistence.

Let me point out this chart I have. There are 77 million acres of wildlife refuge in our State; 85 percent of all the wildlife refuge in the country is in Alaska.

The amendment seeks to absolutely discard the concepts of sound game management principles. As the Senator from Montana stated, the U.S. Fish and Wildlife Service, the International Association of Fish and Wildlife Agencies, which represent State fish and game managers throughout the country, have opposed the amendment because it limits the ability to manage wildlife populations scientifically. The Fish and Wildlife Service wrote me a letter on July 20 explaining the Service's opposition to the House amendment in detail. This is a very serious thing. I am disturbed when my colleague talks about recreational trapping.

The Fish and Wildlife Service recognizes that the core of its mission is wildlife management. In its letter to me, the Fish and Wildlife Service stated that:

... a prohibition of specific animal restraint devices is not in the best interest of sound wildlife management.

The Department of Fish and Game of my State of Alaska also stated this amendment hinders the ability of wildlife managers to do their job. It said:

We have consistently supported trapping as an important tool in managing the national wildlife refuge system.

I ask unanimous consent to have those letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF ALASKA, DEPARTMENT OF FISH AND GAME, DIVISION OF WILDLIFE CONSERVATION,

Juneau, AK, July 22, 1999.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: I am writing to express my concern over house approved language amending the FY2000 Interior Appropriation Bill (HR2466) that restricts the use of leghold traps and neck snares on National Wildlife Refuges. I understand similar language may be introduced soon on the senate floor. If that language is introduced, I encourage you to vote no and to remove the house passed language in conference committee.

Commercial, recreational, subsistence, and nuisance animal trapping have never been classified in regulation as separate uses because pelts are acquired, traded, or sold and enter commerce through all of these uses. Therefore, it is meaningless to separate commercial and recreational activities from other types of trapping for purposes of managing the refuge system.

Trapping on National Wildlife Refuges in Alaska is important to our department because the activity helps us track furbearer populations in areas not often frequented by members of the public, especially during winter when weather can have severe impacts on animal populations. We have consistently supported trapping as an important tool in managing the National Wildlife Refuge system and the Wildlife Refuge Improvement Act of 1996 recognizes the importance of that tool.

Eighty-five percent of all lands in the National Wildlife Refuge system are in Alaska. The opportunity to trap and snare furbearers on these lands is essential to our rural culture and the lifestyle of families living in remote villages. Many people in these areas have seasonal incomes, and trapping plays a critical role in supplementing that income with cash obtained from a local resource when jobs are nonexistent. If trapping and snaring are prohibited on these refuges, the impact would be disastrous economically, as well as culturally, to the people of Alaska.

Thank you for your support.

Sincerely,

WAYNE REGELIN,
Director.

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC, July 20, 1999.

Hon. TED STEVENS
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the House of Representatives recently adopted an amendment by Congressman Sam Farr to the Interior Appropriations Bill (H.R. 2466) concerning trapping on National Wildlife Refuges. We anticipate that this issue may arise during Senate consideration.

The U.S. Fish and Wildlife Service opposes this amendment. We believe national legislation directing a prohibition of specific animal restraint devices is not in the best interest of sound wildlife management. The enclosed statement explains our opposition to this amendment.

We would be happy to respond to any questions or provide any further information that may be helpful as you consider this matter.

Identical letters have been sent to the Honorable Robert C. Byrd, Ranking Minority Member, Subcommittee on Interior and Related Agencies, Committee on Appropriations, United States Senate; the Honorable

Slade Gorton, Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, United States Senate; the Honorable John Breaux, United States Senate; the Honorable John H. Chafee, Chairman, Committee on Environment and Public Works, United States Senate; the Honorable Frank H. Murkowski, Chairman, Committee on Energy and Natural Resources, United States Senate; the Honorable Jeff Bingaman, Ranking Minority Member, Committee on Energy and Natural Resources, United States Senate; the Honorable Max Baucus, Ranking Minority Member, Committee on Environment and Public Works, United States Senate.

Sincerely,

JOHN ROGERS,
Director.

Mr. STEVENS. Mr. President, these agencies agree wildlife managers rely upon commercial trappers to control invasive and nuisance species, as well as normal predators. In Alaska, Federal and State wildlife managers rely on these trappers to control predators in order to maintain healthy moose and caribou herds, for instance. Moose and caribou are major subsistence species, and a ban on this trapping would harm subsistence hunters by creating more competition for subsistence resources.

Another example is the Aleutian-Canada goose. This species was listed under the Endangered Species Act after foxes were introduced on the Aleutian Islands. At first, the refuge managers tried to poison the foxes until EPA banned the poison. Then they hired local trappers to save the goose, and trappers have successfully controlled the fox population, restoring the Aleutian-Canada goose.

Our Alaska Department of Fish and Game relies upon data from trappers to track remote populations, where the agency cannot afford to have biologists, through this area that is one-fifth the size of the United States. I know proponents of the amendment argue that more humane methods are available. But the trouble is the methods cost 10 times as much and will not work, and we do not have the people to pursue those methods. A \$2 snare trap works much better than a \$30 conibear trap that freezes in the snow. A trapper can vary the size, location, tension, bait, scent, screening, and seasonal timing of a trap to target specific animals.

These unfortunate concepts that have been mentioned by the Senator of the birds that have been trapped—no one seeks that. I do not believe that is a normal result of trapping, particularly in our very wild country.

The amendment purports to contain a subsistence exemption. I want to explain that a little bit to the Senate. In 1980, the Congress specifically allowed those who reside in the area of wildlife refuges in Alaska to use refuge lands for subsistence hunting. Most of the trappers in our States are, in fact, subsistence hunters.

Many Native Alaskans trap for subsistence and they generate cash income from the pelts they take. This permits

trapping only for subsistence, but not for the commercial side of that operation. These people are not in trapping for recreation. They are trapping not only for the food they obtain but also for the cash they derive from the trapping activities. That cash is one of the main sources of income for people who live in the rural area of Alaska.

In 1980, Congress passed the Alaska National Interest Lands Conservation Act, which added 53 million acres, in one act of Congress, to the wildlife refuge system, the National Wildlife System, on lands within our State. Among the new Federal lands added by that act were the Innoko, Kanuti, and Koyukuk; almost 9 million acres of land, the size of New Hampshire and Connecticut together. Congress specifically recognized the furbearer resources of those refuges when it passed that act which we call ANILCA.

This amendment will essentially repeal the Alaska National Interest Land Conservation Act concept of permitting trapping by prohibiting the harvesting of resources in a way that currently is recognized by law. In Alaska, licensed trappers earn about \$7 million annually, mostly from marten, lynx, and beaver. It may not sound like a lot of money to Members of Congress, but within these refuges in our State lies the most poor census district in the country; that is, the Wade Hampton District in the Yukon Delta Refuge. That stretches over 22 million acres. It's the largest refuge in the United States and the largest of the 16 refuges in Alaska. It is, I would say to my friend from New Jersey, four times the size of New Jersey.

The refuge contains 42 Native Alaska villages and tens of thousands of people, mostly Natives. Like many others in Alaska, most of these people rely on subsistence lifestyle, which includes commercial trapping, as I have said.

I have received letters from a number of villages on or near refuges, including Ruby, Mountain Village, and Quinhagak. They point out to me that trapping keeps predators in check so the other game animals on which they rely will flourish. They also point out how the only nongovernment jobs available in the winter are trapping jobs and they would rather trap and sell the fur than sit idle and collect welfare checks. As a matter of fact, we in Congress have mandated they do just that; they go to work.

When we passed the welfare reform we required these people to go to work. Now this amendment would outlaw the only jobs that are available for these people in this very remote area of Alaska.

The amendment also makes a value judgment about the way these Alaskans have lived for generations. This bothers me greatly. For decades, in many cases centuries, our Alaskan Native people have lived off the land. They have been joined by a great many non-Alaskan people, by the way. The Federal law guarantees both non-Na-

tives as well as Natives the right to a subsistence lifestyle, and to trap within these areas if they reside in the area of the refuge. When others tell Alaskan hunters, trappers, and fishermen how to manage our resources, they are literally telling them how to live their lives.

We have a great deal of respect and admiration for our wildlife, probably more than any I know. This includes trappers who, incidentally, have a very strict code of ethics. I want to have that printed in the RECORD. I am not sure many people realize these trappers have come together and put up, even before this issue arose, an ethics code.

That code encourages trappers to act humanely, to concentrate on areas with overabundant population, and to share information that they obtained with the wildlife managers. In other words, each one of them is a volunteer on a wildlife refuge to assist in the scientific management of the areas that are set aside in our State.

I ask unanimous consent that the code of ethics be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CODE OF ETHICS—A TRAPPER'S
RESPONSIBILITY

1. Respect the other trapper's "grounds"—particularly brushed, maintained traplines with a history of use.
2. Check traps regularly.
3. Promote trapping methods that will reduce the possibility of catching nontarget animals.
4. Obtain landowners' permission before trapping on private property.
5. Know and use proper releasing and killing methods.
6. Develop set location methods to prevent losses.
7. Trap in the most humane way possible.
8. Dispose of animal carcasses properly.
9. Concentrate trapping in areas where animals are overabundant for the supporting habitat.
10. Promptly report the presence of diseased animals to wildlife authorities.
11. Assist landowners who are having problems with predators and other furbearers that have become a nuisance.
12. Support and help train new trappers in trapping ethics, methods and means, conservation, fur handling, and marketing.
13. Obey all trapping regulations, and support strict enforcement by reporting violations.
14. Support and promote sound furbearer management.

The Code of Ethics is reprinted from the Alaska Trappers Manual. The manual was created in a joint effort by the Alaska Trappers Association and the Alaska Department of Fish and Game.

Mr. STEVENS. Mr. President, I urge my colleagues in the Senate to respect the needs of these wildlife managers and the traditional lifestyle of our Western States, as well as to respect the basic concepts of the Alaska lifestyle.

Let me add just a few statistics before I close.

Our State has 365 million acres. As I said, we are one-fifth the size of all the lands of the United States. These 16

wildlife refuges have 77 million acres. They are more than 20 percent of Alaska. More than one-fifth of our State, which is one-fifth of the Nation, has been set aside in refuge land.

Congress specifically recognized the need for this type of harvesting of resources in the 1980 act. We believe the impact of this amendment, if adopted, would deny our Alaskan people the protection that was assured by Congress at the time this vast acreage was set aside as wildlife refuge areas.

I want to quote from a book written by a friend, John McPhee. Some people may recognize John. He wrote a book, called "Coming Into The Country," about Alaska. It was a book that received acclaim from all sides of issues pertaining to Alaska, those who agree with us as well as Alaskans who basically agree with John McPhee and his outlook.

He told a story of one woman in Alaska, and he said this:

Ginny looks through Alaska Magazine, where her attention is arrested by letters from the Lower 48. "There was a time when man was justified in taking wildlife," she reads aloud, "for then man's survival was at stake, but that time is long gone. . . ." She slaps the magazine down on the table. "They don't understand," she says. . . . "These people who write these letters are not even rational. They say we're out to kill everything. People in the Lower 48 do not understand Alaska. . . . They wonder how Alaskans get their mail, and what they do in the winter. They can't believe anything can grow here. They're amazed we can't buy any land. They think Indians are Eskimos. They know nothing about Alaska and yet they've been manipulating us for years. We thought Statehood would put an end to that. They don't understand trapping. They don't understand the harvesting of animals."

That is the type of comment I get when I go home. People in Alaska constantly tell me: Those people you work with in the Congress just don't understand us. They have asked me to stand up and try to explain to the Senate what the Alaska lifestyle is.

That is hard for a lawyer, a person who has been here 30 years now, to continue to try to convince succeeding generations, those who have come after me, that Alaska is still that way. For the most part, Alaska is natural wilderness, and dispersed throughout that wilderness are some 700,000 people. The bulk of the people out of the cities live the Alaska lifestyle. They hunt for their food. They trap to obtain furs as well as food, but the furs give them a cash flow of income. That is supplemented by our own Alaska system of what we call a permanent fund dividend. Without the income they obtain from hunting, these people would not be able to survive.

In this area, hunting is done by trapping. If you take away the traps, they will go back to shooting them. This bill does not ban guns. What it would do is go back to the day before traps were recognized as a scientific management concept, and animals will be shot. For every time there is a miss, it is much worse than one being caught and hav-

ing a leg broken in a trap because that animal is wandering off forever.

The wildlife managers have told us, if you are going to harvest these animals, the best way to do it is with these traps following the code of ethics that has been adopted by the trappers themselves, with the approval, by the way, of the wildlife managers.

I can tell you without any question that I have urged every Member of the Senate by a personal letter to vote no on this amendment. This is not the way to change the concept of scientific management of the lands that we have set aside as wildlife refuges. It is not the way to change basically the Alaska lifestyle. Eighty-five percent or more of its impact is in our State. We would be devastated if this concept is adopted. I urge this amendment be defeated.

I serve notice that I will ask for a rollcall vote on this amendment. When the time is appropriate, I will make that request.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of the amendment offered by Senator TORRICELLI. I listened carefully to the statement of my colleague from the State of Alaska. Having visited his State several times, I acknowledge they have an extraordinary situation that is unlike perhaps any other State across this Nation. I hope he will take into consideration what Senator TORRICELLI's amendment seeks to do is to really limit the use of this trap on national wildlife refuges.

I am not sure exactly how one would define a refuge, but in my way of thinking, it is akin to a shelter. It is something that has really been designed by law to provide a special kind of protection that might not otherwise be available to wildlife. That is why Senator TORRICELLI's amendment, I believe, is so appropriate because it is limited to the wildlife refuge and, secondly, it makes exceptions.

I understand what Senator STEVENS has said, that the subsistence exception would not cover commercial trapping on wildlife refuges, but I say to the Senator from Alaska, I think perhaps other forms of trapping should be used rather than this form.

I know the Senator from New Jersey is going to take the floor again and make a part of the RECORD a letter which was received after the letter quoted by the Senator from Alaska. I have a copy of it, and I will read from it. It is a letter from the Secretary of the Department of the Interior, Bruce Babbitt. It is written to the House sponsor of this legislation. It is very brief, and I will read it into the RECORD:

Dear Mr. Farr:

I am responding to your letter requesting the Department's position on your amendment relating to the use of certain kinds of traps on national wildlife refuges. The letter dated July 20, 1999, from Mr. John Rogers and the enclosed effect statement do not represent the position of the Department of the Interior. After careful consideration, I can advise you that your amendment—

The Farr amendment—

and the Torricelli amendment, which is identical, would not impact the ability of the U.S. Fish and Wildlife Service to manage refuges under the Organic Act of 1997. Accordingly, the Department does not take a position on your amendment.

I say to those who are following this debate, the earlier reference to a letter of July 20 was superseded by a letter on July 23 from the Secretary of the Department of the Interior who said they will not take a position on the amendment and the Torricelli and Farr amendment do not in any way impact their ability to manage wildlife refuges.

I also remind those following the debate of Senator TORRICELLI's statement that some 88 nations across the world have already banned this form of trap. Many people are critical of Senators from New Jersey and Illinois who try to make comment on the way people live in the West. My friend from Montana, Senator BURNS, occasionally calls me aside when I offer these amendments related to Montana and the West and speaks of his Midwestern friends who do not quite understand the lifestyle of the West. I will concede, by classic definition, I am from a sodbuster State. I may not understand all the things that are part of the lifestyle of the West, but I call the attention of those who are considering this amendment to statements made in the press in Western States about these steel-jawed leghold traps.

Arizona, the Arizona Republic, February 7, 1993:

Outlawing the barbaric, needlessly cruel steel trap—a device that tortures animals to death—should no longer be a matter of serious dispute.

The Arizona Tribune, 1994:

No need for extremists to exaggerate what happens to an animal when a trap's steel jaws slam shut on it. It's more than inhumane; it's heinous.

Colorado, October 15, 1996, the Boulder Daily Camera:

The trapper hides the equivalent of a land mine in wildlife habitat and "harvests" whatever has the rotten luck to step in it.

From the Californian, October 8, 1998:

Laying a trap that statistically is more likely to maim or kill an animal other than the one being hunted is wasteful, inhumane, and cruel.

The Tucson Citizen 1993, Arizona:

Steel-jaw traps are cruel devices that subject animals—sometimes family pets—to mutilation or slow and painful death. And they pose a threat to people who use public lands for recreation. . . . Steel-jaw traps have no place in a civilized world, particularly on public lands.

Those were statements not from some bleeding heart eastern journals but from newspapers from the West—Arizona, Colorado, California—areas where I think they have even more familiarity with this than some Members of the Senate might themselves.

I have a couple photographs to demonstrate how these traps are used. You can see from this photograph that the

cat has had the misfortune of coming across a steel trap and its paw has been trapped inside. From what we have been told, it might be a day or two or maybe even more before the person who set this trap comes to decide what to do with the animal that is included. I don't know if this was the target animal this trapper was looking for. My guess is that this animal will be in pain and suffering until that trapper shows up on the scene to either release it or kill it.

Here is another photograph. It appears to be a fox trapped as well. There is evidence that many of the animals that are caught in these traps, in pain, in desperation chew off their own limbs to try to escape. Of course, as they hobble around the wilderness, they may not last long either.

These are basically and fundamentally inhumane. For us to allow them in wildlife refuges, I think, is a serious mistake. The amendment by the Senator from New Jersey is a reasonable one. It allows exceptions for research, subsistence, which the Senator from Alaska has alluded to, conservation, and facility protection.

When the Senator from Montana, Mr. BURNS, told the story of those in Montana who were trying to protect their flocks of sheep from coyotes that came out of the wildlife refuge, as I understand the amendment of the Senator from New Jersey, there would be no prohibition against their setting these traps on their own property to protect their flock from these predatory animals. The Torricelli amendment alludes only to putting these traps in wildlife refuges. I think, frankly, that is a line that should be drawn and one that I support.

As I have said, Secretary Bruce Babbitt has written to the Senate indicating the Torricelli amendment would have no adverse impact on the management of the Fish and Wildlife Service on refuges. The House has approved this amendment overwhelmingly on a bipartisan basis. Eighty-eight nations and a number of States have made it clear that this barbaric device has no place in wildlife management.

I urge support for the Torricelli amendment and yield the floor.

Mrs. BOXER. Mr. President, I am pleased to cosponsor the amendment offered by Senator TORRICELLI to the Interior Appropriations Act concerning leghold traps. This is a sensible and narrowly tailored amendment that will address the misuse of tax dollars to promote cruel, commercial trapping programs on the National Wildlife Refuge System.

This amendment will prohibit the use of taxpayer funds to administer or promote the use of steel-jawed leghold traps or neck snares for commerce in fur or recreation on National Wildlife Refuges. Our amendment would not limit the ability of the U.S. Fish and Wildlife Service to manage our National Wildlife Refuges.

I am proud to say that my State of California banned the use of steel-

jawed leghold traps last year when voters overwhelmingly approved a ballot initiative related to trapping. Californians recognized not only that these traps are inhumane, but also non-selective. In other words, these traps often result in the death of many animals that are not the targets of the traps.

In its 1998 Environmental Document on trapping, the California Department of Fish and Game cited several state studies showing a high number of non-target species being caught. In Colusa County, 26 target muskrats and 19 non-target animals; in Tehema County, seven target coyotes and 85 non-target animals; in San Diego County, 42 target bobcats and 91 non-target species.

Mr. President, these numbers are astonishing, and they demonstrate to us beyond a shadow of a doubt that these traps are abhorrent devices. Whether they are hunting dogs, family pets, bald eagles, deer, or other animals, there are countless untold victims of these traps. They have rightly been likened to "land mines" for wildlife, catching any animal that triggers them.

It is shocking that these traps are allowed in our country at all, especially given that 88 nations throughout the world bar their use. But it is even more horrifying to think that American tax dollars go to administer trapping programs on our nation's wildlife refuges.

I looked up the word "refuge" in the American College Dictionary. It defines refuge as (1) "a place of shelter, protection, or safety," or (2) "anything to which one has recourse for aid, relief or escape."

It is plainly contradictory to allow the commercial killing of wildlife on places called wildlife refuges. It is worse to allow the use of barbaric traps on refuges. And it is shocking to Americans to have their hard-earned dollars finance this hoax. The Torricelli amendment goes very far to be reasonable and accommodating.

It does not bar trapping on refuges. It does not even bar steel traps or neck snares on refuges, since the amendment specifically allows these traps to be used for research, conservation, subsistence trapping, or facilities protection. It simply bars these devices for commerce or recreation.

This amendment should be adopted overwhelmingly. It makes sense. The policy of allowing the financing of such programs is contradictory and wrong-headed. It should be no surprise that fully 83 percent of Americans oppose using steel traps on refuges. Just last month, the House passed an identical amendment by an overwhelming margin. The Department of the Interior has no problem with this amendment. I urge my colleagues to join me in supporting the Torricelli amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, it is basic in this institution, indeed in our Union, that each of us, as representatives of some States, have re-

spect for the economy, the culture, and the traditions of other States.

Indeed, this should not, and cannot, be a debate between Illinois and New Jersey against Montana and Alaska. Disproportionately, this would impact the great State of Alaska and several other Western States. Because of the gracious invitation of the Senator from Alaska, I have visited his State. I have been to Montana many times. I have enormous respect for their traditions and their cultures. It is because of that fact that this amendment was so carefully designed.

Senator BURNS has appropriately talked about the problem of ranchers and farmers who lose livestock and need to protect their own properties. The Senator from Montana need not be concerned. The management of species protection of those lands is exempt from this amendment. Private lands are exempt from this amendment.

There is no greater advocate of native peoples than Senator STEVENS. He appropriately has talked about the need for subsistence of people who live off the land. And while he has talked about the need to sell some of those species, to the extent that he is concerned about the need of people to trap for their own subsistence, he need not be concerned. That is exempt from this amendment.

Maintenance of species, dealing with predatory animals, research are all exempt from this amendment. Private lands are all exempt from this amendment.

We are talking about wildlife refuges set up by this Congress to protect species from two specific traps. The question was raised by the Senator from Montana whether or not it was accurate that 80 percent of the species caught in these traps are not the intended species. The life of the animal lost is wasted because these specific traps cannot distinguish between the fox or the mink or the coyote, whatever it is that is being hunted, and another animal. Indeed, 80 percent, upon further research, is not accurate. In 1989, a study by Tomsa and Forbes from the Fourth Eastern Wildlife Damage Control proceedings found that 11 non-intended animals were maimed or killed for every 1 that was being sought, 11 to 1.

Mr. STEVENS. Will the Senator yield?

Mr. TORRICELLI. I am happy to yield.

Mr. STEVENS. I have placed in the RECORD the statement prepared by the Fish and Wildlife Service and a letter they sent to me on July 20. In there is a statement about which I want to ask the Senator, my good friend from New Jersey, a question. It says: As background, during the period 1992 to 1996, a total of 281 refuges conducted one or more trapping programs, a total of 487 programs. Eighty-five percent of the mammal trapping programs on refuges were conducted for wildlife and facilities management reasons—85 percent.

The remaining 15 percent occurred primarily to provide recreational, commercial, subsistence opportunities to the public, as portrayed by the following table.

The Senator's amendment exempts all of the 85 percent. It affects only those who are not government, those who live on the land.

I ask the Senator, what about the 85 percent of the trapping programs using the same traps that will continue to be conducted by Federal and State managers? They have the same effect as the Senator complains of concerning those that are private. Why should the Senator allow any trapping if he believes as he does? The Federal managers, State managers are not prohibited from conducting 85 percent of the trapping in the wildlife refuges. This only prohibits those of the people who live there, who reside there. Why would the Senator pick out those who earn money from trapping and say they cause more damage than the 85 percent of the trapping by Federal and State agencies?

Mr. TORRICELLI. Reclaiming my time, the Senator from Alaska cites an interesting point, but it is one that has been done to accommodate people concerned about trapping. Senator BURNS has noted the problem of maintaining stocks, of protecting ranchers. We have kept the power on these lands to use these traps by government or private citizens or scientists or universities or trappers or anybody else, if it is to manage the stocks, if it is to deal with predatory animals or research.

What is interesting about Senator STEVENS' points is, to identify the extent of what this amendment does in order to minimize the impact on ranchers, on the economy, on hunting, we are taking what in essence, by the Senator's own statement, is only 15 percent of all the activity with these traps, recognizing these traps only represent 10 or 15 percent of all trapping activity. We are dealing with 10 percent of 10 percent of trapping activity and then only on Federal wildlife lands.

Now, if the Senator from Alaska wants to offer an amendment to ban these traps on all lands and by everybody and for all purposes, I can assure the Senator from Alaska, he will have my vote. I have narrowly constructed this because I do not want to impact native peoples who are on subsistence. I do not want to interfere with predatory animals. I do not want to interfere with the management of these lands by the Government. My main purpose is to try to prohibit this for recreational purposes, only with these two traps, or other purposes where it is not necessary to protect ranchers or other legitimate objectives.

I yield to the Senator from Alaska.

Mr. STEVENS. The Senator has used the statistics for all trapping on Federal wildlife refuges in order to try to eliminate those who use them for income, those who use them to pursue a

lifestyle. I say to my friend, does he think that is fair?

The wildlife managers use these traps. The statistics the Senator has cover all the programs on all of the wildlife refuges mainly, 85 percent, conducted by managers. But the Senator presumes that the damage is done by the 15 percent. Does the Senator think it is fair to say: Let's stop these people from using these traps because they harm the animals that they trap? What about the 85 percent? They catch birds. They catch foxes that eat their legs off. They catch other animals other than the targeted species. But in terms of fairness, the Senator's amendment prohibits those who live by trapping.

Trapping is a management tool. I defend the 85 percent. I don't oppose it. It is a management tool.

I wonder if the Senator knows that trapping of species such as red fox and racoons has saved the Hawaiian coot and duck and goose. They have saved some of the indigenous species that live in these refuges from the predators they trap.

The predators they trap have a value. Those skins are sold for cash. I just ask the Senator, in fairness now, why should we say those people who use traps for a living do all this damage? It is not fair, in my opinion.

Mr. TORRICELLI. First, let me repeat my offer. If the Senator would like, for the sake of fairness, to abandon this, not only by the managers of the land and recreational, but also commercial people, I would be the first to vote for his amendment. This has been narrowly construed only for commercial purposes as an accommodation to the Senator from Alaska.

Now, I believe that, as you know, overwhelmingly, trappers are not using these two traps. Overwhelmingly, they are using alternate kinds of technology that are not inhumane, are recognized internationally, and by most other States.

If, indeed, by further banning these, we can encourage others to use these traps, I would be the first to do it. It is simply my belief that people who are in this for cash business, they are trapping for furs, getting cash for their furs, we have a right to ask them to spend the extra money to get different traps that either kill the animal outright or catch it alive and unhurt so it can be released and the wrong species are not caught. I think we can put that extra burden on a person who is trapping for cash dollars to buy the different trap. The subsistence people, who are eating the game they are trapping, are exempt from this, as the Senator knows—particularly native peoples who may not be able to afford to do so, or it is in their tradition to do so. They are exempt.

So we are dealing with a minority of a minority, only on wildlife refuge lands. I think that is fair; it is narrowly construed, and mostly to accommodate the Senator from Alaska. The

Senator was probably unaware of this or he would not have put the earlier statement in the RECORD, but after the letters the Senator submitted for the RECORD, Secretary Babbitt wrote to me as he did to Congressman FARR, making clear that "The letter dated July 20, 1999, from Mr. John Rogers and the enclosed effect statement do not represent the position of the Department of the Interior."

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, July 26, 1999.

Hon. ROBERT G. TORRICELLI,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR TORRICELLI: I am responding to your request for the Department's position on your amendment relating to the use of certain kinds of traps on National Wildlife Refuges. The letter dated July 20, 1999, from Mr. John Rogers and the enclosed effect statement do not represent the position of the Department of the Interior.

After careful consideration, I can advise you that your amendment would not impact the ability of the U.S. Fish and Wildlife Service to manage refuges under the Organic Act of 1997. Accordingly, the Department does not take a position on your amendment.

Sincerely,

BRUCE BABBITT.

Mr. STEVENS. I have the highest regard for the Secretary of the Interior as a Secretary of the Interior. I don't accept him, however, as a wildlife manager. I have put in the RECORD a letter from the Director of the Fish and Wildlife Service, a professional who has put over 30 years of his life into the management of wildlife refuges, and he stands by his position. The letter that I have read to you was written after the Secretary of the Interior made his statement as a political figure, and the wildlife managers stand by their position. They stand by their position that these traps are the best scientific way to manage wildlife on Federal refuges.

I really believe the Senator misinterprets my position. I want to make sure we understand each other. I support the use of these traps for wildlife management purposes, and I support the use of them for those who want to trap for income. But I say to my friend, in terms of the two types of traps that he would ban, those are traps that have been specifically approved by the wildlife managers. They are now opposed on a political level; I admit that. But what does the Senate want to do in terms of wildlife refuges? Manage for political purposes, or manage the system as the scientifically trained managers tell us is the best way to manage them?

We defend the fish and wildlife managers and the safe fish and game commissioners. I say to my good friend, I accept the fact that he is defending the political judgment of my good friend, the Secretary of the Interior. I disagree with that, and I hope the Senate does also.

Mr. TORRICELLI. As the Senator knows, I have respect for him for his extraordinary advocacy in all interests of Alaska. We simply have a difference of judgment on what is a relatively narrow matter. You have pointed out that one-fifth of Alaska is in a Federal wildlife refuge. That means in four-fifths of Alaska you can use any trap you want, any way you want, for any purpose you want. But on those lands set up as refuges—20 percent of your State—in those few lands where, by political judgment, this institution in previous years decided it wanted wildlife to have a refuge, it is basic to the concept of a refuge that we try to use, at least for the killing of animals, a technology that is understood and accepted to be relatively humane in those lands and only for these narrow purposes.

For all the concerns that you legitimately bring and Senator BURNS brings about the destruction of livestock, or culture, people who live on subsistence, they are free to do what they want, even in the refuge. If we cannot make this narrow exception here, with a letter from the Secretary of the Interior making clear the position of his Department, something endorsed by the House of Representatives, by my party and 89 members of your party, by every other industrialized nation in the world, and we alone are doing this, all I am asking—and it is overwhelmingly in the United States—if you want to use a leghold trap, though it is inhumane and rejected by the rest of the world and most of the Nation, you are free to do so under my amendment. For all these purposes, I ask that, in those few narrow lands, these two specific traps be banned for these few narrow purposes. That is our fundamental disagreement. But that is our only disagreement on that narrow point. I wanted to clarify that.

Mr. STEVENS. If the Senator will yield, I say to my friend, I have this map again to show to the Senate. Isn't it interesting that, however, the Senator's amendment affects 52 native villages in that one area, the Yukon Delta Refuge. The Senator says I can use the other four-fifths of the land of the United States. These people have no access at all. They are the lowest income people in the United States. The effect of the Senator's amendment would limit them, even under subsistence, to obtaining no more than \$10,000.

I don't know if he understands that, but Federal law already limits subsistence use when it is totally for subsistence, without a commercial protection, to \$10,000, in terms of barter concepts. But these people can't go to these lands that are in yellow. Those are the other lands that are not affected. The lands affected are the lands in which they live.

Congress, in 1980, gave them the right to continue their lifestyle in order that they might continue to live. They live on fish and game resources, and they sell both to obtain cash income, very

limited amounts, on an individual basis. The total, altogether, is \$7 million. But the total out there is something like 70,000 people. When you look at it, you are saying, oh, yes, you can use traps, just go to downtown Anchorage now and get one of those new-fangled traps, the ones that the environmental people say are safe and humane, but you can't use the one that the scientific managers say are the most effective, not only to carry out the business of obtaining their food and their cash income, but to pursue our own objectives of limiting predators so we can protect other wildlife.

I have a whole list of wildlife that have been protected by these people who are subsistence hunters, who catch or trap these animals and sell the furs, but they do protect the migratory birds that come into this vast area. The areas were not set aside to protect the animals being snared. They were set aside to protect migratory waterfowl. These are not wildlife refuges to protect the red fox, or anything else. They are for migratory waterfowl. You are telling them that they cannot use these traps. As our volunteer agents, by the way, they are doing the job that it would take a thousand paid officials to do.

They are trapping the predators and selling their skins.

Mr. TORRICELLI. So our colleagues are clear on this narrow difference that we represent, two things have been said that deserve further attention.

One, if the trapping is to deal with a predator—and indeed this is part of the management of the refuge—my amendment does not affect them. They can trap.

Mr. STEVENS. Does the Senator want a permit every time they do it and have the managers say this is for management purposes only?

Mr. TORRICELLI. Allow me to finish.

If it is a predator and it is for management of the species, they are free to use any trap they want.

Second, it was appropriately pointed out if they are in the business of getting furs, they are in that cash business. My amendment would impact them. However, if they are using these traps for subsistence for their own consumption, as the Senator knows, they are also exempt from my amendment.

There is a great deal of debate on this floor for a great number of people who have no relationship to my amendment.

We are dealing with two traps, one kind of land, narrowly defined, with six exemptions. We are dealing with a fraction of a fraction of the hunting that is going on, which will still leave the United States as the only developed nation in the world that is allowing the traps to be overwhelmingly used. If we cannot take the narrow stand for the wildlife refuge, my guess is we can take no stand at all.

I yield the floor and I thank the Senator from Alaska for what has been an enlightening discussion.

Mr. STEVENS. Mr. President, I heard this morning a brilliant statement by the Senator from Hawaii to our Alaska Federation of Natives forum being conducted now.

One of the things he stated I want to repeat to the Senator from New Jersey: Subsistence is not about eating. The Senator's amendment presumes subsistence means going out and obtaining food.

Subsistence is a way of life. Subsistence is the ability to hunt, fish, trade, or barter what they get for cash in order to live. It is more than just obtaining an animal. The Senator's amendment says one can continue to trap for subsistence and I believe he means for food. He says once they sell the pelt, they are into commercial activities.

Our State fish and wildlife service recognizes that trapping for subsistence is a legitimate activity. As a matter of fact, the exception in the Federal law is for subsistence hunters. They can trap in pursuing their subsistence lifestyle.

