

commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

#### TO AMEND THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

S. 961, passed during today's session, follows:

S. 961

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHARED APPRECIATION ARRANGEMENTS.

(a) IN GENERAL.—Section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) is amended by striking paragraph (2) and inserting the following:

“(2) TERMS.—A shared appreciation agreement entered into by a borrower under this subsection shall—

“(A) have a term not to exceed 10 years;

“(B) provide for recapture based on the difference between—

“(i) the appraised value of the real security property at the time of restructuring; and

“(ii) that value at the time of recapture, except that that value shall not include the value of any capital improvements made to the real security property by the borrower after the time of restructuring; and

“(C) allow the borrower to obtain a loan, in addition to any other outstanding loans under this title, to pay any amounts due on a shared appreciation agreement, at a rate of interest that is not greater than the rate of interest on outstanding marketable obligations of the United States of a maturity comparable to that of the loan.”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to a shared appreciation arrangement entered into under section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) that matures on or after the date of enactment of this Act.

#### ENERGY AND WATER RELATED MEASURES

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his work on this next group of bills. It involves a number of energy-related, water-related bills out of the Energy and Natural Resources Committee. I also want to recognize Senator MURKOWSKI, the chairman of the committee.

These are quite often considered to be small bills, but to a number of areas or States or Senators, they are very big in importance. Senator MURKOWSKI and Senator BINGAMAN have worked feverishly to try to get through a number of problems. It is one of those classic cases where you have one problem that develops with a bill; then it affects other bills. Senator DASCHLE took the time and the lead in working through some of these problems. I want to recognize the work he did.

I also commit publicly on the record to proceed to S. 1051, the Northern Marianas bill, by February 15. We would have liked to have been able to

go ahead and get a complete unanimous consent about the total arrangements for it being handled, but Senators who did have questions are now probably on airplanes headed halfway across the country. We will work together. I will make a commitment to bring this up by the 15th.

Does Senator DASCHLE want to make any comment on that?

Mr. DASCHLE. Mr. President, I appreciate the commitment made by the majority leader. I know Senator AKAKA is disappointed that it is not in this package of bills. He has worked, along with senator MURKOWSKI who, I think, may be a cosponsor of this legislation, to pass it tonight. That is impossible. But I think Senator AKAKA is certainly willing to accept the commitment made by the majority leader that by the 15th we will take up this legislation and hopefully resolve it successfully in the not-too-distant future. This is an important bill, the Marianas. It is an important bill for Senator AKAKA, and I am appreciative of the commitment that is now part of the record that we will come back to this bill in a matter of months.

#### UNANIMOUS-CONSENT AGREEMENT—S. 744

Mr. LOTT. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Democratic leader, proceed to the consideration of S. 744, regarding conveying public lands to the University of Alaska, that immediately after the bill is reported, the committee amendment be agreed to as original text for the purpose of further amendment; and that the bill, as amended, be considered under the following limitations: That there be 4 hours for debate on the bill, equally divided and controlled between the chairman and ranking member, with the only amendments in order as follows: Bingaman, two relevant amendments; and Murkowski, one relevant amendment; that no second-degree or other first-degree amendments be in order, with debate time on the amendments limited to 60 minutes each, equally divided and controlled in the usual form; that upon disposition of all the amendments and the use or yielding back of all time, the bill be read a third time and the Senate proceed to vote on passage of the bill.

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

#### THE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following reported bills by the Energy Committee: S. 366, Calendar No. 49; S. 501, Calendar No. 238, with amendment 2801; S. 244, Calendar No. 242.

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

Mr. LOTT. Mr. President, I ask unanimous consent that any committee amendments, if applicable, be agreed to, any floor amendments as mentioned be agreed to, the bills be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills be printed in the RECORD, with the above occurring en bloc.

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

#### EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

The Senate proceeded to consider the bill (S. 366) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, which was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 366

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “El Camino Real de Tierra Adentro National Historic Trail Act.”

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821).

(2) The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) In 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) During the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States;

(7) The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderlands was made possible by this route, whose historical period extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderlands. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans;

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

### SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5 (a) of the National Trails System Act (16 U.S.C. 1244 (a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

“(21) EL CAMINO REAL DE TIERRA ADENTRO.—

“(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to present San Juan Pueblo, New Mexico, as generally depicted on the maps entitled ‘United States Route: El Camino Real de Tierra Adentro’, contained in the report prepared pursuant to subsection (b) entitled ‘National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico’, dated March 1997.

“(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of Interior.

“(C) ADMINISTRATION.—The Trail shall be administered by the Secretary of the Interior.

“(D) LAND ACQUISITION.—No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro except with the consent of the owner thereof.

“(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

“(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

“(ii) consult with other affected Federal, State, local governmental, and tribal agencies in the administration of the trail.

“(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.”.

## GLACIER BAY FISHERIES ACT

The Senate proceeded to consider the bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska, which had been reported from the Committee on Energy and Resources, 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 “Glacier Bay Fisheries Act”.

### SEC. 2. RESOURCE MANAGEMENT AND USE.

(a) Section 202(1) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh-

1) is amended by adding at the end thereof the following new sentence: “Subsistence fishing and gathering by local residents shall be permitted in the park and preserve in accordance with the provisions of title VIII.”.

(b) Within the boundaries of Glacier Bay National Park, the Secretary of the Interior shall not take any action that would adversely affect—

(1) subsistence fishing and gathering under title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.);

(2) management by the State of Alaska of marine fisheries including subsistence and commercial fisheries, in accordance with the principles of sustained yield, except that commercial fishing from Dungeness crab shall be prohibited; and,

(3) subsistence gathering activities permitted under the Migratory Bird Treaty.

(c) Nothing in this section shall enlarge or diminish Federal or State title, jurisdiction or authority with respect to the waters of the State of Alaska, the waters within the boundaries of Glacier Bay National Park and Preserve, or the tidal or submerged lands.

### SEC. 3. CLAIMS FOR LOST EARNINGS.

Section 3(g) of Public Law 91-383 (16 U.S.C. 1a-2(g)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (2) the following:

“(3) to pay an aggregate of not more than \$2,000,000 per fiscal year in actual and punitive damages to persons who, at any time after January 1, 1999, suffered or suffer a loss in earnings from commercial fisheries legally conducted in the marine waters of Glacier Bay National Park, due to any action by an officer, employee, or agent of any Federal department or agency.”

Amendment No. 2801 was agreed to as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Glacier Bay National Park Resource Management Act of 1999”.

### SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term “local residents” means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve.

(2) the term “outer waters” means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term “park” means Glacier Bay National Park.

(4) the term “Secretary” means the Secretary of the Interior; and

(5) the term “State” means the State of Alaska.

### SEC. 3. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable inter-

national conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105-277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park’s marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

### SEC. 4. SEA GULL EGG COLLECTION STUDY.

(a) STUDY.—the Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 501), as amended, was read the third time and passed, as follows:

S. 501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Glacier Bay National Park Resource Management Act of 1999”.