To think they could not then sell those animals, sell the pelts, or to put them in a position where they could only do so for wildlife management purposes—which is the effect of the Senator's amendment—offends us. The people who rely on a subsistence lifestyle hunt, fish, and trap. They consume some of the fish, they consume the animals, and they sell or use the remainder of what they catch—both mammals and fish—for their native arts and crafts.

They also carry out the purposes of wildlife management because they are, in fact, trapping the predators that would destroy the migratory waterfowl—the foxes that eat the eggs, the other predators that eat the birds. The area was set aside to protect the migratory waterfowl.

The Senator is saying they cannot use traps on these wildlife refuges that were set aside to protect migratory waterfowl because these traps catch some birds. The predators they catch considerably outnumber the impact of the traps on migratory waterfowl. The Senator says they can do it if it is for wildlife management purposes. There is no agent setting traps because these people are setting traps. In effect, they carry out the purposes of the management scheme by trapping the way the managers tell them to trap. They are using the traps that have been approved by the Federal and State system.

Along comes this amendment. It makes the judgment that two of those traps are inhumane and should not be used by these people. It doesn't ban the fish and wildlife managers from using them. It doesn't ban anyone from using them. It bans the 15 percent of the people who use these traps. I don't intend to support banning anyone from using them as long as the fish and wildlife managers say this is scientifically the best way to deal with both the predator

control and the objective of obtaining resources for maintaining the subsistence lifestyle of these people.

These 52 native villages, I think the Senator knows, can only be reached by air in the wintertime. For the most part they are on rivers. During the summertime, visitors can travel to the villages but during the winter trapping period, the only way to get to and from there is by air. Diesel costs \$3 to \$5 a gallon. And now the Senator would say they can't sell those pelts? They can still catch the animals and eat them but they can't sell them?

Those people are out there trapping simply for plain trapping purposes. That is their cash income. They are from one of the larger villages, but they have a trapline. They have a permit. They are supervised by somebody. They get approval of where they will set the traps. They get approval of the type of traps they will use. That is what the wildlife management system brought to them. They live with that. They made up the code of ethics as required by the Federal managers; they live by that. Why should the Congress of the United States tell them they cannot carry out a lifestyle that the scientific manager says is the correct way to manage those resources?

I think those who live in the East have the luxury of saying do something else. Go to the store and get another trap. That is not the case. Most of the traps are very old. They are maintained by our people. Many of them were made by them. The idea of saying they can continue trapping but go down to the store—there is not a Sears, Roebuck store nearby. You can't get the needed traps by mail order.

If you use these new traps, you can continue trapping, but you can't use the ones you have been using.

It is amazing; the Senator's amendment hits about 95 percent of the traps that are in use today on the wildlife refuges. Does the Senator know that?

I say to my friend, I could not oppose this more, not only on the basis of being the Senator from Alaska but on the basis of scientific management. As much respect as I have for the Secretary of the Interior—I was assistant to the Secretary of the Interior and the solicitor general counsel to the Interior Department in the Eisenhower administration, but in my day we relied upon scientific managers and did not reverse them for political purposes. That, I think, is what the Senator is defending, which I oppose.

Mr. TORRICELLI. Mr. President, I believe we have defined the issue appropriately and at length. That ultimately is where we now differ. The technology of trapping has clearly moved. Eighty-five percent of those who are trapping in the country are not using these traps. The largest States in the Nation have now banned these traps, as have other nations.

What remain are those few on Federal wildlife refuge lands who continue to use these two traps identified as in-

humane who would admittedly, as Senator STEVENS suggested, for purposes where they are in the cash business of killing the animal and getting the fur, have to change to use other traps. If they are eating the food, they can use the same trap. If it is against predators, they can use the same trap. If they are in management for wildlife species, they can use the same trap. If they are going to sell the fur and they are in the business of making money by doing so, they are going to have to move to a more humane trap. That is as narrow as I know how to write this.

That is the issue. That is our difference. I commend it to the Senate.

I yield the floor.

Mr. STEVENS. Mr. President, I serve notice to the Senate that as the hour of 2 o'clock approaches, I will make a motion to table. I am informed that other Senators wish to make statements. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, as we work to pass Interior appropriations, of course, because this is a piece of legislation that is key to so many important areas of our States, whether they be east or west, it is also an opportunity to attempt to change what is standard law or practice or belief in many of our States. The Torricelli amendment on trapping is just that kind of amendment.

My guess is there are few Senators on the floor who have actually ever trapped. I grew up on a very rural ranch in southwestern Idaho, and at age 6 I began to run a trapline and I used legholding traps to catch coyote and bobcats. That was done largely for the purpose of raising money, but it was also to protect our domestic livestock herds in the springtime when our cows began to calve and would find themselves, oftentimes, having their baby calves harassed and killed by coyotes.

I was taught how to trap, but I was also taught an important lesson in trapping. I will not dispute in any way what the Senator from New Jersey might try to suggest is an inhumane approach, but I will suggest it can be used in a right and responsible way. The thing I was taught by my father and by an elderly gentleman who lived on our ranch who taught me how to trap was that you check your trapline daily, so if an animal is caught, it will not suffer. Of course that is exactly what I did, and that is exactly what good trappers do throughout the West.

The reason I was allowed to do that and the reason trappers around the country are allowed today to trap when and where necessary under the appro-

priate circumstances is that responsibility always rested with State governments—State fish and game departments and State agencies. And because I believe, as most Senators do, that State agencies are much closer to the people and can more quickly respond to the needs of a State or a given locale, that that is where that authority to determine policy ought to be—not with a Senator from New Jersey who would not understand Idaho or any other Western State where the abundance of wildlife sometimes is such that it needs to be managed. He would not understand the State of Idaho or Montana or Wyoming or Alaska works very closely with their fish and game department to make sure laws and regulations fit the need and the desire of the area under concern.

Historically, this Government, our Government, the Federal Government, has said it is the responsibility of States to govern and manage wildlife populations. They have said it for the very reason I have just given, because a Congress and a Senate cannot really be in tune with what is necessary in Juneau, or out from Juneau in Alaska, or out from Jackson Hole in Wyoming, or out from Midvale in Idaho. They don't really understand the circumstance if there is an infestation or large buildup of coyote, a killing of domestic livestock herds, and a reason to moderate and manage that wildlife population. That is why we have allowed trapping and why States have consistently allowed it. We have constantly erred on the humane side, of being responsible in the management of our wildlife, as we should.

We have the responsibility of good stewardship. That is my job, that is every citizen's job, to be a good steward of their public land resources. But it is not our job here to try to fine tune and micromanage because some interest group comes to us and suggests this is a good and right political thing to do, because it will sell well in suburbia New York. It has no impact in New York. It has no impact whatsoever in that State. But what might sell well and be a good, warm, touchy-feely, "I care" kind of vote in New York causes all sorts of problems in a rural Western State such as mine.

That is why, again, we have tried to take the emotions out of these issues and say there are categories of responsibility on which we ought to err and on which we ought not. This is an amendment that really should not be debated on this floor. We have a U.S. Fish and Wildlife Service. They make every effort to be responsible in the effective management of our wildlife. And they, while they have broad authority, work directly with State fish and game departments. Historically, they have always had a right and proper relationship, erring on the side of the State and on the side of the area or

local fish and game management experts when making the kinds of decisions that I believe arbitrarily the Senator is attempting to make with his amendment.

That is why it is interesting that after this amendment passed the House, the U.S. Fish and Wildlife Service wrote a letter to all of us saying they would not support the House amendment. It was only when the politics caught up with it that Bruce Babbitt, our Secretary of the Interior, came out and said that is not the position of the administration. The reason it has not become the position of the administration is because of a set of environmental groups that came forward and said this is our national cause and we need to make it a national cause, totally ignoring what is good policy or what is a reasonable relationship between a State government and a State agency and the Federal Government and a Federal agency.

Interestingly enough, even with the position of the Secretary of the Interior, the U.S. Fish and Wildlife Service has not changed its position. It still believes the Torricelli amendment is the wrong amendment, and the right thing to do is what they have done historically with State fish and game agencies.

What do I hear from my citizens? They want the right to trap. They accept the responsibility and they accept the regulations that the State fish and game agency would put upon them. But an outright ban is not the way to manage this, and I hope those of my colleagues who focus on this issue will cut away from the idea that this is an easy, free vote that somehow demonstrates their humaneness toward a population of wildlife.

What they ought to err on the side of is allowing their State fish and game agencies to make those determinations and allow the State agencies and the Federal U.S. Fish and Wildlife Service that kind of a relationship. I hope they will err on the side of good government instead of warm, feely, and touchy politics because that is all this is. It is a feel-good vote that ends up being pretty bad government in the end.

Sometimes, I suggest to my colleagues, it takes a little bit of strength and a little bit of backbone to stand up and say, no, this is the wrong thing to do and then be willing to go home and explain it, if you erred on the side of the State capital and the fish and game agency of that State in making the decision and you trust your State legislators because they are the closest to the people, to make sure fish and game regulations and fish and game management in their State is done in a fair and humane way. I believe it is today, and I believe it will continue to work well that way when we allow our national U.S. Fish and Wildlife Service to work closely with our State agencies, erring on the side of primacy, or primary responsibility, at the State and local level. It has worked well in the past. It will work well in the future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I move to table the Torricelli amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I believe there was an understanding that this vote would not start before 2 p.m. I ask unanimous consent that the vote start at 2 p.m. and the quorum call end automatically at that time.

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

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. 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. REID. Mr. President, I applaud my friend, Mr. TORRICELLI, for bringing up this important amendment today.

This amendment is very simple. It prohibits the expenditure of funds to administer or promote the use of steel-jawed leghold traps or neck snares on any unit of the National Wildlife Refuge System except for research subsistence, conservation, or facilities protection.

This is a no-brainer. These traps are inhumane. They are designed to slam closed. The result is lacerations, broken bones, joint dislocations, and gangrene.

Additional injuries result as the animal struggles to free himself, sometimes chewing off a leg or breaking teeth from chewing at the metal trap.

An animal may be in a trap for several days before a trapper checks it.

The American Veterinary Medical Association, the American Animal Hospital Association, and the World Veterinary Organization have all declared leghold traps to be inhumane.

Our National Wildlife Refuges are the only category of federal land set aside for the protection and benefit of wildlife. It is inconceivable to me that, as a matter of federal policy, we allow recreational and commercial killing of wildlife on refuges with inhumane traps.

This is not even a close call. These traps are so inhumane and indiscriminate that they have been banned altogether in 88 countries. Additionally, they have been banned in four of our United States: California, Arizona, Col-

orado, and Massachusetts. Other states impose restrictions on them.

Let me be clear about one critical point: This amendment does NOT bar trapping on National Wildlife Refuges. Other traps, such as foot snares, conibears, and box and cage traps can be used for any purpose consistent with applicable laws and regulations on Refuges.

This amendment does not even forbid the use of steel traps or neck snares outright, although I think that would be a good idea. It just bans these two processes on National Wildlife Refuges.

As I mentioned at the outset, research, subsistence, conservation, and facilities protection uses are still allowed under this amendment.

In this day and age, there is no need to resort to inhumane methods of trapping, particularly not on those portions of our federal land that are set aside specifically for the protection and benefit of wildlife. I encourage all of my colleagues to support the Torricelli amendment.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the question is on agreeing to the motion to table amendment No. 1571.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Rhode Island (Mr. CHAFFEE) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 32, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—64

Abraham	Dorgan	Kyl
Allard	Edwards	Landrieu
Ashcroft	Enzi	Leahy
Baucus	Feingold	Lincoln
Bayh	Frist	Lott
Bennett	Gorton	Lugar
Bingaman	Gramm	Mack
Bond	Grams	McConnell
Breaux	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Campbell	Helms	Shelby
Cochran	Hollings	Snowe
Collins	Hutchinson	Stevens
Conrad	Hutchison	Thomas
Coverdell	Inhofe	Thompson
Craig	Inouye	Thurmond
Crapo	Jeffords	Voinovich
Daschle	Johnson	Warner
DeWine	Kerrey	
Domenici	Kohl	

NAYS—32

Akaka	Fitzgerald	Murray
Biden	Graham	Reed
Boxer	Harkin	Reid
Bryan	Kennedy	Robb
Byrd	Kerry	Rockefeller
Cleland	Lautenberg	Roth
Dodd	Levin	Sarbanes
Durbin	Lieberman	Schumer
Feinstein	Mikulski	

Smith (NH)	Specter	Wellstone
Smith (OR)	Torricelli	Wyden

NOT VOTING—4

Chafee	Moynihan
McCain	Murkowski

The motion was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I note the presence of the senior Senator from Illinois, who has an amendment related to grazing. My inclination is, since he is here and ready to go, he should go next.

I think it is important to inform our Members that we hope to accomplish more business during the course of the day. The particular large piece of business that we are closest to, an agreement on a collection of several amendments that do not relate to amounts of money in the bill, we hope shortly to have unanimous consent for. We are also working, of course, on a managers' amendment. Many of the amendments that have been reserved are likely to be the subject of a managers' amendment. I have discussed this matter with a number of individual Members.

I say to the Senator from Illinois, whether we will be able to get to a vote on his amendment this afternoon I am not certain. I hope we will. He has cooperated in this connection. I would like to see a couple of more votes this afternoon, but I am not sure we will. But let's begin the debate and we will see what its dynamics are and determine how far we can go.

Mr. DURBIN. Will the Senator from Washington yield?

Mr. GORTON. Certainly.

Mr. DURBIN. I am prepared to agree to a time agreement allowing 40 minutes on this amendment and a vote to follow.

Mr. GORTON. Unfortunately, I am not able to agree to even that yet. The opponents to his amendment will control that. While I will be voting with the opponents, I will not lead the debate on this. So I think we should work on a unanimous consent agreement during the course of the debate.

Mr. DURBIN. Let the RECORD show that I tried.

Mr. GORTON. It will so show.

AMENDMENT NO. 1591

(Purpose: To require the Bureau of Land Management to establish a schedule for completion of processing of expiring grazing permits and leases)

Mr. DURBIN. Mr. President, I ask unanimous consent to set aside the pending business and to move to my amendment at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1591.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 52, strike lines 16 through 24 and insert the following:

"SEC. 117. PROCESSING OF GRAZING PERMITS AND LEASES.

"(a) SCHEDULE.—"

::(1) IN GENERAL.—The Bureau of Land Management shall establish and adhere to a schedule for completion of processing of all grazing permits and leases that have expired in fiscal year 1999 or which expire in fiscal years 2000 and 2001.

"(2) REQUIREMENTS.—The schedule shall provide for the completion of processing of the grazing permits and leases in compliance with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) not later than September 30, 2001.

"(b) REQUIRED RENEWAL.—Each grazing permit or lease described in subsection (a)(1) shall be deemed to be renewed until the earlier of—

"(1) September 20, 2001; or

"(2) the date on which the Bureau completes processing of the grazing permit or lease in compliance with all applicable laws.

"(c) TERMS AND CONDITIONS OF RENEWALS.—

"(1) BEFORE COMPLETION OF PROCESSING.—Renewal of a grazing permit or lease under subsection (b)(1) shall be on the same terms and conditions as provided in the expiring grazing permit or lease.

"(2) UPON COMPETITION OF PROCESSING.—Upon completion of processing of a grazing permit or lease described in subsection (a)(1), the Bureau may—

"(A) modify the terms and conditions of the grazing permit or lease; and

"(B) reissue the grazing permit or lease for a term not to exceed 10 years.

"(d) CONSIDERATION OF PERMIT OR LEASE TRANSFERS.—(1) During fiscal years 2000 and 2001, an application to transfer a grazing permit or lease to an otherwise, qualified applicant shall be approved on the same terms and conditions as provided in the permit or lease being transferred, for a duration no longer than the permit or lease being transferred, unless processing under all applicable laws has been completed.

"(2) Upon completion of processing, the Bureau may—

"(A) modify the terms and conditions of the grazing permit or lease; and

"(B) reissue the grazing permit or lease for a term not to exceed 10 years.

"(d) EFFECT ON OTHER AUTHORITY.—Except as specifically provided in this section, nothing in this section affects the authority of the Bureau to modify or terminate any grazing permit or lease."

Mr. DURBIN. Mr. President, this is an amendment which addresses the question of grazing on public land. If you followed the debate on the Department of Interior appropriations bill over the last few days, and the weeks when we were in session before our August recess, you would see that we have an issue primarily between the Republican side of the aisle and the Democratic side of the aisle, a question of stewardship of public land. In virtually every amendment offered from the Democratic side there has been an attempt to make certain that the public lands are protected, that the value of the public lands are protected, and that America's taxpayers, who in fact own these public lands, are not short-changed by those who would come in and use them.

Consistently on the other side the position has been, if someone wants to take the land of America, the land belonging to all Americans, our public land, and use it for grazing, drilling, mining, or logging, that there should be few or any restrictions and, second, that they should not pay an extraordinary amount of money for the privilege of taking profit off our public land.

This has been a clash of philosophy that has been visited on every single amendment in one form or another. It is a clear difference of opinion, primarily between the Republican side of the aisle and the Democratic side of the aisle.

There are those of us on the Democratic side who understand that these public lands, first and foremost, are a legacy that we inherited from previous generations and must leave in good shape for future generations. First and foremost, that is our obligation.

Second, if the lands are to be used for a practical purpose such as deriving income from logging or mining or grazing or drilling, the taxpayers of this Nation are entitled to fair compensation from those who would use the lands for commercial purposes.

We have had a lot of arguments about various aspects. This particular amendment goes to the question of grazing. The Bureau of Land Management, BLM, is an agency within the Department of the Interior which is entrusted with an extraordinary responsibility—to administer literally millions of acres of our Nation's valuable and diverse public lands located primarily in 12 Western States, including Alaska.

The BLM has an extraordinary responsibility when it comes to land management. It manages more Federal land than any other Federal agency. This agency, BLM, oversees 40 percent of our Nation's Federal lands, roughly 264 million acres of surface land.

But acres do not really tell the story. Our Nation's public lands contain a wealth of natural, cultural, historic, and economic resources that literally belong to every American. The natural and ecological diversity of BLM-managed public lands is perhaps the greatest of any Federal agency. The BLM manages grasslands, forest lands, islands, wild rivers, high mountains, Arctic tundra, desert landscapes, and virtually the spectrum of land primarily in the western part of the United States. As a result of this diversity of habitat, many thousands of wildlife and fish species occupy these lands. These fish and wildlife species represent a wealth of recreational, natural, and economic opportunities for local communities, States, and the Nation's hunters, sportsmen, and families. So the responsibility of the BLM is not only to watch this land but to make certain that they preserve the resources given to them in the lands.

Grazing is the most extensive use of BLM lands in the lower 48. Of the roughly 179 million acres of BLM public lands outside of Alaska, grazing is

allowed on almost 164 million acres, and millions of these acres also contain valuable and sensitive fish, wildlife, archeological, recreation, and wilderness values.

At the present time, BLM authorizes, through the issuance of grazing permits, approximately 17,000 livestock operators to graze on these 164 million acres of public lands. These permits and the public land grazing they allow are important to thousands of western livestock operators who literally make their living by grazing their cattle on the public lands. Many of these operators use the permits they receive from the BLM to secure bank loans that provide important financial resources for their operations.

The BLM typically issues grazing permits for a 10-year period of time. Many of the current grazing permits were issued in the late 1980s and now are starting to expire in large numbers during a 2- or 3-year period. These permits, numbering in the thousands, present the BLM with an unusually large and burdensome short-term renewal workload.

The BLM reports that they face a workload of renewing some 5,300 grazing permits which will expire in fiscal year 1999. While the BLM will be able to handle the majority of these renewals during this fiscal year, it is anticipated that 1,000 of these expiring permits will have to be held over until the next fiscal year. In addition, the number of permits due to expire in that fiscal year is greater than average. As a result, the BLM will have a fiscal year 2000 workload of approximately 3,000 permit reviews.

I raise this point because we are trying to balance, with this amendment, two or three things: First, to make sure that those who make their livelihood by grazing livestock on public lands have an opportunity to renew their permits to secure the bank loans to continue their operations in a responsible way. That is reasonable. This amendment that is offered is consistent with that, and I think it will achieve that end.

On the other side of the ledger, and equally important from a public policy viewpoint, we believe that this Federal agency, the BLM, has a responsibility to look at the permits and view the land that is being used, the public land being used by private people, to make certain it is being adequately protected, protecting America's natural resource, the millions of acres of public land that we as a nation own. How does the BLM do that?

When they reissue these permits for grazing, they take a look at the land to determine what has been the impact of the grazing: Is there too much grazing in one particular area? Are there things that need to be changed in terms of the terms and condition of the grazing to protect America's natural assets, these public lands?

Superimpose over this balance this workload I have just described. BLM

now has more permits to renew than is usually the case, and there is some uncertainty among those who are asking for permits as to whether BLM can do their job in an expeditious fashion. It is my understanding that last year we extended permits by a year. We decided because of the workload that we wanted the permit holders to know they could continue to have their permits even if they had not been individually reviewed by the BLM.

My amendment says that the extension will be for 2 years or, if the BLM is able to do the review, sooner, which gives assurance to the landholder that they will have the permit and they can go to the banker and say: We have at least 2 years on this, perhaps longer.

At the same time, it says to the BLM: Don't shirk your responsibility; you are supposed to review these permits, guard America's natural assets, and make sure the public land is not exploited.

The purpose of my amendment is to strike this balance to give to the permit holders the additional 2 years and to say to the BLM: Still do your job, protect these assets, make the environmental reviews that are necessary, and open it for public hearing as required.

The on-the-ground, permit level decisionmaking that should legally accompany BLM's permit renewal process is fundamentally important to the ecologically sound, multiple-use management of our Nation's public lands. The BLM must conduct what is known as National Environment Policy Act compliance—shorthand, in Federal jargon, NEPA, National Environmental Policy Act—and land use plan performance reviews before reauthorizing the permits.

To meet the review requirements of NEPA and other existing Federal laws and regulations and to meet the diverse demands of the American public, the BLM uses interdisciplinary teams composed of agency professionals in wildlife, range, wild horse and burro, cultural, recreation, wilderness, and other areas. The BLM also solicits public comment and relevant information from the wide array of the public interested in range management, including hunters, fishermen, and others who enjoy our public lands.

The simple fact is this: On most public land grazing allotments, all the important decisions that determine the condition of public rangeland resources are contained in the terms and conditions of the grazing permits and in the annual decision about the amount, timing, and location of livestock grazing.

These decisions determine whether streams and riparian areas will flourish or be degraded, whether the wildlife habitat will be maintained, protected, or destroyed. Public involvement in this process is essential for balanced public land management. Without the application of NEPA and related laws, the American public literally has no voice in public rangeland management.

The unusually large number of permits that need to be renewed have cre-

ated a dual dilemma for the Bureau and for its many public constituents. Western livestock operators who currently hold these expiring permits are worried that delays in the Bureau's processing time may cause them to lose their permits or otherwise threaten their ability to use them to secure loans and make a living.

Conservationists meanwhile believe the Bureau ought to perform responsibly the environmental stewardship and analysis aspects of its grazing management and permit renewal activities.

It is not the ranchers' fault that such a large number of permits are expiring at once. If anyone were to blame, it would be BLM, the agency, which should have recognized this and addressed the problem sooner.

I am not certain whether we provided the resources, incidentally, so they could do that, but certainly it should have been called to the attention of Congress.

BLM has a duty to all public land users, ranchers, conservationists, and others to provide orderly and balanced management of our public land resources.

It is entirely understandable to me, being from the State of Illinois, that ranchers are concerned about the issues of security and predictability. My farmers face the same thing. Likewise, we require the BLM to wisely manage and protect our public lands for all Americans. In the face of these concerns, a balance must be struck. The good news, I submit, is that these two concerns can be handled in a mutually inclusive fashion.

The substitute language I am offering addresses the ranchers' needs for the Bureau to process grazing permits in a timely fashion and in a manner by which ranching operations and financial operations will not be needlessly disrupted.

I want to hold BLM's feet to the fire, make them do their job right. I want them to solve the backlog of expiring permits. I want them to deal in a fair and forthright way with ranchers. And I want them to apply our Nation's environmental laws so that public rangelands are protected for all to use and enjoy.

As I seek to protect ranchers from operational uncertainty due to bureaucratic delays, I also want to address the concerns raised by conservationists that the Bureau's equally necessary environmental analysis and resource protection duties move forward.

The current language in the bill, if I am not mistaken, was inserted by Senator DOMENICI of New Mexico. This language, unfortunately, provides an unnecessarily controversial, open-ended, and uncertain response to this problem. Clearly, the language in the bill, which I seek to change, is pitting conservationists against ranchers, and that is needless.

Ironically, I am concerned the language in the bill at this time, as drafted, will actually undercut both the

ranchers and the conservationists. The actual permit renewal and environmental protection problem at hand is tightly defined and should be remedied with a tightly defined and effective solution.

Nevertheless, section 117 in the bill, as drafted, would apply to permits that have or will expire in "this or any fiscal year"—any fiscal year.

Consider that for a moment—not just those that would expire during the term of this appropriations bill, but any fiscal year. Given the tightly defined 2- to 3-year nature of the current issue, this section provides an open-ended timeframe that is excessive and unnecessary. Instead of responding to the current real and specific crisis, section 117 in the bill virtually writes a new policy for permits that expire in this or any fiscal year.

I think that goes way beyond what we need to accomplish in this legislation. Section 117 provides a loosely drafted, open-ended delay of application of NEPA, the environmental law, and many other laws.

Given the facts of the issue at hand and the importance of maintaining adequate environmental protections and reviews for public land management decisions, section 117 is far too sweeping in its effect. As written in the current law, section 117 would actually provide the Bureau of Land Management with an incentive to delay the application of NEPA and other laws.

Because the Senator from New Mexico does not put a time certain as to when these permits will end, putting pressure on BLM to do its job, I am afraid we are going to have literally no review, and that is not in the best long-term interest of protecting America's public lands, which is the second half of this equation that we have to balance if we are going to be fair both to ranchers and to conservationists and Americans at large.

Section 117 also undercuts meaningful opportunities for public involvement in the range management process. Because it requires the BLM to reissue permits under their current terms and conditions for an indefinite period of time, it effectively eliminates effective public input. As a result of these and other problems, the existing section 117 is adamantly opposed by a wide array of groups that include the National Wildlife Federation, Defenders of Wildlife, Natural Resources Defense Council, and the Wilderness Society.

If enacted as written, section 117 could well cause the Bureau to maintain expiring grazing permits in sort of a bureaucratic limbo indefinitely. Ranchers might find themselves holding a permit of uncertain tenure instead of ultimately receiving the clearly defined permit that would be required under my amendment. Section 117, therefore, could well create a situation that would actually harm the economic certainty of ranching operations in the West.

We need to find a workable solution. We must not give the BLM the ability to delay its important permit renewal activities indefinitely. Congress must act to place the Bureau on a schedule to accomplish its work in a timely fashion to renew the permits. We need not—we must not—create a system that sacrifices either legitimate rancher concerns or environmental protection. We have to hold the BLM's feet to the fire. We must treat public land ranchers fairly, and we must protect the environment. We do not need to sacrifice one for the other, and I fear the existing language of section 117 does just that.

My intent is to ensure that the Bureau will be able to bring the current permit renewal situation under control by the end of fiscal year 2001, 2 years from now.

Additionally, I propose we extend the tenure permits which have expired in fiscal year 1999, or will expire in fiscal year 2000 or 2001, until the end of fiscal year 2001 or until the necessary environmental analysis under NEPA and other laws is completed, whichever comes first. This says to a rancher, you know with certainty if the Durbin amendment is adopted that your permit will be extended at least to the end of fiscal year 2001, and if in the interim BLM has done its job, it could be extended longer. That gives them something to go to the bank with, that they can, in fact, secure loans and continue their ranching operations. This amendment provides the ranching community and financial institutions certainty that these permits will not lapse during reprocessing. This amendment will provide continued assurance to the American public that their lands are being protected. It provides a real solution, not a controversial stopgap approach.

I based my proposal on the permit language that Congress adopted as part of the Interior appropriations law for fiscal year 1999, as well as current House and Senate versions of this bill. My language closely resembles a solution that Congress passed as part of the 1995 rescissions bill to address a similar permit renewal problem faced by the Forest Service. In the rescissions bill, Congress placed the Forest Service on a fixed-year schedule to bring their grazing permits into compliance with NEPA. I urge my colleagues to join me in supporting this balanced approach to the management and protection of our Nation's public lands.

I understand the backlog and the workload faced by the BLM. As I said, it is extraordinary in its scope. I also understand the challenges that face the ranchers and those who depend on these permits for their livelihood. I think we have struck a balance, a balance which should give some assurance on the one hand to the ranchers about the future of their permits, and give assurance to the public and conservationists that these natural resources are being protected.

I have two illustrations of why this is a particularly important issue. These photos were taken on BLM land and give a good indication of what can happen with proper land management and what happens when it doesn't occur. Notice on the left-hand side this overgrazed riparian area, Road Canyon in southeast Utah. There is hardly anything left, sand and gravel.

On the other side is Grand Gulch, where it has been properly managed. There is a good stand of grass. This is important for many reasons. If we are going to protect these lands and make certain that we have grazing opportunities for years and years to come, we have to manage them. My farmers in the Midwest have to manage their lands every year, decide what to plant, where to plant, what to apply to make certain the land will be ready after this crop for another crop. Basically, the Bureau of Land Management has that responsibility when it comes to our public lands.

They allow these ranchers to come and graze but under terms and conditions so they can say to the American people: Next year, 10 years from now, we will have protected your assets, your resources, for your use as well as the use of future ranchers. Overgrazing has severely degraded riparian areas in Comb Wash. As a result of many years of overgrazing, much of the natural streambank vegetation has been stripped away, leaving either bare soil or undesirable plants such as snakeweed and tumbleweed that invade overgrazed areas. Because of the overgrazing, severe stream channel erosion has occurred, and water tables have dropped.

Annual grazing permits issued by BLM allow this degradation to occur. If they keep renewing the permits on an annual basis instead of stepping back from time to time and looking at the impact, you can see that, frankly, we are going to have bad results. The language in the bill, which I amend, section 117, would continue this degradation indefinitely. Once we have run these resources down to bare rock, what good is it to the ranchers? Literally, they have to be certain they have a resource to turn to in decades to come so they have some assurance of their own livelihood. It is in their best interest to protect this resource as well with reasonable permits.

When you take a look at this healthy riparian area, as illustrated in the other photo, Grand Gulch, you can see the difference. This area had, again, been arrested from grazing for 20 years. In Grand Gulch, there was a healthy streamside ecosystem. The stream channels are stable, protected from erosion by vegetation. Sound grazing management decisions by BLM would allow more riparian areas across the West to return to healthier conditions.

This has been a controversial area and is a clear illustration of why we need to have the annual review by BLM consistent with NEPA standards.

The second photo shows a similar story. The ecological condition of the Santa Maria River in western Arizona has improved dramatically as a result of permit management practices under the National Environmental Policy Act. It is important to note the BLM continues to allow grazing in this area. However, it has changed the timing of this grazing. BLM is not at war with the ranchers but trying to make sure that it manages the Nation's resources on these public lands in a responsible fashion.

As a result of environmental reviews, the grazing permits on the Santa Maria River now contain terms and conditions requiring livestock to be kept out of the riparian areas during the spring and summer growing seasons.

The Santa Maria River is a rarity: a free-flowing river in the midst of a vast, hot, low-elevation desert. The riparian corridor provides essential habitat for dozens of species of wildlife, including 15 species that are listed by Federal or State agencies as threatened, endangered, or other special status. The riparian area of the Santa Maria and its ability to support wildlife were severely degraded by many years of uncontrolled, unmanaged livestock grazing in the river corridor. The vegetation was stripped away. The water was polluted. Streambanks were trampled. Miles of riparian area were nearly as barren as the surrounding desert.

For decades, the BLM issued and renewed grazing permits to ranchers along the Santa Maria River with no terms and conditions to protect riparian areas. Even though the BLM developed a land use plan that required the river to be arrested from livestock grazing, the requirement was never incorporated in grazing permits.

It illustrates the point to be made: The existing language in the bill, which I seek to amend, extends indefinitely these grazing permits under the terms and conditions currently existing. If there is a need to step in and to protect an area such as this from being degraded and destroyed for future generations, the language of the bill does not provide for it. My amendment does. It says the permits will be extended to 2 years; if there is an intervening environmental review, even longer but under terms and conditions consistent with good environment and public input.

In the late 1980s, a portion of the Santa Maria River received an unplanned reprieve from grazing because the rancher holding the permit went bankrupt and had to sell his cattle. The result of 3 years of rest from grazing can be seen in this second photograph. It is night and day between this dry river bed and this creek, which we can see, this riparian area, which has good growth and a stand of grass.

The riparian vegetation has returned. The streambanks are starting to rebuild. The water is cleaner, as are other portions of the river. In the early

1990s, the bankrupt rancher sold out to a new rancher who wanted to restock the river corridor with cattle. The BLM proposed to transfer the grazing permit to the new rancher with no NEPA analysis, no public review. The transferred permit would have had the same terms and conditions as the old permit: year-round grazing in the riparian area with no measure to protect or restore riparian vegetation and wildlife habitat.

A number of individuals and organizations challenged the BLM decision to renew the permit without a NEPA review. As a result, grazing permits on the Santa Maria contained terms and conditions requiring that livestock be kept out of this area during spring and summer growing seasons.

If section 117 is enacted as written in the law, such permit level management changes will be much more difficult to achieve.

I see other Members wishing to speak to this amendment. I can certainly return to this debate after they have had their opportunity, but I do believe it is in the best interest of those who value these public lands as a natural resource of assets for America and those who see them as a livelihood to come together and reach a commonsense agreement.

The existing language in the bill, which I would amend, gives the ranchers the upper hand. It says: Your permit is renewed indefinitely. We may never return to the question of whether or not your grazing rights should be changed to protect this particular creek bed from becoming part of the desert. That is not in the best interest of the rancher involved, nor in the best interest of the people of the United States who literally own this land. It is another question, another environmental rider which addresses the basic philosophy I mentioned at the beginning of this debate.

There was an unusual breakdown in point of view between the Republican side of the aisle and the Democratic side of the aisle. It is hard for me, as I study history, to believe that the party of Theodore Roosevelt, which, frankly, initiated the creation of such things as the Yosemite National Park and our National Park System, would now take such a different point of view when it comes to guarding the value of these resources. It would seem to me to be bipartisan, nonpartisan, for us to agree that if these public lands are to be used, they should be used safely, responsibly, and in a way so that future generations could have that benefit.

But time and again, these environmental riders that come to us, whether they are for logging, drilling, mining, whatever it happens to be, have come to us with the suggestion that the public interest should be secondary to the private exploitation of the land. I think that is wrong. I think the balance should be struck. It is not only in the best interest of this country, it is in the best interest of everyone living in the western part of the United

States. The amendment I have offered has been supported by virtually every major environmental group: The Wilderness Society, National Wildlife Federation, Natural Resources Defense Council, Trout Unlimited, Friends of the Earth, American Land Alliance, and others.

I sincerely hope my friends from the West, the Senator from New Mexico, and the Senators from Idaho and Wyoming, will look carefully at this amendment and realize that it is a positive one; it is not negative in nature. It is an attempt to resolve this in a fair and balanced way.

Mr. DOMENICI addressed the Chair. The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I think we have three people who want to speak on our side. I think the Senator from Wyoming would like to speak first. I will follow with a few minutes and then Senator CRAIG will follow, and we will be finished.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Senator from New Mexico for giving leadership on this issue. We have worked together for a very long time in this area. I guess I am a little surprised and, frankly, a little offended that it would be said that people on this side of the aisle are not as careful or do not care as much about public lands as someone else.

I brought out this map I used yesterday. You can see where the Federal land holdings are in this country. Out in the West, nearly half of the land in most of our States belongs to the Federal Government, and we have taken care of it for years. I think the Senator's State of Illinois has about 2 percent. Here he is telling us how to manage public lands. I find that very difficult.

We are very intent on being the stewards of public lands. I want to tell you a little bit about open space. There has been more and more interest in open space as people move out. We have discovered that the best way to keep it is to provide an opportunity for ranchers to continue to operate. That is how you keep open space. We are trying to do that now. We want fair compensation. This has nothing to do with compensation. Let me start by reading the language that we think works. This is what is in the bill:

Grazing permits and leases which expire or are transferred, in this or any fiscal year, shall be renewed under the same terms and conditions as contained in the expiring permit or lease until such time as the Secretary completes the process of renewing permits and leases in compliance with all applicable laws.

That is what it says, "all applicable laws," which includes the responsibility of the BLM to do this.

Nothing in this language shall be deemed to affect the Secretary's statutory authority or the rights of the permittee or lessee.

That is the language—the language that we have studied for several years.

We have been through this temporary thing the Senator from Illinois brought forth before, and we are back at it again. We think we have found an answer that would be more long term.

Let me cover a few of the things. This year, 5,364 grazing permits are up for renewal; only 2,159 have been renewed. So here we are, almost at the end of September, with people who have leases that, if not studied, will be taken off the land at the end of the month. Section 117 of S. 1292 addresses this problem by allowing the BLM more time to complete the renewal process without causing unwarranted hardship on the rancher or farmer who utilizes the public lands to make a living. Keep in mind, this is not some random thing people do. When the West was settled, we settled in and the homesteads were taken up along the water, the better lands, and these other lands were basically left there. They are simply residual lands that are managed by the BLM. They are very much attached, however, to the water and the other lands to make a ranching economic unit. So it is more than that.

Section 117 allows for the renewal of grazing permits under the same terms and conditions of expiring permits pending completion of the renewal process. BLM has to do this, and in the meantime this farmer or rancher is not penalized for something that wasn't his fault.

Permits renewed under this provision are not exempt from compliance with existing environmental laws. Permits will be issued under existing environmentally compliant land use plans. That is the way that is.

Section 117 allows for a thorough environmental review by the BLM, industry, and the public instead of an abbreviated, cursory environmental analysis, which will probably happen if the Senator has his way. The BLM cannot and will not ignore its environmental obligations due to the threat of litigation, of course.

We talked a little bit about the finances of it. One of the interesting things, of course, is that most farmers and ranchers depend on credit. Let me read you something that comes from the Farm Credit Association:

It is no secret that providing loans for farmers and ranchers is a risky business. The security offered by section 117 in allowing a full 10-year permit will relieve some of the risks. However, the Senator from Illinois intends to make the practice even more risky by shortening the duration of permits to 1 or 2 years.

That is the Farm Credit Association talking about the opportunity to have an effective beef production operation.

There is another factor that is underlying all of these things, the Administrative Procedures Act. That allows for these things to continue if the permittee simply sends in a request and does that prior to the time of the exploration. That has been recently dealt with in the court and proved to be an effective tool. The language in this

amendment, if it passes, would probably negate that. I think that would be a real problem.

So there are a lot of things involved. It sounds kind of simple. You know, we are just going to do it for 2 years and we will get this all resolved. That isn't the way it works, my friends. We have been through this before. We continue to come up each year, and we have found, through the help and leadership of the Senator from New Mexico, a long-term solution that will not change the obligation for environmental protection, will not change the obligation of the BLM, and it, in fact, will take away some of the risk from the farmer or rancher, which has nothing to do with the fact that this has been elongated.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I think Senator DURBIN, who serves on the Budget Committee, which I happen to chair, knows that on many matters I hold him in high esteem. As a matter of fact, I believe he is smiling a very gentle smile there as he sits back in his chair, and I guess he is going to listen now for a few minutes. I hope so. He would not disavow what I have just said. But he is wrong on this one. He is wrong in many ways.

First, he would have done a wonderful job if he had left out the partisan speech at the end about this side of the aisle not being as concerned as our forefathers about the environment. Second, he showed some pictures of leases where one of the leaseholds had been abused and in some way tied that to the Domenici language or to his amendment. To do that is totally without an understanding of the ongoing authority of the BLM and the Forest Service, the twin agencies who are out there on our property.

I say to the good Senator, the BLM does not find malfeasance on the part of ranchers only when they renew the lease every 10 years. As a matter of fact, they have total authority to enter upon the premise, inspect, and periodically recommend changes in the use that the rancher should make. They don't wait around until a drought year or until the 10-year permit has expired to go in and change the usage of the lessee.

You cannot use what we are trying to do to prevent a wholesale diminution of ranching properties in our States, and state that there are abuses out there that need to be fixed; let me suggest they are being fixed. Animal numbers are being changed all the time. As a matter of fact, 2 years ago they were changed regularly in my State, regularly in Arizona, and regularly in Wyoming because we were in a drought period. Federal managers would say this coming year you can't do as much because the foliage isn't so good. You wore it down pretty good last year. So we are going to cut you by 50 head or 100 head.

Ongoing management remains the prerogative of the management agen-

cy—in this case the Bureau of Land Management.

Having said that, let me also say I have been around a little while—sometimes longer than I want to admit. But the Senate ought to know that no administration before this one—Democrat or Republican—has subjected the leases of cattlemen and women and businesses to a total review under NEPA for the simple issuance of permits. The Forest Service did on a few selective ones. This administration comes along with thousands and thousands of leases out there and decides that before they are going to issue a renewal, they are going to subject it to an environmental assessment and, if necessary, a full-blown impact statement. Some of us told them that is crazy. We lost. Do you know the result? The result is this debate on this floor of the Senate because BLM can't conceivably do their work on time.

As a matter of fact, in the State of Wyoming only 15 percent of the subject leases—these leases are to families who live on the ranches and borrow money on their houses and their ranch together—only 15 percent have gone through compliance by the BLM. The BLM hasn't done its work.

Look, before we leave a wide-open opportunity to cancel these leases because the environmental assessment is not done, we have to give some latitude to these people who are subject annually to review in terms of their ranch management. We have to provide them with some flexibility and assurance from the standpoint of knowing what they own and what the bankers are going to say about the loans they have on the ranch. There is nothing new about having a loan on a ranch in Wyoming or New Mexico. You put it on the entire ranch, including the fee ownership, and the ranch house. The entire unit—it is called—is collateral for the loan.

It is a coincidence that a member of an esteemed banking institution is sitting in the Chair and happens to be from the same State as the Senator who is opposed to my approach. But I ask hypothetically, do you think a banker who had been expecting to renew a loan because there was going to be a new 10-year permit issued—it is about a year away—and the rancher comes up, and says: Hey, banker, friend, are you going to give us a loan again?

And the banker says: What does the BLM say about your permit?

The poor rancher says: Well, they have their own rule, and it says if you do not have an impact statement you can't get the permit.

But they haven't done the required work on this permit.

And the poor rancher says: Won't you lend me the money anyway?

But the banker says: No, of course not.

What Senator DOMENICI tried to do was to say it isn't a ranchers' problem that the BLM undertook such a mammoth job of environmental assessments

and sometimes full-blown statements on every single lease out there in the West. BLM and the Forest Service began the process, so we can say both of the public lands management twins do this. It is not the ranchers' fault. They didn't hold up these environmental assessments.

I said to the ranching community: What would be a fair way to make sure you are not harmed by the inaction of the Bureau of Land Management?

They said: Let them extend our lease as they would have done 5 years ago, and as they would have done if they had completed their work. But let them continue with their assessment work, and when they get it done and say there are some changes that have to be made, give them the authority to make the changes that the assessment calls for.

That is essentially where we are. I understand we are in a battle in the West. We are in a battle where ranchers are looked upon by some environmental groups with very low esteem. In fact, some of the groups even say there shouldn't be any cattle grazing on public lands. They say this without any evidence it is harmful. If managed properly, grazing is not harmful. It is salutary. It is healthy. It is good for the forest lands and for Bureau of Land Management lands.

We are not talking here about rich farmers and ranchers; even though there may be some in corporate ownership.

I have five letters from New Mexicans. I want everybody to listen to the last names of these people. They live in northern New Mexico with anywhere from 100 head to 350 head. Their names are Gerald Chacon, a Hispanic American whose family has lived there for generations.

He says in this letter, "Please don't take away our security." It isn't "take away our ranch." They are saying "our security." "The bank won't lend us the money." He alludes to the fact that if it is only a 2-year opportunity to get a loan, he is not going to have a very good chance.

That is the solution of the Senator from Illinois to this problem.

From Palemon Martinez, also from northern New Mexico, a letter that just plain pleads with me to make sure their leases are not held in abeyance because the Bureau of Land Management did not do their work.

Again, I repeat for those worried about proper management, BLM has entry all year long, and management opportunities all year long. They do not need to wait around for permit renewal to say to my friend, Palemon Martinez, that he has to change his way of doing business because he is grazing too heavily or he is affecting the stream.

Alonso Gallegos from Pena Blanca, NM—the same kind of letter. Jake Vigil, and Dennis Braden, general manager for a family. They are all the same—frightened to death of what is

going to happen to the security in their allotment if we don't say it is the BLM's fault for not having done the assessments.

This fellow, Jake Vigil, had nothing whatsoever to do with it. He is wide open to review. They come out there and do their assessment. He makes his comments. But they do not get it done.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

July 27, 1999.

Hon. PETE DOMENICI,
U.S. Senator, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DOMENICI: I am pleased to have the opportunity to express the serious concerns we have should the Bureau of Land Management not complete its required environmental assessments of each grazing permit.

I sincerely hope your colleagues in the senate recognize the economic and personal hardships that ranch families will face in our country.

I represent 3 families who share as an association, a BLM allotment made up mostly of BLM lands. Our contact (permit) with the US government allows for 348 head of cattle to graze from May 1 to November 1 of each year. Our winter grazing is located 70 miles away at a lower elevation with winter access. We have no alternate pasture available to us should we be removed in mid season. The permittees will be forced to suffer for something, we did not have any control over or participation in. We would be faced to sell, at depressed prices the 348 cow-calf pairs we own. Two families have loans on operating expenses and cattle to service. Markets are at the least, 140 miles from the ranch. Trucking expenses shrink on the weights of cattle and depressed prices would bankrupt us. We also have large sums of our own money currently being spent on a livestock and wildlife watering pipeline system for each pasture. Our water system and other rangeland improvements would be lost without our ability to pay for it from calf sales this fall.

Our schools and county governments rely heavily on our private property and livestock taxes to operate on. Our county, already one of the poorest in this nation depends heavily on income generated from public land resources like grazing, timber and recreation. The multiplying affect of this action to our local economies would be staggering. I am hopeful that common sense will prevail and you will be able to do what is right for our families and the land. Removing one from the other has in the past proven disastrous for our communities and for the environment.

I would invite any members of the senate to visit our homes, communities, and the public lands we care for. We are constantly troubled by one decision after the other that we are forced to face without a voice or process for our involvement. I hope all of you can help us to stay on these lands as we have for over two hundred years.

Thank you for your continued representation and help in this serious matter. Please help us to tell our story.

Sincerely,

GERALD L. CHACON,
Representing the Chacon Family and the
Esperanza Grazing Association.

NORTHERN NEW MEXICO
STOCKMAN'S ASSOCIATION,
Ranchos de Taos, NM, July 27, 1999.

Hon. PETE DOMENICI,
U.S. Senator, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DOMENICI: The Northern New Mexico Stockman's Association supports the language you have proposed to the FY 2000 Interior Appropriations Bill. Grazing activities on public lands should not be disrupted or interrupted. Small ranchers in Northern New Mexico cannot afford additional hardships. We stand in opposition to Senator Durbin's amendments.

We appreciate your assistance.

Thank you.

PALEMON A. MARTINEZ,
Secretary-Treasurer.

Pena Blanca, NM, July 27, 1999.

Hon. PETE DOMENICI,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR DOMENICI: As a permittee with the Bureau of Land Management (BLM), my family and I are in trouble. The language you successfully attached to the Interior Appropriations Bill would be a life-saver.

My ten-year permit is up for renewal this year. Under new BLM policy, the agency says that National Environmental Policy Act (NEPA) analysis must be completed prior to my renewal. This means that this work must be done by September 30, 1999.

My permit is for 98 head, year-round. I have had it more than half a century. It was inherited from my father, who inherited it from his father. Our family grazed this land before there was a BLM. This permit makes up 50 percent of the income for my family, which includes my wife and three children, ranging in age from 13 to 16.

I was unaware that the BLM was working on my allotment until the middle of June 1999, when I received a letter giving me seven days to comment on an "Analysis, Interpretation & Evaluation" (AIE). I did not even receive the letter until the comment period had expired. Then in mid-July, I received an environmental assessment (EA) with a 15-day comment period.

Given that the EA does not meet the requirements of NEPA, it is highly likely that there will be problems with its' completion. With just over 60 days to complete this process, I am in serious jeopardy. If the NEPA is not completed, what will I do with my cattle? How will I feed my family?

As you can see, the language allowing more time for the completion of the analysis is imperative to me and my family as well as hundreds of other New Mexicans in a similar position.

Thank you in advance for what you have done on this issue thus far. However, without passage of the amendment on the Senate Floor, I will lose half of my income, not to mention my heritage.

Sincerely,

ALONSO GALLEGOS.

El Rito, NM, July 28, 1999.

Hon. PETE DOMENICI,
U.S. Senator, Washington, DC.
RE: BLM Permit Extension

DEAR SENATOR DOMENICI: I am the 4th Generation Rancher in Northern New Mexico and hope to pass it on to my sons in the future.

I urge you to keep fighting for our BLM Permit/Extension renewal. Without this permit it would be detrimental to our ranching business, since this is my only source of income.

Thank you for your support and efforts.

JAKE M. VIGIL.

EL SUEÑO DE CORAZON RANCH,
Abiquiú, NM, July 27, 1999.

Hon. PETE DOMENICI,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR DOMENICI: As a permittee with the Bureau of Land Management (BLM), our ranch is in trouble. The language you successfully attached to the Interior Appropriations Bill would be a lifesaver.

Our ten-year permit is up for renewal this year. Under new BLM policy, the agency says that National Environmental Policy Act (NEPA) analysis must be completed prior to renewal. This means that this work must be done by September 30, 1999.

Our permit is for 153 head of cattle for 7 months. We have had it more than 20 years. This permit is an integral part of our ranching operation.

We have been urging our BLM office to start this process for over a year.

With just over 60 days to complete this process, we are in serious jeopardy. If the NEPA is not complete, what will we do with our cattle?

As you can see, the language allowing more time for the completion of the analysis is imperative to us as well as other New Mexico ranchers in a similar position.

Thank you in advance for what you have done on this issue thus far. However, without passage of the amendment on the Senate floor, we will lose half of our income, not to mention our heritage.

Sincerely,

DENNIS BRADEN,
General Manager.

FARM CREDIT,
Albuquerque, NM.

Members of the Senate,
Washington, DC.

DEAR SENATOR: I am requesting your attention to a very serious issue before the Senate. My concern encompasses the renewal of grazing permits for a ten-year term and how my financing organization deals with those permits. Within Section 117 of the Interior Appropriations bill you will find language providing for ten-year grazing permits.

This year, over 5,000 BLM grazing permits for public lands are expiring. In New Mexico alone over 700 permits are expiring. Farm Credit Services of New Mexico currently holds loans for over 1,400 ranching and farming families totaling over \$360 million. By providing these loans to the ranching and farming families in New Mexico, we therefore also support the communities in which they reside.

It is no secret that providing loans to farms and ranches is a risky business. The security offered by Section 117 in allowing the full ten-year permit will relieve some of the risk. However, Senator Durbin intends to make the practice even more risky by shortening the duration of permits to one or two years. Though Senator Durbin may be well-intentioned, he is placing a lot of unnecessary and unwarranted pressure on families already suffering through a depressed agriculture economy.

Financial lenders, including myself, may not be as willing to provide the level of support we have in the past if the grazing permit is only for a short period or if it is uncertain whether the permit will be renewed. As a lender, I do not look forward to foreclosing on a farm or ranch. We try to do everything we can before taking such a drastic measure. Nonetheless, providing loans becomes more difficult when matters out of our control such as Senator Durbin's Amendment enter the process.

I strongly urge you to resist any amendment to the existing language in Section 117. The language as it stands is very vital to the

economic well being of many farming and ranching families in New Mexico and other western states. Thank you for your consideration of my request.

Sincerely,

EDDIE RATLIFF,
President.

Mr. DOMENICI. The history of non-compliance by the Bureau of Land Management in getting this work done in New Mexico is miserable. In our State, we are a little ahead of Wyoming. We have 26 percent that have had their environmental assessments done. The rest aren't going to have it done before their permits expire and are exactly subject to what I have been telling the Senate on the floor.

My friend from Illinois says: Keep the pressure on the BLM. Don't take the pressure off by saying you can issue the permit. But I say you continue your assessment work, and when you have finished and find that you want to make some changes to the permit, if you must, then do it, and you have the automatic right to do it.

We are not on the floor of the Senate trying to risk the security of hundreds and hundreds of ranchers—including these people—for the purpose of keeping the heat on the Bureau of Land Management, which ought to get their own work done. As a matter of fact, there are many people who think the assessments and impact statements are very expensive, that in many cases they don't even fix the problems.

We have a NEPA law that is a couple of decades or more old. We attempt to apply it to every kind of environmental issue around. The cases it applies to with the least efficacy are ranchlands because they are small "events." We had in mind big governmental actions before we applied the NEPA laws to land.

I am not interested in putting at risk the ranchers in my State so we can keep the pressure on the Bureau of Land Management. Senator GORTON can keep the pressure on in his bill. He gives them the money. He can tell them: Do your work. That is all the pressure they need.

Frankly, this is an easy one. Sometimes it is awful hard for people who don't have public lands to understand our plight. This is easy. The only thing difficult is a whole group of organizations that don't think the rancher cares about anything. They are saying: Don't give them help with what DOMENICI wants, give them something less.

Keep the heat on; and a wonderful, nice Senator from Illinois who doesn't have any public land making their pitch for them. He is a good pitch maker. He made a good speech today. It just happens to be it is not right. It is not right.

I will have printed in the RECORD a letter of very recent origin from the president of the Farm Credit Services of New Mexico. I think the Senator from Wyoming alluded to it.

Anyone who questions whether or not the ranchers are more at risk under

this 2-year extension rather than giving them their permit and letting the Bureau of Land Management do their work, this is the proof of the pudding. I was giving a hypothetical. This is the banker. This is the Farm Credit Bureau. They go out and place these loans. They say it is very hard on this 2-year proposal to get the financing for the farmers and their families in my State, Idaho, Wyoming, Colorado, and the rest.

My last observation, and I am not at all sure the senior Senator from Illinois intended this, I view the amendment as making a significant change in FLMPA, Federal Land Management bill that underlies this debate. In Arabic No. 2, his amendment says:

Upon completion of processing of a grazing permit or lease described in subsection (a)(1), the Bureau may—

. . . (B) reissue the grazing permit or lease for a term not to exceed 10 years.

I think the substantive law of the land says "shall," not "may." I am not sure he wants to have "shall" or "may" in there. It shouldn't be "may." If you have done your work and the land is OK, the law is they shall issue the permit. We surely should not change that on the floor while we are trying to get the Bureau of Land Management to do their job—which they are not doing—on time. Frankly, I think they bit off more than they can chew. That is the reason. This is a big undertaking.

What we ought to have is an economic impact statement on this huge job of environmental assessments. What have we gotten out of it that is environmentally enhancing? I am not sure it would be very much. I am not asking for that today. I am merely speculating based on what I happen to feel and know.

Having said that, I want the Senate to know I have used far more time on this issue than I should. The combined time we all spent is probably more than we should have used. Some people are very pleased we are spending all of this time so they can be doing something else. But I guarantee, this is very important. These five letters from the New Mexicans that I read are multiplied across Western America hundreds and hundreds of times over.

We talk on the floor about problems people have. Many times they are less significant and less important than the problem we are addressing today. We don't need to punish a few thousand Americans living out in rural Wyoming, New Mexico, Arizona, et cetera, who are already having it very tough because of the market in cattle and the droughts that have been recurring. We don't need them worrying about what the Federal Government will do to them, when they have done nothing wrong themselves.

We don't need them worrying about their banker, who will tell them: When you know you have the permit, we will lend you the money. Isn't that what they will say? They will not say: You

are a nice fellow and I loaned your grandpa and your great grandpa money on this ranch. They will say: Where is the permit? They will say: The Durbin amendment passed and we only have it for up to 2 years because we had to give the government more time to do an impact statement, which they should have already done.

I don't think we need that. If Members had the opportunity to read these five or six letters, they would get the tone. The tone is one of real fear. If we don't fix this, technically, they wouldn't have to issue any of these permits because the impact statement isn't completed—because of the government's delay—and they could say: Here are the rules; unless it is done, we will not issue permits.

I understand my friend from Idaho wants to speak.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. GORTON. Mr. President, would the Senator from Idaho yield for a moment?

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

Mr. GORTON. Mr. President and the Senator from Illinois, I have been informed that my comanager, the distinguished senior Senator from West Virginia, will not be available until approximately 4 o'clock. There will be a motion to table, and I strongly suspect the Senator from Illinois will desire some time to reply. The motion to table should be made not earlier than 3:45, which means there is another 20 minutes for debate. For the information of other Senators, at least, we will be likely to vote on a motion to table the Durbin amendment at or some time shortly after 3:45.

Mr. DOMENICI. Mr. President, could the chairman of the subcommittee put the last statement in the form of a unanimous consent request?

Mr. GORTON. I need to know how much time the Senators from Idaho and Illinois wish to speak in order to do that.

Mr. CRAIG. I certainly need no more than 10 minutes.

Mr. DURBIN. Ten minutes.

Mr. GORTON. I ask unanimous consent that a vote on or in relation to this amendment take place at 3:50 this afternoon, with the time between now and 3:50 equally divided between the Senator from Idaho and the Senator from Illinois.

Mr. DURBIN. If the Senator will yield, in his unanimous consent request there will be no second-degree amendments.

Mr. GORTON. And there will be no second-degree amendments.

Mr. DOMENICI. Reserving the right to object, I wonder if we could add it be in order to make the motion to table and ask for the yeas and nays at this time.

Mr. GORTON. Mr. President, I make that request.

Mr. DOMENICI. I move to table the Durbin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. I yield such time to myself as I may consume under the unanimous consent agreement.

I sat through most of the debate on this very important amendment that the senior Senator from Illinois has proposed. If I could speak to the senior Senator from Illinois for just a moment, there is a very real difference but a similar responsibility between the Senator from Idaho and the Senator from Illinois.

When I went home during the August recess, I held meetings with the agricultural community. The Senator from Illinois has a good many farmers, but there was a different kind of person in my meetings than could possibly have been in any meeting he would have. That was a public land rancher. Because the Senator from Illinois knows he doesn't have ranchers and grazers on the public lands of the State of Illinois. But the Senators from Idaho and New Mexico and the Senator from Iowa do—thousands of them. Their livelihood depends on access to the public lands and a perpetuation and a continuation of that access, to keep their ranching operations alive. The Senator from Illinois understands that. He has already expressed that as it relates to financing and banking.

What is important here—and I wish to express something that probably no one coming from a public land State would miss—is that there is a very different word, a single word in his amendment that does not exist in law today and should not be put in law. That is the word “may.”

It has been the public policy of this country that, under certain conditions and in the right areas, grazing is a responsible use of our public lands and that we shall allow grazing as a right in responsible use of our public lands if the following conditions are met—the conditions of the National Environmental Policy Act and the conditions that are established by the regional advisory groups that were appointed by this Secretary of the Interior. That is the law that establishes the permanency and the relationship that the Senator from Illinois said he speaks to, but in fact he does not.

Having said all of that, the law of this public land is the National Environmental Policy Act, and from that the rules and regulations by which ranchers graze that public land are established. We have said as a Congress, and as a part of public policy, that with the renewal of those permits there should be an analysis of the condition of the rangeland that the permit is tied to. The Senator from Illinois understands that. That is within the law. But, because of costs, because of personnel, because of the time involved, not all of these permits have been able to be analyzed and therefore gain their impact statement in time for that renewal.

Is that a fault of the rancher? It is not. Is that a fault of BLM and the Federal Government? It is. Last year we extended for 1 year the right of renewal while the studies went on. But we also understand—and what Senator DOMENICI's addition to the Interior bill clearly states—after the analysis is done and the terms and conditions of the permit are established, that permit will be allowed and shall exist under those conditions to be met—not “may be” but “shall be.” That is very important.

If the Senator from Illinois were truly dedicated to the continuation of grazing on public lands under these environmental conditions, then the word “may” would not be there because that is the word the financial community looks toward to see whether they ought to lend money to this rancher to continue his or her ranching operation. They could not continue that ranching operation without access to the public grazing lands. The map the Senator from Wyoming displayed is the very simple reason why.

Idaho's No. 1 agricultural commodity is cattle—not potatoes but cattle in total dollar volume sold. Mr. President, 80 percent of that amount, 80 percent of the cattle in Idaho, have to graze on public lands at some time during the year for them to exist in our State. Throwing that in jeopardy is like suggesting to the Senator from Illinois we are going to wipe Caterpillar out of Peoria or we are going to throw it in such jeopardy that the banks won't continue to finance it. But that will not happen to Caterpillar in Peoria because they are not dictated to by the Government and they are not operating under governmental regulations, except safety and all of that, but their very livelihood does not exist on a “may” or “shall” piece of language in a Federal bill.

That is what is important here. We want the environmental analysis done. We want the public lands to retain a high quality of environmental values.

The Senator from Illinois held up some pictures, one from Utah and one from Arizona. The reason he did not show Illinois is that the issue he is talking about doesn't exist in his State, so you will have to go elsewhere to find a problem, if a problem exists, if you want to debate this bill. Those problems do exist on public lands but much less than they ever have. I am extremely proud of the laws we have changed to improve the rangeland conditions in my State and in large, western public land grazing States in this Nation. We should not be throwing extraordinary roadblocks in the way. We ought to be facilitating the BLM in this area.

The BLM will not take a position. But when the Director of BLM was in my office several months ago, prior to his confirmation, he said: If you keep the general language in the bill that you had last time, we can support it. That is because they need that flexibility to go ahead to do their analysis

in a right and proper way. That is what is important.

So when the Senator from Illinois says that none of these rules can apply, this locks in a standard and the BLM cannot come back and make the changes, I must say, in all due respect to my colleague from Illinois, that is not correct. The BLM does govern these lands. The BLM can make these changes. And the BLM has the right under the law to do it, even if the permit is issued. The BLM has the right to amend the permit if there is major environmental degradation going on.

So what the Senator said, and I quote him, "they could not achieve"—that was in the beginning of his statement, and at the end of his statement he said, "it would be very difficult for the BLM to achieve changes in the environmental standards allowed under the permit." The truth is, the BLM can change these standards. They can rewrite the permits if there are major grazing changes.

Another factor the Senator from Illinois would, I am sure, appreciate knowing is, when ranches are brought and sold, while I do not like what the BLM is doing at this moment, they are actually stepping in midway now and saying change some of the regulations. And right now, under this administration's regulations, anyone from the outside can step in and say: We don't like the character of the regulations because the regulations have failed to address certain needs of the land that are not consistent with the grazing permit.

Those are the realities with which we are dealing. That is why the Senator from New Mexico thought it was extremely important to offer some degree of certainty to the process. That is exactly what BLM needs because they have not done their work well. They have a huge backlog. In fiscal year 1999 there were 5,360 grazing permits and leases expiring, and, according to the BLM's latest statistics, only 2,159 of these expiring leases—permits or leases—have been analyzed and renewed. So they have a giant task before them. We encourage them to do so. We finance them so they can.

Because I am proud of the western legacy of public land grazing, I want it done right. I want it done to assure riparian quality. I do not want our cattlemen run off the public land, the people's land, where the Congress has consistently said it is a right and proper use to graze these grasslands. It is a way to return revenue to our Government while at the same time ensuring quality wildlife habitat, water quality, and all those natural things the Senator from Illinois talks about.

Oh, yes, the Senator from Illinois has a right to talk on this issue. Absolutely he does, because these are public lands. But I have tried to discuss today the sensitivity I hope he understands is important, where these lands become a major factor in the economy of my State—not the economy of his State—

where it is critically important that we maintain a high quality of grasslands to assure a high quality not only for the environment but for the very users of that environment, in this case the public land grazing in the West.

So I hope my colleagues will join me and the Senator from New Mexico and other western legislators in tabling this amendment.

We are not saying don't do the study. We are saying do it and do it right, do it properly, and make the amendments and make the changes where necessary, protect the riparian zones, make sure that all of that happens as it should. But do not put a black cloud over a third-generation ranching family who must have a relationship with that land to exist and to ensure their financing on an annualized basis.

I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time is remaining under the unanimous consent agreement?

The PRESIDING OFFICER. The Senator from Illinois has 11 minutes. The Senator from Idaho has 9 seconds. He will have to speak quickly.

Mr. DURBIN. I thank the Chair.

Mr. President, I know the Senator from Idaho can use those 9 seconds very effectively, as we have seen in the past.

I readily acknowledge to my colleagues from the Western States that their knowledge of the subject is greater than mine. They live in these areas. They deal with these problems on a regular basis. I have tried to make it clear with this amendment that I am not seeking to end this part of the western economy, the use of public lands for grazing purposes. I am not one of those.

Someone in the course of the debate said there are some environmental organizations so radical that they would stop grazing on public lands. That is not my position. I do not know if it is a position of any of the groups that have endorsed this amendment.

What I am trying to do is find a consistent way of protecting the privilege given to private people to use public lands for grazing while still protecting the value of those public lands.

There are several things that have been said during the debate which just baffle me. I want to at least express myself on those and invite my colleagues during the course of my comments to perhaps ask a question or make a comment if they care to.

The first is the argument that unless a rancher can go to a bank and say to the bank, I have the right to graze on this land for at least 3 years or more, that rancher cannot secure a loan for his operation. We have heard this repeatedly. My amendment would extend these permits for 2 years.

Critics of the amendment have stood up and said that is not enough; no rancher can secure the money for his

ranching operation with only 2 years of certainty. Yet, isn't it odd, as we listen to the debate, that those on the other side have conceded that many of these ranchers are dealing with 10-year permits which do expire. So these ranchers have faced this time and again. There has always been the second to the last year and the last year of the permit when they had to finance their operations. This is nothing new. What we are saying is give them 2 years with certainty.

We have also heard it said that the Bureau of Land Management could step in under extraordinary circumstances and amend the terms and conditions of the permits. One of the suggestions was to reduce the number of animal units or cattle that could be grazing on a certain piece of land because of environmental concerns. I hear in that suggestion that the terms and conditions of these permits can also be changed unilaterally during the course of the permit and that these ranchers continue to do business, continue to secure loans.

Those who argue on the other side against my amendment, saying we need drop-dead certainty of 3 years or more or we cannot do business, really, I think, have in the course of their own debate put a mockery on the table when it comes to that argument. We know these permits expire, and we know they expire in short order, 1 or 2 years to go, and these ranchers stay in business, as they should.

I also suggest someone has said: We are not about the business of putting pressure on the BLM to do their job. I disagree. I believe it is our responsibility as Senators entrusted with these assets of the Nation, these public lands, to say to the Bureau of Land Management: You have a job to do here as well, not just to give a permit to a rancher but to make certain that permit is consistent with protecting public lands, and if you do not do that, we are going to be on your case, we are going to put the pressure on you.

Let me step back for a second and tell my colleagues what I think the real concern is. I think there are many who hope the BLM will not do their job. They would just as soon renew the permits, the terms and conditions, indefinitely and not take into consideration these environmental concerns. That may be their point of view; it is not one I share.

What I try to achieve by this amendment in a 2-year extension is to say to the BLM: Get your job done, too; protect the ranchers for 2 years, but get your job done, too, to make sure that permit is consistent with the environmental laws of the land. I do not think that is wrong.

Let me also add, the Senator from New Mexico has read letters into the RECORD of ranchers of humble means who write to his office concerned about their future. I have farmers in similar circumstances. I know that type of plaintive letter. I receive them in my

office, and I have sympathy for men and women working hard for a living who ask those of us in Washington: Don't make anything more difficult; try to help us if you can.

Remember last year when we addressed this problem what our solution was? A 1-year extension. The Durbin amendment is a 2-year extension. I do not think this is hard-hearted or heartless on my part. In fact, it is an effort to offer twice as much in terms of certainty as was offered by this Congress last year. So say to the BLM at the same time, do your job and renew these permits in the right way.

For those who argue that I just do not understand it, I am not sympathetic, I do not have sufficient compassion for the situation, I suggest that last year a 1-year extension was considered sensible, reasonable, and compassionate. Now a 2-year extension is not. I do not follow that logic, that reasoning on the other side.

The final point I will make is this: My concern is that in this debate the environmental issue is an afterthought, it is secondary. There are many who are determined to renew permits for ranchers to continue to use public lands and care not when or if BLM meets its responsibility. I do not agree with that point of view. I think both sides have to be taken into consideration. There has to be a balance, as offered by this amendment.

For those who argue the existing language which Senator DOMENICI put in the bill preserves this environmental protection, I tell them that virtually every major environmental group in America endorses the Durbin amendment because they understand that it puts in place a mechanism which not only gives the ranchers a new permit and extends for 2 years those that are expiring but says to the BLM: Do your job, too; you have a responsibility of stewardship as well.

That is why the environmental groups support this amendment. That is why those who vote to table this amendment are basically saying: We believe the needs and requirements of the ranchers are paramount to the needs and requirements of the American people in the future of their public lands. I disagree with that, and I hope those on both sides of the aisle will take a close look at it when it comes up for this vote.

I conclude by saying this amendment strikes a balance which is reasonable, which acknowledges that private individuals and their families and businesses can continue to use public land for grazing and can do it for 2 years if their permit is expiring but says at the same time to the BLM: Do your job; make certain that you supervise those lands in a way that we can say to future generations, those lands will be intact long after we have come and gone so the American people will realize we met our obligation of stewardship of their natural assets.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I have 9 seconds left, and I yield back all 9 seconds. I believe that will bring us to the vote, if the Senator from Illinois yields back his time.

Mr. ENZI. Mr. President, with more than 5,000 Federal grazing permits scheduled to expire in FY 1999, the Bureau of Land Management, BLM, is hard pressed to meet its September 30 deadline before hundreds of American ranchers are forced to shut down business and move off the land. This could result in local economies suffering dramatically for the BLM's inability to keep up with bureaucratic regulations.

The Senate Interior Appropriations Subcommittee has included language in this bill that would allow the BLM to complete its permit renewal process without forcing ranchers out of business.

It is important to note, that, in spite of misconceptions put forward by the other side:

1. The BLM must still comply with all Federal environmental laws and the BLM must still complete all of its environmental reviews. The cost of delays, however, will be borne by the agency and not by individual ranchers who have no control over the completion of the environmental reviews.

2. The current language does not dictate any new terms or conditions. After the BLM completes its final reviews the BLM still has the authority to update the terms and conditions of all permits.

3. The BLM still holds the authority to terminate grazing permits for unauthorized use or noncompliance.

The goals of environmental protection and economic stability are not mutually exclusive. Please help keep western livestock producers on the land while protecting the financial future of family ranches and Western economies.

I strongly urge my colleagues to support the existing language in Section 117 of the bill, and oppose this and any amendment that may adversely impact the delicate balance of sound livestock production, and the sustainability of western landscapes for wildlife habitat and other recreational opportunities.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute 25 seconds.

Mr. DURBIN. I will use 25 seconds of it only to clarify one point that has been raised; that is, whether or not I used the word "may" in contravention to existing law. We object. And the language we have in the bill is consistent with the language which was passed last year by those who wanted a 1-year extension. It is consistent with the language in the House as well. So we have not changed any of the language in the bill in that regard.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent I have 2 seconds.

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

Mr. DOMENICI. I say to the Senator, I am reading off a type-written amendment. If you say it is "shall," I withdraw that part.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1591. The yeas and nays have been previously ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 37, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—58

Abraham	Domenici	Lott
Allard	Dorgan	Lugar
Ashcroft	Enzi	Mack
Baucus	Feinstein	McConnell
Bennett	Fitzgerald	Nickles
Bond	Frist	Roth
Breaux	Gorton	Santorum
Brownback	Gramm	Sessions
Bunning	Grams	Shelby
Burns	Grassley	Smith (NH)
Byrd	Hagel	Smith (OR)
Campbell	Hatch	Specter
Cochran	Helms	Stevens
Conrad	Hutchinson	Thomas
Coverdell	Hutchison	Thompson
Craig	Inhofe	Thurmond
Crapo	Inouye	Voinovich
Daschle	Kerrey	Warner
DeWine	Kyl	
Dodd	Lieberman	

NAYS—37

Akaka	Harkin	Murray
Bayh	Hollings	Reed
Biden	Jeffords	Reid
Bingaman	Johnson	Robb
Boxer	Kennedy	Rockefeller
Bryan	Kerry	Sarbanes
Cleland	Kohl	Schumer
Collins	Landrieu	Snow
Durbin	Lautenberg	Torricelli
Edwards	Leahy	Wellstone
Feingold	Levin	Wyden
Graham	Lincoln	
Gregg	Mikulski	

NOT VOTING—5

Chafee	Moynihan	Roberts
McCain	Murkowski	

The motion was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. THOMAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, as manager I believe that is all of the business on the Interior appropriations bill that can be completed during today's session of the Senate. We are very close

on two omnibus amendments, but we still have in addition to the debate on the Hutchison amendment and a cloture vote on that amendment on Monday several other—perhaps three or four—amendments that will eventually require rollcall votes.

I regret that we haven't been able to go further today or to complete action on any of them. On the other hand, I think during the last literally 24 hours of the clock we have accomplished a great deal in connection with this bill. I hope that can be completed by the end of this Tuesday.

The PRESIDING OFFICER. The Senator from Vermont.

CONTINUING JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, today, the Department of Justice is releasing a report on the success of the National Instant Criminal Background Check System in keeping guns out of the hands of criminals. In its first seven months of operation, national background checks have stopped 100,000 felons, fugitives and other prohibited persons from getting guns from licensed firearms dealers.

Unfortunately, it doesn't extend to all of the people who sell guns.

There is a major gun show loophole. Congress has been unwilling to close that because of the opposition of the gun lobby, even though, incidentally, we passed a measure that did close that loophole several months ago in the Hatch-Leahy juvenile justice bill. Even though we closed it, we have yet to move forward on the juvenile justice conference report. It had been hoped and I think the American people hoped that we would complete the juvenile justice bill prior to school opening.

I am hoping that we can complete it prior to Christmas vacation for schools, at the rate we have been going.

I talked to a lot of gun dealers at home who say they have to obey the law, they have to fill out the forms, they have to report whether somebody tries to buy a gun illegally, and they ask why they have to compete with those who can take their station wagon to a weekend flea market and sell guns out of the back of it.

This report is more concrete evidence that Congress should extend background checks to the sales of all firearms.

I want to commend the nation's mayors and police chiefs for coming to Washington today to demand action on the juvenile justice conference.

I hope the leadership in the Senate and the House will listen to what they said. I hope the majority will hear the call of our country's local officials and law enforcement officers to act now to pass a strong and effective juvenile justice conference report.

I am one of the conferees on the juvenile justice bill. I am ready to work with Republicans and Democrats to

pass a strong and effective juvenile justice conference report. I suspect most Americans, Republicans or Democrats, would like to see that. So far we have only had one meeting to resolve our differences. Even though we passed the Hatch-Leahy bill months ago, we have had only one conference meeting. In fact, that one meeting was 24 hours before we recessed for the August recess, almost guaranteeing there would be no more meetings.

We haven't concluded our work. The fact is school started without Congress finishing its work, and I think that is wrong. We have overcome technical obstacles, we have overcome threatened filibusters, but now we find that everybody talks about how we should improve the juvenile justice system and everybody decries the easy availability of guns, but nobody wants to do anything about it.

We spent 2 weeks, as I said, on the floor in May. We considered almost 50 amendments to the Senate juvenile justice bill. We made many improvements on the bill. We passed it by a huge bipartisan majority. Now I am beginning to wonder whether we were able to pass it because there was a private agreement that the bill would go nowhere.

We need to do more to keep guns out of the hands of children who do not know how to use them or plan to use them to hurt others. Law enforcement officers in this country need our help.

I am concerned that we are going to lose the opportunity for a well-balanced juvenile justice bill—one that has strong support from the police, from the juvenile justice authorities, from those in the prevention community at all levels. We are going to lose this opportunity because one lobby is afraid there might be something in there they disagree with.

I come from a State that has virtually no gun laws. I also come from a State that because of its nature that has extremely little crime. But I am asked by Vermonters every day when I am home, they say: Why has this bill been delayed? Aren't you willing to stand up to a powerful lobby? My answer so far has been, no; the Congress has not.

Due to the delays in convening this conference and then its abrupt adjournment before completing its work, we knew before our August recess that the programs to enhance school safety and protect our children and families called for in this legislation would not be in place before school began.

The fact that American children are starting school without Congress finishing its work on this legislation is wrong.

We had to overcome technical obstacles and threatened filibusters to begin the juvenile justice conference. It is no secret that there are those in both bodies who would prefer no action and no conference to moving forward on the issues of juvenile violence and crime. Now that we have convened this con-

ference, we should waste no more time to get down to business and finish our work promptly.

Those of us serving on the conference and many who are not on the conference have worked on versions of this legislation for several years now. We spent two weeks on the Senate floor in May considering almost 50 amendments to S. 254, the Senate juvenile justice bill, and making many improvements to the underlying bill. We worked hard in the Senate for a strong bipartisan juvenile justice bill, and we should take this opportunity to cut through our remaining partisan differences to make a difference in the lives of our children and families.

I appreciate that one of the most contentious issues in this conference is guns, even though sensible gun control proposals are just a small part of the comprehensive legislation we are considering. The question that the majority in Congress must answer is what are they willing to do to protect children from gun violence?

A report released two months ago on juvenile violence by the Justice Department concludes that, "data . . . indicate that guns play a major role in juvenile violence." We need to do more to keep guns out of the hands of children who do not know how to use them or plan to use them to hurt others.

Law enforcement officers in this country need help in keeping guns out of the hands of people who should not have them. I am not talking about people who use guns for hunting or for sport, but about criminals and unsupervised children.

An editorial that appeared yesterday in the Rutland Daily Herald summed up the dilemma in this juvenile justice conference for the majority:

"Republicans in Congress have tried to follow the line of the National Rifle Association. It will be interesting to see if they can hold that line when the Nation's crime fighters let them know that fighting crime also means fighting guns."

Every parent, teacher and student in this country was concerned this summer about school violence over the last two years and worried about when the next shooting may occur.

They only hope it does not happen at their school or involve their children. This is an unacceptable and intolerable situation.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals.

I hope we get to work soon and finish what we started in the juvenile justice conference. We are already tardy.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—
S.J. RES. 33

Mr. LOTT. Mr. President, in view of the urgent nature of the subject involved, since the subject will be dealt with on Friday of this week, tomorrow, I thought we needed to proceed to have some debate and hopefully even a vote with regard to the matter of the pardon of the Puerto Rican terrorists.

So I ask unanimous consent the Senate proceed to S.J. Res. 33, a joint resolution deploring the actions of President Clinton with respect to clemency for FALN terrorists, and there be 2 hours for debate to be equally divided between the two leaders. I further ask consent that no amendments be in order to the resolution and that following the use or yielding back of the debate time, the joint resolution be read a third time and the Senate proceed to a vote on passage with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, let me say this resolution was introduced last night. It was only put on the calendar today. To my knowledge, very few, if any, people have had the opportunity to read the resolution, much less give much consideration to it. So I ask unanimous consent the majority leader's consent request be modified to conform with the regular order of the Senate and provide for amendments and no limit on debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, I think the Senator's point is well taken, that this has come up quickly. But there is a reason for that. This whole issue came out during the August recess period when Senators were back in their respective States. I think everybody was stunned and shocked and somewhat in disbelief that these 12 or so terrorists—I believe it was 16 total—were going to be offered this clemency and this pardon.

We just returned to the Senate for business on Wednesday of this week. There was no earlier opportunity to introduce this resolution, and I understand clemency takes effect tomorrow, on Friday. That is why it has been handled in this way.

Having said that, I inquire of Senator DASCHLE, with those amendments, any amendment that would be offered, would they be relevant to this subject, to the question of the clemency of these terrorists, or would it be his re-

quest that any amendment would be in order affecting any subject?

Mr. DASCHLE. If I can respond to the distinguished majority leader, first, let me say that nothing, as I understand it, in this resolution—again, I have only had a cursory opportunity to look at it—would do anything with regard to the President's actions. The President is going to be able to act with or without this resolution. So the timing of the resolution has no real bearing on the President's decision.

We can adopt or reject the amendment and the resolution at any time. That is, I think, what the majority leader's intent would be, to put the Senate on record with regard to the action, not prevent the President from doing so because this resolution does not prevent him; it simply comments on what they view to be the advisability of the resolution.

But in answer to the question of the majority leader, let me say, we would want to at least give our colleagues the right to offer amendments. I am not in a position at this moment to come to agreement with regard to what the amendments might or might not be. I simply am asking that in the context of legislation and the Senate rules the regular order be followed. The regular order is that Senators can offer amendments. It does not say the regular order requires germaneness or relevancy. The regular order is Senators have a right to offer amendments.

I simply ask in my unanimous consent request that the regular order under Senate rules be allowed in this case as one would expect they would be followed traditionally.

Mr. LOTT. Mr. President, first of all, I say to Senator DASCHLE, the Democratic leader, and other Senators on both sides of the aisle, since I believe there apparently will be objection, and there will probably be a vote on this at some point, we will be glad to work on both sides.

I know there is a feeling of outrage in the country and on both sides of the political aisle about this happening. We are going to express ourselves either before or after the clemency actually takes place. I extend that invitation to work with us to see if we can develop language that can have the type of broad support that I believe there is in this country on the whole against this action. In view of the request, I have to object to that addition to the unanimous consent request.

The PRESIDING OFFICER. The Chair notes that the unanimous consent request by the minority leader is not in order. We first must dispose of the unanimous consent request of the majority leader before we can entertain an additional unanimous consent request.

Mr. LOTT. I believe under that circumstance then it goes back to the question of whether or not there is objection to my original request.

Mr. DASCHLE. Mr. President, as I understand it, the majority leader objects to my modification.

Mr. LOTT. Right.

Mr. DASCHLE. As a result of that, I object to the proposal as presented.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. LOTT. Mr. President, in light of the objection, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak up to 10 minutes each.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, this joint resolution will be eligible for Senate consideration on Friday. I will ask consent to proceed to the joint resolution on Friday, and if an objection is heard, I will move to proceed and file a cloture motion, and that cloture vote will occur at 5 p.m. on Monday. I urge my colleagues to join us in trying to work out language that can be acceptable to Senators on both sides who feel strongly about this.

Also, I notify Senators there will be no further recorded votes today or this week, but there will be stacked votes, probably three or four, at 5 o'clock on Monday next. I have notified Senator DASCHLE of that intent. I ask Senators to be sure to be here. We will not have recorded votes tomorrow. We will probably do some business, but it will not involve votes. The next votes will occur at 5 p.m. on Monday, and all Senators will be expected to be present and accounted for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

CONDEMNING GRANTING OF CLEMENCY TO CONVICTED TERRORISTS

Mr. GRAMM. Mr. President, I begin by thanking the majority leader for offering the resolution condemning the President's action in granting this clemency to convicted terrorists. What I want to do is begin by reminding people about the activities conducted by the organization to which these 16 terrorists belong. I then will remind people that we are about to see history repeat itself because a President has pardoned and given clemency to Puerto Rican nationalist terrorists before. Then I will make some basic observations about how outrageous I believe the President's action is.

First, I remind my colleagues that on November 1, 1950, two terrorists who were, or at least claimed to be, promoting independence for Puerto Rico attempted to shoot and kill President Truman. One of the gunmen was killed and the other was sentenced to death but President Truman subsequently commuted the sentence to life imprisonment. On March 1, 1954, three such

terrorists opened fire from the gallery of the United States' House of Representatives—in fact, there is a bullet hole in the ceiling of the gallery of the House of Representatives to this day and to this day, a bullet hole remains in the desk of the Republican leader on the House floor. Several Congressmen were wounded in the attack, one of them quite seriously. This was in 1954.

In 1979, then-President Jimmy Carter pardoned the three Puerto Rican terrorists who were involved in the House of Representatives attack and the terrorist who attempted to take the life of President Truman.

The point I want to make, and I think if you will listen to this pattern of activity you will see that we are in grave danger of history repeating itself. Several terrorists tried to kill the President; others actually shot and wounded Members of Congress; Jimmy Carter becomes President and pardons them, and I believe you will see when I go through the list of terrorist acts committed by those terrorists who are now being given clemency by President Clinton that there was a surge in such terrorist activity after the Carter pardons, when it appeared to become clear that you could actually attempt to murder the President, shoot Members of Congress, commit terrorist acts, and be pardoned by the President of the United States. In short, history is about to repeat itself.

We use clinical terms in talking about these people. But I want to go back and give first a review of history and then I want to talk about four of their acts. Then I will talk about three of their victims. I will make my point and get out of the way and let other people have an opportunity to speak.

Let me review the following facts. On Wednesday, August 11, President Clinton offered clemency to 16 terrorists who were members of the notorious FALN, Armed Forces of National Liberation, terrorist group in exchange for the simple act of agreeing not to use violence to promote their political agenda. I wonder if one looked at every felon, every murderer, every terrorist, every drug dealer in every prison in America and asked them, Would you be willing to say you won't do it again if we let you out, my guess is there would be no one left in any prison anywhere in America. That is the President's standard.

The New York Times reported on August 27 that the FBI, the Bureau of Prisons, and the U.S. attorneys in Illinois and Connecticut, flatly opposed President Clinton's offer of clemency to these terrorists.

Newsweek reported this week that some of the 16 terrorists offered clemency were captured on tape by the Bureau of Prisons discussing a return to violence upon release from prison.

The FALN carried out 130 bombings of key political and military locations throughout the United States. The number of such attacks, and their frequency, has never been rivaled by any

terrorist group in the history of the United States.

The 16 terrorists who were offered clemency are serving prison sentences ranging from 15 to 105 years.

Most of the 16 terrorists were charged with seditious conspiracy and weapons possession connected to 28 bombings that occurred in northern Illinois in the late 1970s.

Despite the President's generous deal, and demonstrating a clear lack of remorse for their reign of terror and destruction, 13 of the 16 terrorists have called the President's offer of clemency "intolerable."

On Wednesday, September 8, 12 of the jailed Puerto Rican terrorists accepted President Clinton's offer of clemency.

That is a recounting of the recent events.

Let me talk about four of the crimes that were committed because, again, it is easy to talk about this act of clemency and pardon by the President, and sometimes it is hard to remember what happened.

In January of 1975, members of this terrorist group bombed a historical site in lower Manhattan and killed 4 people and injured 53 people.

In August of 1977, they bombed the Mobil Oil Corporation building on East 42nd Street in Manhattan and killed a 26-year-old young man.

On New Year's Eve in 1982, their terrorist acts accelerated; they bombed the New York City Police Headquarters, the Manhattan office of the FBI, the Metropolitan Correctional Center, and other locations, seriously injuring several New York City police officers, including Detective Richard Pastorella.

Let me tell you about him.

Detective Pastorella was blinded in both eyes. He lost all five fingers on his right hand. He is deaf in his right ear and lost 70 percent of his hearing in his left ear. He required 13 major operations on his face alone. He had 20 titanium screws used to hold his facial bones together.

Let me give you a quote from him: "You wake up with nightmares at night, cold sweats. It never leaves. It never goes away."

The second police detective who was wounded in this terrorist attack on New Year's Eve in 1982 was Anthony Senft. He underwent five operations in 1983 alone. He is blind in his right eye. He has diminished hearing in both ears. His nose, eyeball sockets, and hip have been reconstructed.

Police Officer Rocco Pascarella had his left leg amputated below the knee. He is deaf in his left ear. He lost 20 percent of his hearing in his right ear. He is legally blind in his left eye.

Let me make two other points of fact, and then I will say what I have to say.

Carmen Valentin, one of the 16 terrorists offered clemency, called the judge a terrorist when she was being sentenced and said that only the chains around her waist and wrists prevented

her from doing what she would like to do; and that is, kill the judge.

Ricardo Jimenez shouted to the judge, when he was sentenced to prison, "We're going to fight . . . revolutionary justice will take care of you and everybody else!"

The worst wave of terrorist attacks in the history of America were committed by the group to which the 16 people whom the President is in the process of pardoning and letting out of jail, belong and all he asked is that they say they won't do it again.

Joe Lockhart, the White House Press Secretary, on September 8, 1999, when he was talking about the Osama bin Laden terrorist case, said: "You know, I think that our efforts to bring terrorists to justice are one of the highest priorities of the president's national security agenda."

I ask my colleagues, if bringing terrorists to justice, if deterring terrorism is one of the President's top priorities, what is he doing pardoning 16 terrorists who killed Americans on our own soil?

When we are facing, as our greatest national security crisis in the world, terrorist acts, when we are threatened with terrorism in our homes and in our cities and in our businesses, in our capital, in the Capitol Building, in our embassies, when we are trying to deter terrorist acts, what is the President of the United States doing pardoning people who have committed such acts?

I think I know what he is doing. I think he is playing New York politics. We have offered a resolution condemning this action by the President.

I wonder, if the First Lady were a Senator, if she would cosponsor this resolution. I wonder if our Vice President, who is running for President, supports the President's policy. I wonder if he would support this resolution.

But I say I think it is an absolute outrage, at the very moment when we face terrorist attacks and threats to our embassies all over the world, when we face the very real threat of terrorism in the heartland of America, at the very moment when our No. 1 national security problem in the world is terrorism, we have the President of the United States pardoning terrorists who are reported to have no remorse about the acts they have taken, and at least some evidence is available that they have said they will commit these acts again if they are freed.

As I have said earlier, I do not know what kind of standard it is, saying you are sorry and you won't do it again. By that standard, we would release every criminal in every prison in America.

But I believe Congress should go on record. Let me also say that if we could overturn the President's decision, I would be in favor of doing it. The President has the right to pardon under the Constitution. We have no powers, as far as I am aware, to overturn that decision. But if we could, I would offer an amendment to do it.

Let me say to the minority leader, it is true that this resolution was just introduced last night. But there is hardly

anything startling in this resolution. Basically, this resolution says that we deplore what the President has done. You either deplore it or you do not deplore it. So I think we can engage in these parliamentary gimmicks for a while, but I think eventually people are going to understand.

I say, as one Member of the Senate, we are going to vote on this resolution or we are going to vote on a cloture motion related to it. We are going to have Senators on record. I think people have a right to know whether you think it is a good idea for the President of the United States to be pardoning terrorists who have killed Americans. I think this is a very serious matter.

It is a very serious matter, not because it has to do with New York politics, not because we have gotten into this absurd charade where the President clearly undertakes this action to respond to a political constituency in New York only to see it backfire—the First Lady is opposed to it unless they say they are sorry and they won't do it again—I think that is, to a large extent, beside the point. The real point is, at a time when the greatest threat we face to national security is terrorism, what are we doing pardoning terrorists?

I conclude by asking my colleagues, do we never learn anything? When we had terrorists promoting with violence and attempted murder exactly the same cause of the terrorists that the President is pardoning today, when we had terrorists with the same goal shoot Members of Congress in 1954 and try to kill President Truman in 1950, and when we see Jimmy Carter as President in 1979, pardon those terrorists. What happened in the 1970s and 1980s? New members of the terrorist group committed acts of violence in the same name to promote the same objective. We have a process. If people in Puerto Rico want to be an independent nation, let them choose to do it. But let's not use violence to promote an objective. I think civilization breaks down when we allow that to happen.

We saw terrorist acts in 1950 and 1954. Jimmy Carter came into office, pardoned the terrorists in 1979, and you have heard me describe some of the terrorist acts that took place in the early 1980s, and now we are about to repeat, in my opinion, the same sad history. I think this is a bad idea. I think it is wrong. I am opposed to it. I think it is outrageous. I think the President ought to be ashamed of it. I think the American people need to hold him accountable. I think the American people have a right to know who finds the President's act deplorable.

I do. I want people to know it. I think our colleagues ought to be on record, and they will be as a result of this resolution.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I join with the Senators from Georgia and

Texas and the majority leader, TRENT LOTT, in expressing my very deep concern about what I consider to be one of the greatest miscarriages of justice I have seen in our country.

When the President of the United States chose to pardon these 16 terrorists, he did an act which I can only conclude is based on political reasons and not on merit, and in doing so, he has damaged the credibility of the Department of Justice, a Department of this Government I dearly love, at which I spent 15 years and have some real appreciation for and have some understanding about how it works. Equal justice under law is a cornerstone of our Government. It is on our Supreme Court building right across the street, chiseled into the marble of that building, "Equal Justice Under Law."

Before we go into the details of this matter, I suggest that there are a million or more Americans in jail at this very moment. As a Federal prosecutor, part of the Department of Justice, and U.S. attorney, I had the responsibility to preside over cases in which young men and women involved, maybe for the first time, with large amounts of cocaine and marijuana received very severe sentences for their offenses—15 years, 20 years, life without parole for people as young as 25 years of age. I have seen that in Federal court under the laws this Congress has passed for serious drug offenses.

Now, there are other criminal offenses in this country, and every one of those individuals has some excuse for what they did. They have some basis to claim they didn't mean it or they have changed or they have turned over a new leaf.

In 1893, the President of the United States issued a document, an Executive order, that transferred the investigatory power over clemency and pardons to the Department of Justice, a logical step. The country was growing and he had no ability to investigate these cases. So an office in the Department of Justice exists, known as the pardon attorney, and it is the responsibility of that office to investigate these matters.

Let me read to you from the current Department of Justice manual. They call it the United States Attorney's Manual. It says this when it talks about the pardon attorney:

The pardon attorney, under the direction of the associate Attorney General, receives and reviews all petitions for executive clemency—which is what we have here—which includes pardon after completion of the sentence, the commutation of sentence, remission of fine and reprove, initiates necessary investigation, and prepares the Department's recommendation to the President.

Now, fundamentally, that is a logical requirement. The Constitution flatly gives unreviewable power to the President to pardon anyone for an offense against the United States as he so chooses. They have set up this procedure to make sure we have some sort of order and consistency, but the Presi-

dent ultimately has the power. I understand he has only done a few commutations—maybe as few as four—in recent years. At any rate, that is an unreviewable power. To the extent to which he does it, we don't legally have the power to stop it in this body. We might as well accept that.

But when the President of the United States takes a power given to him by the Constitution and he abuses it and he denigrates the orderly procedures of justice, when he elevates terrorists over other people who may well deserve pardons much more, or having their sentence cut much more, he has abused his power and abused his office, and it is the duty and responsibility of this Congress to do the only thing we can, and that is to adopt a resolution that speaks clearly that we don't accept it, don't agree with it, and we deplore it. So I salute the Senator from Georgia for preparing that resolution and presenting it and bringing it forward this day.

There are thousands of people in Federal prisons today—thousands of them, tens of thousands, hundreds of thousands—who are more deserving of a commutation of their sentence, or a pardon, than these defendants in this case. There is no doubt about it.

I am quite confident, and I would be shocked if the pardon attorney who is required to do an evaluation of this approved and recommended that the President make these clemency actions. I just would be amazed if that happened. If they did, that pardon attorney needs to come before the Congress for hearings in this body and explain why they chose to have these terrorists' sentences cut and not someone else. If the person did recommend that, I don't see how they are fit to remain in office. I don't see how they can look in the eyes of the mothers and fathers, as I have, of people in prison who are asking for a break on their sentences, and you tell them no, no, no, no, no—and then you give a break to these people. It is a fundamental question of justice that is so deep that a lot of people don't understand it. But we must exercise the pardon and clemency powers in this country effectively, fairly, and judiciously. The President has not done that in this case.

I wanted to share with the Members of this body a letter to the Wall Street Journal from just a couple of days ago, written by Deborah A. Devaney, former assistant U.S. attorney. I once was an assistant U.S. attorney. I supervised some of the finest assistant U.S. attorneys this country has ever produced for 12 years as U.S. attorney. I want to read what she said about this case. It chills my spine. This is clearly what this is about. Make no mistake about it, when Deborah Devaney and her cohorts were prosecuting these terrorists, you better believe when they came home at night and talked to their families about it, they talked about their own personal safety because these were terrorists, murderers, who suggested

they would kill the judge if they had a chance to do so. This was a courageous prosecution, and this person deserves to be heard on this subject. This is what she said:

As one of the FALN prosecutors, I know too much. I know the chilling evidence that convicted the petitioners—the violence and vehemence with which they conspired to wage war on all of us.

I am quoting her exact words:

I know, too, the commitment and sacrifice it took the FBI and the U.S. Attorney's Office to convict these terrorists in three separate prosecutions.

In the first prosecution, some of the petitioners were captured in the back of a van loaded with weapons to be used to commit armed robberies to fund the FALN operations.

Now, we have a President who is always talking about some new gun law to apply to some innocent American citizen. Here we have people with a van full of weapons designed to conduct armed robberies to get money to create bombs to kill American citizens, and he cuts their sentences.

In the second prosecution, three of the petitioners were caught on videotape in safehouses—

That is where they thought they had a safe house—

making bombs that they planned to plant at military installations.

So they had a house set aside to make bombs to blow up a military installation, and the FBI penetrated it, apparently, and videotaped it. Now, I will tell you, there are a lot of people in the Federal penitentiary today who deserve clemency a lot more than these, but only four others have gotten it since this President has been in office, apparently. She goes on to note:

Through determination and luck, the FBI was able to obtain search warrants allowing them to surreptitiously disarm those bombs at night.

They went in the place and disarmed the bombs as part of the undercover effort.

In the third prosecution, the imprisoned leader of the FALN, (whose sentence President Clinton has drastically reduced) led a conspiracy of cooperating radical groups to obtain C-4 explosives to be used to free him from Leavenworth Penitentiary—

He was already in jail and they were going to free him—

and to wage war on the American people. Most of the petitioners were convicted of seditious conspiracy, a prosecution reserved for the most serious conspiracies, that of opposing by force the authority of the United States.

Yet the President has seen fit to reward these conspirators simply because they were unsuccessful in their murderous attempts.

Well, he said, "I pardon them because nobody was hurt." Now you know why nobody was hurt by this bunch. It was because they were caught in the act before they completed their crime. They were caught with a van load of guns to commit robberies, apparently, before they were able to commit the robberies.

They penetrated the bombmaking enterprise and caught them before they

could make the bombs. Morally they are as responsible as if they had been able to carry out their intentions. There is no basis to suggest they deserve a lesser punishment or should be relieved of the just sentence that was imposed on them by a Federal judge and had it affirmed by the courts of appeals in full appellate review.

It goes on to note that when the news of the clemency petition broke, the White House spun the tale that Mr. Clinton was freeing only those who harmed no one. A few dedicated agents are the only people who stood in their way.

That is what Ms. Devaney says. Only a few dedicated agents were there, or they would have harmed someone at the risk of their very lives, I submit to you. The conspirators, she says, made every effort to murder and to maim. It is no small irony that they should be freed under the guise of humanitarianism.

Then she goes on.

Since the granting of the clemency petition, we have been subjected to the spectacle of convicted terrorists objecting to the conditions precedent to their release.

Isn't that a spectacle? Isn't she correct about that? He has given them a pardon—letting them out of jail. And now they are not happy because he asked them not to do violence in the future. That is too much of a burden on them, they say.

That is really an embarrassment to this Nation. This Nation is a great nation. The Presidency of the United States is an august office of power and prestige, and the President needs to exercise that power carefully. The world will be laughing at us over this. The world is laughing at this.

We ought not to be. We ought to be outraged.

Contrast those protestations, she says, with a poignant message of the Connors whose lives were forever diminished by the political murder of their father. There is little anyone can say to give solace, but I would like the Connor family to know that there were those who cared about the victims and fought for them, Ms. Devaney—and those FBI agents—being one of them who fought for them and who believed these crimes were the precursors to heightened domestic terrorism, and who tried very hard to protect the American people.

In fact, I will add that this series of prosecutions and tough sentences that were imposed by a courageous Federal judge broke the back of these terrorist acts. We have a safer country today because of it and because of the courage of the people who brought these cases successfully.

Then she finished. All of America ought to hear this. This is her last line.

I would like the Connor family to know that the American justice system did not fail them. The President did.

This is a real serious issue. Justice in this country is extremely important.

Out of all the people who are in jail today—all over America in Federal jails, many of them convicted and serving long sentences, some of them might deserve a sentence to be cut every now and then. For some of them maybe their offenses were not so serious that a pardon after some period of time in private life living a good life would be justified.

I have supported, in 15 years as a Federal prosecutor, two or three pardons for people who I believe justified it. These were pardons after they had served their time—not letting them out of jail before their time was over—after they had led a good life for a number of years, and only after I thought, after fully evaluating their case, that the offenses were not so serious that a pardon would be improper. Many of those offenses may have been technical offenses, paperwork offenses, or things that were less serious.

But to take a terrorist, a person with a truckload of guns, C-4 explosives, and plans to blow up military bases, and give them a pardon over everybody else in the prison system in America—that doesn't make sense to me. There is something afoot here.

I think it is important that the First Lady rejected this after the storm blew up. I think we need to know where the Vice President stands on this and what his views are on this. The President has apparently acted. I hope it is not too late for him to change his mind. But if it has been done, it has been done. It is his power. He can do it. And we can't do anything about it.

Let me show you what the Department of Justice U.S. Attorneys Manual, section 1-2.108 under the Office of the Pardon Attorney rubric notes about how you determine who deserves clemency.

With respect to commutation of sentence—that is what we are talking about here—appropriate grounds for considering clemency include disparity of sentence. Have they received a lot more sentence than somebody else of the same offense? A terminal illness—we don't have that here—and meritorious service on the part of the petitioner in some fashion.

Pardons after completion of the sentence usually are granted on the demonstration of good conduct for a significant period of time after release from confinement.

The seriousness of the offense, it goes on to say, are factors that should be considered in whether to grant clemency.

I think we have a number of things that we need to know about. I hope the Senator from Georgia will be having some hearings about it. We need to know. What did the Attorney General do? Did she recommend for or against this?

Frankly, I cannot imagine the Attorney General recommending these pardons. I am going to be shocked if she recommended it.

We need to know whether the pardon attorney recommended them or not. He

has a duty in this case. Did they even bypass him?

You will notice one other thing that is most unusual about how this process was conducted. Here it is in the Code of Federal Regulations—referring to the same subject—petitions and recommendations: Executive clemency, says the Attorney General, shall review each petition and all pertinent information developed through the investigation.

It says “shall review each petition.”

Is there a petition in this case? From what we have seen in the papers, there was not. These people never even asked for a pardon. They never even petitioned for a pardon to set forth why they are entitled to one.

According to the U.S. attorney’s manual, the petition initiates a background investigation to see if it is worthwhile to go forward.

That, again, is an extraordinary event—the President pardoning 16 convicted terrorists sentenced to a very long time in prison who have not even petitioned for it.

I can’t imagine that. That is beyond my comprehension. It is a threat and a diminishment to the rule of law in this country. It is an embarrassment to the justice system of our country.

I hope we will continue to look into it. We will find out what basis there was for it. We know the FBI opposed this clemency. We know the Federal Bureau of Prisons opposed it. Indeed, the Federal Bureau of Prisons, it is reported, have audio records indicating that some of these 16 have vowed to resume violent activities—recordings made while they were still in prison. And he has pardoned these people?

That is beyond my comprehension.

Mr. President, I hope that we will proceed with it carefully. It is not a matter that is insignificant. If this is what we call politicizing justice in America, it is sad, and we need to know if that is true. We need to stand up as a nation and as a Senate, reject it, and say we will not condone politics when it comes to justice; we will not do so; we will protect the lives of Americans; we will validate the personal risk this young prosecutor and those FBI agents expended in order to apprehend these criminals and the risk and damage and suffering of the victims throughout the procedure. I hope we can do that, get to the bottom of it, and that the truth will come out.

To pardon somebody is so serious, if I were the pardon attorney of the United States and I recommended against these pardons, and then the President of the United States pardoned them, I don’t believe I could continue to serve in that administration. I believe I would submit my resignation.

Every year there are thousands of requests for pardon and clemency. A lot of them are so much more deserving of this. And the President comes along, for some unknown reason to me as pardon attorney, and grants these pardons to terrorists, and I am supposed to for-

get that and continue to deny every day young men and women who have served sentences who are so much more deserving of a pardon. What kind of justice system is that? What kind of right and wrong is that?

I say to the pardon attorney who is presidentially appointed and confirmed by this Congress: We want to know your position on this. This goes for the Attorney General. We want to know what the Attorney General’s recommendation was on this before it got to the President.

As someone who loves justice and the legal system of America, as someone who cares about its faithful execution and the laws being fairly and objectively enforced, equal justice under law, I believe we have to talk about this. We cannot let this slide.

I congratulate the Senator from Georgia. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I commend both the Senator from Alabama and the Senator from Texas who preceded him on their remarks regarding this subject.

I am particularly taken with the personal experience the Senator from Alabama brings to this as a former prosecutor. He raises a point in conjunction with the exchange that occurred between the majority and minority leader about the timeliness of this. The minority leader suggested we can’t really affect the President’s decision—that is correct—and therefore we are under no mandate to speak hurriedly—wrong.

The Senator from Alabama talked about the duty and the honor of the law enforcement officials who put their lives on the line to stop this terrorist activity. He alluded to victims, two sons who lost their father in the tavern in New York.

The Senator from Alabama is making the case that there must be a voice in our Government that says to these people and the world that this divergence from policy about how the United States handles terrorism is not universally accepted here. In fact, there is massive objection. It is setting the record straight. Because of the speed with which the President has proceeded with this, a speed must occur that responds to it. There is no terrorist in the world, no law enforcement official, no living victim who does not understand what U.S. policy is with regard to terrorism, even if there is confusion in the White House.

The U.S. State Department has a report entitled “Patterns of Global Terrorism in 1998” which is exceedingly pertinent to this discussion. Before I read from this paragraph, terrorism is now a component of strategic warfare. It is not a passing fad as we might have thought in the 1980s. It is a permanent tool of forces throughout the world that would destabilize large free societies such as the United States. It is here. It will become even more perfected. Therefore, this issue requires massive attention of our Government.

The introduction to this chapter reads:

The cowardly and deadly bombings of the U.S. Embassies in Kenya and Tanzania in August of 1998 [just a year ago] were powerful reminders that the threat of international terrorism still confronts the world.

This is our State Department telling all Americans that this issue is dynamic, it is large, and we had better be paying attention.

It goes on to list the number of casualties and wounded. It says:

It is essential that all law-abiding nations [the rule of law to the Senator from Alabama] redouble their efforts to contain this global threat and save lives.

That is a correct statement coming from our State Department in this administration.

It says:

The United States is engaged in a long-term effort against international terrorism. [These are international terrorists we are talking about.] To protect lives and to hold terrorists accountable we will use the full range of tools at our disposal, including diplomacy backed by the use of force when necessary as well as law enforcement and economic measures.

In other words, no stone unturned in terms of recognizing the threat of terrorism to the United States and to the free world and our resolve to contain it.

Obviously, this clemency is a contradiction with policy. It is incongruous. It is illogical.

Let me go on to the summary of the policy:

The United States has developed a counter-terrorism policy that has served us well over the years [Republican and Democrat administrations] and was advanced aggressively during 1998.

First, make no concessions to terrorists and strike no deals.

I repeat the one sentence: “Make no concessions to terrorists and strike no deals.”

Second, bring terrorists to justice for their crimes.

Now, a tortured editorial in the New York Times endeavors to give some credence to this action, although they say it is a bit difficult. The President has been totally silent. He has not defended his actions. He hasn’t given reasons for them. He is just quiet, so it makes it a little complicated here.

They say in closing:

At a time when the United States must be vigilant against terrorism [that is certainly true] all over the world, the administration cannot afford mixed signals about its tolerance of violence. At the same time, justice demands the sentence fit the crime as proved in a court of law. The long sentences of the men in this case resulted at least in part from their declining even to contest the charges. They accepted the case presented against them and even threatened the life of the judge presiding over the case.

I have to say that if you commute, pardon, the sentences of 16 convicted terrorists who did not dispute the facts, who had arms in their vans, who were planning these bombings, who created 130 bombings in the United States, 70 wounded—we have heard certain personal descriptions about it: 6

dead and, by the grace of God and these law enforcement officers, not more—how clear a case must we have?

I repeat our policy, the United States policy:

First, make no concessions to terrorists and strike no deals.

Not only was there clemency offered here but the standards of it were made known: If you will just promise not to associate with that kind of crowd anymore and tell us you are going to be OK and you won't do this anymore, we are going to let you out. What an absurd condition, relating to people who have been convicted for international terrorism.

My point here is that the New York Times editorial is hopelessly lost because there is no way to achieve anything other than a mixed signal. If the policy is "make no concessions to terrorists and strike no deals," and the President makes a deal with 16 terrorists and says you can get out because you didn't throw the bomb, what kind of message is that? Does that mean bin Laden is some lesser problem to the United States because he did not personally throw the bomb in Kenya and Tanzania? Is he, therefore, less of a threat to the United States just because he planned it, less than the person who threw it? Would anybody in their right mind believe that?

So we do have a mixed signal. And, therefore, we need these resolutions to be adopted by the people's branch of Government that says to these terrorists wherever they are, whatever their plans, our policy is: Make no concessions and strike no deals, and if you are arrested and caught by these law enforcement officers, you are going to face the harshest form of justice. It is the only way we will be able to stabilize the threat of terrorism in the United States.

I am going to conclude by just noting that the House resolution on this subject, H. Con. Res. 180, has just been agreed to. There were 311 Members of the House who voted "aye," 41 voted "no." But here is the shocker: 72 only voted "present." That is pretty remarkable.

I have always said the best barometer of where the American people are is the House. It is a great barometer. This says the American people do not accept this incongruity in our pursuit to throttle terrorism. The message that has been sent by the President is a wrong message, and the responsibility of the people's branch is to get the message straight and fast.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, one of the key things in any pardon is that

the individual is presumed to be guilty of the offenses, and when they review a pardon or a clemency it normally does not even deal with the question of guilt or innocence. It is assumed since the jury has convicted them and the case has been affirmed—and I don't think there is any doubt about these defendants. They have never even denied their involvement in these offenses. But I would like to point out that before you have clemency for individuals, they really should renounce, clearly and unequivocally, the acts which they have done.

You would think that would mean some of these prisoners would say that violence in these circumstances was terribly wrong, I wish I hadn't done it, I am sorry for the lives, I apologize for the destruction and devastation it has caused. But that is not the case.

I am reading here from the Washington Post, a newspaper here in Washington known for its pro-Clinton leanings. This is what Michael Kelly has written about this very subject, about whether or not they have renounced their wrongdoing. He says:

... none of the 16 prisoners has ever admitted to complicity in any fatal bombings or expressed specific remorse for those bombings. No one has ever apologized to the families of those murdered. The statement signed by the 12 who have accepted commutation does renounce the use of violence, but it expresses no contrition or responsibility for past actions.

And these selected statements distributed by the White House did not fully and honestly represent the views of the 16. Not included, for instance, was a 1998 [just last year] statement by one of the FALN leaders, Oscar Lopez Rivera, in which Rivera rejected the whole idea of contrition.

I am quoting here Michael Kelly in the Washington Post:

I cannot undo what's done. The whole idea of contrition, atonement, I have a problem with that.

So I will just say that is a sad event we are now proposing, to offer clemency to persons with that type of mentality. I believe this has been a colossal error, a great stain on the integrity and consistency of the Department of Justice pardon and commutation procedures. It cannot be explained to any rational person. It represents an aberrational, unfair, and unjust act that I can only conclude was driven by some forces, probably political, outside the realm of justice. It is a terrible thing.

I agree with the Senator from Georgia, it is important that at least this branch of Government, the Senate and the House, speak out clearly and deplore it.

I thank the Senate for its time and attention and I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

RUSSIAN STATEMENTS REGARDING THE ANTI-BALLISTIC MISSILE TREATY

Mr. COCHRAN. Mr. President, the National Missile Defense Act makes it

the policy of the United States to deploy a limited national missile defense system as soon as the technology to do so is ready. This act was passed by large margins in both Houses. Because the Anti-Ballistic Missile or ABM Treaty prohibits such a system, that treaty must be modified.

That point was made in the debate on the National Missile Defense Act in the Senate, and it is the reason why administration officials have engaged the Russian Government in discussions on modifying the treaty. These discussions began last month in Moscow, and I am pleased that staff members of the Senate's National Security Working Group were able to attend and be briefed on the progress of those talks. Deputy Secretary of State Strobe Talbott is in Moscow for further negotiations on this and other important issues.

But I am very disturbed by reported comments of Russian officials on this subject. Today, for example, it was reported that Mr. Roman Popkovich, Chairman of the Defense Committee of the Russian Parliament, said that if the United States builds a missile defense system, Russia may respond by "developing an entirely new kind of offensive weapon." Mr. Popkovich was also quoted in this story as saying, "No anti-missile defense will be able to stop our new missiles."

His are not the first such comments we have heard about modifying the ABM Treaty. The lead Russian negotiator, Grigory Berdennikov, said the mere raising of the issue meant "the arms race could now leap to outer space." Gen. Leonid Ivashov, head of International Cooperation in the Russian Ministry of Defense, said that modifying the treaty "would be to destroy the entire process of nuclear arms control."

I don't know the motivations for such statements, but I believe they deserve a response. There should be no misunderstanding of our Nation's intentions with respect to national missile defense. We face a real and growing threat of ballistic missile attack from rogue states or outlaw nations. That threat is advancing, often in unanticipated ways. The U.S. Government has a duty to protect its citizens from this threat.

It is our policy, which is now set in law, to deploy a system to defend against limited attack by ballistic missiles as soon as technologically possible. The system we intend to deploy in no way threatens the strategic retaliatory force of Russia. The ABM Treaty, an agreement between two nuclear superpowers engaged in an arms buildup in 1972, prohibits such a system and must be modernized. I am sure Russian officials know all of this. They have been briefed repeatedly on the U.S. assessment of the threat. They have been briefed repeatedly on U.S. plans for national missile defense and know as well as we do that the system we contemplate is not directed at Russia and poses no threat to its forces.

So the statements of Mr. Popkovich and the other Russian officials essentially threatening an arms race if the U.S. does what it must do to protect its citizens are very disappointing. They sound like something from the past, an echo of the cold war that is over.

The United States has embarked in good faith in discussions about the need to modernize the ABM Treaty. We negotiated in good faith with Russia when it demanded changes to the Conventional Forces in Europe Treaty in order to enable Russia to adapt to changed circumstances. It would be unfortunate if the United States were put in the position of choosing between defending its citizens and adhering to an outdated agreement because we have already determined that we will defend ourselves.

I am confident the Senate will not accept an arrangement in which the U.S. continues to be vulnerable to new threats because of a 27-year-old agreement that is so clearly out of date. What is needed now is for the rhetoric to be cooled, for threats about arms races and new missiles to be set aside, and let serious and fruitful discussions proceed. It is in not only our interest for that to happen but Russia's as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 8, 1999, the Federal debt stood at \$5,656,209,987,935.17 (Five trillion, six hundred fifty-six billion, two hundred nine million, nine hundred eighty-seven thousand, nine hundred thirty-five dollars and seventeen cents).

One year ago, September 8, 1998, the Federal debt stood at \$5,548,700,000,000 (Five trillion, five hundred forty-eight billion, seven hundred million).

Five years ago, September 8, 1994, the Federal debt stood at \$4,679,340,000,000 (Four trillion, six hundred seventy-nine billion, three hundred forty million).

Ten years ago, September 8, 1989, the Federal debt stood at \$2,855,859,000,000 (Two trillion, eight hundred fifty-five billion, eight hundred fifty-nine million) which reflects a doubling of the debt—an increase of almost \$3 trillion—\$2,800,350,987,935.17 (Two trillion, eight hundred billion, three hundred fifty million, nine hundred eighty-seven thousand, nine hundred thirty-five dollars and seventeen cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time and placed on the calendar:

S.J. Res. 33. Joint resolution deploring the actions of President Clinton regarding granting clemency to FALN terrorists.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5082. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closes Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area for Pollock Allocated to the Inshore Component," received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-341. A resolution adopted by the Board of Tipler Township, Florence County, Wisconsin relative to the Nicolet National Forest; to the Committee on Energy and Natural Resources.

POM-342. A resolution adopted by the House of the Northern Marianas Commonwealth Legislature relative to the Kyoto Protocol; to the Committee on Foreign Relations.

HOUSE RESOLUTION No. 11-176

Whereas, the United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change (FCCC); and

Whereas, a protocol to implement the goals of the FCCC was negotiated in December 1997 in Kyoto, Japan (the Kyoto Protocol), which, when ratified, will require the United States to reduce emissions of greenhouse gases by seven percent below 1990 levels by the year 2012; and

Whereas, the world's leading climate scientists have warned that rising concentrations of carbon dioxide and other "greenhouse gases" in the atmosphere threaten to increase average global temperatures at unprecedented rates; and

Whereas, climatic alternations will have a dramatic, if not catastrophic, effects on

human health and well-being, severe weather event, agricultural productivity, and other resource industries; and

Whereas, a National Academy of Sciences study concludes that the United States can reduce energy consumption by twenty percent or more, thereby reducing greenhouse gas emissions at a net economic benefit to the country; and

Whereas, increased United States energy efficiency and technological development will improve United States competitiveness in world trade; and

Whereas, past greenhouse emissions have already committed the world to a future rise in global temperatures, thereby making immediate action imperative to protect the health, welfare and security of the American people: Now, therefore, be it

Resolved, by the House of Representatives, Eleventh Northern Marianas Commonwealth Legislature, That the Senate of the United States be urged to ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change and that the United States Congress be urged to take the lead in lowering greenhouse gas emissions; and be it further

Resolved, That the Speaker of the House shall certify and the House Clerk shall attest to the adoption of this resolution and thereafter transmit copies of this resolution signed by the Speaker of the House of Representatives be forwarded by the clerk to the President of the United States Senate, the CNMI Governor, Chair, CNMI 902 Consultation Team, and to the CNMI Washington Representative.

POM-343. A concurrent resolution adopted by the Legislature of the State of Texas relative to the McGregor Range at Fort Bliss, Texas; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION No. 38

Whereas, Future military threats to the United States and its allies may come from technologically advanced rogue states that for the first time are armed with long-range missiles capable of delivering nuclear, chemical, or biological weapons to an increasingly wider range of countries; and

Whereas, The U.S. military strategy requires flexible and strong armed forces that are well-trained, well-equipped, and ready to defend our nation's interests against these devastating weapons of mass destruction; and

Whereas, Previous rounds of military base closures combined with the realignment of the Department of the Army force structure have established Fort Bliss as the Army's Air Defense Artillery Center of Excellence, thus making McGregor Range, which is a part of Fort Bliss, the nation's principal training facility for air defense systems; and

Whereas, McGregor Range is inextricably linked to the advanced missile defense testing network that includes Fort Bliss and the White Sands Missile Range, providing, verifying, and maintaining the highest level of missile defense testing for the Patriot, Avenger, Stinger, and other advanced missile defense systems; and

Whereas, The McGregor Range comprises more than half of the Fort Bliss installation land area, and the range and its restricted airspace in conjunction with the White Sands Missile Range, is crucial to the development and testing of the Army Tactical Missile System and the Theater High Altitude Area Defense System; and

Whereas, The high quality and unique training capabilities of the McGregor Range allow the verification of our military readiness in air-to-ground combat, including the Army's only opportunity to test the Patriot missile in live fire, tactical scenarios, as well

as execute the "Roving Sands" joint training exercises held annually at Fort Bliss; and

Whereas, The Military Lands Withdrawal Act of 1986 requires that the withdrawal from public use of all military land governed by the Army, including McGregor Range, must be terminated on November 6, 2001, unless such withdrawal is renewed by an Act of Congress: Now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby support the U.S. Congress in ensuring that the critical infrastructure for the U.S. military defense strategy be maintained through the renewal of the withdrawal from public use of the McGregor Range land beyond 2001; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-344. A concurrent resolution adopted by the Legislature of the State of Texas relative to benefits for military retirees; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 7

Whereas, Military retirees who have served honorably for 20 or more years constitute a significant part of the aging population in the United States; and

Whereas, These retirees were encouraged to make the United States Armed Forces a career, in part by the promise of lifetime health care for themselves and their families; and

Whereas, Prior to the age of 65, these retirees are provided health services by the United States Department of Defense's TRICARE Prime program, but those retirees who reach the age of 65 lose a significant portion of the promised health care due to Medicare eligibility; and

Whereas, Many of these retirees are also unable to access military treatment facilities for health care and life maintenance medications because they live in areas where there are no military treatment facilities or where these facilities have downsized so significantly that available space for care has become nonexistent; and

Whereas, The loss of access to health care services provided by the military has resulted in the government breaking its promise of lifetime health care; and

Whereas, Without continued affordable health care, including pharmaceuticals, these retirees have limited access to quality health care and significantly less care than other retired federal civilians have under the Federal Employees Health Benefits Program; and

Whereas, It is necessary to enact legislation that would restore health care benefits equitable with those of other retired federal workers; and

Whereas, Several proposals to meet this requirement are currently under consideration before the United States Congress and the federal Department of Defense and Department of Health and Human Services; of these proposals, the federal government has already begun to establish demonstration projects around the country to be conducted over the next three years, which would allow Medicare to reimburse the Department of Defense for the costs of providing military retirees and their dependents health care; this project would allow a limited number of Medicare-eligible beneficiaries to enroll in the Department of Defense's TRICARE

Prime program and receive all of their health care under that program: Now, therefore, be it

Resolved, That the 76 Legislature of the State of Texas hereby memorialize the Congress of the United States to maintain its commitment to America's military retirees by providing lifetime health care for military retirees over the age of 65; to enact comprehensive legislation that affords military retirees the ability to access health care either through military treatment facilities or through the military's network of health care providers, as well as legislation to require opening the Federal Employees Health Benefits Program to those uniformed services beneficiaries who are eligible for Medicare, on the same basis and conditions that apply to retired federal civilian employees; and to enact any other appropriate legislation that would address the above concerns; and, be it further

Resolved, That the Texas Secretary of State forward official copies of this resolution to the President of the United States, the president of the Senate and Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States.

POM-345. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Medicaid disproportionate share hospital program; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 75

Whereas, The Lower Rio Grande Valley is an area of Texas vital to the economic success and well-being of the state; and

Whereas, The area faces a variety of challenges, one of which is a significant demand for indigent health care; this need is complicated by transportation issues and other difficulties affecting patient access to health care services; and

Whereas, The State of Texas operates the South Texas Hospital in the city of Harlingen, and this institution provides critically needed health care services to indigent patients in the Lower Rio Grande Valley; and

Whereas, State funds used to provide indigent health care services at the South Texas Hospital have been used to obtain matching federal funds through the Medicaid disproportionate share hospital program and their use has increased the resources available to provide health care services to indigent patients throughout Texas; and

Whereas, The South Texas Hospital's physical facilities are in need of major renovation, and there are other hospitals in the Lower Rio Grande Valley that can provide inpatient services needed by the indigent population of the region; and

Whereas, The mission of the South Texas Hospital and the public good will best be served by contracting with public and private hospitals in the Lower Rio Grande Valley so that they may provide inpatient services to the indigent population; and

Whereas, If the state intends to continue its commitment to provide needed health services to the people of the Lower Rio Grande Valley, then the Texas Legislature must encourage the federal government to continue matching state funds used to provide eligible inpatient services and to participate in innovative approaches that maximize local, state, and federal resources to address the pressing need for indigent health services in Texas: Now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully urge the

Congress of the United States to qualify the contributions made by the State of Texas for eligible inpatient hospital services provided by contract in the Lower Rio Grande Valley for federal matching funds under the Medicaid disproportionate share hospital program; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-346. A concurrent resolution adopted by the Legislature of the State of Texas relative to customs facilities at Texas-Mexico border crossing areas; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 2

Whereas, Bottlenecks at customs inspection lanes have contributed to traffic congestion at Texas-Mexico border crossing areas, slowing the flow of commerce and detracting from the economic potential of the North American Free Trade Agreement (NAFTA); and

Whereas, Smuggling of drugs inside truck parts and cargo containers compounds the problem, necessitating lengthy vehicle searches that put federal customs officials in a crossfire between their mandate to speed the movement of goods and their mandate to reduce the flow of illegal substances; and

Whereas, At the state level, the Texas comptroller of public accounts has released a report titled "Bordering the Future," recommending among other items that U.S. customs inspection facilities at major international border crossings stay open around the clock; and

Whereas, At the federal level, the U.S. General Accounting Office is conducting a similar study of border commerce and NAFTA issues, and the U.S. Customs Service is working with a private trade entity to review and analyze the relationship between its inspector numbers and its inspection workload; and

Whereas, Efficiency in the flow of NAFTA commerce requires two federal customs-related funding commitments: (1) improved infrastructure, including additional customs inspection lanes; and (2) a concurrent expansion in customs personnel and customs operating hours; and

Whereas, Section 1119 of the federal Transportation Act for the 21st Century (TEA-21), creating the Coordinated Border Infrastructure Program, serves as a funding source for border area infrastructure improvements and regulatory enhancements; and

Whereas, Domestic profits and income increase in tandem with exports and imports, generating federal revenue, some portion of which deserves channeling into the customs activity that supports increased international trade; and

Whereas, Texas legislators and businesses, being close to the situation geographically, are acutely aware of the fixes and upgrades that require attention if NAFTA prosperity is truly to live up to the expectations of this state and nation: Now, therefore, be it

Resolved, That the 76th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to provide funding for infrastructure improvements, more customs inspection lanes and customs officials, and 24-hour customs operations at border crossings between Texas and Mexico; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-347. A joint resolution adopted by the Legislature of the State of California relative to persons with disabilities; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 17

Whereas, In California and elsewhere, throughout a prolonged period of economic well-being and record low unemployment rates, recent national and California studies both have unaccepted findings that only one-third of adults with disabilities nationally and in California hold part-time or full-time jobs; and

Whereas, In these same studies, 75 percent of those not working stated they wanted to work; and

Whereas, The lack of access to private health insurance or the lack of continuing access to Medi-Cal or Medicare is the main obstacle individuals with significant disabilities face when working or returning to work; and

Whereas, The Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) work incentive rules have the potential to be effective but are underutilized, overly complex, and inconsistently administered. Social Security work incentives are used by only a small fraction of those eligible and often result in benefit by only a small fraction of those eligible and often result in benefit overpayments that must be repaid by the payee; and

Whereas, People with disabilities who are SSDI beneficiaries and SSI recipients have limited choice in employment services; and

Whereas, On January 28, 1999, Senator James M. Jeffords, Senator Edward M. Kennedy, Senator William V. Roth, Jr., and Senator Daniel Patrick Moynihan, introduced Senate Bill 331, cited as the "Work Incentives Improvement Act of 1999," to expand the availability of health care coverage for working individuals with disabilities, establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide these individuals with meaningful opportunities to work, and for other purposes; and

Whereas, On March 18, 1999, Representative Rick A. Lazio, Representative Michael Bilirakis, Representative Nancy L. Johnson, Representative Henry A. Waxman, Representative Tom Bliley, Jr., Representative Bob Matsui, Representative Fortney (Pete) Stark, Representative Brian Bilbray, Representative Steve Horn, of California and other states, introduced House Resolution 1180, cited as the "Work Incentives Improvement Act of 1999," a measure similar to that introduced in the Senate; and

Whereas, The federal act, as introduced, would provide states with the option and incentive grants to set up programs to extend medicaid coverage to certain classes of SSDI and SSI beneficiaries who work, provide more choice of employment services, and establish a \$2 for \$1 earned income offset demonstration project for SSDI beneficiaries; and

Whereas, The federal act, as introduced, contains strong work incentive and planning provisions for individuals with disabilities who work or want to work, and provisions for community work incentive planners to

help individuals understand and use federal and state work incentive programs, Social Security specialists in work incentives at field offices to disseminate accurate information, protection and advocacy assistance when an individual's situation is negatively impacted as a result of work, and an advisory panel to counsel the Commissioner of Social Security and other federal agencies on employment and work incentive programs; and

Whereas, The interconnected provisions of the federal act work in concert to remove work barriers for people with disabilities; and

Whereas, California with disabilities want to live and work side by side with others in their communities and this goal can begin to happen with passage of this historic national legislation; and

Whereas, It is the California Legislature's strongest belief that people have the responsibility and right to meaningful employment opportunities: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature affirms its endorsement of the federal "Work Incentives Improvement Act of 1999," and urges the United States Congress to pass this act at once in order to meet the urgent demands of people with disabilities who work or want to work across the nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Senate Majority Leader, the Speaker of the House of Representatives, the Chairpersons of the Senate Committees on Appropriations, Budget, and Finance, and to the Chairpersons of the House Committees on Appropriations, Budget, Commerce, and Ways and Means, and to each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 974. A bill to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes (Rept. No. 106-154).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JEFFORDS (for himself and Mr. AKAKA):

S. 1571. A bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans; to the Committee on Veterans Affairs.

By Mr. ROTH (for himself, Mr. DODD, Mr. BIDEN, and Mr. INOUE):

S. 1572. A bill to provide that children's sleepwear shall be manufactured in accordance with stricter flammability standards; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. LEAHY, and Mr. JEFFORDS):

S. 1573. A bill to provide a reliable source of funding for State, local, and Federal ef-

orts to conserve land and water, preserve historic resources, improve environmental resources, protect fish and wildlife, and preserve open and green spaces; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. Res. 180. A resolution reauthorizing the John Heinz Senate Fellowship Program; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself and Mr. AKAKA):

S. 1571. A bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans; to the Committee on Veterans' Affairs.

PERMANENT ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR VETERANS

● Mr. JEFFORDS. Mr. President, I would like to draw my colleagues' attention to legislation Senator AKAKA and I are introducing today. Entitled "Permanent Eligibility of Members of the Selected Reserve for Veterans Home Loans," this important legislation does not change existing law, but rather makes permanent a critical benefit for the National Guard and Reserve personnel.

Under current law, selected Reservists and National Guard personnel who complete six years of service are eligible for guaranteed home loans. This is a significant benefit that has been enjoyed by active duty personnel for many years and has proven to be very effective. In 1992, there was broad bipartisan support in both the House and the Senate for extending this benefit to the hard working men and women of the Reserves on a trial basis until 1999. Last year the program was extended to the year 2003. However, as we near that date, no potential recruit may participate in the program because it expires before they are able to complete six years of service. Therefore, we introduce this bill in an effort to make this benefit permanent.

Our Reserves and National Guard are being called upon more and more today. They are a crucial asset to our Nation's military, but the Reserves are not exempt from problems such as low recruiting that currently face our military. This legislation will give the Reserve Component an added recruitment incentive to offer potential service members.

Mr. President, more and more of our service members are taking the giant step of buying a home. Since the start of the VA Home Loan Program in 1992 through 1996, 33,224 loans have been guaranteed by the VA. Only 93 of those

have been foreclosed upon; an incredibly low rate of .37 percent; The foreclosure rate for loans made to other veterans was .97 percent (two and a half times more). In 1996 alone, over \$1.1 billion was given out in home loans under this program. This legislation is good not only for our veterans and Reserves, but it is good for our economy as well. I hope there will be support from both sides on this issue.●

● Mr. AKAKA. Mr. President, I am pleased to join Senator JEFFORDS in introducing a bill that would permanently authorize the Department of Veterans Affairs Home Loan Guaranty Program for members of the Selected Reserve.

As the proud author of the original legislation enacted in 1992 to extend eligibility for the VA Home Loan Guaranty Program to National Guard and Reserve members, I am pleased with the results of the program. Tens of thousands of dedicated reservists who served for at least six years, and continue to serve or have received an honorable discharge, have been able to fulfill the dream of home ownership through this program. The participation of Guard and Reserve members not only benefits these service members, but also stabilizes the financial viability of the program since this group has had a lower default rate than most other program participants.

In anticipation of the October 1999 expiration of the eligibility of reservists for VA-guaranteed home loans, I introduced legislation last year to permanently authorize the VA Home Loan Guaranty Program for members of the Selected Reserve. With bipartisan support in the House and Senate, a revised version of my legislation was enacted into law. While I am pleased that the eligibility of reservists for veterans housing loans was extended September 2003, I believe that permanent authority should be provided to members of the Selected Reserve.

Since the end of the cold war, we have reassessed the role, size, and structure of our Armed Forces. Recognizing the changes in our national military strategy prompted by a new global environment and appreciating the need to address our nation's budget deficit, we have significantly downsized our active duty military forces. As a result, the National Guard and Reserve have played a more prominent role in the Total Force. Reservists are being increasingly called upon to protect and promote our national security interests in regions throughout the world. Most recently, reservists have been serving alongside active duty forces in the Balkans to support NATO air operations over Kosovo. By making permanent the eligibility of members of the Selected Reserve for the VA Home Loan Guaranty Program, we would specifically recognize their vital service to our country and ensure that veterans housing loans will continue to be available to them beyond the near future.

The VA guaranty program is also an important component of a benefits package which makes Guard and Reserve service more attractive to qualified individuals. This is of particular importance during a time when the civilian sector is competing for the same pool of limited applicants, as well as when our military needs are becoming increasingly technical, demanding only the most intelligent, motivated, and competent individuals. Currently, the VA Home Loan Guaranty Program cannot be used as a recruitment tool since the authority expires in four years and reservists are required to serve for at least six years before they qualify for VA-guaranteed loans. A permanent authorization will assist the National Guard and Reserve with their recruitment efforts by allowing veterans housing loans to be offered as an incentive.

Thank you, Mr. President. I urge my colleagues to support this measure which would recognize the vital contributions of National Guard and Reserve members to our country, as well as ensure that veterans housing loans will continue to be available in the future.●

By Mr. LIEBERMAN (for himself, Mr. CHAFFEE, Mr. LEAHY, and Mr. JEFFORDS):

S. 1573. A bill to provide a reliable source of funding for State, local, and Federal efforts to conserve land and water, preserve historic resources, improve environmental resources, protect fish and wildlife, and preserve open and green spaces; to the Committee on Energy and Natural Resources.

NATURAL RESOURCES REINVESTMENT ACT

● Mr. LIEBERMAN. Mr. President, I rise to offer introductory remarks on the Natural Resources Reinvestment Act, a bill that I am introducing today with my colleagues Mr. CHAFFEE, Mr. LEAHY, and Mr. JEFFORDS. Before we adjourned for the summer recess, Congress spent many weeks preoccupied with weighty fiscal matters like how to divvy up a hypothetical budget surplus, whether to grant tax cuts with money that may or may not exist, or whether to do the responsible thing and pay off the national debt with any surplus that might actually materialize. Make no mistake, these are important issues, but they are not the only issues that should cause us concern. Recent visits with citizens in Connecticut reinforced my conviction that one of the most critical, but commonly overlooked, issues facing our nation today is the conservation debt that we have amassed in recent years.

This conservation debt is difficult to define because it cannot be measured in dollars and cents. It is not dependent on interest rates or stock market gyrations. It is not a debt that can be paid off by signing a check when eventually we realize that we have short-changed our children's environmental inheritance.

This conservation debt grows as urban sprawl spreads across prime

farmland and degrades wetlands. It is a debt that multiples every time a community misses a chance to acquire the watershed lands that help to purify their drinking water. It is a debt that grows irreversibly every time another endangered species is driven down the one-way road to extinction. It is a debt that increases each time an untended urban park is ceded to drug-peddlers through neglect and inattention. It is a debt that builds every time a structure representing our cultural heritage is demolished rather than renovated. It is a debt that we can no longer afford to ignore.

Unfortunately, too little has been said or done recently in Washington to define the steps we—as a nation—should take to pay off the conservation debt and ensure that our children and grandchildren inherit a planet that is healthy, productive, and blessed with abundant, clean, green open space.

Because I am committed to preserving a rich environmental legacy for our children, today I join with Mr. CHAFFEE, from Rhode Island, the esteemed Chairman of the Environment and Public Works Committee on which I serve, and Mr. LEAHY and Mr. JEFFORDS from Vermont to introduce the Natural Resources Reinvestment Act of 1999.

The principle behind our bill is simple: as we deplete federally-owned, non-renewable natural resources such as oil and gas, we should reinvest the proceeds to establish a reliable source of funding for State, local, and federal efforts to conserve land and water, provide recreational opportunities, preserve historic resources, protect fish and wildlife, and preserve open space. The Natural Resources Reinvestment Act honors this principle by re-establishing America's long-standing commitment to protecting land, fish and wildlife, and our cultural heritage and by re-doubling Federal commitments that help states and localities protect the open space and recreational opportunities that Americans cherish so deeply.

Notwithstanding our current conservation debt, America has made many wise conservation investments over the years. Therefore, the Natural Resources Reinvestment Act is not spun entirely from whole cloth, but also improves upon those things we have done well. For example, the Land and Water Conservation Fund, which has served as the primary Federal source of funds for the acquisition of recreational lands since 1965, has been a tremendous success by any measure. It has helped protect more than seven million acres of open space and contributed to the development of 37,000 parks and recreation areas across the country. Everglades and Saguaro National Parks, the Appalachian Trail, the Martin Luther King, Jr., National Historic Site, and Niagara Falls are few examples of treasured places across the country that have been created or protected with help from the Land and Water Conservation Fund.

Because the Outer Continental Shelf petroleum royalty system is already in collecting billions of dollars every year, rather than introducing new taxes, this bill would simply ensure that taxes historically raised for conservation purposes actually result in conservation activity. Despite the notable successes and broad bipartisan support and authorization for \$900 million dollars, Congress has failed to appropriate sufficient money for Land and Water Conservation Fund. More than \$11 billion dollars of authorized conservation funding has been funneled back into the general treasury since the Fund was established. Again, this bill requires no new taxes—it simply ensures that existing revenues are spent on the conservation priorities that communities across the country have identified.

The stateside portion of the Land and Water Conservation Fund—the money that is supposed to help states and local communities direct their own conservation and recreation goals—has gone completely unfunded since 1995. This is particularly troubling for me because Connecticut has the smallest percentage of federally-owned land of any state in the union.

The Natural Resources Reinvestment Act ensures that the Land and Water Conservation Fund will receive full authorized funding every year. The bill also builds on the success of the Fund, by authorizing a new program for State Lands of National or Regional Interest to help protect areas of unique ecological, recreational, aesthetic, or regional value that would not be eligible for traditional Land and Water Conservation Fund support. We also provide full funding for other successful programs with an existing claim on Outer Continental Shelf revenues, including the Historic Preservation Fund, and the Urban Park and Recreation Recovery program. Every year our bill will reinvest \$250 million dollars of Outer Continental Shelf petroleum revenues in State fish and wildlife conservation efforts, with special emphasis on projects that protect nongame and threatened or endangered species.

The Natural Resources Reinvestment Act also creates a \$900 million Environmental Stewardship Fund to be distributed to States for the purposes of conserving, protecting, and restoring their natural resources beyond what is required by current law. The Environmental Stewardship Fund is designed so that States have the flexibility to devise innovative solutions to their individual conservation challenges. This commitment to helping, but not dictating how, communities achieve their conservation goals is exceptionally important.

Over the last year, the State of Connecticut has acquired 3,725 acres of open space worth more than \$15 million dollars in 24 different municipalities. These open space purchases represent important steps toward the state goal of setting aside 21% of Connecticut

land as open space. However, that goal is still more than 345,000 acres away from being reality. Each state has unique conservation and recreation priorities and the NRRA ensures that they will have flexible federal assistance they need to put their plans into practice. Because the NRRA would support diverse ideas and approaches to conserving and protecting the nation's natural and cultural resources, each state will also benefit from the innovation and lessons learned by other states from coast to coast.

Finally, the Natural Resources Reinvestment Act clarifies and improves existing laws to leverage opportunities to protect farmland and watersheds, and mitigate the extent to which transportation projects encroach on open and green space. While these improvements are made in federal laws, they affect local decisions. For example, the NRRA amends the 1996 Farm Bill so that state and local conservation organizations can help acquire easements designed to maintain productive farmland as productive farms. This provision of the NRRA gives communities a powerful tool to help make sure that family farms are not squeezed out of American communities as cities and towns grow and prosper in the 21st century.

By amending the Federal Water Pollution Control Act so that up to 10% of the State Revolving Loan Fund can be used for matching grants to purchase land that protects watersheds, the NRRA recognizes that flexibility is critical for cost-effective delivery of clean and healthy drinking water to American homes and businesses. This provision of the NRRA recognizes that protecting watersheds—the Earth's natural water filtration and purification systems—by preserving open space can be an important and relatively inexpensive component of municipal water supply strategies.

America's world-class network of roads and highways represents the foundation of our national commerce. It also embodies many families' tickets to staying in touch with friends and relatives across the country and their passports for exploring the beauty and history of our nation. The NRRA amends the Transportation Equity Act for the 21st century so that highway development funds can be used to purchase open space and green corridors that will help mitigate the effects of transportation-related growth and development.

The Natural Resources Reinvestment Act represents a strong, renewed federal commitment to protecting our natural and historical resources nationwide at local, state, and regional levels. It demonstrates our dedication to ensuring that revenues from oil and gas leasing on federal lands are reinvested in our heritage for current and future generations alike. Mr. President, I ask that the bill be printed in the RECORD.

The bill follows:

S. 1573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Natural Resources Reinvestment Act of 1999”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Stewardship Council.

TITLE I—OPEN SPACE AND HISTORIC PRESERVATION

Sec. 101. Findings and purposes.

Subtitle A—Land and Water Conservation Fund

Sec. 111. Secure funding for the Land and Water Conservation Fund.

Sec. 112. Financial assistance to States.

Subtitle B—Urban Park and Recreation Recovery

Sec. 121. Urban park and recreation recovery.

Subtitle C—Historic Preservation

Sec. 131. Historic Preservation Fund.

Subtitle D—State Land and Water of National or Regional Interest

Sec. 141. State land and water of national or regional interest.

Subtitle E—Payments for Federal Ownership

Sec. 151. Authorization of appropriations for payments for entitlement land and the Refuge Revenue Sharing Fund.

TITLE II—STATE CONSERVATION ASSISTANCE

Sec. 201. Short title.

Sec. 202. Findings and purpose.

Sec. 203. Definitions.

Sec. 204. Environmental Stewardship Fund.

Sec. 205. Apportionment of Fund receipts to States.

Sec. 206. Use of funds by States.

Sec. 207. State plans.

Sec. 208. Effect on leasing and development.

TITLE III—FISH AND WILDLIFE CONSERVATION

Sec. 301. Findings and purposes.

Sec. 302. Definitions.

Sec. 303. Conservation programs.

Sec. 304. Fish and Wildlife Conservation Fund.

Sec. 305. Apportionment of Fund receipts to States.

Sec. 306. Technical amendments.

TITLE IV—NEW OPEN SPACE INITIATIVES

Subtitle A—Watersheds

Sec. 401. Findings and purpose.

Sec. 402. Land acquisition and restoration program.

Subtitle B—Transportation

Sec. 411. Findings and purpose.

Sec. 412. Surface transportation program.

Sec. 413. Federal-aid system.

Subtitle C—Farmland

Sec. 421. Farmland protection.

SEC. 2. DEFINITIONS.

In this Act:

(1) LEASED TRACT.—The term “leased tract” means a tract—

(A) leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources; and

(B) comprising a unit consisting of a block, a portion of a block, or a combination of blocks or portions of blocks, as specified in the lease, and as depicted on an outer Continental Shelf Official Protraction Diagram.

(2) OUTER CONTINENTAL SHELF.—The term “outer Continental Shelf” has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

(A) IN GENERAL.—The term “qualified outer Continental Shelf revenues” means—

(i) all sums received by the United States from each leased tract or portion of a leased tract located in the western or central Gulf of Mexico; less

(ii) such sums as may be credited to States under section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) and amounts needed for adjustments and refunds as overpayments for rents, royalties, or other purposes.

(B) INCLUSIONS.—The term “qualified outer Continental Shelf revenues” includes royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases granted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for a leased tract or portion of a leased tract described in subparagraph (A)(i).

(4) REVENUES.—The term “revenues” means all sums received by the United States as rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases granted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STEWARDSHIP COUNCIL.—The term “Stewardship Council” means the inter-agency council established by section 3.

SEC. 3. STEWARDSHIP COUNCIL.

(a) ESTABLISHMENT.—There is established an interagency council to be known as the “Land and Water Resource Stewardship Council”.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Stewardship Council shall be composed of the following members or their designees:

(A) The Administrator of the Environmental Protection Agency.

(B) The Secretary of the Interior.

(C) The Administrator of the National Oceanic and Atmospheric Administration.

(D) The Secretary of Agriculture.

(E) 2 Members of the Senate—

(i) to be appointed by the President of the Senate; and

(ii) to serve in a nonvoting capacity.

(F) 2 Members of the House of Representatives—

(i) to be appointed by the Speaker of the House of Representatives; and

(ii) to serve in a nonvoting capacity.

(2) CHAIRPERSON.—The members of the Stewardship Council shall elect a Chairperson not less often than once every 2 years.

(c) DUTIES.—

(1) IN GENERAL.—The Stewardship Council shall be responsible for reviewing and selecting applications for grants for State land and water of national or regional interest under section 14 of the Land and Water Conservation Fund Act of 1965 (as added by section 141 of this Act), reviewing and approving the State plans required under section 207, and coordinating technical assistance at the request of any State, Indian tribe, or Territory.

(2) CONSULTATION.—In making decisions and reviewing State plans, the Stewardship Council shall consult with and seek recommendations from other appropriate Federal agencies.

(d) FREQUENCY OF MEETINGS.—The President shall—

(1) convene the first meeting of the Stewardship Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate, but not less often than quarterly, to ensure that this Act is fully carried out.

(e) PROCEDURES.—

(1) QUORUM.—Three members of the Stewardship Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Stewardship Council shall establish procedures for voting and the conduct of meetings by the Stewardship Council.

TITLE I—OPEN SPACE AND HISTORIC PRESERVATION

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Congress enacted the land and water conservation fund in 1964 and the Historic Preservation Fund in 1976, and provided that revenues from activities in the outer Continental Shelf would fund each program;

(2) however, since 1964, of \$21,000,000,000 authorized for the land and water conservation fund, only \$9,000,000,000 has been appropriated, and since 1977, of \$2,776,000,000 authorized for the Historic Preservation Fund, only \$845,000,000 has been appropriated;

(3) prior to dedicating outer Continental Shelf revenues for new programs to benefit the Nation, Congress should dedicate outer Continental Shelf revenues to the original purposes for which those funds were intended;

(4) since the establishment of the land and water conservation fund, the fund has been responsible for the preservation of nearly 7,000,000 acres of park land, refuges, and open spaces, and the development of more than 37,000 State and local parks and recreation projects;

(5) since the establishment of the Historic Preservation Fund, the fund has been responsible for identifying more than 1,000,000 historic sites throughout the United States and certifying 1,145 local governments as partners in preserving historic sites;

(6) as the loss of open space and the phenomenon of sprawl in rural, suburban, and urban areas of the Nation continues to increase, it is increasingly important to conserve natural, historic, and cultural resources of the Nation;

(7) the land and water conservation fund and the Historic Preservation Fund serve valuable purposes to address the needs of the Nation today as they did when they were enacted, and they are vital programs to assist State and local governments in their efforts to address those needs;

(8) the land and water conservation fund should be augmented to provide a new program to encourage State, local, and private partnerships for conservation of non-Federal land of national and regional significance that will fulfill national conservation priorities while allowing the land to remain under State and local control; and

(9) the purposes of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.) and payments in lieu of taxes are consonant with those of the land and water conservation fund and the Historic Preservation Fund, and complement those programs.

(b) PURPOSES.—The purposes of this title are—

(1) to provide a secure source of funding for Federal land acquisition to meet State, local, and urban conservation and recreation needs through the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) and the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.); and

(2) to recognize and to preserve the historic places of the United States through the Na-

tional Historic Preservation Act (16 U.S.C. 470 et seq.).

Subtitle A—Land and Water Conservation Fund

SEC. 111. SECURE FUNDING FOR THE LAND AND WATER CONSERVATION FUND.

Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6) is amended—

(1) by striking “SEC. 3. APPROPRIATIONS.—Moneys” and inserting the following:

“SEC. 3. APPROPRIATIONS.

“(a) IN GENERAL.—Except as provided in subsection (b), moneys”; and

(2) by adding at the end the following:

“(b) SPECIAL APPROPRIATION.—

“(1) IN GENERAL.—For each of fiscal years 1999 through 2015, from qualified outer Continental Shelf revenues (as defined in section 2 of the Natural Resources Reinvestment Act of 1999) covered into the fund in the preceding fiscal year, there is appropriated the lesser of—

“(A) \$900,000,000; or

“(B) the amount that is equal to 34 percent of the amount of qualified outer Continental Shelf revenues covered into the fund during the preceding fiscal year;

to remain available until expended.

“(2) PURPOSES.—

“(A) IN GENERAL.—Notwithstanding section 5, for each of fiscal years 1999 through 2015, funds appropriated by paragraph (1) shall be available for the purposes specified in this paragraph.

“(B) ADMINISTRATIVE EXPENSES.—

“(i) IN GENERAL.—Of the amount made available for a fiscal year by paragraph (1), the Secretary of the Interior may deduct not more than 2 percent for payment of administrative expenses incurred in carrying out this subsection.

“(ii) PERIOD OF AVAILABILITY.—A deduction by the Secretary under clause (i) for a fiscal year shall be available for obligation by the Secretary until September 30 of the following fiscal year.

“(iii) DISTRIBUTION OF UNOBLIGATED FUNDS.—Not later than 60 days after the end of a fiscal year, the Secretary shall distribute under subparagraphs (C) and (D) any unobligated amount of a deduction under clause (i) for which the period of availability under clause (ii) terminated on September 30 of the fiscal year.

“(C) FEDERAL PURPOSES.—Of the amount made available for a fiscal year by paragraph (1) remaining after the deduction under subparagraph (B)(i), 50 percent shall be available for Federal purposes under section 7.

“(D) STATE PURPOSES.—

“(i) IN GENERAL.—Of the amount made available for a fiscal year by paragraph (1) remaining after the deduction under subparagraph (B)(i), 50 percent shall be available for providing financial assistance to States under section 6 and for any other State purpose authorized under this Act.

“(ii) DISTRIBUTION.—Amounts made available by clause (i) shall be distributed among States in accordance with section 6.

“(iii) LOCAL GOVERNMENT SHARE.—Not less than 50 percent of the amount provided to a State for each fiscal year under this subparagraph shall be provided by the State to local governments to provide natural areas, open space, park land, or recreational areas.

“(3) ANNUAL BUDGET SUBMISSIONS.—

“(A) IN GENERAL.—In the annual budget submission of the President for the fiscal year concerned, the President shall specify the specific purposes for which the funds made available under paragraph (2)(C) are to be used by the Secretary of the Interior and the Secretary of Agriculture.

“(B) USE BY SECRETARIES.—Funds made available for a fiscal year under paragraph

(2)(C) shall be used by the Secretary concerned for the purposes specified by the President in the annual budget submission of the President for the fiscal year unless Congress, in the general appropriation Acts for the Department of the Interior or the Department of Agriculture for the fiscal year, specifies that any part of the funds is to be used by the Secretary concerned for another purpose.

“(4) PRIORITY LISTS.—

“(A) IN GENERAL.—For the purposes of assisting the President in preparing an annual budget submission under paragraph (3), the Secretary of the Interior and the Secretary of Agriculture shall prepare Federal priority lists for the expenditure of funds made available under paragraph (2)(C).

“(B) CONSULTATION.—The priority lists shall be prepared in consultation with the head of the affected bureau or agency, taking into account the best professional judgment regarding the land acquisition priorities and policies of the bureau or agency.

“(C) FACTORS.—In preparing the priority lists, the Secretaries shall consider—

“(i) the potential adverse impacts that might result if a land acquisition is not undertaken;

“(ii) the availability of a land appraisal and other information necessary to complete the acquisition in a timely manner; and

“(iii) such other factors as the Secretaries consider appropriate.”

SEC. 112. FINANCIAL ASSISTANCE TO STATES.

(a) ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.—Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8) is amended by striking subsection (b) and inserting the following:

“(b) DISTRIBUTION AMONG STATES.—

“(1) IN GENERAL.—For each fiscal year, the Secretary shall distribute sums made available from the fund for State purposes among the States in accordance with this subsection. The determination of the distribution by the Secretary shall be final.

“(2) FORMULA.—For each fiscal year, the Secretary shall distribute the sums made available from the fund for State purposes as follows:

“(A) 30 percent shall be distributed equally among the States.

“(B) 70 percent shall be distributed among the States based on the ratio that—

“(i) the population of each State; bears to

“(ii) the total population of all States.

“(3) MAXIMUM ALLOCATION.—For each fiscal year, the total allocation to any 1 State under paragraph (2) shall not exceed 10 percent of the total amount allocated to all States under this subsection for the fiscal year.

“(4) TREATMENT OF DISTRICT OF COLUMBIA, TERRITORIES, AND INDIAN TRIBES.—

“(A) ALLOCATION.—For the purpose of paragraph (2)(A)—

“(i) the District of Columbia shall be treated as 1 State;

“(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

“(I) shall be treated collectively as 1 State; and

“(II) shall each be allocated an equal share of the amount distributed under subclause (I); and

“(iii) Indian tribes, and Alaska Native villages and Regional or Village Corporations (as defined or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.))—

“(I) shall be treated collectively as 1 State; and

“(II) shall be allocated the amount distributed under subclause (I) in a manner determined by the Secretary of the Interior.

“(B) OTHER PURPOSES.—Each of the areas referred to in subparagraph (A), and each In-

dian tribe, shall be treated as a State for all other purposes of this Act.

“(5) AVAILABILITY OF ALLOCATIONS.—

“(A) IN GENERAL.—For each fiscal year—

“(i) the Secretary shall notify each State of the allocation to the State under this subsection; and

“(ii) the allocation shall be available to the State, after the date of notification to the State, for planning, acquisition, or development projects in accordance with this Act.

“(B) PERIOD OF AVAILABILITY.—Any amount of an allocation to a State that is not paid or obligated by the Secretary during the period consisting of the fiscal year in which notification is provided under subparagraph (A) and the 2 fiscal years thereafter shall be redistributed by the Secretary in accordance with this subsection, without regard to paragraph (3).”

(b) STATE PLAN.—Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8) is amended by striking subsection (d) and inserting the following:

“(d) STATE PLAN.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—To be eligible for financial assistance for acquisition or development projects under this Act, a State, in consultation with local subdivisions, non-profit and private organizations, and interested citizens, shall prepare and submit to the Secretary a State plan that meets the requirements of this paragraph.

“(B) SUITABLE PLAN.—To meet the requirement for a plan under subparagraph (A), a State may use, in accordance with criteria developed by the Secretary, a comprehensive statewide outdoor recreation plan, a State recreation plan, or a State action agenda, if—

“(i) in the judgment of the Secretary, the plan or agenda encompasses and furthers the purposes of this Act; and

“(ii) the Governor of the State certifies that the plan or agenda was developed (and revised, if applicable) with ample opportunity for public participation.

“(C) CRITERIA FOR PUBLIC PARTICIPATION.—In consultation with appropriate persons and entities, the Secretary shall develop criteria for public participation which shall constitute the basis for certification by the Governor under subparagraph (B)(ii).

“(D) REQUIRED ELEMENTS.—A State plan under subparagraph (A) shall contain—

“(i) the name of the State agency that has the authority to represent and act for the State in dealing with the Secretary for the purposes of this Act;

“(ii) an evaluation of the demand for and supply of outdoor conservation, recreation, and open space resources in the State;

“(iii) a program for the implementation of the plan; and

“(iv) such other information as the Secretary determines to be necessary.

“(E) CONSIDERATION OF OTHER RESOURCES, PROGRAMS, AND PLANS.—A State plan under subparagraph (A) shall—

“(i) take into account relevant Federal resources and programs; and

“(ii) be coordinated to the maximum extent practicable with other State, regional, and local plans.

“(2) FINANCIAL ASSISTANCE FOR PREPARATION OR MAINTENANCE OF STATE PLAN.—The Secretary may provide financial assistance to a State for—

“(A) the development of a State plan under paragraph (1) if the State does not have a State plan; or

“(B) the maintenance of a State plan.”

(c) PROJECTS FOR LAND AND WATER ACQUISITION.—Section 6(e)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(e)(1)) is amended in the first

paragraph by striking “, but not including incidental costs relating to acquisition”.

(d) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION USES.—Section 6(f) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(f)) is amended by striking paragraph (3) and inserting the following:

“(3) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION USES.—

“(A) IN GENERAL.—No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses.

“(B) APPROVAL OF CONVERSION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall approve the conversion of property under this paragraph only if the State demonstrates that no prudent or feasible alternative exists to the conversion of the property.

“(ii) EXCEPTIONS.—Clause (i) does not apply to a property that—

“(I) is no longer viable for use for an outdoor conservation or recreation facility because of a change in demographic conditions; or

“(II) must be abandoned because of environmental contamination that endangers public health or safety.

“(C) SUBSTITUTION OF OTHER CONSERVATION OR RECREATION PROPERTY.—

“(i) IN GENERAL.—Subject to clause (ii), any conversion of property under this paragraph shall satisfy any conditions that the Secretary determines to be necessary to ensure the substitution of other conservation or recreation property of at least equal market value and reasonably equivalent usefulness and location, in a manner consistent with the State plan required under subsection (d).

“(ii) WETLAND.—Wetland and interests in wetland that are identified in a State plan and proposed to be acquired as suitable replacement property within the State and that are otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness to the property proposed for conversion.”

(e) CONFORMING AMENDMENTS.—

(1) Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(e)) is amended—

(A) in the matter preceding paragraph (1), by striking “State comprehensive plan” and inserting “State plan”; and

(B) in paragraph (1), by striking “, or wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan”.

(2) Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)) is amended in the last proviso of the first paragraph by striking “existing comprehensive statewide outdoor recreation plan found adequate for purposes of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)” and inserting “State plan required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8)”.

(3) Section 102(a)(2) of the National Historic Preservation Act (16 U.S.C. 470b(a)(2)) is amended by striking “comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)” and inserting “State plan required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8)”.

(4) Section 8(a) of the National Trails System Act (16 U.S.C. 1247(a)) is amended in the first sentence—

(A) by striking “comprehensive statewide outdoor recreation plans” and inserting “State plans”; and

(B) by inserting “of 1965 (16 U.S.C. 4601-4 et seq.)” after “Fund Act”.

(5) Section 11(a)(2) of the National Trails System Act (16 U.S.C. 1250(a)(2)) is amended by striking “(relating to the development of Statewide Comprehensive Outdoor Recreation Plans)” and inserting “(16 U.S.C. 4601-8) (relating to the development of State plans)”.

(6) Section 11 of the Wild and Scenic Rivers Act (16 U.S.C. 1282) is amended—

(A) in subsection (a)—

(i) by striking “comprehensive statewide outdoor recreation plans” and inserting “State plans”; and

(ii) by striking “(78 Stat. 897)” and inserting “(16 U.S.C. 4601-4 et seq.)”; and

(B) in subsection (b)(2)(B), by striking “(relating to the development of statewide comprehensive outdoor recreation plans)” and inserting “(16 U.S.C. 4601-8) (relating to the development of State plans)”.

(7) Section 206(d) of title 23, United States Code, is amended—

(A) in paragraph (1)(B), by striking “statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.)” and inserting “State plan required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8)”; and

(B) in paragraph (2)(D)(ii), by striking “statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.)” and inserting “State plan that is required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8)”.

(8) Section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)) is amended by striking “statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended” and inserting “State plans required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8)”.

Subtitle B—Urban Park and Recreation Recovery

SEC. 121. URBAN PARK AND RECREATION RECOVERY.

(a) **AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.**—Section 1003 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2502) is amended in the first sentence by striking “areas, facilities,” and inserting “areas and facilities, development of new recreation areas and facilities (including acquisition of land for such development).”.

(b) **DEFINITIONS.**—Section 1004 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2503) is amended—

(1) in subsection (j)—

(A) by striking “Governor;” and inserting “Governor, the District of Columbia;” and

(B) by striking “and” at the end of the subsection;

(2) in subsection (k), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(1) ‘acquisition grants’ means matching capital grants to general purpose local governments and special purpose local governments to cover the direct and incidental costs of purchasing new park land to be permanently dedicated and made accessible for public conservation and recreation; and

“(m) ‘development grants’ means matching capital grants to general purpose local governments and special purpose local governments to cover the costs of developing and constructing existing or new neighborhood recreation sites, including indoor and outdoor recreation facilities, support facilities, and landscaping, but excluding routine maintenance and upkeep activities.”.

(c) **FEDERAL ASSISTANCE GRANTS.**—Section 1005 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2504) is amended by striking subsection (a) and inserting the following:

“(a) **ELIGIBILITY.**—

“(1) **IN GENERAL.**—Eligibility of general purpose local governments to compete for assistance under this title shall be based on need, as determined by the Secretary.

“(2) **ELIGIBLE GOVERNMENTS.**—General purpose local governments that are eligible to compete for assistance under this title include—

“(A) a political subdivision included in a consolidated metropolitan statistical area, primary metropolitan statistical area, or metropolitan statistical area, as those terms are used in the most recent census;

“(B) any other city or town within an area referred to in subparagraph (A) with a total population of 50,000 individuals or more in the 1970 or any subsequent census; and

“(C) any other political subdivision, county, parish, or township with a total population of 250,000 individuals or more in the 1970 or any subsequent census.”.

(d) **REHABILITATION AND INNOVATION GRANTS.**—Section 1006(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2505(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “rehabilitation and innovative grants directly” and inserting “rehabilitation grants, innovation grants, development grants, or acquisition grants”; and

(2) in paragraph (1)—

(A) by striking “rehabilitation and innovation grants” and inserting “rehabilitation grants, innovation grants, development grants, and acquisition grants”; and

(B) by striking “authorities: *Provided,*” and all that follows through “eligible applicant” and inserting “authorities, except that the grantee of a grant under this section shall provide assurances to the Secretary that the grantee will maintain public conservation and recreation opportunities at assisted areas and facilities owned or managed by the grantee in accordance with section 1010”; and

(3) in paragraph (2)—

(A) in the first sentence, by striking “rehabilitation or innovative projects” and inserting “projects eligible for rehabilitation grants, innovation grants, development grants, or acquisition grants”; and

(B) in the second sentence, by striking “, except” and all that follows and inserting “and on a reimbursable basis.”.

(e) **RECOVERY ACTION PROGRAMS.**—Section 1007(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506(a)) is amended—

(1) in the first sentence, by inserting “development,” after “commitments to ongoing planning;” and

(2) in paragraph (2), by inserting “development and” after “adequate planning for”.

(f) **STATE ACTION INCENTIVES.**—Section 1008 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2507) is amended—

(1) by inserting “(a) **IN GENERAL.**—” before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1)) and inserting the following:

“(b) **COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.**—

“(1) **PREPARATION OF PROGRAMS AND PLANS.**—The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by section 1007 with development of State plans required under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), including by allowing flexibility in preparation of recovery

action programs so that the programs may be used to meet State and local requirements for receipt by local governments of—

“(A) funds provided as grants from the land and water conservation fund; or

“(B) State grants for similar purposes or for other conservation or recreation purposes.

“(2) **CONSIDERATION OF FINDINGS, PRIORITIES, STRATEGIES, AND SCHEDULES.**—The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of urban local governments in the development and revision of State plans in accordance with the public participation and coordination requirements of section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(d)).”.

(g) **CONVERSION OF RECREATION PROPERTY.**—The Urban Park and Recreation Recovery Act of 1978 is amended by striking section 1010 (16 U.S.C. 2509) and inserting the following:

“**SEC. 1010. CONVERSION OF RECREATION PROPERTY.**

“(a) **IN GENERAL.**—No property acquired, improved, or developed under this title shall, without the approval of the Secretary, be converted to other than public recreation uses.

“(b) **APPROVAL OF CONVERSION.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall approve the conversion of property under this section only if the grantee demonstrates that no prudent or feasible alternative exists to the conversion of the property.

“(2) **EXCEPTIONS.**—Paragraph (1) does not apply to a property that—

“(A) is no longer a viable recreation facility due to a change in demographic conditions; or

“(B) must be abandoned because of environmental contamination that endangers public health or safety.

“(c) **SUBSTITUTION OF OTHER CONSERVATION OR RECREATION PROPERTY.**—Any conversion of property under this section shall satisfy any conditions that the Secretary determines to be necessary to ensure the substitution of other conservation or recreation property of at least equal market value and reasonably equivalent usefulness and location, in a manner consistent with the 5-year action program for park and recreation recovery required under section 1007(a).”.

(h) **FUNDING.**—Section 1013 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2512) is amended—

(1) by striking the section heading and all that follows through “There are hereby” and inserting the following:

“**SEC. 1013. FUNDING.**

“(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are”; and

(2) by adding at the end the following:

“(c) **SPECIAL APPROPRIATION.**—For each of fiscal years 1999 through 2015, from revenues due and payable to the United States as qualified outer Continental Shelf revenues (as defined in section 2 of the Natural Resources Reinvestment Act of 1999), there is appropriated, for the purpose of making grants to local governments under this Act, the lesser of—

“(1) \$100,000,000; or

“(2) the amount that is equal to 4 percent of those revenues; to remain available until expended.

(i) **LIMITATION ON USE OF FUNDS.**—Section 1014 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2513) is repealed.

Subtitle C—Historic Preservation

SEC. 131. HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by striking "SEC. 108. To" and inserting the following:

"SEC. 108. HISTORIC PRESERVATION FUND.

"(a) ESTABLISHMENT.—To";

(2) in subsection (a) (as designated by paragraph (1)), by striking "There shall be covered into such fund" and all that follows through "(43 U.S.C. 338)," and inserting "There shall be deposited in the fund for each fiscal year after fiscal year 1999, from revenues due and payable to the United States as qualified outer Continental Shelf revenues (as defined in section 2 of the Natural Resources Reinvestment Act of 1999), the lesser of \$150,000,000 or the amount that is equal to 5 percent of those revenues.";

(3) by striking the third sentence of subsection (a) (as so designated by paragraph (1)) and all that follows through the end of the subsection and inserting "Such moneys shall be used only to carry out this Act."; and

(4) by adding at the end the following:

"(b) AVAILABILITY.—Of amounts in the fund, up to \$150,000,000 shall be available fiscal year 2000 and each fiscal year thereafter, for obligation or expenditure without further Act of appropriation to carry out this Act, and shall remain available until expended.

"(c) INVESTMENT.—The Secretary of the Treasury shall invest moneys in the fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited in the fund."

Subtitle D—State Land and Water of National or Regional Interest

SEC. 141. STATE LAND AND WATER OF NATIONAL OR REGIONAL INTEREST.

Title I of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) is amended by adding at the end the following:

"SEC. 14. STATE LAND AND WATER OF NATIONAL OR REGIONAL INTEREST.

"(a) DEFINITIONS.—In this section:

"(1) ACCOUNT.—The term 'account' means the special account for conservation of State land and water of national or regional interest established under subsection (b).

"(2) COUNCIL.—The term 'Council' means the Stewardship Council established by section 3 of the Natural Resources Reinvestment Act of 1999.

"(3) STATE LAND AND WATER OF NATIONAL OR REGIONAL INTEREST.—The term 'State land and water of national or regional interest' means land or water located in a State that is—

"(A) determined by the State to be of clear national or regional significance based on the ecological, aesthetic, recreational, and cultural value of the land or water; and

"(B) not owned by the Federal Government (including any unit of the National Park System, National Forest System, National Wildlife Refuge System, or National Wilderness System).

"(b) STATE LAND AND WATER OF NATIONAL OR REGIONAL INTEREST ACCOUNT.—

"(1) IN GENERAL.—There is established in the fund a special account to provide grants to States for the conservation of State land and water of national or regional interest.

"(2) ALLOCATION.—Notwithstanding section 5, there shall be credited annually to the account, from qualified outer Continental Shelf revenues (as defined in section 2 of the Natural Resources Reinvestment Act of 1999), the lesser of \$200,000,000 or the amount that is equal to 7 percent of those revenues.

"(c) GRANTS TO STATES.—

"(1) IN GENERAL.—A State may submit an application (including a detailed description of each proposed conservation project) to the Secretary for a grant to fund the conservation of State land and water of national or regional interest.

"(2) FORWARDING OF APPLICATIONS.—On receipt of an application for a grant described in paragraph (1), the Secretary shall forward the application to the Council.

"(3) SELECTION OF GRANT RECIPIENTS.—

"(A) IN GENERAL.—Not later than 90 days after receipt from the Secretary of an application described in paragraph (1), the Council shall—

"(i) review the application;

"(ii) decide whether to recommend that a grant to fund the conservation of State land and water of national or regional interest be awarded to the State making the application; and

"(iii) notify the State of the decision of the Council.

"(B) SELECTION FACTORS.—In deciding whether to recommend the award of a grant under subparagraph (A), the Council shall—

"(i) consider, on a competitive basis as compared with other applications received, the extent to which a proposed conservation project described in a grant application would conserve ecological, aesthetic, recreational, and cultural values of the State land and water of national or regional interest; and

"(ii) give preference to—

"(I) proposed conservation projects that are aimed at protecting ecosystems; and

"(II) proposed conservation projects that are developed in collaboration with private persons or other States.

"(4) MATCHING REQUIREMENTS.—A grant awarded to a State under this subsection shall cover—

"(A) not more than 70 percent of the costs of a conservation project undertaken by the State, in the case of full fee acquisition by the State of State land and water of national or regional interest; and

"(B) not more than 50 percent of the costs of a conservation project undertaken by the State, in the case of acquisition of State land and water of national or regional interest by the State that is less than fee acquisition, such as acquisition of a conservation easement.

"(5) REPORT.—At least 90 days before awarding a grant to a State under this section, the Council shall submit a report describing the proposed grant to—

"(A) the Subcommittee on Interior of the Committee on Appropriations of the Senate; and

"(B) the Subcommittee on Interior of the Committee on Appropriations of the House of Representatives."

Subtitle E—Payments for Federal Ownership

SEC. 151. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS FOR ENTITLEMENT LAND AND THE REFUGE REVENUE SHARING FUND.

(a) ENTITLEMENT LAND.—There is authorized to be appropriated for payments to units of general local government under chapter 69 of title 31, United States Code, for entitlement land acquired after the date of enactment of this Act, \$50,000,000.

(b) REFUGE REVENUE SHARING FUND.—There is authorized to be appropriated for payments required under the Act of June 15, 1935 (16 U.S.C. 715s), for refuge land acquired after the date of enactment of this Act, \$25,000,000.

TITLE II—STATE CONSERVATION ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "State Conservation Assistance Grants Act of 1999".

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the outer Continental Shelf contains oil, gas, and other nonrenewable resources owned by the public that are developed by the Federal Government and generate significant revenues for the United States;

(2) historically, the development of those mineral resources has been accompanied by adverse environmental impacts on the States adjacent to the outer Continental Shelf in which development has occurred;

(3) consistent with the commitment to devote revenues from offshore oil and gas leases to resource protection through the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.), a portion of revenues derived from the development of mineral resources of the outer Continental Shelf should be reinvested in the United States through conservation of environmental and other public resources, including open and green spaces, habitat for fish and wildlife, wetland, historic sites, parks and other outdoor recreation areas, clean air, and clean water;

(4) the need to reinvest in the public resources described in paragraph (3) has increased significantly, because the United States has experienced unprecedented prosperity, growth, and development that have intensified stress on the natural environment;

(5) in recent years, numerous State and local governments, as well as citizens throughout the United States, have initiated efforts to conserve, protect, and restore those resources; and

(6) the priority for carrying out measures to protect and conserve the public resources described in paragraph (3) should be determined—

(A) at the State and local levels, by individuals who have the greatest interest in enhancing the quality of life in their communities; and

(B) in cooperation with the Federal Government, which has an interest in protecting the resources of the United States.

(b) PURPOSE.—The purpose of this title is to establish a program to provide a reliable source of Federal funding for States to carry out activities to conserve, protect, and restore the natural resources of the United States, including water and air quality, fish and wildlife habitat, marine, estuarine, and coastal ecosystems, wetland, farmland, forest land, and parks and other places of outdoor recreation.

SEC. 203. DEFINITIONS.

In this title:

(1) COASTLINE.—The term "coastline" has meaning given the term "coast line" in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

(2) DISTANCE.—The term "distance" means minimum great circle distance, measured in statute miles.

(3) ELIGIBLE APPLICANT.—The term "eligible applicant" means a State, a municipality (including a subdivision of a State or municipality), or an interstate agency.

(4) ESTIMATED POPULATION.—The term "estimated population" means the population determined by the Secretary of Commerce on the basis of the most recent decennial census for which information is available.

(5) FUND.—The term "Fund" means the Environmental Stewardship Fund established by section 204.

(6) GOVERNOR.—The term "Governor" means the chief executive officer of a State.

(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(8) POPULATION DENSITY.—The term "population density", with respect to a State,

means the quotient obtained by dividing the estimated population of the State by the geographic area of the State.

(9) STATE.—The term “State” means—

(A) any of the 50 States, the Territories, and the District of Columbia; and

(B)(i) when used in a political sense, the tribal government of an Indian tribe; and

(ii) when used in a geographic sense, the land under the jurisdiction of the tribal government of an Indian tribe.

(10) TERRITORY.—The term “Territory” means Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 204. ENVIRONMENTAL STEWARDSHIP FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Environmental Stewardship Fund”, to be used in carrying out this title, consisting of—

(1) such amounts as are deposited in the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (c).

(b) TRANSFERS TO FUND.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each fiscal year, there shall be deposited in the Fund from qualified outer Continental Shelf revenues the lesser of \$900,000,000 or the amount that is equal to 34 percent of the amount of those revenues.

(c) EXPENDITURES FROM FUND.—On request by the Stewardship Council, and without further Act of appropriation, the Secretary of the Treasury shall transfer from the Fund to the Stewardship Council such amounts as the Stewardship Council determines are necessary to carry out this title.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 205. APPORTIONMENT OF FUND RECEIPTS TO STATES.

(a) ADMINISTRATIVE EXPENSES.—For each fiscal year, without further Act of appropriation, the Stewardship Council may use, for payment of administrative expenses incurred in carrying out this title, not more than 2 percent of the sums deposited in the Fund for the preceding fiscal year.

(b) AVAILABLE AMOUNT.—For each fiscal year, without further Act of appropriation, the Secretary of the Treasury shall distribute in accordance with this section an amount equal to the sum of—

(1) the amount of the sums deposited in the Fund for the preceding fiscal year remaining after the use authorized under subsection (a); and

(2) the interest earned on investment of those sums under section 204(d) for the preceding fiscal year.

(c) APPORTIONMENT.—

(1) APPORTIONMENT TO HISTORICALLY OIL AND GAS PRODUCTIVE COASTAL STATES.—

(A) IN GENERAL.—For each fiscal year, the Stewardship Council shall apportion from the amount available under subsection (b) the amount specified in subparagraph (B) for the fiscal year to coastal States any portion of the coastline of which is located within a distance of 200 miles of the geographic center of a leased tract that was leased at any time during the period of 1953 through 1997, and produced oil or gas during that period, based on the ratio that—

(i) the revenues received during that period from the leased tracts the geographic centers of which are located within a distance of 200 miles of any portion of the coastline of the coastal State; bears to

(ii) the total of the revenues described in clause (i) with respect to all such coastal States.

(B) AMOUNTS.—The amount specified in this subparagraph is—

(i) for fiscal year 2000, \$100,000,000;

(ii) for fiscal year 2001, \$80,000,000;

(iii) for fiscal year 2002, \$60,000,000;

(iv) for fiscal year 2003, \$40,000,000;

(v) for fiscal year 2004, \$20,000,000; and

(vi) for fiscal year 2005 and each fiscal year thereafter, \$10,000,000.

(2) APPORTIONMENT TO INDIAN TRIBES, DISTRICT OF COLUMBIA, AND TERRITORIES.—

(A) APPORTIONMENT TO INDIAN TRIBES.—For each fiscal year, 0.5 percent of the portion of the amount available under subsection (b) remaining after the apportionments under paragraph (1) shall be apportioned to the Indian tribes collectively, to be distributed by the Secretary.

(B) APPORTIONMENT TO THE DISTRICT OF COLUMBIA AND TERRITORIES.—For each fiscal year, 0.5 percent of the portion of the amount available under subsection (b) remaining after the apportionments under paragraph (1) shall be apportioned to the District of Columbia and the Territories collectively, to be distributed in equal amounts among the District of Columbia and each of the Territories.

(3) APPORTIONMENT TO OTHER STATES.—

(A) IN GENERAL.—For each fiscal year, the portion of the amount available under subsection (b) remaining after the apportionments under paragraphs (1) and (2) shall be apportioned to the States not receiving an apportionment under paragraph (2) as follows:

(i) 25 percent in the ratio that the miles of coastline in each such State bears to the total miles of coastline in all such States.

(ii) 25 percent in the ratio that the geographic area of each such State bears to the total geographic area of all such States.

(iii) 35 percent in the ratio that the estimated population of each such State bears to the total estimated population of all such States.

(iv) 15 percent in the ratio that the population density of each such State bears to the sum of the population densities of all such States.

(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—For each fiscal year, the amounts apportioned under this paragraph shall be adjusted proportionately so that no State receiving an apportionment under subparagraph (A) is apportioned a sum that is—

(i) less than 0.5 percent of the portion of the amount available under subsection (b)

remaining after the apportionments under paragraph (1) for the fiscal year; or

(ii) more than 5 percent of that amount.

(d) PERIOD FOR OBLIGATION OF APPORTIONMENTS.—If the Secretary of the Treasury determines that any portion of an apportionment to a State has not been obligated by the State during the fiscal year for which the apportionment is made or during the 2 fiscal years thereafter, the Secretary of the Treasury shall—

(1) reduce, by the amount of the unobligated portion of the State’s apportionment, the apportionment to the State for the succeeding fiscal year; and

(2) apportion to the States during that fiscal year, in accordance with subsection (c), the amount of the unobligated portion.

SEC. 206. USE OF FUNDS BY STATES.

(a) HISTORICALLY OIL AND GAS PRODUCTIVE COASTAL STATES.—Each State described in section 205(c)(1)(A) shall use—

(1) not more than 27 percent of the apportionment to the State under section 205(c)(2)—

(A) to mitigate the adverse environmental impacts resulting from the siting, construction, expansion, or operation of outer Continental Shelf facilities beyond the mitigation required under other law;

(B) to pay administrative costs incurred by the State or a political subdivision of the State in approving, disapproving, or permitting outer Continental Shelf development and production activities under applicable law, including the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(C) to repurchase leases for outer Continental Shelf development and production; and

(2) the balance of the apportionment to the State under section 205 to fund activities described in subsection (c).

(b) OTHER STATES.—

(1) IN GENERAL.—Amounts apportioned under section 205 to a State other than a State subject to subsection (a) shall be used to make grants to eligible applicants to pay the Federal share of the cost of carrying out eligible activities described in subsection (c).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an eligible activity shall be determined by the Governor, but shall not exceed 70 percent.

(c) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—An eligible activity described in this subsection is any activity—

(A) the implementation of which would improve air and water quality, result in the acquisition of open space or a park, preserve a historic site, conserve habitat for fish and wildlife, redevelop a brownfield, or otherwise further the purposes of this title in a manner that exceeds the requirements of any Federal law in effect as of the date of enactment of this Act;

(B) that has been approved by the Governor, subject to public notice and opportunity for comment; and

(C) that is identified in the current State plan that has been approved by the Stewardship Council.

(2) TYPES OF ELIGIBLE ACTIVITIES.—Specific eligible activities include the following:

(A) CLEAN WATER.—With respect to clean water, an eligible activity may be—

(i) implementation of a project identified in a national estuary program comprehensive management plan under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) or an approved coastal zone management plan;

(ii) State participation in monitoring and exposure assessment related to estrogenic substances; or

(iii) development and support of a watershed management council.

(B) CLEAN AIR.—With respect to clean air, an eligible activity may be—

(i) exceeding attainment levels prescribed under the Clean Air Act (42 U.S.C. 7401 et seq.); or

(ii) implementation of State energy conservation efforts carried out after the date of enactment of this Act.

(C) FARMLAND AND OPEN SPACE PROTECTION.—With respect to farmland and open space protection, an eligible activity may be—

(i) provision of technical assistance for small and rural communities in the development of open space preservation and conservation plans;

(ii) purchase of farmland conservation easements; or

(iii) redevelopment of brownfields for the purpose of public recreation.

(D) MARINE RESOURCES.—With respect to marine resources, an eligible activity may be—

(i) protection of essential fish habitat; or

(ii) acquisition of sensitive coastal areas, including coastal barriers, wetland, and buffer areas and coral reef renovation.

(E) WILDLIFE CONSERVATION.—With respect to wildlife conservation, an eligible activity may be—

(i) implementation of recovery plans to conserve endangered or threatened species;

(ii) landowner incentives for the conservation of endangered or threatened species; or

(iii) conservation of nonlisted species, including sensitive and declining species.

(d) COMPLIANCE WITH APPLICABLE LAWS.—All activities funded with an apportionment to a State under section 205 shall comply with all applicable Federal, State, and local laws (including regulations).

(e) LIMITATIONS ON USE OF FUNDS.—A State shall not use an apportionment to the State under section 205—

(1) to carry out an activity in satisfaction of liability for natural resource damages under Federal or State law; or

(2) to carry out an activity otherwise required by law.

SEC. 207. STATE PLANS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, as a condition of receipt of apportionments under this title, the Governor of each State eligible to receive an apportionment under section 205 shall—

(1) develop and submit to the Stewardship Council a State plan for the use of the apportionments, including—

(A) identification of high-priority environmental concerns of the State; and

(B) consideration of relevant Federal and State resources;

(2) obtain and maintain the approval of the Stewardship Council of the State plan; and

(3) to the maximum extent practicable, coordinate the actions under the State plan with ongoing conservation planning efforts in the State.

(b) REVISIONS.—The Governor shall revise and resubmit the plan for approval, as necessary, but not less often than once every 2 years.

(c) CRITERIA FOR APPROVAL.—The Stewardship Council shall approve a State plan submitted under subsection (a), or a revision of a State plan submitted under subsection (b), if the State plan or revision—

(1) provides for use of apportionments to the State in accordance with this title; and

(2) addresses high-priority conservation issues, or projects that are identified in a State comprehensive conservation plan.

(d) REVOCATION OF APPROVAL.—The Stewardship Council may revoke approval of a

State plan if the Stewardship Council determines that—

(1) the State is not using apportionments to the State in accordance with this title; or

(2) the Governor of the State fails to revise the plan as required under subsection (b).

(e) PUBLIC PARTICIPATION.—The plan, and each revision of the plan, shall be developed after public notice and an opportunity for public participation.

(f) CERTIFICATION BY THE GOVERNOR.—The Governor shall certify to the Stewardship Council that the plan, and each revision of the plan, was developed with an opportunity for public participation and in accordance with all applicable State laws.

(g) REPORTING OF EXPENDITURES.—The plan shall contain a description of activities funded with amounts appropriated under this title for the preceding 2 years.

SEC. 208. EFFECT ON LEASING AND DEVELOPMENT.

Nothing in this title—

(1) affects any moratorium on leasing of outer Continental Shelf leases for drilling; or

(2) constitutes an incentive to encourage the development of outer Continental Shelf resources where those resources are not being developed as of the date of enactment of this Act.

TITLE III—FISH AND WILDLIFE CONSERVATION

SEC. 301. FINDINGS AND PURPOSES.

The Fish and Wildlife Conservation Act of 1980 is amended by striking section 2 (16 U.S.C. 2901) and inserting the following:

“SEC. 2. FINDINGS AND PURPOSES.

“(a) FINDINGS.—Congress finds that—

“(1) fish and wildlife are of ecological, educational, esthetic, cultural, recreational, economic, and scientific value to the United States;

“(2) healthy populations of species of fish and wildlife should be achieved and maintained for the benefit of present and future generations of Americans;

“(3) management and conservation of fish and wildlife require adequate funding for State programs and coordination with Federal, local, and tribal governments, private landowners, and interested organizations within each State;

“(4) coordination and comprehensive planning of conservation efforts and funding sources under existing programs, such as the Federal aid in wildlife program and the Federal aid in sport fish restoration program, are being carried out by many States and should be encouraged;

“(5) increasing coordination and comprehensive planning of State conservation efforts and funding sources would provide significant benefits to the conservation and management of species; and

“(6) conservation efforts and funding should emphasize species that are not hunted, fished, or trapped, as nongame programs receive less than \$100,000,000 annually among all 50 States, compared with an estimated \$1,000,000,000 annually for game-focused programs.

“(b) PURPOSES.—The purposes of this Act are—

“(1) to provide assistance to the States for the conservation of fish and wildlife, especially nongame fish and wildlife; and

“(2) to encourage implementation and coordination of comprehensive fish and wildlife conservation programs.”.

SEC. 302. DEFINITIONS.

Section 3 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2902) is amended—

(1) by striking “As used in this Act—” and inserting “In this Act:”;

(2) in paragraphs (1), (2), and (4), by striking “plan” each place it appears and inserting “program”;

(3) in paragraph (8), by striking “the Trust Territory of the Pacific Islands.”;

(4) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (9), and (10), respectively;

(5) by inserting after paragraph (5) the following:

“(6) LEASED TRACT.—The term ‘leased tract’ means a tract—

“(A) leased under section 8 of the outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources; and

“(B) comprising a unit consisting of a block, a portion of a block, or a combination of blocks or portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.”; and

(6) by inserting after paragraph (7) (as redesignated by paragraph (4)) the following:

“(8) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

“(A) IN GENERAL.—The term ‘qualified outer Continental Shelf revenues’ means—

“(i) all sums received by the United States from each leased tract or portion of a leased tract located in the western or central Gulf of Mexico; less

“(ii) such sums as may be credited to States under section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) and amounts needed for adjustments and refunds as overpayments for rents, royalties, or other purposes.

“(B) INCLUSIONS.—The term ‘qualified outer Continental Shelf revenues’ includes royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases granted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for a leased tract or portion of a leased tract described in subparagraph (A)(i).”.

SEC. 303. CONSERVATION PROGRAMS.

(a) IN GENERAL.—The Fish and Wildlife Conservation Act of 1980 is amended by striking section 4 (16 U.S.C. 2903) and inserting the following:

“SEC. 4. CONSERVATION PROGRAMS.

“(a) IN GENERAL.—Not later than 5 years after the date of receipt by a State of an initial apportionment under section 7, the State shall develop and begin implementation of a conservation program for species of fish and wildlife in the State that emphasizes fish and wildlife species that are not hunted, trapped, or fished (including associated habitats of those species) and is based on best available and appropriate scientific information and data.

“(b) REQUIRED ELEMENTS.—A conservation program under subsection (a) shall include—

“(1) information on the distribution and abundance of species (including species having a low population and declining species, as determined to be appropriate by the designated State agency) that are indicative of the diversity and health of wildlife of the State;

“(2) identification of the extent and condition of wildlife habitats and community types essential to the conservation of species;

“(3) identification of problems that may adversely affect species and habitats;

“(4) priority research and surveys to identify factors that may assist in restoration and more effective conservation of species and habitats;

“(5) determinations of actions that should be taken to conserve the species and habitats, and establishment of priorities for implementing any recommended actions;

“(6) periodic monitoring of species and habitats, including—

“(A) assessment of the effectiveness of the conservation actions determined under paragraph (5); and

“(B) development of recommendations for implementing conservation actions to appropriately respond to new information or changing conditions;

“(7) review of the State conservation program, and, if appropriate, revision of the conservation program at least once every 10 years; and

“(8) coordination, to the maximum extent feasible, by the designated State agency, during the development, implementation, review, and revision of the conservation program, with Federal, State, and local agencies and Indian tribes that—

“(A) manage significant areas of land or water within the State; or

“(B) administer programs that significantly affect the conservation of species or habitats.”

(b) **APPROVAL BY THE SECRETARY OF CONSERVATION PROGRAMS.**—The Fish and Wildlife Conservation Act of 1980 is amended by striking section 5 (16 U.S.C. 2903) and inserting the following:

“SEC. 5. APPROVAL BY THE SECRETARY OF CONSERVATION PROGRAMS.

“(a) **IN GENERAL.**—

“(1) **APPROVAL.**—The Secretary shall approve a conservation program if the conservation program meets the requirements of section 4, is substantial in character and design, and has been made available for public comment.

“(2) **INDIVIDUAL CONSERVATION ACTIONS.**—

“(A) **IN GENERAL.**—In the absence of an approved conservation program, the Secretary may approve conservation actions that are intended to conserve primarily species of fish and wildlife that are not hunted, trapped, or fished and the habitats of those species.

“(B) **CRITERIA FOR APPROVAL.**—Under subparagraph (A), the Secretary may approve a conservation action for a species of fish or wildlife if—

“(i) the proposal for the conservation action—

“(I) includes an estimate of the population and distribution of the species and a description of the significant habitat of the species;

“(II) provides for regular monitoring of the effectiveness of the conservation action; and

“(III) is substantial in character and design;

“(ii) the conservation action is a high priority action in conserving the species; and

“(iii) the State is making reasonable efforts to develop or revise a conservation program that complies with this Act.

“(3) **EFFECT OF APPROVAL.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), the development, implementation, and revision of conservation programs approved under paragraph (1) and the development and implementation of conservation actions approved under paragraph (2) shall be eligible for funding using funds apportioned to the States under section 7.

“(B) **LIMITATION ON USE OF FUNDS.**—Of the funds apportioned to a State under section 7 for a fiscal year, a pro rata portion of the amount required under section 6(b) to be used for the conservation of endangered or threatened species shall be used by the State for that purpose.

“(b) **CONSOLIDATION OF PLANNING EFFORTS.**—

“(1) **WILDLIFE PLANNING EFFORTS.**—With respect to conservation of wildlife, the State may include the information required to be included in a conservation program under section 4 in the plan developed by the State under the Act entitled ‘An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other

purposes’, approved September 2, 1937 (16 U.S.C. 669 et seq.), in which case the Secretary shall approve the conservation program for the purposes of, and in accordance with, this Act and that Act.

“(2) **FISH PLANNING EFFORTS.**—With respect to conservation of fish, the State may include the information required to be included in a conservation program under section 4 in the plan developed by the State under the Act entitled ‘An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes’, approved August 9, 1950 (16 U.S.C. 777 et seq.), in which case the Secretary shall approve the conservation program for the purposes of, and in accordance with, this Act and that Act.”

SEC. 304. FISH AND WILDLIFE CONSERVATION FUND.

The Fish and Wildlife Conservation Act of 1980 is amended by striking section 6 (10 U.S.C. 2905) and inserting the following:

“SEC. 6. FISH AND WILDLIFE CONSERVATION FUND.

“(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the ‘Fish and Wildlife Conservation Fund’ (referred to in this section as the ‘Fund’), consisting of—

“(1) such amounts as are appropriated to the Fund under subsection (b); and

“(2) any interest earned on investment of amounts in the Fund under subsection (d).

“(b) **TRANSFERS TO FUND.**—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each fiscal year, there are appropriated to the Fund, from revenues due and payable to the United States as qualified outer Continental Shelf revenues (as defined in section 2 of the Natural Resources Reinvestment Act of 1999), the lesser of—

“(1) \$250,000,000, of which \$75,000,000 shall be used for conservation of endangered or threatened species under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535); or

“(2) the amount that is equal to 10 percent of those revenues, of which an amount equal to 3 percent of those revenues shall be used for conservation of endangered or threatened species under that section.

“(c) **EXPENDITURES FROM FUND.**—

“(1) **IN GENERAL.**—Upon request by the Secretary and without further Act of appropriation, for fiscal year 2000 and each fiscal year thereafter, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide funding for administrative expenses and apportionments under section 7.

“(2) **USE OF FUNDS BY STATES.**—

“(A) **IN GENERAL.**—Funds apportioned to a State under section 7 shall be used to carry out activities eligible for funding under section 5.

“(B) **MAINTENANCE OF EFFORT.**—Funds made available to States from the Fund shall supplement, but not supplant, funds made available to the States from—

“(i) the Federal aid to wildlife restoration fund established by section 3 of the Act entitled ‘An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes’, approved September 2, 1937 (16 U.S.C. 669b); and

“(ii) the Sport Fish Restoration Account established by section 9504 of the Internal Revenue Code of 1986.

“(d) **INVESTMENT OF AMOUNTS.**—

“(1) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet cur-

rent withdrawals. Investments may be made only in interest-bearing obligations of the United States.

“(2) **ACQUISITION OF OBLIGATIONS.**—For the purpose of investments under paragraph (1), obligations may be acquired—

“(A) on original issue at the issue price; or

“(B) by purchase of outstanding obligations at the market price.

“(3) **SALE OF OBLIGATIONS.**—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

“(4) **CREDITS TO FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

“(e) **TRANSFERS OF AMOUNTS.**—

“(1) **IN GENERAL.**—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

“(2) **ADJUSTMENTS.**—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.”

SEC. 305. APPORTIONMENT OF FUND RECEIPTS TO STATES.

The Fish and Wildlife Conservation Act of 1980 is amended by striking section 7 (16 U.S.C. 2906) and inserting the following:

“SEC. 7. APPORTIONMENT OF FUND RECEIPTS TO STATES.

“(a) **DEDUCTION FOR ADMINISTRATIVE EXPENSES.**—

“(1) **IN GENERAL.**—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred in carrying out this Act, not more than 6 percent of the total amount of the Fish and Wildlife Conservation Fund established by section 6 available for apportionment for the fiscal year.

“(2) **PERIOD OF AVAILABILITY.**—A deduction by the Secretary under paragraph (1) for a fiscal year shall be available for obligation by the Secretary until September 30 of the following fiscal year.

“(3) **APPORTIONMENT OF UNOBLIGATED FUNDS.**—Not later than 60 days after the end of a fiscal year, the Secretary shall apportion under subsections (b) and (c) any unobligated amount of a deduction for which the period of availability under paragraph (2) terminated on September 30 of the fiscal year.

“(b) **APPORTIONMENT TO DISTRICT OF COLUMBIA AND TERRITORIES.**—For each fiscal year, after making the deduction under subsection (a), the Secretary shall make the following apportionments from the amount of the Fish and Wildlife Conservation Fund remaining available for apportionment:

“(1) To each of the District of Columbia and the Commonwealth of Puerto Rico, a sum equal to not more than ½ of 1 percent of that remaining amount.

“(2) To each of Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, a sum equal to not more than ¼ of 1 percent of that remaining amount.

“(c) **APPORTIONMENT TO OTHER STATES.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), for each fiscal year, after making the deduction under subsection (a) and the apportionment under subsection (b), the Secretary shall apportion the amount of the Fish and Wildlife Conservation Fund remaining available for apportionment among the States not receiving an apportionment under subsection (b) in the following manner:

“(A) ⅓ based on the ratio that the geographic area of each such State bears to the total geographic area of all such States.

“(B) ⅔ based on the ratio that the population of each such State bears to the total population of all such States.

“(2) MINIMUM AND MAXIMUM APPORTIONMENTS.—For each fiscal year, the amounts apportioned under this subsection shall be adjusted proportionately so that no State receiving an apportionment under paragraph (1) is apportioned a sum that is—

“(A) less than 1 percent of the amount available for apportionment under this subsection for the fiscal year; or

“(B) more than 5 percent of that amount.

“(d) PERIOD OF AVAILABILITY OF APPORTIONMENTS.—

“(1) IN GENERAL.—An apportionment to a State under subsection (b) or (c) for a fiscal year shall be available for obligation by the State until the end of the fourth succeeding fiscal year.

“(2) REAPPORTIONMENT OF UNOBLIGATED FUNDS.—Any amount apportioned to a State under subsection (b) or (c) for which the period of availability under paragraph (1) terminated at the end of a fiscal year shall be reapportioned to the States in accordance with subsections (b) and (c) during the following fiscal year.

“(e) COST SHARING.—Not more than 70 percent of the cost of any activity funded under this Act may be funded using amounts apportioned to a State under this section.”

SEC. 306. TECHNICAL AMENDMENTS.

(a) Section 9 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2908) is amended by striking “conservation plans” and inserting “conservation programs”.

(b) Section 13(b) of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2912) is amended in the second sentence by striking “Committee on Merchant Marine and Fisheries” and inserting “Committee on Resources”.

(c) The Fish and Wildlife Conservation Act of 1980 is amended—

(1) by striking sections 8, 11, and 12 (16 U.S.C. 2907, 2910, 2911); and

(2) by redesignating sections 9, 10, and 13 (16 U.S.C. 2908, 2909, 2912) as sections 8, 9, and 10, respectively.

(d) Section 3(5) of the North American Wetlands Conservation Act (16 U.S.C. 4402(5)) is amended by striking “under the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901–2912)” and inserting “in section 3 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2902)”.

(e) Section 16(a) of the North American Wetlands Conservation Act (16 U.S.C. 4413) is amended in the first sentence by striking “section 13(a)(5) of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2912(a))” and inserting “section 10(a)(5) of the Fish and Wildlife Conservation Act of 1980”.

TITLE IV—NEW OPEN SPACE INITIATIVES

Subtitle A—Watersheds

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) properly managed watersheds can protect and enhance surface water quality by—

(A) processing nutrients;

(B) trapping sediments; and

(C) providing settings where runoff contaminants can be chemically and biologically neutralized before the contaminants enter surface and ground water;

(2) properly managed watersheds can reduce erosion of stream banks and surrounding land by—

(A) reducing the volume and velocity of peak runoff flows; and

(B) helping to protect sensitive stream bank and stream bed areas often critical to the protection of the biological integrity of surface and ground waters; and

(3) the purchase of easements in, or fee title to, critical land from willing sellers can

be a useful tool in ensuring the implementation of an effective program for enhancing and protecting the quality of surface and ground waters.

(b) PURPOSE.—The purpose of this title is to encourage the acquisition or restoration of contiguous watersheds and wetland by providing funding for the acquisition or restoration of wetland, adjacent land, or buffer strips under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 402. LAND ACQUISITION AND RESTORATION PROGRAM.

(a) FUNDING.—Title III of the Federal Water Pollution Control Act (33 U.S.C. 1311 et seq.) is amended by adding at the end the following:

“SEC. 321. SAVE OUR WATERSHEDS PROGRAM.

“(a) CONSIDERATION OF ACQUISITION.—Each plan prepared by the appropriate State, local, or other non-Federal entity under section 118, 314, 319(g), or 320 shall—

“(1) evaluate the effectiveness of the acquisition or restoration of land or interests in land as a means of meeting the goals of the plan; and

“(2) include programs to encourage State, local, private, or other non-Federal funding of acquisitions or restorations if acquisition or restoration of land or interests in land is found by the entity to be an effective tool for plans prepared under this Act.

“(b) FUNDING.

“(1) SRF FUNDING.—

“(A) IN GENERAL.—A State may use funds from the water pollution control revolving fund of the State established under title VI for the acquisition or restoration of land in accordance with a plan developed under section 118, 314, 319(g), or 320.

“(B) SRF FUNDING LIMITATION.—Not more than 10 percent of the funds awarded to a State under title VI may be used for the acquisition or restoration of land in accordance with this section.

“(2) PREFERENCES FOR FUNDING.—In considering requests for funding of a plan for the acquisition or restoration of land or interests in land under this section, the Administrator shall provide a preference to requests with respect to which Federal funds will be matched by—

“(A) the State;

“(B) the entity responsible for developing and implementing the plan; or

“(C) other non-Federal entities.

“(c) POSSESSION OF LAND.—

“(1) IN GENERAL.—All land or interests in land acquired or restored under this section shall be held by an entity chosen by the Governor or a designee.

“(2) FEDERAL POSSESSION PROHIBITED.—An officer or employee of the Environmental Protection Agency or any other Federal agency shall not hold any land or interests in land acquired or restored under this section.

“(d) USE OF LAND.—

“(1) IN GENERAL.—Land acquired or restored under this section using Federal funds shall be made available for public recreational purposes to the maximum extent practicable considering the environmental sensitivity and suitability of the land.

“(2) INCOMPATIBLE PURPOSE EXCEPTION.—Land acquired or restored under this section shall not be made available for public recreational purposes if public recreational activities would be incompatible with the purposes for which the land was acquired or restored.”

(b) CONFORMING AMENDMENTS.—

(1) Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended—

(A) in paragraph (2), by striking “and” at the end; and

(B) by inserting before the period at the end the following: “, and (4) for acquiring or restoring land under section 321”.

(2) Section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) is amended in the first sentence—

(A) in paragraph (2), by striking “and” at the end; and

(B) by inserting before the period at the end the following: “, and (4) for acquiring or restoring land under section 321”.

Subtitle B—Transportation

SEC. 411. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) historically, transportation projects have contributed to suburban sprawl, loss of open space, and degradation of the local environment; and

(2) comprehensive transportation planning should incorporate environmental mitigation and preservation of open space to the extent locally desired and practicable.

(b) PURPOSE.—The purpose of this subtitle is to incorporate efforts to mitigate transportation-related growth and development in surface transportation and highway projects.

SEC. 412. SURFACE TRANSPORTATION PROGRAM.

Section 133(b) of title 23, United States Code, is amended by inserting after paragraph (11) the following:

“(12) Acquisition of open space and conservation easements to mitigate transportation-related growth and development.”

SEC. 413. FEDERAL-AID SYSTEM.

Section 103(b)(6) of title 23, United States Code, is amended by adding at the end the following:

“(Q) Acquisition of open space and conservation easements to mitigate transportation-related growth and development.”

Subtitle C—Farmland

SEC. 421. FARMLAND PROTECTION.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note; Public Law 104-127) is amended—

(1) by redesignating subsection (c) as subsection (h); and

(2) by striking subsections (a) and (b) and inserting the following:

“(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) any agency of any State or local government, or federally recognized Indian tribe; and

“(2) any organization that—

“(A) is organized for, and at all times since its formation has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986; and

“(B)(i) is an organization described in section 501(c)(3) of the Code that is exempt from taxation under section 501(a) of the Code;

“(ii) is described in section 509(a)(2) of the Code; or

“(iii) is described in section 509(a)(3) of the Code and is controlled by an organization described in section 509(a)(2) of the Code.

“(b) AUTHORITY.—The Secretary of Agriculture shall establish and carry out a farmland protection program under which the Secretary shall provide grants to eligible entities to provide the Federal share of the cost of purchasing conservation easements or other interests in land with prime, unique, or other productive soil for the purpose of protecting topsoil by limiting non-agricultural uses of the land.

“(c) FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement or other interest described in subsection (b) shall not more than 50 percent.

“(d) TITLE; ENFORCEMENT.—Title to a conservation easement or other interest described in subsection (b) may be held, and

the conservation requirements of the easement or interest enforced, by any eligible entity.

“(e) STATE CERTIFICATION.—The attorney general of the State in which land is located shall take such actions as are necessary to ensure that a conservation easement or other interest under this section is in a form that is sufficient to achieve the conservation purpose of the farmland protection program established under this section, the law of the State, and the terms and conditions of any grant made by the Secretary under this section.

“(f) CONSERVATION PLAN.—Any land for which a conservation easement or other interest is purchased under this section shall be subject to the requirements of a conservation plan to the extent that the plan does not negate or adversely affect the restrictions contained in any easement.

“(g) TECHNICAL ASSISTANCE.—The Secretary may use not more than 10 percent of the amount that is made available for a fiscal year under subsection (h) to provide technical assistance to carry out this section.”

• Mr. CHAFFEE. Mr. President, I am very pleased to join with my colleague, Senator LIEBERMAN, as well as Senators LEAHY and JEFFORDS, in introducing a bill to strengthen the environmental infrastructure of our nation, and to lay the foundation for conservation efforts for the new century.

This bill—the Natural Resource Reinvestment Act of 1999 (NRRA)—will also help shape the debate now taking place in Congress on spending revenues from the oil and gas activities in the Outer Continental Shelf. Rarely are we confronted with choices that will profoundly influence the natural legacy of this nation. The current debate over OCS revenues presents us with such a choice.

Let me first applaud the tremendous work already undertaken by my colleagues who have introduced legislation on this subject, particularly Senators LANDRIEU, FEINSTEIN, BOXER and GRAHAM, as well as Senators MURKOWSKI and BINGAMAN, who oversee these bills in the Energy and Natural Resources Committee. At the same time, there is room for additional voices on this subject.

I would like to identify four basic principles that are embodied in our legislation, and that I believe should govern Congress' deliberations on spending OCS revenues. These principles hearken back to those espoused by Congress when it created the Land and Water Conservation Fund and the Historic Preservation Fund, the only two programs that by law are funded from OCS receipts.

First, OCS revenues should be reinvested in the nation's public resources—our environmental, natural, cultural and historic resources. Second, reinvestment in public resources should be meaningful and lasting—the capital assets of our nation. Third, revenues must be distributed in an equitable manner across the nation. Fourth, the funding must be permanent.

The NRRA allocates \$2.5 billion in OCS receipts to three major areas: \$1.35 billion to land and water and historic

preservation (title I); \$900 million to states for matching conservation grants (title II); and \$250 million for state fish and wildlife conservation (title III). In the event that total OCS receipts falls short of \$2.5 billion, each program will receive a pro-rated, percent share of the funds.

The funds generally must be spent for conservation and environmental improvement activities, in keeping with the vision that revenues from development of non-renewable resources should be returned to the conservation of other natural resources. The funds are distributed to all 50 states in an equitable manner, derived from receipts from past, present and future OCS activities, but based on a formula and derived from qualified revenues that do not encourage additional OCS activity.

The NRRA recognizes that the existing programs created by Congress, to be funded with revenues from OCS activities, should receive their full share before new programs funded by those revenues are created. Title I of the NRRA fulfills the promise that Congress made 35 years ago when it created the LWCF. The LWCF is authorized to receive \$900 million annually from OCS revenues, but receives only a fraction of this amount in appropriations. One of the greatest conservation laws ever enacted, it provides money for Federal land and water acquisitions, and matches state dollars for local parks, beaches, gardens and other open spaces.

The NRRA would fully fund the LWCF automatically, without further Congressional action. I attempted such an effort in 1988 with the American Heritage Trust Act, and nothing would please me more than to see this effort fulfilled before I leave the Senate.

Created in 1976, the Historic Preservation Fund is also funded with OCS revenues, but of \$150 million authorized annually, it receives roughly \$45 million—30 percent. The Fund is responsible for registering more than one million historic sites across the nation, and with additional funding, restoration work can be carried out. The bill would fully fund it at \$150 million.

In addition, the bill provides full funding, \$100 million, for the Urban Parks and Recreation Renewal Program, which supports parks and open spaces in large urban areas. Funds are also authorized for the Payment in Lieu of Taxes Program and the Refuge Revenue Sharing Program, which provide annual payments to local governments to compensate for the removal of newly acquired public lands from the property tax base.

The NRRA seeks to improve and expand the LWCF in order to revitalize it, modernize it and bring it into the new century. Since the creation of the LWCF, the conservation needs of the country have evolved in ways that require greater flexibility and creativity than the traditional methods authorized in the original law.

The NRRA establishes a new program to increase the LWCF by \$200 million

to support state efforts to conserve land and water of regional or national significance. The program would provide Federal funding for state and private partnerships, in order to meet nationally important land protection priorities in a way that ensures state or local control of lands and waters. This program would help conserve some of the nation's most treasured areas, such as the Great Lakes, the Everglades, the Mississippi Delta, the Northern Forest of New England, the midwestern prairie lands, and the southwestern desert.

Let me cite one example of why we need this new program. With over five million acres of woodland on the auction block in Maine this past year, The Nature Conservancy negotiated an extraordinary deal that would protect 185,000 acres around the Upper St. John River, which is the largest, least developed river system east of the Mississippi River. The Nature Conservancy has already raised over \$10 million in private funds for this project, and hopes to receive some of a \$50 million bond which will be on the Maine ballot in the fall. The Federal government should be a partner as well. However, many folks in Maine do not want additional Federal acquisitions, so the traditional Federal LWCF program is not a possibility. Yet Maine's annual state-side LWCF allocation would be too small to handle such an expensive project. A new program could leverage the private and State dollars without requiring Federal ownership.

Recognizing that priorities for protecting and conserving resources should be determined at the state and local levels, in cooperation with the Federal government and the use of Federal dollars, the bill creates a new grants program for state activities to promote conservation and improvement of environmental quality.

Specifically, \$900 million is apportioned among all 50 states, based on a formula using the following criteria: population, length of coastline, geographic area, and population density. This formula is based on the premise that all states share in the benefits of development of OCS resources. It also recognizes the many factors that put pressure on the nation's resources. Because the formula is not tied to OCS oil and gas production, it does not create incentives for further activity. Lastly, with a ceiling of 5 percent, and a floor of 0.5 percent, the formula ensures that no state receives a disproportionate amount.

The funds can be used for clean air, clean water, cleanup of brownfields, conservation of fish and wildlife habitat, and preservation of open space and farmland. Projects must exceed standards required under existing law, be approved by the Governor after public notice and comment, and must be included in the state plan approved by a Stewardship Council comprised of Federal agency and Congressional representatives.

Federal funding for projects must also be matched with at least 30 percent by non-Federal dollars. This matching requirement is extremely important in that it provides leverage for Federal dollars, and that it encourages states to use the money wisely.

There are special provisions for states that have historically borne the activities in the OCS. Specifically, \$300 million over five years, and \$10 million annually thereafter, is provided for these states in addition to the amounts they receive under the formula. The funds may be used for OCS mitigation activities, as well as the activities enumerated above.

The NRRA establishes a separate title for the conservation of fish and wildlife, to receive \$250 million in OCS revenues, of which \$75 million is to be spent on conservation of endangered or threatened species.

Although the States are the principle stewards of our nation's fish and wildlife, their efforts to perform this role are chronically under-funded. It is high time that the Federal government assist them. And it is high time that we protect our nation's fish and wildlife before they become threatened or endangered, rather than wait until the costs and controversies are so great. At the same time, we must get a steady flow of funds for endangered and threatened species to help their recovery.

The key to species conservation is, of course, protection of the habitat. Habitat protection, in turn, requires comprehensive planning and collaboration to determine which habitat is important. Many State fish and wildlife agencies already engage in comprehensive planning, and work closely with neighboring States and the Federal government. The tremendous work conducted in the Mississippi Alluvial Valley through the Partners in Flight program exemplifies what States can do when they have adequate funding. Indeed, the States have recently completed comprehensive plans for all migratory birds, and plans are underway for amphibians and reptiles.

The NRRA amends the 1980 Fish and Wildlife Conservation Act to encourage implementation and coordination of comprehensive fish and wildlife conservation programs. The bill also places an emphasis on species that are not hunted, fished or trapped. This emphasis seeks to rectify the current imbalance in which non-game programs among all 50 states receive less than \$100 million annually, while game-focused programs receive more than \$1 billion annually. Less than 10 percent of state fish and wildlife funding is targeted at the conservation of 86 percent of fish and wildlife species.

Three new programs are created in the bill. To promote watershed protection, the NRRA amends Title III of the Federal Water Pollution Control Act to allow up to 10 percent of the State Revolving Loan Fund to be spent as 50 percent matching grants for open space

acquisition to protect watersheds and water quality. To address transportation-related development, the NRRA amends current law to allow surface transportation and highway funding to be used for the purchase of open space and green corridors that mitigate transportation-related growth and development. Lastly, to promote the protection of farmland, the NRRA amends the Federal Agriculture Improvement and Reform Act of 1996 to allow State and local conservation organizations to participate in the purchase of conservation easements for farmland protection.

Almost 90 years ago, Teddy Roosevelt said that "of all the questions which can come before this nation, short of actual preservation of its existence in a great war, there is none which compares in importance with the central task of leaving this land a better land for our descendants than it is for us." When a rugged coastline is marred by condos, or farmland is replaced by a strip mall, or a breathtaking vista is pocked with smokestacks, we lose something very valuable, most likely for good. Our bill ensures that the tools are available to leave this land in better condition for our descendants, and remains true to the vision of Teddy Roosevelt.

I urge my colleagues to cosponsor this worthwhile legislation.●

● Mr. JEFFORDS. Mr. President, I rise today as an original cosponsor of the Natural Resources Reinvestment Act of 1999 (NRRA) and thank Senator LIEBERMAN for his leadership on this issue. The purpose of this bill is to reinvest revenues from oil and gas production on outer continental shelf lands to establish a reliable source of funding for State, local and Federal efforts to conserve land and water, provide recreational opportunities, preserve historic resources, protect fish and wildlife, and preserve open and green spaces.

This Congress, the subject of permanent funding for the Land and Water Conservation Fund (LWCF) has received significant attention. The Land and Water Conservation Fund, a special account created in 1964, is the primary vehicle for funding land conservation efforts in the United States and is used for acquisitions and maintenance for our national parks, forests, and wildlife refuges. Four federal agencies—the Park Service, Bureau of Land Management, Fish and Wildlife Service, and Forest Service—receive these funds. In addition, the Park Service has administered a matching grants program to assist states (and localities) in acquiring and developing recreation sites and facilities. The fund accumulates money from diverted revenues from off-shore oil leases.

Unfortunately, the main fund has not recently been fully funded and the state grant program has not received any funding since 1995. The promise of this worthy program has never been fully realized and many opportunities

to conserve precious lands and to work with our state and local partners have been lost. People across the country are realizing that they cannot afford to lose more opportunities to protect the lands they consider important to their quality of life.

Many of us think of large tracks of land, like the Green Mountain National Forest in my home state of Vermont, when we think about federal conservation programs. When we think about the Land and Water Conservation Fund, however, we should also envision soccer fields, swing-sets, picnic areas, town beaches and wildlife preserves across the country. The LWCF has made it possible to protect some of the most valuable wildlife habitat in the United States, and also for small communities to afford public recreation facilities that would otherwise not be possible, bringing the benefits of outdoor recreation close to where we live and work.

In addition to the LWCF, the NRRA establishes permanent funding for Urban Parks and Recreation Recovery, the Historic Preservation Fund, and creates several new open space initiatives. The bill also establishes an Environmental Stewardship Fund for states to conserve, protect, and restore their natural resources beyond what is required by current law. The Fund is designed so that states have the flexibility to create their own plans that address their particular needs, while including citizens through a comment process.

The Natural Resources Reinvestment Act demonstrates a commitment to conserving and protecting our national natural and historical resources. I urge my colleagues to support this bill that would secure the funding of our conservation and open space programs for the future.●

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 59

At the request of Mr. THOMPSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 118

At the request of Mr. REID, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mrs. MURRAY), the Senator from Ohio (Mr. VOINOVICH), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors

of S. 118, a bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decisionmaking at the National Cancer Institute.

S. 121

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 121, a bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, age, or disability, and for other purposes.

S. 146

At the request of Mr. ABRAHAM, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 146, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 171

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 172

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 172, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 391

At the request of Mr. KERREY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 469

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 472

At the request of Mr. GRASSLEY, the names of the Senator from Rhode Island (Mr. REED), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the Medicare program, and for other purposes.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 661

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 717

At the request of Ms. MIKULSKI, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation.

S. 763

At the request of Mr. THURMOND, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 778

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 778, a bill for the relief of Blanca Echeverri.

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the medicaid program, and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 894

At the request of Mr. CLELAND, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 894, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Wisconsin

(Mr. FEINGOLD), the Senator from West Virginia (Mr. BYRD), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 926

At the request of Mr. DODD, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 1131

At the request of Mr. EDWARDS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1131, a bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1310

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1327

At the request of Mr. CHAFEE, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1327, a bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

S. 1382

At the request of Mr. MCCAIN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to make grants to carry out certain activities toward promoting adoption counseling, and for other purposes.

S. 1446

At the request of Mr. LOTT, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1446, a bill to amend the

Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1448

At the request of Mr. HUTCHINSON, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Rhode Island (Mr. CHAFFEE) were added as cosponsors of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1449

At the request of Mr. CONRAD, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1449, a bill to amend title XVIII of the Social Security Act to increase the payment amount for renal dialysis services furnished under the medicare program.

S. 1464

At the request of Mr. HAGEL, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Ohio (Mr. DEWINE), and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1473

At the request of Mr. ROBB, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1485

At the request of Mr. NICKLES, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1485, a bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States.

S. 1528

At the request of Mr. LOTT, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1528, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that act for certain recycling transactions.

S. 1568

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1568, a bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes.

SENATE JOINT RESOLUTION 33

At the request of Mr. BROWNBACK, his name was added as a cosponsor of Sen-

ate Joint Resolution 33, a joint resolution deploring the actions of President Clinton regarding granting clemency to FALN terrorists.

At the request of Mr. HAGEL, his name was added as a cosponsor of Senate Joint Resolution 33, supra.

SENATE RESOLUTION 163

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of Senate Resolution 163, a resolution to establish a special committee of the Senate to study the causes of firearms violence in America.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

AMENDMENT NO. 1603

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of amendment No. 1603 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

SENATE RESOLUTION 180—REAUTHORIZING THE JOHN HEINZ SENATE FELLOWSHIP PROGRAM

Mr. SPECTER (for himself and Mr. SANTORUM) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 180

Resolved,

SECTION 1. JOHN HEINZ SENATE FELLOWSHIP PROGRAM.

Senate Resolution 356, 102d Congress, agreed to October 7, 1992, is amended by striking sections 2 through 6 and inserting the following:

"SEC. 2. FINDINGS.

"The Senate makes the following findings:

"(1) Senator John Heinz believed that Congress has a special responsibility to serve as a guardian for those persons who cannot protect themselves.

"(2) Senator Heinz dedicated much of his career in Congress to improving the lives of senior citizens.

"(3) It is especially appropriate to honor the memory of Senator Heinz through the creation of a Senate fellowship program to encourage the identification and training of new leadership in aging policy and to bring experts with firsthand experience of aging issues to the assistance of Congress in order to advance the development of public policy in issues that affect senior citizens.

"SEC. 3. FELLOWSHIP PROGRAM.

"(a) IN GENERAL.—In order to encourage the identification and training of new leadership in issues affecting senior citizens and to advance the development of public policy with respect to such issues, there is established a John Heinz Senate Fellowship Program.

"(b) SENATE FELLOWSHIPS.—The Heinz Family Foundation, in consultation with the

Secretary of the Senate, is authorized to select Senate fellowship participants.

"(c) SELECTION PROCESS.—The Heinz Family Foundation shall—

"(1) publicize the availability of the fellowship program;

"(2) develop and administer an application process for Senate fellowships;

"(3) conduct a screening of applicants for the fellowship program; and

"(4) select participants without regard to race, color, religion, sex, national origin, age, or disability.

"SEC. 4. COMPENSATION; NUMBER OF FELLOWSHIPS; PLACEMENT.

"(a) COMPENSATION.—The Secretary of the Senate is authorized, from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under this resolution for a period determined by the Secretary.

"(b) NUMBER OF FELLOWSHIPS.—No more than 2 fellowship participants shall be so employed. Any individual appointed pursuant to this resolution shall be subject to all laws, regulations, and rules in the same manner and to the same extent as any other employee of the Senate.

"(c) PLACEMENT.—The Secretary of the Senate, after consultation with the Majority Leader and Minority Leader of the Senate, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' areas of expertise.

"SEC. 5. FUNDS.

"The funds necessary to compensate eligible participants under this resolution for fiscal year 1999 shall be paid from the contingent fund of the Senate. Such funds shall not exceed, for fiscal year 1999, \$71,000. There are authorized to be appropriated \$71,000 for each of the fiscal years 2000 through 2004 to carry out the provisions of this resolution."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, September 9, 1999, at 9:30 a.m. in open session, to consider the nomination of General Henry H. Shelton, USA for reappointment to the grade of General and for reappointment as chairman of the Joint Chiefs of Staff.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 9, 1999, at 2:15 p.m. on two committee nominations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Foreign Relations Committee be authorized to meet during the session of the Senate on 9, September, 1999 at 2 p.m. to hold a joint subcommittee hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, the Committee on the Judiciary requests

unanimous consent to conduct a hearing on Thursday, September 9, 1999 beginning at 10 a.m. in room 226 Dirksen.

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

SPECIAL COMMITTEE ON THE YEAR 2000
TECHNOLOGY PROBLEM

Mr. GORTON. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on September 28, 1999 at 10 a.m. for the purpose of conducting a hearing.

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

ADDITIONAL STATEMENTS

I WILL PLEDGE WEEK

• Mr. ALLARD. Mr. President, I rise today to recognize a program in Colorado aimed at stopping youth violence. In the wake of the shootings at Columbine in Littleton, students and parents throughout northern Colorado in Fort Collins, Greeley, Windsor and my home town of Loveland organized the week of August 29 through September 4 as "I will pledge week." The program was sponsored by the Fort Collins Coloradoan, Clear Channel—the parent company of radio stations KPAW, KCOL, KIIH, and KGLL, and school districts throughout northern Colorado.

The "pledge" is a symbolic gesture meant to heighten everyone's awareness of the problem of youth violence. It stresses personal responsibility, tolerance and empowers each student to be part of the solution. I have proudly endorsed "the pledge" because I believe it will make a difference. I would like to now share with my colleagues "the pledge."

THE PLEDGE

To end violence . . . "I will pledge to be a part of the solution.

I will eliminate taunting from my behavior.

I will encourage others to do the same.

I will do my part to make my community a safe place by being more sensitive to others.

I will set the example of a caring individual.

I will eliminate profanity toward others from my language.

I will not let my words or actions hurt others . . .

And if others won't become part of the solution, I will."

Last week, literally thousands of students across northern Colorado took this pledge. They committed themselves to be part of the solution to ending youth violence. It is an example I encourage others to follow. •

REMOVAL ON INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106-8

Mr. SESSIONS. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on September 9, 1999, by the President of the United States:

Convention (No. 176) Concerning Safety and Health in Mines (Treaty Document No. 106-8).

I further ask that the convention be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification of the Convention (No. 176) Concerning Safety and Health in Mines, adopted by the International Labor Conference at its 82nd Session in Geneva on June 22, 1995, I transmit herewith a certified copy of that Convention.

The report of the Department of State, with a letter from the Secretary of Labor, concerning the Convention is enclosed.

As explained more fully in the enclosed letter from the Secretary of Labor, current United States law and practice fully satisfies the requirements of Convention No. 176. Ratification of this Convention, therefore, would not require the United States to alter in any way its law or practice in this field.

Ratification of additional ILO conventions will enhance the ability of the United States to take other governments to task for failing to comply with the ILO instruments they have ratified. I recommend that the Senate give its advice and consent to the ratification of ILO Convention No. 176.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 9, 1999.

FOUR CORNERS INTERPRETIVE CENTER ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 265, S. 28.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 28) to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported by the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Four Corners Interpretive Center Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Four Corners Monument is nationally significant as the only geographic location in the United States where 4 State boundaries meet;

(2) the States with boundaries that meet at the Four Corners are Arizona, Colorado, New Mexico, and Utah;

(3) between 1868 and 1875 the boundary lines that created the Four Corners were drawn, and in 1899 a monument was erected at the site;

(4) a United States postal stamp will be issued in 1999 to commemorate the centennial of the original boundary marker;

(5) the Four Corners area is distinct in character and possesses important historical, cultural, and prehistoric values and resources within the surrounding cultural landscape;

(6) although there are no permanent facilities or utilities at the Four Corners Monument Tribal Park, each year the park attracts approximately 250,000 visitors;

(7) the area of the Four Corners Monument Tribal Park falls entirely within the Navajo Nation or Ute Mountain Ute Tribe reservations;

(8) the Navajo Nation and the Ute Mountain Ute Tribe have entered into a memorandum of understanding governing the planning and future development of the Four Corners Monument Tribal Park;

(9) in 1992, through agreements executed by the Governors of Arizona, Colorado, New Mexico, and Utah, the Four Corners Heritage Council was established as a coalition of State, Federal, tribal, and private interests;

(10) the State of Arizona has obligated \$45,000 for planning efforts and \$250,000 for construction of an interpretive center at the Four Corners Monument Tribal Park;

(11) numerous studies and extensive consultation with American Indians have demonstrated that development at the Four Corners Monument Tribal Park would greatly benefit the people of the Navajo Nation and the Ute Mountain Ute Tribe;

(12) the Arizona Department of Transportation has completed preliminary cost estimates that are based on field experience with rest-area development for the construction of a Four Corners Interpretive Center and surrounding infrastructure, including restrooms, roadways, parking areas, and water, electrical, telephone, and sewage facilities;

(13) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(14) Federal financial assistance and technical expertise are needed for the construction of an interpretive center.

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

(1) to recognize the importance of the Four Corners Monument and surrounding landscape as a distinct area in the heritage of the United States that is worthy of interpretation and preservation;

(2) to assist the Navajo Nation and the Ute Mountain Ute Tribe in establishing the Four Corners Interpretive Center and related facilities to meet the needs of the general public;

(3) to highlight and showcase the collaborative resource stewardship of private individuals, Indian tribes, universities, Federal agencies, and the governments of States and political subdivisions thereof (including counties); and

(4) to promote knowledge of the life, art, culture, politics, and history of the culturally diverse groups of the Four Corners region.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) CENTER.—The term "Center" means the Four Corners Interpretive Center established under section 4, including restrooms, parking areas, vendor facilities, sidewalks, utilities, exhibits, and other visitor facilities.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means the State of Arizona, Colorado, New Mexico, or Utah, or any consortium of 2 or more of those States.

(3) FOUR CORNERS HERITAGE COUNCIL.—The term "Four Corners Heritage Council" means the nonprofit coalition of Federal, State, tribal, and private entities established in 1992 by agreements of the Governors of the States of Arizona, Colorado, New Mexico, and Utah.

(4) FOUR CORNERS MONUMENT.—The term "Four Corners Monument" means the physical

monument where the boundaries of the States of Arizona, Colorado, New Mexico, and Utah meet.

(5) **FOUR CORNERS MONUMENT TRIBAL PARK.**—The term “Four Corners Monument Tribal Park” means lands within the legally defined boundaries of the Four Corners Monument Tribal Park.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 4. FOUR CORNERS INTERPRETIVE CENTER.

(a) **ESTABLISHMENT.**—Subject to the availability of appropriations, the Secretary is authorized to establish within the boundaries of the Four Corners Monument Tribal Park a center for the interpretation and commemoration of the Four Corners Monument, to be known as the “Four Corners Interpretive Center”.

(b) **LAND DESIGNATED AND MADE AVAILABLE.**—Land for the Center shall be designated and made available by the Navajo Nation or the Ute Mountain Ute Tribe within the boundaries of the Four Corners Monument Tribal Park in consultation with the Four Corners Heritage Council and in accordance with—

(1) the memorandum of understanding between the Navajo Nation and the Ute Mountain Ute Tribe that was entered into on October 22, 1996; and

(2) applicable supplemental agreements with the Bureau of Land Management, the National Park Service, and the United States Forest Service.

(c) **CONCURRENCE.**—Notwithstanding any other provision of this Act, no such center shall be established without the consent of the Navajo Nation and the Ute Mountain Ute Tribe.

(d) **COMPONENTS OF CENTER.**—The Center shall include—

(1) a location for permanent and temporary exhibits depicting the archaeological, cultural, and natural heritage of the Four Corners region;

(2) a venue for public education programs;

(3) a location to highlight the importance of efforts to preserve southwestern archaeological sites and museum collections;

(4) a location to provide information to the general public about cultural and natural resources, parks, museums, and travel in the Four Corners region; and

(5) visitor amenities including restrooms, public telephones, and other basic facilities.

SEC. 5. CONSTRUCTION GRANT.

(a) **GRANT.**—

(1) **IN GENERAL.**—The Secretary is authorized to award a grant to an eligible entity for the construction of the Center in an amount not to exceed 50 percent of the cost of construction of the Center.

(2) **ASSURANCES.**—To be eligible for the grant, the eligible entity that is selected to receive the grant shall provide assurances that—

(A) the non-Federal share of the costs of construction is paid from non-Federal sources (which may include contributions made by States, private sources, the Navajo Nation, and the Ute Mountain Ute Tribe for planning, design, construction, furnishing, startup, and operational expenses); and

(B) the aggregate amount of non-Federal funds contributed by the States used to carry out the activities specified in subparagraph (A) will not be less than \$2,000,000, of which each of the States that is party to the grant will contribute equally in cash or in kind.

(3) **FUNDS FROM PRIVATE SOURCES.**—A State may use funds from private sources to meet the requirements of paragraph (2)(B).

(4) **FUNDS OF STATE OF ARIZONA.**—The State of Arizona may apply \$45,000 authorized by the State of Arizona during fiscal year 1998 for planning and \$250,000 that is held in reserve by the State for construction toward the Arizona share.

(b) **GRANT REQUIREMENTS.**—In order to receive a grant under this Act, the eligible entity selected to receive the grant shall—

(1) submit to the Secretary a proposal that—
(A) meets all applicable—

(i) laws, including building codes and regulations; and

(ii) requirements under the memorandum of understanding described in paragraph (2); and

(B) provides such information and assurances as the Secretary may require; and

(2) enter into a memorandum of understanding with the Secretary providing—

(A) a timetable for completion of construction and opening of the Center;

(B) assurances that design, architectural, and construction contracts will be competitively awarded;

(C) specifications meeting all applicable Federal, State, and local building codes and laws;

(D) arrangements for operations and maintenance upon completion of construction;

(E) a description of the Center collections and educational programming;

(F) a plan for design of exhibits including, but not limited to, the selection of collections to be exhibited, and the providing of security, preservation, protection, environmental controls, and presentations in accordance with professional museum standards;

(G) an agreement with the Navajo Nation and the Ute Mountain Ute Tribe relative to site selection and public access to the facilities; and

(H) a financing plan developed jointly by the Navajo Nation and the Ute Mountain Ute Tribe outlining the long-term management of the Center, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Center through the assessment of fees or other income generated by the Center;

(iii) a strategy for achieving financial self-sufficiency with respect to the Center by not later than 5 years after the date of enactment of this Act; and

(iv) appropriate vendor standards and business activities at the Four Corners Monument Tribal Park.

SEC. 6. SELECTION OF GRANT RECIPIENT.

The Four Corners Heritage Council may make recommendations to the Secretary on grant proposals regarding the design of facilities at the Four Corners Monument Tribal Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATIONS.**—There are authorized to be appropriated to the Department of the Interior to carry out this Act—

(1) \$2,000,000 for fiscal year 2000; and

(2) \$50,000 for each of fiscal years 2001 through 2005 for maintenance and operation of the Center, program development, or staffing in a manner consistent with the requirements of section 5(b).

(b) **CARRYOVER.**—Funds made available under subsection (a)(1) that are unexpended at the end of the fiscal year for which those funds are appropriated, may be used by the Secretary through fiscal year 2002 for the purposes for which those funds are made available.

(c) **RESERVATION OF FUNDS.**—The Secretary may reserve funds appropriated pursuant to this Act until a grant proposal meeting the requirements of this Act is submitted, but no later than September 30, 2001.

SEC. 8. DONATIONS.

Notwithstanding any other provision of law, for purposes of the planning, construction, and operation of the Center, the Secretary may accept, retain, and expend donations of funds, and use property or services donated, from private persons and entities or from public entities.

SEC. 9. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to abrogate, modify, or impair any right or claim of the Navajo Nation or the Ute Mountain Ute Tribe, that is based on any law (including any treaty, Executive order, agreement, or Act of Congress).

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee substitute be agreed to.

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

The committee amendment was agreed to.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 28), as amended, was read the third time and passed.

ORDERS FOR FRIDAY, SEPTEMBER 10, 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 9:30 a.m. on Friday, September 10. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin morning business time with Senators speaking for up to 10 minutes each with the following exceptions: Senator DURBIN, or his designee, 9:30 to 10:30; Senator COVERDELL, 10:30 to 11:30.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will convene at 9:30 a.m. and will be in a period of morning business throughout the day. As for next week, it is the intention of the majority leader to complete action on the Interior appropriations bill early next week and to begin consideration of the bankruptcy reform bill as well as any available appropriations bills. As previously announced by the leader, the next series of rollcall votes will occur on Monday, September 13, at 5 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:23 p.m., adjourned until Friday, September 10, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 9, 1999:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LINDA LEE AAKER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A

TERM EXPIRING JANUARY 26, 2004, VICE JOHN R. SEARLE, TERM EXPIRED.

EDWARD L. AYERS, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE PAUL A. CANTOR, TERM EXPIRED.

PEDRO G. CASTILLO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE BRUCE COLE, TERM EXPIRED.

PEGGY WHITMAN PRENSHAW, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002, VICE HENRY H. HIGUERA, TERM EXPIRED.

THEODORE WILLIAM STRIGGLES, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE THOMAS CLEVELAND HOLT, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

CAPT. RALPH D. UTLEY, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10 UNITED STATES CODE, SECTION 12203:

To be rear admiral

REAR ADM. (LH) CARLTON D. MOORE, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

CAPT. MARY P. O'DONNELL, 0000.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA. CLASS OF CAREER MINISTER:

C. MILLER CROUCH, OF CONNECTICUT
HARRIET LEE ELAM, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA. CLASS OF MINISTER COUNSELOR:

ANNE M. CHERMAK, OF VIRGINIA
MARILY E. HULBERT, OF FLORIDA
WILLIAM M. MORGAN, OF CALIFORNIA
JOE B. JOHNSON, OF TEXAS
MARCELLE M. WAHBA, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA. CLASS OF COUNSELOR:

DONALD M. BISHOP, OF VIRGINIA
WILLIAM G. CROWELL, OF WASHINGTON
THOMAS F.X. HARAN, JR., OF MASSACHUSETTS
CYNTHIA FARRELL JOHNSON, OF MARYLAND
PHILLIP T. PARKERSON, OF FLORIDA
DUDLEY O'NEAL SIMS, OF FLORIDA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARK C. LUNDI, OF MARYLAND
GARY B. PERGL, OF CALIFORNIA

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERE ADMINISTRATION.

To be captain

DONALD A. DREVES	ROGER L. PARSONS
DAVID H. PETERSON	JOHN T. MOAKLEY
GARY A. VAN DEN BERG	JOHN D. WILDER
DALE E. BRETSCHNEIDER	MARK P. KOEHN
DAVID J. TENNESSEN	NICHOLAS E. PERUGINI
TED I. LILLESTOLEN	DEAN L. SMEHIL

To be commander

PETER J. CELONE	JON E. RIX
RUSSELL E. BRAINARD	PAUL D. MOEN
SUSAN D. MCKAY	JAMES R. MORRIS
STEVEN R. BARNUM	JOANNE F. FLANDERS

To be lieutenant commander

JAMES R. MEIGS	SCOTT S. STOLZ
DAVID O. NEANDER	ANDREA M. HRUSOVSKY
THOMAS E. STRONG	DOUGLAS R. SCHLEIGER
RICHARD A. FLETCHER	JULIA N. NEANDER
MICHAEL S. DEVANY	

To be lieutenant

JEFFREY C. HAGAN	CECILE R. DANIELS
JOHN K. LONGENECKER	RUSSELL C. JONES
DEBORAH R. BARR	Alexandra R. Von
MICHAEL L. HOPKINS	Saunders
JULIE V. HELMERS	Lawrence T. Krepp
ERIC W. BERKOWITZ	James M. Crocker
JON D. SWALLOW	George J. Konoval
WILLIAM T. COBB III	Carl E. Newman
JOSEPH A. PICA	Shepard M. Smith
KEITH W. ROBERTS	Todd A. Bridgeman
JONATHAN G. WENDLAND	Nathan L. Hill
PHILIP G. HALL	Robert A. Kamphaus
WILLIAM R. ODELL	Eric W. Ort
BRIAN W. PARKER	Edward J. Van Den Ameerle
JOHN T. CASKEY	MARK A. WETZLER
TODD A. HAUPT	

To be lieutenant (junior grade)

GREGORY G. GLOVER	PAULENE O. ROBERTS
SCOTT M. SIROIS	

To be ensign

SARAH L. SCHERER	DANIEL K. KARLSON
ARTHUR J. STARK	MARC S. MOSER
DAVID J. ZEZULA	JASON A. APPLER
ANGIE J. VENTURATO	HOLLY A. DEHART
MICHAEL F. ELLIS	FRANK K. DREFLAK
GRETCHEN A. IMAHORI	BRIAN A. GOODWIN
ELIZABETH I. JONES	JENNIFER J. HICKEY
GEORGE M. MILLER	ANGELIKA G. MESSER
KEVIN J. SLOVER	KRISTIE J. TWINING
NANCY L. ASH	KEVIN V. WERNER
BRADLEY H. FRITZLER	

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DANIEL JAMES III, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES AIR FORCE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be major general

BRIG. GEN. THOMAS J. FISCUS, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JERRY D. WILLOUGHBY, 0000.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. HAROLD A. CROSS, 0000.
BRIG. GEN. PAUL J. SULLIVAN, 0000.

To be brigadier general

COL. DWAYNE A. ALONS, 0000.
COL. RICHARD W. ASH, 0000.
COL. GEORGE J. CANNELOS, 0000.
COL. JAMES E. CUNNINGHAM, 0000.
COL. MYRON N. DOBASHI, 0000.
COL. JUAN A. GARCIA, 0000.
COL. JOHN J. HARTNETT, 0000.
COL. STEVEN R. MCCAMY, 0000.
COL. ROGER C. NAFZIGER, 0000.
COL. GEORGE B. PATRICK, III, 0000.
COL. MARTHA T. RAINVILLE, 0000.
COL. SAMUEL M. SHIVER, 0000.
COL. ROBERT W. SULLIVAN, 0000.
COL. GARY H. WILFONG, 0000.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PETER J. GRAVETT, 0000.
BRIG. GEN. WALTER J. PUDLOWSKI, JR., 0000.
BRIG. GEN. FREDERIC J. RAYMOND, 0000.

To be brigadier general

COL. LEWIS E. BROWN, 0000.
COL. DAN M. COLGLAZIER, 0000.
COL. JAMES A. COZINE, 0000.
COL. DAVID C. GODWIN, 0000.
COL. CARL N. GRANT, 0000.
COL. HERMAN G. KIRVEN, JR., 0000.
COL. ROBERTO MARRERO-CORLETTI, 0000.
COL. WILLIAM J. MARSHALL, III, 0000.
COL. TERRILL MOFFETT, 0000.
COL. HAROLD J. NEVIN, JR., 0000.
COL. JEFFREY L. PIERSON, 0000.
COL. RONALD S. STOKES, 0000.
COL. GREGORY J. VADNAIS, 0000.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOSEPH W. DYER, JR., 0000.